



Norfolk County Council

Norfolk Minerals and Waste Development Framework

Monitoring Report 2022-2023

- Implementation of the Minerals and Waste Development Scheme
- Policy Performance
- Monitoring and Enforcement

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1. Introduction

Section 35 of the Planning and Compulsory Purchase Act 2004 (amended by the Localism Act 2011) requires every local planning authority to produce a monitoring report (MR). The Monitoring Report should contain information on the implementation of the Minerals and Waste Development Scheme (MWDS), the extent to which the policies set out in Local Development Documents are being achieved. The publication of this Monitoring Report covers the period from 1 April 2022 to 31 March 2023.

This publication contains information on actions taken by the Mineral and Waste Planning Authority during the period covered by the Monitoring Report, to meet the Duty to Co-operate requirements contained within the Localism Act 2011. This information is included as required by the Town Planning & Compulsory Purchase (Local Plan) Regulations 2012, Part 8.

Progress on document production will be monitored against the milestones in the Local Development Scheme. As well as reporting on the progress of the Local Development Framework, this Monitoring Report will also report on the effectiveness of consultations undertaken during the reporting period.

The Monitoring Report covers the performance of the policies in the Norfolk Core Strategy and Minerals and Waste Development Management Policies DPD ('the Core Strategy') which was adopted in September 2011. This includes information such as the number of times a policy has been used in determining a planning application, policies that were used in refusing an application and also the outcomes of any appeals.

The progress of monitoring and enforcement of minerals and waste sites is also reported in the Monitoring Report. This section includes information on monitoring, inspections, liaison meetings, enforcement action and aftercare programmes undertaken by Norfolk County Council.

The Monitoring Report contains the following main sections covering the period April 2022 to March 2023:

- Review of the Norfolk Minerals and Waste Development Scheme (MWDS)
- Policy Performance, including a review of policy implementation
- Monitoring and enforcement
- Minerals data is reported in the Local Aggregate Assessment and Silica Sand Assessment (separate document)
- Waste management data is reported in a separate Waste Data monitoring report

2. Review of the Minerals and Waste Development Scheme

2.1 Minerals and Waste Development Scheme (MWDS)

The MWDS (October 2022) sets out the timetable for producing the minerals and waste planning policy documents which form Norfolk’s Minerals and Waste Local Plan.

The Norfolk ‘Core Strategy and Minerals and Waste Development Management Policies Development Plan Document’ was adopted by Norfolk County Council in September 2011. The Minerals Site Specific Allocations DPD and the Waste Site Specific Allocations DPD were both adopted in October 2013.

A review of each DPD should be undertaken five years after adoption. A joint review of all three of the adopted DPDs has been carried out to ensure that the policies within them remain up-to-date, to extend the plan period to 2038 and to consolidate the three existing DPDs into one Norfolk Minerals and Waste Local Plan (NM&WLP), in accordance with national planning policy. The timetable for the production of the new Minerals and Waste Local Plan is contained in the MWDS and in Table 1 below:

Table 1: Comparison of MWDS timetable for the NM&WLP production with actual and anticipated production date

| Stage | Date timetabled in the Development Scheme | Actual date produced/ anticipated production date |
|---|--|--|
| Preparation of Local Plan Consultation (Regulation 18 Stage) | Initial Consultation: June to July 2018 Preferred Options Consultation: September to October 2019 | Initial Consultation: June to August 2018 Preferred Options Consultation: September to October 2019 |
| Pre-Submission representations period (Regulation 19 Stage) | September / October 2022 | October to December 2022 |
| Submission (Regulation 22) | December 2022 | December 2023 |
| Hearing commencement (Regulation 24) | April 2023 | July 2024 |
| Inspector’s report | October 2023 | November 2024 |
| Adoption (Regulation 26) | December 2023 | January 2025 |

The first public consultation stage on the NM&WLP took place in July and August 2018. The Preferred Options Consultation on the NM&WLP took place in September and October 2019. The Pre-Submission representations period took place from 28 September to 19 December 2022. The delay between the Preferred Options stage and the Pre-Submission stage was due to several factors including: the large volume of responses (over 5,600) received to the Preferred Options Consultation, an increase in mineral safeguarding workload providing consultation responses to non-mineral planning applications submitted to Local Planning Authorities, and the Covid-19 pandemic.

The adopted October 2022 scheme timetabled the submission of the NM&WLP to take place in December 2022. However, submission did not take place until December 2023. This delay was partly because the representations period on the Publication version of the NM&WLP did not end until 19 December 2022 and also because a number of additional evidence documents were produced between the end of the representations period and prior to submission. These additional documents include a number of Statements of Common Ground, a feedback report on the representations received in response to the

NM&WLP at the Regulation 19 stage, a Statement of Consultation about the Regulation 19 stage and two Heritage Impact Assessments. Following submission, the Planning Inspectorate have advised that the hearings for the NM&WLP examination will take place in summer 2024. Therefore, the expected dates of receipt of the Inspector's report and adoption of the NM&WLP will also be later than currently timetabled in the adopted MWDS. A revised timetable is shown in Table 2 above. Due to the differences between the adopted 2022 Scheme and the expected examination and adoption stages of the new NM&WLP, a revised MWDS will be required.

2.2 Consultation Participation and Response

Emerging Norfolk Minerals and Waste Local Plan

In this reporting period (April 2022 to March 2023) a Pre-Submission representations period took place on the Norfolk Minerals and Waste Local Plan from 28 September to 19 December 2022 (Regulation 19 stage).

There were 80 respondents to the Pre-Submission representations period who made a total of 403 representations about the NM&WLP and the background documents during the formal representations period. 27 of the representations were in support, 169 were comments and 207 were making objections. The majority of respondents were organisations.

The responses received to the Publication document can be viewed online at:

<https://norfolk.oc2.uk/document/51>

The responses received to the Background documents can be viewed online at:

<https://norfolk.oc2.uk/document/53>

Representations were received from the following 13 Local Planning Authorities and County Planning Authorities:

- The Broads Authority
- Broadland District Council
- Breckland Council
- Derbyshire County Council & Derby City Council
- Essex County Council
- East Suffolk Council
- Borough Council of King's Lynn and West Norfolk
- Kirklees Council
- Norwich City Council
- Surrey County Council
- Suffolk County Council
- Central Bedfordshire, Bedford Borough and Luton Borough Council Shared Service

Representations were received from the following six town and parish councils: Bradwell, Bungay, Dersingham, Gressenhall, Haddiscoe, Horsham St Faith and Newton St Faith.

Representations were also received from the following other specific consultation bodies:

- The Coal Authority
- Marine Management Organisation
- Historic England
- National Highways

- Anglian Water
- MOD Defence Infrastructure Organisation
- Natural England
- Norfolk County Council also responded in its role as the Lead Local Flood Authority and the Natural Environmental Team.

Representations were also received from the following organisations:

- Norfolk Wildlife Trust
- Beetley Methodist Chapel
- Breedon Trading Ltd
- Earsham Gravels Ltd
- Folkes Plant & Aggregates Ltd
- Haddiscoe Parochial Church Council
- King's Lynn Internal Drainage Board
- Longwater Gravel Co Ltd
- Lyndon Pallett Group
- McLeod Aggregates Ltd
- Middleton Aggregates Ltd
- Mineral Products Association
- Norfolk Gravel
- Norfolk Holiday Properties
- Norfolk Local Access Forum
- Sibelco UK Ltd
- Stopit2
- Taylor Wimpey UK Ltd & Manor Farm Rackheath
- Westwick Farming Partnership

The other respondents were individuals.

Background documents

We received 14 representations about the Sustainability Appraisal Report; the responses were from Natural England, Historic England, the Broads Authority, Middleton Aggregates Ltd, Earsham Gravels Ltd, Breedon Trading Ltd, The Lyndon Pallet Group Ltd and six individuals.

We received one representation about the Habitats Regulations Assessment; the representation was from Natural England.

We received two representations about the Waste Management Capacity Assessment; the responses were from Central Bedfordshire, Bedford Borough and Luton Borough Council Shared Services, and Derbyshire County Council and Derby City Council.

We received four representations objecting to the Statement of Consultation from one individual.

No representations were received about the other background documents.

The table below summarises the number of representations received to the Pre-Submission Publication version of the Norfolk Minerals and Waste Local Plan in 2022. It should be noted that many respondents and objectors made representations on more than one site or policy and therefore the total number of respondents and objectors to the plan as a whole does not equal the sum of the number of respondents and objectors in each row of the table.

Table 2. Summary of representations received about the Pre-Submission Publication Minerals and Waste Local Plan

| Section name | Respondents | Objectors | support | object | comments | Total representations |
|---|--------------------|------------------|----------------|---------------|-----------------|------------------------------|
| Responses about the document as a whole | 13 | 1 | 1 | 1 | 11 | 13 |
| 1. Introduction | 1 | 0 | 0 | 0 | 1 | 1 |
| 2. M&WLP process chapter | 2 | 1 | 0 | 1 | 1 | 2 |
| 3. Norfolk spatial portrait chapter | 2 | 1 | 0 | 1 | 1 | 2 |
| 4. Vision and strategic objectives | 8 | 2 | 1 | 2 | 8 | 11 |
| 5. Presumption in favour of sustainable development | 1 | 0 | 0 | 0 | 1 | 1 |
| MW1. Development Management Criteria | 15 | 6 | 2 | 14 | 11 | 27 |
| MW2. Transport | 4 | 0 | 1 | 0 | 3 | 4 |
| MW3. Climate Change mitigation and adaption | 4 | 0 | 0 | 0 | 4 | 4 |
| MW4. The Brecks Protected Habitats and Species | 1 | 0 | 0 | 0 | 1 | 1 |
| MW5. Agricultural Soils | 2 | 0 | 0 | 0 | 2 | 2 |
| WP1. Waste management capacity to be provided | 0 | 0 | 0 | 0 | 0 | 0 |
| WP2. Spatial strategy for waste management | 5 | 3 | 1 | 3 | 3 | 7 |
| WP3. Land suitable for waste management | 5 | 2 | 0 | 2 | 3 | 5 |
| WP4. Recycling or transfer of inert CD&E waste | 3 | 0 | 0 | 0 | 3 | 3 |
| WP5. Waste transfer stations, MRF, WEEE and ELV facilities | 2 | 0 | 0 | 0 | 2 | 2 |
| WP6. Transfer, storage, processing and treatment of hazardous waste | 0 | 0 | 0 | 0 | 0 | 0 |

| Section name | Respondents | Objectors | support | object | comments | Total representations |
|--|--------------------|------------------|----------------|---------------|-----------------|------------------------------|
| WP7. Household waste recycling centres | 2 | 0 | 0 | 0 | 2 | 2 |
| WP8. Composting | 1 | 0 | 0 | 0 | 1 | 1 |
| WP9. Anaerobic digestion | 3 | 0 | 1 | 0 | 3 | 4 |
| WP10. Residual waste treatment facilities | 0 | 0 | 0 | 0 | 0 | 0 |
| WP11. Disposal of inert waste by landfill | 2 | 0 | 0 | 0 | 2 | 2 |
| WP12. Non-hazardous and hazardous landfill | 2 | 0 | 0 | 0 | 2 | 2 |
| WP13. Landfill mining and reclamation | 1 | 0 | 0 | 0 | 1 | 1 |
| WP14. Water Recycling Centres | 2 | 1 | 0 | 1 | 2 | 3 |
| WP15. Whitlingham WRC | 4 | 1 | 0 | 5 | 3 | 8 |
| WP16. Design of waste management facilities | 5 | 1 | 0 | 1 | 4 | 5 |
| WP17. Safeguarding waste management facilities | 4 | 0 | 1 | 0 | 3 | 4 |
| MP1. Provision of minerals extraction | 12 | 10 | 1 | 10 | 2 | 13 |
| MP2. Spatial strategy for minerals extraction | 6 | 5 | 0 | 8 | 2 | 10 |
| MPSS1. Silica sand extraction sites | 5 | 3 | 1 | 6 | 1 | 8 |
| MP3. Borrow Pits | 2 | 0 | 0 | 0 | 2 | 2 |
| MP4. Agricultural or potable water reservoirs | 1 | 0 | 0 | 0 | 1 | 1 |
| MP5. Core river valleys | 5 | 2 | 0 | 2 | 3 | 5 |
| MP6. Cumulative impacts and phasing of workings | 2 | 0 | 1 | 0 | 1 | 2 |
| MP7. Progressive working, restoration and afteruse | 9 | 3 | 1 | 3 | 11 | 15 |
| MP8. Aftercare | 2 | 0 | 0 | 0 | 2 | 2 |
| MP9. Asphalt plants, concrete batching plants and the manufacture of concrete | 1 | 0 | 0 | 0 | 1 | 1 |
| MP10. Safeguarding of port and rail facilities, and facilities for manufacture of concrete, asphalt and recycled materials | 5 | 1 | 1 | 1 | 4 | 6 |

| Section name | Respondents | Objectors | support | object | comments | Total representations |
|---|--------------------|------------------|----------------|---------------|-----------------|------------------------------|
| MP11. Mineral Safeguarding Areas and Mineral Consultation Areas | 5 | 2 | 1 | 2 | 2 | 5 |
| Implementation, monitoring and review | 0 | 0 | 0 | 0 | 0 | 0 |
| Appendix 1. Existing Core Strategy and Development Management policies | 0 | 0 | 0 | 0 | 0 | 0 |
| Appendix 2. Existing mineral Specific Site Allocation policies | 1 | 0 | 0 | 0 | 1 | 1 |
| Appendix 3. Existing waste Specific Site Allocation policies | 0 | 0 | 0 | 0 | 0 | 0 |
| Appendix 4. Development excluded from safeguarding provisions | 0 | 0 | 0 | 0 | 0 | 0 |
| Appendix 5. Safeguarded mineral infrastructure (2021) | 0 | 0 | 0 | 0 | 0 | 0 |
| Appendix 6. Safeguarded mineral extraction sites (2021) | 0 | 0 | 0 | 0 | 0 | 0 |
| Appendix 7. Safeguarded waste management facilities (2021) | 0 | 0 | 0 | 0 | 0 | 0 |
| Appendix 8. Safeguarded water recycling centres (2021) | 0 | 0 | 0 | 0 | 0 | 0 |
| Appendix 9. Schedule of requirements for MIA and WMFIA | 0 | 0 | 0 | 0 | 0 | 0 |
| Appendix 10. Implementation of mineral safeguarding and mineral consultation areas policy | 0 | 0 | 0 | 0 | 0 | 0 |
| Appendix 11. Forecast waste arisings | 0 | 0 | 0 | 0 | 0 | 0 |
| Appendix 12. Glossary | 1 | 1 | 0 | 1 | 0 | 1 |
| Mineral extraction sites | 2 | 1 | 0 | 1 | 1 | 2 |
| Site MIN 12 (Chapel Lane, Beetley) | 7 | 2 | 0 | 3 | 5 | 8 |
| Site MIN 51/13/08 (Beetley) | 7 | 2 | 1 | 2 | 6 | 9 |
| Site MIN 200 (Carbrooke) | 3 | 0 | 0 | 0 | 3 | 3 |
| Site MIN 202 (Attlebridge) | 5 | 2 | 1 | 2 | 2 | 5 |
| Site MIN 37 (Mayton Wood) | 1 | 0 | 0 | 0 | 1 | 1 |

| Section name | Respondents | Objectors | support | object | comments | Total representations |
|------------------------------|-------------|-----------|-----------|------------|------------|-----------------------|
| Site MIN 64 (Horstead) | 3 | 0 | 1 | 0 | 2 | 3 |
| Site MIN 65 (Stanninghall) | 3 | 2 | 0 | 4 | 1 | 5 |
| Site MIN 96 (Spixworth) | 6 | 1 | 0 | 1 | 5 | 6 |
| Site MIN 06 (Middleton) | 3 | 2 | 0 | 2 | 1 | 3 |
| Site MIN 206 (Tottenhill) | 1 | 0 | 0 | 0 | 1 | 1 |
| Site MIN 40 (East Winch) | 4 | 3 | 0 | 4 | 1 | 5 |
| Site SIL 01 (Bawsey) | 3 | 2 | 0 | 2 | 1 | 3 |
| Site MIN 69 (Aylmerton) | 2 | 1 | 6 | 5 | 7 | 18 |
| Site MIN 115 (North Walsham) | 6 | 2 | 1 | 2 | 3 | 6 |
| Site MIN 207 (Briston) | 2 | 1 | 0 | 1 | 1 | 2 |
| Site MIN 2008 (East Beckham) | 2 | 0 | 0 | 0 | 2 | 2 |
| Site MIN 25 (Haddiscoe) | 32 | 26 | 2 | 105 | 4 | 111 |
| Total | 73 | 47 | 26 | 198 | 158 | 382 |

Table 3. Summary of representations received about the background documents

| Document | Respondents | Objectors | support | object | comments | Total representations |
|--|-------------|-----------|----------|----------|-----------|-----------------------|
| Habitats Regulations Assessment | 1 | 0 | 0 | 0 | 1 | 1 |
| Sustainability Appraisal Report (and appendices) | 13 | 5 | 1 | 5 | 8 | 14 |
| Waste Management Capacity Assessment | 2 | 0 | 0 | 0 | 2 | 2 |
| Statement of Consultation | 1 | 1 | 0 | 4 | 0 | 4 |
| Total | 15 | 5 | 1 | 9 | 11 | 21 |

Further information is available in the published [Regulation 19 Statement of Consultation \(2023\)](#) and the Representations Feedback Report [Regulation 19 Representations Feedback Report](#)

2.2.1 Consultation Feedback

A number of representations made by one individual to the Publication version of the Norfolk Minerals and Waste Local Plan in 2022 raised concerns about how the previous consultations on the NM&WLP were publicised and the consultation methods used specifically regarding silica sand policy, proposed sites and areas of search for silica sand extraction. Further detail is available in the [Regulation 19 Representations Feedback Report](#).

The main issues raised were:

1. Objection to planning applications for silica sand extraction being submitted to the district council for determination on the basis that this would result in an absence of public consultation, potentially unsuitable procedures, and would be undemocratic.

NCC response: Mineral planning applications, including those for silica sand extraction are determined by Norfolk County Council as the Mineral Planning Authority for Norfolk. They are not determined by the district council. Therefore, suitable procedures for determining planning applications for silica sand extraction are already in place at Norfolk County Council, including public consultation, and subject to an agreed democratic process. See also the response to issue 2 below.

2. Concern regarding the silica sand criteria-based policy and details of mineral extraction proposals and mitigation measures being left for the planning application process. Concerned that the public has no legal right to be informed of most planning applications.

NCC response: A public consultation period forms part of the determination process for mineral planning applications, in accordance with the Planning and Compulsory Purchase Act 2004 (as amended) and the Town and Country Planning (Development Management Procedure) (England) Order 2015. This legislation specifies the requirement for public consultation on planning applications, and the procedure for decision making on applications which are made by elected councillors, subject to Local Authority approved schemes of delegation as set out in their constitution. The consultation process for determining planning applications and producing the minerals and waste plan is set out in Norfolk County Council's adopted Statement of Community Involvement (2022).

3. Further public consultation should take place on the change to a criteria-based approach for silica sand (Policy MPSS1).

NCC response: The change in approach from allocating areas of search to using a criteria-based policy has been subject to a formal representations period which this representation has been submitted in response to. As well as all specific and general consultees (which includes all Parish and Town councils in Norfolk and Norfolk's district and borough Councils), all addresses within 250m of all the proposed mineral extraction sites and areas of search were notified of the representations period as well as everyone who had responded to an earlier consultation stage on the NM&WLP, and a published public notice. Therefore, everyone had an opportunity to submit representations about policy MPSS1 if they wished to.

4. Issues raised regarding failure to involve the public in silica sand site selection and silica sand resource safeguarding mapping, failure to take into account public recreation areas and open access land. Request the safeguarding map is published

annually and distributed to all parish/town councils within 15mile radius of resource area along with all district/borough councils.

NCC response: The mineral safeguarding map is published online on Norfolk County Council's website as part of the adopted Policies Map and is therefore available for all parish and town councils to view online at any time. All parish and town councils were consulted at each stage of the development of the NM&WLP as well as the Local Planning Authorities within and adjacent to Norfolk. The mineral safeguarding map is based on geology and not on land use, or any other designations. Therefore, public recreation areas and open access land do not affect the location of the mineral resource safeguarding areas. Please also refer to the response to issue 6 regarding public consultation on the NM&WLP.

5. AOS E / Shouldham Warren - NCC has not considered the breadth of recreational use of the site in the NM&WLP process or documents. The MPA refused to accept the evidence supplied directly about 10 unregistered or under-registered PROW on the AOS E site (mostly on Shouldham Warren). Evidence of historic public rights of way has not been accepted or acknowledged by the MPA and the associated implications for Shouldham Warren. This concern was raised in a letter to the NCC Executive Director of Community and Environmental Services regarding maladministration in 2020.

NCC response: Area of Search E is not designated in the Publication version of the NM&WLP (2022). The site assessment for area of search AOS E in the adopted Revised Minerals Site Specific Allocations DPD (2017) contains reference in paragraph E.7 to the public access in Shouldham Warren, and that any future planning application would need to assess this. This information was also included in the site assessment of AOS E in the Preferred Options version of the NM&WLP (paragraph E.8). The respondent's letter to the Executive Director of CES in May 2020, principally related to copies of 14 Definitive Map Modification Order (DMMO) applications which had been submitted by the respondent to the Mineral and Waste Policy Team. A response detailing the actions taken was sent to the respondent dated 10 June 2020. The respondent contacted the Executive Director of CES again in a letter dated 13 August 2020 about a number of issues regarding the recreational uses in Shouldham Warren and recognition of Public Rights of Way including those unregistered or under-registered ones related to draft DMMO applications submitted by the respondent. This letter received a detailed response dated 4 September 2020. The response letter stated that, in relation to those unregistered or under-registered PROWs subject to draft DMMO applications, as many such applications are opposed and may not be confirmed; therefore, until a DMMO application has been confirmed and the Definitive Map updated little weight can be given to such applications within the Local Plan process.

6. Objections raised about the NM&WLP consultation process which is unfit for purpose. Only writing to addresses within 250m of a proposed mineral extraction site or area boundary of the Initial Consultation ignored recreational users of Shouldham Warren. Public consultation was not carried out comprehensively and early in accordance with the NPPF. The public are not adequately represented in the local plan process, the public consultation has been inadequate and the public landuse interests are not recognised.

NCC response: The public consultation process meets the requirements of Norfolk County Council's Statement of Community Involvement and the government's guidance and regulations for Local Plan preparation. All town and parish councils within Norfolk and all addresses within 250m of the proposed site boundary were informed in writing of the Initial Consultation (2018), Preferred Options Consultation (2019) and the representations period

on the Publication version of the NM&WLP (2022). A distance of 250 metres was used because this represents a distance at which amenity impacts (such as noise and dust) from mineral extraction could be mitigated to acceptable levels with the minimum of controls. The Institute of Air Quality Management 'Guidance on the Assessment of Mineral Dust Impacts for Planning' document states "adverse dust impacts from sand and gravel sites are uncommon beyond 250 metres measured from the nearest dust generating activities". In addition, a public notice was published in the Eastern Daily Press and at least one site notice was erected at each proposed site.

In addition, at the Preferred Options stage everyone who had responded to the Initial Consultation stage was written to and informed of the Preferred Options Consultation. Everyone who had responded to either the Initial Consultation or the Preferred Options Consultation was written to and informed of the representations period on the Publication version of the NM&WLP in 2022.

When the Publication version of the Norfolk Minerals and Waste Local Plan is examined by an independent Planning Inspector, he will assess whether the plan and the plan-making process is legally compliant and meets the tests of 'soundness' set out in the National Planning Policy Framework.

7. Detail has been lost from public representations due to how they have been aggregated and summarised in the Statement of Consultation. Issues raised have been disregarded or misrepresented and not responded to adequately by the MPA (examples were provided).
8. MPA responses disregard the multiplicity of recreational users of Shouldham Warren and solely relate to registered Public Rights of Way. The interests of local and regional communities have been ignored and the views of 4,500 local citizens who stated they use the Shouldham Warren area for recreation as an open access site have been suppressed. Inconvenient facts have been deliberately omitted. Public comments are given far less weight than those of 'official' consultees. The majority of responses where the MPA considered action was required were from organisations. The MPA stated no actions were required for the extensive submissions from the Campaign Against Two Silica Sites (CATSS) or the consultation responses objecting to AOS E and SIL 02 (and other silica sand areas of search) because they were not allocated in Publication NM&WLP. Problems include absence of recognition of local public concerns and failure to recognise rural recreational public land use issues, particularly regarding Shouldham Warren.

NCC response (to issues 7 and 8): In the full representation, the respondent provided a large number of examples where they consider that the Planning Officer's responses within the Statement of Consultation has been inaccurate or sought to avoid public accountability. This representation raised concerns about the abbreviated format of the summarised responses in the Statement of Consultation 2022. The purpose of the Statement of Consultation is not to provide a highly detailed response to every point raised. The Statement of Consultation is written to meet the requirements of Regulation 22 within part 5 (Local Plans) of the Town and Country Planning (Local Planning) (England) Regulations 2012 which states that the document should include "a summary of the main issues raised by the representations made pursuant to regulation 18" (the public consultation stages) and how those representations have been taken into account. Therefore, the summaries provided in the Statement of Consultation are appropriate to meet this legal requirement and the representations have not been misrepresented or disregarded and information has not been suppressed.

The Planning Officer's response to the issues raised can be whether these issues are considered material to the plan and how the plan seeks to address them, or where an alternative approach has been taken that the Planning Officer considers is equally capable of being sound and legally compliant, or in the case of responses where the points raised are not material planning considerations (such as the effect on property values) to indicate this.

It remains the view of the Mineral Planning Authority that the Planning Officer's responses in the Statement of Consultation address the main issues raised by the consultees, and that the plan-making process has followed the adopted Statement of Community Involvement, and national legislation, policy and guidance in this regard.

Notwithstanding the above, a key point is that the majority of consultation responses relating to AOS E (containing Shouldham Warren) and SIL 02 raised a range of issues why they should not be designated as an Area of Search or Preferred Area in the Plan; and the Publication version of the NM&WLP does not designate AOS E or SIL 02.

9. A full Feedback Report should be published for the Preferred Options Consultation stage with an NCC officer response to each representation. It took three years for the MPA to publish responses to the Preferred Options Consultation comments and there is no evidence public consultation responses have been taken into account.

NCC response: The 5,684 representations received at the Preferred Options stage were all published on the local plan consultation webpages within 6 months of the consultation ending, they are organised on the website by the part of the plan (policy or paragraph number that they relate to). 1,220 of the representations received objecting to SIL 02 at the Preferred Options stage were identical. It was also not practical to list the names of over 3,400 individual respondents within the Statement of Consultation. The Statement of Consultation contains the main issues raised in all these representations and how the issues have been taken into account in the Publication version of the NM&WLP. Within the Statement of Consultation, the main issues are presented in the order of the section of the NM&WLP that they relate to. Where many responses raised the same issues, it is appropriate to address these in a single response within the Statement of Consultation.

10. Suggested changes to the Statement of Community Involvement (SCI), including consulting all villages and towns within 3km of a proposed silica sand extraction site or area of search by a village meeting and all addresses within 500m of a proposed site/area to be consulted on the local plan and notified of a planning application. The SCI should be modified to include the responsibility of NCC to fully update Public Rights of Way (PROW) in areas proposed for mineral extraction.

NCC response: The current SCI was adopted in October 2022 and is not a document which is subject to Examination in Public as part of this plan-making process. When the SCI is next reviewed, within five years of adoption, the suggested changes raised will be considered. In terms of the PROW, the Surveying Authority and the Mineral Planning Authority are different Statutory Authorities within Norfolk County Council, with differing responsibilities.

11. All M&WLP consultee responses should be retained for at least 25 years.

NCC response: The responses received from statutory consultations and individuals to consultations on the NM&WLP cannot be retained for 25 years due to the General Data Protection Regulations, which state that responses can only be retained for the purpose for which they were made and only for so long as is necessary. The adopted Norfolk Statement of Community Involvement (2022) states that "in accordance with the requirements of

government regulations...we will hold the information for use in the planning process for a 4-year period following the decision". In terms of the NM&WLP the decision date would be when the Plan is adopted by Norfolk County Council. The [Planning Services Privacy Notice - Norfolk County Council](#) states that we will retain information including personal data for a minimum of 4 years at which point we will determine whether the information should be archived in the public interest or securely destroyed.

2.3 Duty to Co-operate

2.3.1 Introduction

The Town and Country Planning (Local Planning) Regulations 2012 (part 8) states that the local planning authority's monitoring report must give details of what action they have taken during the period covered by the report in relation to the Duty to Co-operate. Details of the relevant cooperation that has taken place during 2022/23 are therefore provided below.

The council is inclusive throughout the plan making process, engaging and co-operating with neighbouring authorities, undertaking of public consultation exercises and working closely with key stakeholders. The council considers this process of engagement to be on-going. As detailed in section 2.2, in 2022/23 the formal Pre-Submission representations period (Regulation 19 stage) took place on the emerging Norfolk Minerals and Waste Local Plan (NM&WLP). Statements of Common Ground have been produced for the NM&WLP which have been published as part of the examination library.

During 2022/23 Norfolk County Council has also responded to consultations and directly engaged on minerals and waste plans prepared by neighbouring authorities and local plans prepared by Local Planning Authorities in Norfolk.

2.3.2 Waste

In addition to formal consultation processes, the County Council, as Waste Planning Authority, maintains liaison with its peer authorities in the (formerly defined) East of England Region through quarterly meetings of the East of England Waste Technical Advisory Body (EEWTAB).

In addition to the County Councils adjacent to Norfolk in the East of England (Suffolk and Cambridgeshire), the meetings of the EEWTAB include representatives of Essex and Hertfordshire County Councils, Central Bedfordshire, Bedford Borough, Luton, Thurrock, Southend-on-Sea and Peterborough Councils. The EEWTAB is also attended by the Environment Agency, a representative of the South East Waste Planning Advisory Group, and a secretary/coordinator who also attends meetings of the London WTAB and the South East Waste Planning Advisory Group.

2.3.3 Minerals

In addition to formal consultation processes, the County Council, as Minerals Planning Authority, maintains liaison with its peer authorities in the (formerly defined) East of England Region through 6-monthly (as a minimum or as required) meetings of the East of England Aggregates Working Party (EEAWP).

In addition to the County Councils adjacent to Norfolk in the East of England (Suffolk and Cambridgeshire), the meetings of EEAWP include representatives of Essex and Hertfordshire County Councils, Central Bedfordshire, Bedford Borough, Luton, Thurrock, Southend-on-Sea and Peterborough Councils. The EEAWP also includes a representative

of DCLG, the London Aggregates Working Party, and the South East Aggregates Working Party. The data and information collected by EEAWP from its constituent MPAs is collated and published in Annual Monitoring Reports (AMR). The Secretariate to the EEAWP is currently provided by David Jarvis Associates. Relevant information concerning the EEAWP, including Annual Monitoring Reports, is available on David Jarvis Associates' website: [East of England AWP – David Jarvis Associates](#)

2.3.4 Norfolk Strategic Planning Group

Meetings of a Norfolk Strategic Planning Group take place on a monthly basis, involving officer representatives from the County Council and Norfolk's Local Planning Authorities (LPAs), to consider strategic planning policy issues including minerals and waste.

The purpose of the group's meetings is to share information and good practice, and to liaise over the production of local plans. This group provides the officer support to produce the Norfolk Strategic Planning Framework (NSPF). The NSPF is a non-statutory framework produced to provide a structure for addressing strategic planning issues on behalf of all local planning authorities in Norfolk. In addition to this group, meetings are held between the County Council and individual LPAs to discuss strategic planning issues including minerals and waste, and to liaise over the planning and provision of services by the County Council.

2.3.5 Norfolk Strategic Planning Member Forum

A quarterly Norfolk Strategic Planning Member Forum has been meeting since 2013. The purpose of the forum is to ensure that the requirements of the Duty to Cooperate, when preparing development plans, is discharged in a way which enhances the planning of strategic matters and minimises the risk of unsound plans. The forum membership includes the portfolio holders for Planning (or equivalent) in Norfolk's LPAs, with an open invitation to attend for the planning portfolio holders and officers of Suffolk, Cambridgeshire and Lincolnshire authorities. The Forum is chaired by a councillor elected by the forum on an annual basis.

The terms of reference of the Norfolk Strategic Planning Member Forum (as agreed in December 2017) state that the specific activities that the Forum will undertake are:

- Identify spatial planning issues of strategic importance that impact on more than one local planning area across Norfolk and a wider geographical area where appropriate to do so and provide the basis for working collaboratively within, and outside, of the 'core group' across a range of organisations and geographies as might be appropriate to address cross boundary strategic issues.
- Recommend the most appropriate land use planning approach to better integration and alignment of strategic spatial planning across Norfolk and a wider geographical area where appropriate.
- Provide the evidence that the Local Planning Authorities are working 'constructively, actively and on an ongoing basis' on strategic planning matters to support delivery of Local Plans which will be able to be assessed as 'sound'.
- With the agreement of member authorities, oversee the joint commissioning and preparation of evidence necessary to determine the most appropriate strategic spatial approach to cross boundary issues.
- Produce an evidenced (documented) approach to cooperation across strategic cross boundary issues at a Member level and throughout the process of Local Plan preparation.

- Undertake any consultations which from time to time may be deemed appropriate to further the work of the Forum.
- Provide, through the individual Members of the Core Group, liaison in respect of Norfolk strategic planning matters with each of the local authorities represented in the Forum.

The Specific Outcomes of the Norfolk Strategic Member Forum are:

- The timely production, maintenance and publication of an evidence base sufficient to address cross boundary strategic land use issues, to identify where such issues arise and recommend actions to the member authorities to address them.
- The preparation, agreement and updating of a single non-statutory shared strategic framework document (the NSPF) to inform Local Plan preparation covering any cross boundary strategic land use issues.
- The preparation, agreement and publication of Statements of Common Ground, Duty to Cooperate Statements and Memorandums of Understanding on behalf of, and as agreed by, the member Authorities.
- The local authorities represented in the Forum are suitably aware and supportive of the Forum's activities and engaged in identifying and addressing Norfolk strategic planning matters.

2.3.6 Local Plan meetings between Norfolk County Council and Norfolk's LPAs

These meetings are held on a six-monthly basis to allow discussions regarding the current Local Plan situation in each LPA, to ensure that the parties to the meeting are aware of potential issues and to promote meaningful dialogue. The meeting consists of officers of Norfolk County Council in its capacity as the County Planning Authority, Highway Authority, Local Education Authority, Lead Local Flood Authority, Public Health Authority, the Infrastructure and Economic Growth Team and planning officers from the relevant LPA.

2.3.7 During 2022/23 financial year

As set out in section 2.2, during the 2022/23 financial year the formal Pre-Submission representations period (Regulation 19 stage) took place on the emerging Norfolk Minerals and Waste Local Plan. Co-operation with other relevant planning authorities also continued through participation in:

- Norfolk Strategic Planning Group
- Norfolk Strategic Planning Member Forum
- East of England Aggregates Working Party
- East of England Waste Technical Advisory Body
- Consultations on local plans prepared by Local Planning Authorities in Norfolk
- Consultations on minerals and waste plans prepared by neighbouring authorities and other relevant planning authorities

Silica sand is a nationally important industrial mineral, which is also scarce within England. Resources occur in scattered locations across the country. The silica sand in Norfolk is predominately used in glass manufacturing plants in northern England. Therefore, correspondence regarding silica sand has continued with Mineral Planning Authorities where silica sand resources or manufacturing plants occur. These MPAs include North Yorkshire, Staffordshire, Surrey, Kent, Nottinghamshire, Lincolnshire, North Lincolnshire, Worcestershire, Central Bedfordshire, Essex, Cheshire East Council, South Downs National Park and West Sussex.

3. Policy Implementation 2022-2023

3.1 Summary of Policy used in Reasons for Approval/Refusal

On 26 September 2011, the Norfolk Core Strategy and Minerals and Waste Development Management Policies DPD (the 'Minerals and Waste Core Strategy') was adopted and this document contains the relevant local policies used to determine minerals and waste planning applications.

There were 30 planning applications for minerals and waste development determined between 1 April 2022 and 31 March 2023. 27 of these applications were approved and 3 applications were refused. The policies referred to in the reasons for approval or refusal were as follows:

Core Strategy and Minerals and Waste Development Management Policies DPD (adopted September 2011)

| Policy Number | Policy Description | Number of times used: Approval | Number of times used as reason for Refusal |
|----------------------|--|---------------------------------------|---|
| CS1 | Minerals Extraction | 6 | 0 |
| CS2 | Locations for Mineral Extraction | 6 | 0 |
| CS3 | Waste Management Capacity | 4 | 0 |
| CS4 | New Waste Management Capacity | 2 | 0 |
| CS5 | Location of Waste Management Facilities | 7 | 1 |
| CS6 | Waste Management Considerations | 15 | 1 |
| CS7 | Recycling, Composting, Anaerobic Digestion and Waste Transfer Stations | 5 | 2 |
| CS8 | Residual Waste Treatment | 1 | 0 |
| CS9 | Inert Waste Landfill | 0 | 0 |
| CS10 | Non-Hazardous and Hazardous Waste Landfill | 0 | 0 |
| CS11 | Wastewater and Sewage Facilities | 9 | 0 |
| CS12 | Whitlingham Wastewater Treatment Works | 0 | 0 |
| CS13 | Climate Change and Renewable Energy | 20 | 0 |
| CS14 | Environmental Protection | 27 | 0 |
| CS15 | Transport | 19 | 2 |
| CS16 | Safeguarding Sites | 3 | 0 |
| CS17 | Secondary and Recycled Aggregates | 1 | 0 |
| DM1 | Nature Conservation | 23 | 0 |
| DM2 | Core River Valleys | 4 | 0 |
| DM3 | Groundwater and Surface Water | 22 | 0 |
| DM4 | Flood Risk | 22 | 0 |
| DM5 | Borrow Pits and Water Reservoirs | 0 | 0 |

| Policy Number | Policy Description | Number of times used: Approval | Number of times used as reason for Refusal |
|---------------|---|--------------------------------|--|
| DM6 | Household Waste Recycling Centres | 0 | 0 |
| DM7 | Safeguarding Aerodromes | 5 | 0 |
| DM8 | Design, Local Landscape and Townscape Character | 25 | 1 |
| DM9 | Archaeological Sites | 9 | 0 |
| DM10 | Transport | 17 | 2 |
| DM11 | Sustainable Development | 12 | 0 |
| DM12 | Amenity | 26 | 1 |
| DM13 | Air Quality | 6 | 0 |
| DM14 | Progressive Working, Restoration and Afteruse | 7 | 1 |
| DM15 | Cumulative Impacts | 3 | 1 |
| DM16 | Soils | 10 | 1 |

On 28 October 2013, the Norfolk Minerals Site Specific Allocations DPD (MSSA DPD) and the Norfolk Waste Site Specific Allocations DPD (WSSA DPD) were adopted. These documents contain local policies used to determine minerals and waste planning applications located at the specific sites allocated in these plans.

Waste Site Specific Allocations DPD

One new planning permission was granted in 2022/23 on land allocated as a specific site for waste management in the Waste Site Specific Allocations DPD:

- Planning permission was granted in September 2022 for the recycling of metals, construction, demolition and excavation waste at Anglian Business Centre, West Carr Road, Attleborough. The site is allocated for inert waste recycling and/or waste transfer in Policy WAS 47.

Minerals Site Specific Allocations DPD

One new planning permission was granted in 2022/23 on land allocated as specific sites for minerals extraction in the Minerals Site Specific Allocations DPD:

- Planning permission was granted in May 2022 for the extraction of 0.24 million tonnes of sand and gravel from an eastern extension to Pentney Quarry which is allocated for mineral extraction in Policy MIN 19.

In addition, planning permission was granted in September 2022 for the extraction of 0.187 million tonnes of sand from a northern extension to Welcome Pit at Burgh Castle, Great Yarmouth. This site is not allocated in the adopted Minerals SSA DPD or the Pre-Submission version of the emerging Norfolk Minerals and Waste Local Plan.

3.2 Refused Applications

Three planning applications for minerals or waste developments were refused approval due to non-compliance with policy in the period between 1 April 2022 and 31 March 2023.

| Location / Planning App. Ref. | Proposal | Policies used in grounds for refusal |
|---|--|--|
| Kirby Cane Quarry, Leet Hill, Yarmouth Road, Kirby Cane, NR35 2HJ FUL/2021/0050 | Use of part of the existing quarry for the recycling of CDE waste for a temporary period. | CS5 – general location of waste management facilities CS7 - recycling, composting, anaerobic digestion and waste transfer stations CS15 – transport DM10 - transport DM14 – progressive working, restoration and after-use. DM15 – cumulative impacts |
| Yew Tree Farm, Tivetshall Road, Pulham Market, IP21 4XN FUL/2021/0020 | Increased permitted boundary for external waste storage and construction of a low curbed area with a run-off to a sealed tank. | DM8 – Design, local landscape and townscape character DM12 - Amenity |
| Marsh Road, Walpole St Andrew, PE14 7JN FUL/2021/0021 | Planning application for the Extension to open skip storage area with 3.5-metre-high earth bund (retrospective) | CS6 – general waste management considerations CS7 - recycling, composting, anaerobic digestion and waste transfer stations CS15 - transport DM10 - transport DM16 - soils |

FUL/2021/0050 – LP Pallett Quarry Ltd, Kirby Cane Quarry, Leet Hill, Yarmouth Road, Kirby Cane, NR35 2HJ

Use of part of the existing quarry for the recycling of CDE waste for a temporary period.

The reasons for refusal listed on the decision notice are as follows:

1. Inadequate visibility splays are provided at the junction of Old Yarmouth Road / Church Road, and this would cause danger and inconvenience to users of the adjoining public highway. Therefore, the proposal is contrary to the Norfolk Minerals and Waste Local Development Framework (LDF) (2011) Policy CS7 - Recycling, composting, anaerobic digestion and waste transfer stations CS15 – Transport, DM10 – Transport and DM15 – Cumulative impacts and section 9 of the National Planning Policy Framework (2021).
2. The proposal is remote from the source of inert waste for recycling conflicting with the aims of sustainable development. The vehicle movements associated with the proposal would consist of HGV's through a severely substandard junction being intensified on a road network that is not suitable for this use due to the nature and scale of the movements proposed and therefore not considered sustainable in highways terms. Therefore, the proposal is contrary to Norfolk Minerals and Waste LDF (2011) Policy CS5 - General location of waste management facilities, CS7 - Recycling, composting, anaerobic digestion and waste transfer stations CS15 – Transport, DM10 – Transport,

section 9 of the National Planning Policy Framework (2021) and Policy 5 of Norfolk's 3rd Local Transport Plan, entitled Connecting Norfolk.

3. The proposal to recycle waste until 31 December 2025 would have a detrimental impact on the timely restoration of the site by the same date with particular reference to the restoration phasing timescales set out in discharge application reference DIS/2019/0024 in regard to the one year of weathering prior to sowing the acid grassland seed mix in the location of the proposed recycling operation (phase 5). This would be due to further operational development taking place in the form of the CDE recycling when the operational aspects of the mineral operation relating to extraction should be winding down to allow for complete restoration of the site. Therefore, the proposal is contrary to the Norfolk Minerals and Waste LDF (2011) policy DM14 - Progressive working, restoration and after-use.)

FUL/2021/0020 – A R Kent & Son, Yew Tree Farm, Tivetshall Road, Pulham Market, IP21 4XN

Increased permitted boundary for external waste storage and construction of a low curbed area with a run-off to a sealed tank.

The reasons for refusal listed on the decision notice are as follows:

1. On the basis that insufficient information has been provided to demonstrate that the proposal is acceptable in relation to Policy DM8 Design, local landscape, and townscape character and DM12 Amenity of the Norfolk Minerals and Waste Development Framework: Core Strategy and Minerals and Waste Development Management Policies Development Plan Document 2010-2026 (2011). This is because no details have been provided on how the loss of the group of trees over time noted as G1 in the Arboricultural Impact Assessment and accelerated by the works to install a below ground sealed tank to the northeast of the site that are already in decline will be mitigated against. This is due to the fact that they provide an important screening function of the site from Tivetshall Road and the appearance of the site on the wider open countryside.
2. On the basis that insufficient information has been provided to demonstrate that there will be no harm to the nearest designated heritage asset of the Grade II Julian House in accordance with section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, Policy DM8 Design, local landscape and townscape character of the Norfolk Minerals and Waste Development Framework: Core Strategy and Minerals and Waste Development Management Policies Development Plan Document 2010- 2026 (2011) and Policy DM4.10 Heritage Assets of the South Norfolk Local Plan Development Management Policies Document (2015). This is because the Heritage Statement submitted states that there would be no change to views resulting in the neutral impact assessment, which contradicts the assessment of the Arboricultural Impact Assessment that the tree group G1 of Leyland Cypress are in decline, and this will be accelerated by the works and mitigating measures should be secured that screening of the site is maintained.

FUL/2021/0021 – M & M Services, Marsh Road, Walpole St Andrew, PE14 7JN

Planning application for the extension to open skip storage area with 3.5-metre-high earth bund (retrospective)

The reasons for refusal listed on the decision notice are as follows:

1. On the basis that the proposal is a departure from policy CS6: General waste management considerations and CS7: Recycling, composting, anaerobic digestion and waste transfer stations of the Norfolk Minerals and Waste Local Development Framework (LDF) (2011) as the proposal falls on undeveloped land in the open countryside and is therefore not acceptable in land use terms in relation to the policy which seeks to direct waste development to land already in waste management use, existing industrial/employment land, contaminated or previously developed land only with no unacceptable environmental impacts.
2. On the basis that the proposal is contrary to the National Planning Policy for Waste which requires need to be demonstrated where an application does not accord with the plan. In this instance no demonstrable case for the need for the facility at this location has been made to extend the site by 0.395ha into open countryside solely for storage skips, recyclable topsoil and to regularise operations on the site.
3. On the basis that the proposal is a departure from policy DM16: Soils of the Norfolk Minerals and Waste LDF (2011) as the proposal is located on Grade 1 Agricultural Land which will only permit development in exceptional circumstances where it is demonstrated that there are no alternative locations for development. Therefore, with no Soil Survey provided suggesting otherwise and no sufficient exceptional circumstances being demonstrated for development on grade 1 Best and Most Versatile (BMV) agricultural land the proposal is not considered acceptable.
4. On the basis that the proposal is a departure from policies CS15: Transport and DM10: Transport of the Norfolk Minerals and Waste LDF (2011) and the objectives of section 9 of the National Planning Policy Framework (2021). Insufficient and conflicting information has been provided in regard to the annual throughput and associated HGV movements of the site with the extension area that results in an increase from 22,880tpa to 29,640tpa which exceeds the Highway Authority's proposed condition to cap the throughput at 15,000tpa.

3.3 Appeals

One planning appeal was determined in the period between 1 April 2022 and 31 March 2023.

Location: L P Pallett Quarry Ltd, Kirby Cane Quarry, Leet Hill, Yarmouth Road, Kirby Cane, NR35 2HJ

Planning application reference: FUL/2020/0050

Proposal: Use of part of the existing quarry for the recycling of CDE waste and soils for a temporary period until 31/12/2025.

The appeal was made against a refusal to grant planning permission under section 78 of the Town and Country Planning Act 1990.

The reason given for the refusal in the decision notice dated 14 April 2022 was as follows:

1. Inadequate visibility splays are provided at the junction of Old Yarmouth Road / Church Road, and this would cause danger and inconvenience to users of the adjoining public highway. Therefore, the proposal is contrary to the Norfolk Minerals and Waste Local Development Framework (2011) Policy CS7 - Recycling, composting, anaerobic digestion and waste transfer stations CS15 – Transport, DM10 – Transport and DM15 – Cumulative impacts and section 9 of the National Planning Policy Framework (2021).
2. The proposal is remote from the source of inert waste for recycling conflicting with the aims of sustainable development. The vehicle movements associated with the proposal would consist of HGV's through a severely substandard junction being intensified on a road network that is not suitable for this use due to the nature and scale of the movements proposed and therefore not considered sustainable in highways terms. Therefore, the proposal is contrary to Norfolk Minerals and Waste Local Development Framework (2011) Policy CS5 - General location of waste management facilities, CS7 - Recycling, composting, anaerobic digestion and waste transfer stations CS15 – Transport, DM10 – Transport, section 9 of the National Planning Policy Framework (2021) and Policy 5 of Norfolk's 3rd Local Transport Plan, entitled Connecting Norfolk.
3. The proposal to recycle waste until 31 December 2025 would have a detrimental impact on the timely restoration of the site by the same date with particular reference to the restoration phasing timescales set out in discharge application reference DIS/2019/0024 in regard to the one year of weathering prior to sowing the acid grassland seed mix in the location of the proposed recycling operation (phase 5). This would be due to further operational development taking place in the form of the CDE recycling when the operational aspects of the mineral operation relating to extraction should be winding down to allow for complete restoration of the site. Therefore, the proposal is contrary to the Norfolk Minerals and Waste Local Development Framework (2011) policy DM14 - Progressive working, restoration and after-use.)

Since the Council refused permission in April 2022 the Highway Authority removed a highway safety objection, so the Council did not pursue reason 1 and part of reason 2 for refusal in the appeal.

The Planning Inspector concluded that:

“The proposal is compliant with adopted policies for the location of new development and is sustainably located in relation to sources of CDE waste arisings. Over its duration, there would be sustainability benefits from backhauled loads, increasing recycling capacity,

moving waste up the hierarchy and reducing the requirement for land won aggregate. These are benefits that attract moderate weight in favour of the scheme.

Subject to an earlier end date [of 1 August 2024] as I have set out, the proposal would not prejudice the restoration of the site. It is compliant with policies in respect of matters such as heritage, landscape and visual effects, flood risk and drainage, groundwater, biodiversity, the living conditions of neighbouring occupiers, resource and energy efficiency, cumulative effects, highway and access matters. Overall, the benefits of the development outweigh the harm and conflicts with draft emerging MWLP policies.

The development is compliant with the development plan, the NPPW and the Framework taken as a whole. There are no material considerations that indicate the application should be determined other than in accordance with the development plan. Therefore, for the reasons given, the appeal is allowed.”

The Planning Inspector allowed the appeal and granted planning permission for a temporary period until 1 August 2024, subject to conditions, on 6 February 2023.

3.4 Applications approved contrary to Policy

No planning applications were granted approval contrary to policy in the period between 1 April 2022 and 31 March 2023.

4. Monitoring the implementation of the Core Strategy and Development Management Policies

The Core Strategy and Minerals & Waste Development Management Policies DPD was adopted in September 2011. Chapter 8 of the Core Strategy details the indicators to be used to monitor the effectiveness of the Core Strategy and Development Management policies. For consistency with the other sections of this monitoring report, the data in the following table is for the period up to the end of March 2020.

Data on the number of sites located within the specified proximity of environmental and landscape designations are for safeguarded sites only. Safeguarded mineral and waste sites are those considered to be significant enough to the county's mineral or waste capacity that they should be offered a degree of protection under policy CS16. This means that smaller sites are not currently included in the assessment of these indicators.

Please Note:

- Some safeguarded sites were granted permission prior to the Core Strategy being adopted. Therefore, these historic applications would have been determined against the policies relevant at that time and may not fully reflect current policies or indicators.
- Although some sites may be within the indicator distance of environmental designations etc this does not indicate that an adverse effect on the designations is expected.
- Where an indicator refers to adjacency, this is taken to be 250 metres. 250 metres is the standard consultation distance used in Core strategy policy CS16-safeguarding.

| Objective | Relevant policies | Indicator | Performance |
|--|-------------------|---|--|
| 1. Ensure steady and adequate provision of primary, and increasingly recycling and secondary minerals to meet requirements | CS1 | Landbank for sand and gravel Landbank for carstone Landbank for silica sand Annual production of sand and gravel (tonnes) Annual production of carstone (tonnes) Annual production of silica sand (tonnes) | Performance against these indicators will be reported in the Local Aggregate Assessment and Silica Sand Assessment |
| 1. Ensure steady and adequate provision of primary, and increasingly recycling and secondary minerals to meet requirements | CS17 | Number of district council Local Plans containing a policy in accordance with CS17: use of secondary and recycled aggregates. [only Local Plans adopted in the reporting year are included] | No Local Plans were adopted in Norfolk during 2022/23. |

| Objective | Relevant policies | Indicator | Performance |
|---|-------------------|---|--|
| <p>1. Ensure steady and adequate provision of primary, and increasingly recycling and secondary minerals to meet requirements</p> | <p>CS16</p> | <p>Number of non-minerals and waste planning applications granted by LPAs within safeguarded areas (unless they fall within the exclusions set out in Appendix C)</p> | <p>Since the adoption of the Core Strategy, up to 31 March 2023:</p> <ul style="list-style-type: none"> • Six major applications had been approved on Mineral Safeguarding Areas in the face of sustained objections on mineral safeguarding grounds (one at Downham Market on silica sand resource, and five in South Norfolk on sand and gravel resource). • A total of 232 major applications have received a detailed mineral safeguarding response. • 47 relevant planning permissions granted for housing contained conditions to require mineral assessment and prior extraction and reuse, • there are also 9 applications to be determined where such a condition has either been proposed or agreed, and • 13 applications were refused for other reasons, although a mineral safeguarding condition had been agreed. <p>In the monitoring year up to 31 March 2023, 24 major applications received a detailed mineral or waste safeguarding response, with 3 of those proposing a condition for either further assessment or potential prior extraction and reuse.</p> |

| Objective | Relevant policies | Indicator | Performance |
|--|--|--|---|
| 1. Ensure steady and adequate provision of primary, and increasingly recycling and secondary minerals to meet requirements | CS16 | Proposed additional indicator of: Number of Neighbourhood Plans containing policies relating to mineral safeguarding. [only Neighbourhood Plans that came into force in the reporting year are included] | The following Neighbourhood Plans which came into force in Norfolk during 2022/23 have addressed mineral safeguarding, and contain policies where appropriate: New Buckenham, Filby, Fleggburgh, Rollesby, Winterton-on-Sea, Redenhall with Harleston, Starston, Tivetshall St Mary and Tivetshall St Margaret, Heacham, Hunstanton, and South Wootton. |
| 2. Increase the proportion of waste recycling, composting and energy recovery | CS4 CS7 CS8 CS9 CS10 CS13 CS17 DM11 | New waste management capacity % of local authority collected municipal waste : - Recycled - Composted - Energy recovery % of waste received at waste management facilities in Norfolk that is recycled/ recovered Renewable energy generation capacity at waste management facilities (MW) Quantity of recycled and secondary aggregate produced in Norfolk | Performance against these indicators will be reported in the Waste Data Monitoring Report |
| 3. Minimise the amount of waste sent to landfill | CS4 CS7 CS8 CS9 CS10 | % of local authority collected municipal waste landfilled Waste input to non-hazardous landfill (tonnes) Waste input to hazardous landfill (tonnes) Waste input to inert landfill (tonnes) Inert, non-hazardous and hazardous landfill capacity (cubic metres and years) Quantity of London waste disposed of in Norfolk (tonnes) | Performance against these indicators will be reported in the Waste Data Monitoring Report |

| Objective | Relevant policies | Indicator | Performance |
|---|---------------------------|--|--|
| 4. Ensure mineral working takes place as close as reasonably possible to where these resources are used, and that waste is treated as close as reasonably possible to where it is generated | CS2 CS5 CS9 CS10 | Distance of mineral extraction and associated development and waste management facilities from main settlements and market towns for which planning permission has been granted [This indicator has been monitored for planning permissions granted for new sites, not for changes to existing sites] | Two new mineral extraction sites were permitted in 2022/23; both were located in accordance with Policy CS2. Six new or extended waste management facilities were permitted in 2022/23; three are pumping stations located to serve specific villages (and located in accordance with Policy CS5), one other facility (Larkshall Mill) is in accordance with Policy CS5. One site is not located in accordance with policy due to its size, but is an extension to an existing site and within Attleborough. One site is not in accordance with Policy CS5 but granted on appeal for temporary inert recycling at an existing quarry. |
| 4. Ensure mineral working takes place as close as reasonably possible to where these resources are used, and that waste is treated as close as reasonably possible to where it is generated | CS2 CS5 CS9 CS10 | Location of allocated sites and distance from main settlements and market towns Location of allocated waste management sites and distance from main settlements and market towns | Mineral extraction sites – 28 sites are allocated. Only three sites (MIN83, MIN90 and MIN91) are over 10 miles from a relevant settlement. These sites are all extensions to one existing mineral working and are approximately 11 miles from Great Yarmouth. Therefore, it is considered that these sites are still in accordance with Policy CS2. Waste management sites – 29 sites are allocated. Only 3 sites are located at greater distances to the relevant settlements than proposed by the supporting text to policy CS5. However, two are extensions to operations at existing sites (in accordance with policy CS6) and one is for small scale composting. |
| 5. Increase the use and availability of sustainable transport in accessing waste and/or minerals facilities | CS15 DM10 | Number of minerals and waste planning applications approved to utilise transport methods via road, rail or water [This indicator has been monitored for planning permissions granted for new sites, not for changes to existing sites] | Two new mineral extraction sites were permitted in 2022/23; both use road transport. Six new or extended waste management facilities were permitted in 2022/23; three use road transport and the other three are sewerage pumping stations. |

| Objective | Relevant policies | Indicator | Performance |
|---|--------------------|--|--|
| 6. Mitigate the adverse traffic impacts of mineral extraction and associated development and waste management facilities | CS15 DM10 | Number of reported accidents involving HGVs (>3.5 tonnes) [This indicator is monitored in relation to all accidents in Norfolk] | 2022/23 – 25 HGV accidents of which none were fatal and 6 were serious. Goods vehicles where the class has not been noted: 82 accidents of which 5 were fatal and 19 serious. As the class of goods vehicle has not been noted, these figures may include accidents involving HGVs. |
| 6. Mitigate the adverse traffic impacts of mineral extraction and associated development and waste management facilities | CS15 DM10 | Number of minerals or waste planning applications granted that involve highway infrastructure upgrades/improvements Number of mineral or waste planning applications granted that include direct access to corridors of movement [Trunk roads, such as the A11/A47/A10 and A class roads are designated as corridors of movement] [The original indicator has been split into two to improve the clarity of what is being reported] | 2 new mineral extraction were sites permitted in 2022/23. 1 site (Burgh Castle) required highway improvements. Neither site had direct access to a corridor of movement. 6 new or extended waste management facilities were permitted in 2022/23. No sites involved off-site highway improvement works. One site had direct access to a corridor of movement, but this access was existing. |
| 6. Mitigate the adverse traffic impacts of mineral extraction and associated development and waste management facilities | CS15 DM10 | Number of substantiated complaints concerning lorry traffic | 2022/23 – 4 complaints (one less than in 2021/22) |
| 7. Minimise the impact of mineral extraction and associated development and waste management facilities on the environment by promoting innovative opportunities to enhance and protect biodiversity, landscape and geodiversity, water supply, the wider countryside and cultural heritage | CS14 DM1 DM8 | Number of minerals and waste sites within 5km of a Special Area of Conservation (SAC) | 23 safeguarded mineral sites 51 safeguarded waste sites 34 safeguarded WRCs (one less waste site than in 2021/22) |

| Objective | Relevant policies | Indicator | Performance |
|-------------|--------------------|---|--|
| 7. As above | CS14 DM1 DM8 | Number of minerals and waste sites within 5km of a Special Protection Area (SPA) | 11 safeguarded mineral sites 26 safeguarded waste sites 23 safeguarded WRCs (2 fewer mineral sites than in 2021/22) |
| 7. As above | CS14 DM1 DM8 | Number of minerals and waste sites within 5km of a Ramsar site | 10 safeguarded mineral sites 17 safeguarded waste sites 17 safeguarded WRCs (no change from 2021/22) |
| 7. As above | CS14 DM1 DM8 | Number of minerals and waste sites within 2km of a Site of Special Scientific Interest (SSSI) | 28 safeguarded mineral sites 41 safeguarded waste sites 28 safeguarded WRCs (no change from 2021/22) |
| 7. As above | CS14 DM1 DM8 | Number of minerals and waste sites within 2km of a National Nature Reserve (NNR) | 0 safeguarded mineral sites 4 safeguarded waste sites 8 safeguarded WRCs (no change from 2021/22) |
| 7. As above | CS14 DM1 DM8 | Number of minerals and waste sites adjacent to a Local nature Reserve | 0 safeguarded mineral sites 1 safeguarded waste site 2 safeguarded WRCs (no change from 2021/22) |
| 7. As above | CS14 DM1 DM8 | Number of minerals and waste sites adjacent to a County Wildlife Site | 18 safeguarded mineral sites 9 safeguarded waste sites 21 WRCs (no change from 2021/22) |
| 7. As above | CS14 DM1 DM8 | Number of minerals and waste sites adjacent to a RIGS (now County Geodiversity sites) | 1 safeguarded mineral site 0 safeguarded waste sites 0 safeguarded WRCs (no change from 2021/22) |
| 7. As above | CS14 DM8 | Number of minerals and waste sites within the Area of Outstanding Natural Beauty (AONB) | 2 safeguarded mineral sites 3 safeguarded waste sites 6 safeguarded WRCs (no change from 2021/22) |
| 7. As above | CS14 DM8 | Number of minerals and waste sites within the Heritage Coast | Nil (no change from 2021/22) |
| 7. As above | CS14 DM1 DM8 | Number of minerals and waste sites within the Broads Authority Executive Area | 1 safeguarded mineral site 2 safeguarded waste sites 4 safeguarded WRCs (no change from 2021/22) |

| Objective | Relevant policies | Indicator | Performance |
|-------------|--------------------|---|---|
| 7. As above | CS14 DM2 | Number of minerals and waste sites within a Core River Valley | 5 safeguarded mineral sites 6 safeguarded waste sites 12 safeguarded WRCs (no change from 2021/22) |
| 7. As above | CS14 DM8 | Number of minerals and waste planning applications refused on grounds of design or landscape | 1 application was refused on these grounds in 2022/23. |
| 7. As above | CS14 DM8 DM9 | Number of minerals and waste sites in or adjacent to a registered historic park or garden | 0 safeguarded mineral sites 0 safeguarded waste sites 1 safeguarded WRC (no change from 2021/22) |
| 7. As above | CS14 DM8 DM9 | Number of minerals and waste sites within or adjacent to Conservation Areas | 5 safeguarded mineral sites 8 safeguarded waste sites 11 safeguarded WRCs (no change from 2021/22) |
| 7. As above | CS14 DM8 DM9 | Number of minerals and waste sites adjacent to listed buildings | 12 safeguarded mineral sites 4 safeguarded waste sites 22 safeguarded WRCs (no change from 2021/22) |
| 7. As above | CS14 DM1 | Area of Biodiversity Action Plan (BAP) habitat lost to, or created by, minerals extraction and associated development and waste management activities [Amend indicator to refer to new permissions only and planned restoration] [Note that performance against this indicator has been assessed qualitatively as it has not been possible to assess the area of BAP habitats affected quantitatively. BAP habitats were replaced by priority habitats in 2012] | Two new mineral extraction sites were permitted in 2022/23. Neither site would cause a loss of priority habitats. Pentney Quarry will be restored to wet woodland containing three lakes with limited reed fringe and wet grassland. Welcome Pit, Burgh Castle will be restored to 0.93 ha of reedbeds in open water with rough grassland slopes containing tree and shrub planting. Six new or extended waste management facilities were permitted in 2022/23. None of them will cause a loss of priority habitats. Three sites would include the creation of new native hedgerows (over 175m) and two sites would also create additional neutral grassland (228m ²). |

| Objective | Relevant policies | Indicator | Performance |
|--|-------------------|--|---|
| 7. As above | CS14 DM9 | Number of archaeological sites adversely affected by minerals extraction and associated development or waste management facilities. | No archaeological sites were adversely affected by planning permissions for new or extended waste management facilities in 2022/23. No archaeological sites were adversely affected by the two new mineral extraction sites permitted in 2022/23. |
| 7. As above | DM14 | % of mineral workings covered by progressive restoration schemes | Two new mineral extraction sites were permitted in 2022/23, both sites with progressive restoration. |
| 7. As above | DM11 | Number of applications demonstrating a good standard of design, use of sustainable materials and water efficient design [Amend indicator to refer to permissions instead of applications] | Two new mineral extraction sites were permitted in 2022/23; Policy DM11 was not considered to be applicable to one site, but the other site complied with the Policy. Six new or extended waste management facilities were permitted in 2022/23. Policy DM11 was not considered to be applicable to one of the waste management facilities, but the other five complied with the Policy. |
| 8. Minimise soil and water contamination and flood risk arising from minerals and waste activities | CS14 DM3 | Number of minerals and waste sites within groundwater Source Protection Zone 1 | 2 safeguarded mineral sites 6 safeguarded waste sites 0 safeguarded WRC (1 less waste site and 3 less minerals sites than in 2021/22) |
| 8. Minimise soil and water contamination and flood risk arising from minerals and waste activities | CS14 DM3 | Groundwater and surface water quality | The policy is effective and due regard has been paid to groundwater and surface water in the determination of planning applications. In 2022/23 policy DM3 was listed in the reasons for approval 22 times. |
| 8. Minimise soil and water contamination and flood risk arising from minerals and waste activities | DM4 CS13 | Number of minerals and waste planning permissions granted contrary to the advice of the Environment Agency on flood risk grounds | No planning applications were granted contrary to Environment Agency or Lead Local Flood Authority advice on flood risk grounds. (no change from 2021/22) |

| Objective | Relevant policies | Indicator | Performance |
|--|------------------------------|--|--|
| <p>9. Reduce methane and CO2 emissions from mineral extraction and associated development and waste management facilities</p> <p>10. Contribute to the renewables obligation and targets for renewable energy by increasing the proportion of energy recovery from waste</p> | <p>CS13 CS8 DM11</p> | <p>% of methane emissions from landfill sites escaping into the atmosphere</p> <p>% of methane emissions from landfill sites used in power generation</p> <p>Renewable energy generation capacity at waste management facilities</p> <p>Quantity of waste management through processes generating renewable energy</p> | <p>Performance against these indicators will be reported in the Waste Data Monitoring Report</p> |
| <p>9. and 10. As above</p> | <p>CS13 CS8 DM11</p> | <p>Number of minerals and waste operations securing at least 10% of their energy on site from renewable or low-carbon sources</p> | <p>Two new mineral extraction sites were permitted in 2022/23; One of them proposed the production of renewable energy from PV panels on the associated plant site. Six new or extended waste management facilities were permitted in 2022/23. One of them proposed the production of renewable energy from PV panels.</p> |
| <p>11. Ensure that minerals and waste facilities and transportation do not lead to AQMAs and that emissions are reduced</p> | <p>CS15 DM13</p> | <p>Number of minerals and waste management sites within an Air Quality Management Area (AQMA)</p> | <p>Nil (no change from 2021/22)</p> |
| <p>11. Ensure that minerals and waste facilities and transportation do not lead to AQMAs and that emissions are reduced</p> | <p>CS15 DM13</p> | <p>Number of AQMAs within Norfolk</p> <p>[Indicator to be amended to report the area of AQMAs within Norfolk because three separate AQMAs in Norwich have now been replaced by one larger central Norwich AQMA.]</p> | <p>Four – one in Norwich, two in King’s Lynn and one in Swaffham which have all been declared for exceeding limits of nitrogen dioxide from traffic sources.</p> <p>The total area of all AQMAs in Norfolk is 284.7 hectares, the largest of which covers 274.07 hectares of Norwich City centre. (No change from 2021/22)</p> |

| Objective | Relevant policies | Indicator | Performance |
|--|--|---|---|
| 12. Mitigate adverse impacts on amenity resulting from mineral extraction and associated development and waste management facilities | CS14 DM12 DM10 CS15 DM8 DM15 CS7 CS12 CS11 | Number of substantiated complaints about amenity impacts from minerals and waste activities | 2022/23 – 6 complaints (one more than in 2021/22) |
| 12. Mitigate adverse impacts on amenity resulting from mineral extraction and associated development and waste management facilities | CS16 | Number of non-minerals and waste planning applications granted by local planning authorities within safeguarded areas which are not exempt from Policy CS16 and do not take account of safeguarding. [Amend indicator to more accurately reflect Policy CS16 as detailed above] | None There were 33 non-minerals and waste planning applications on Mineral Safeguarding Areas in 2022/2023 where CS16 was relevant and the Mineral Planning Authority made a consultation response. Of these 26 have been granted, 3 refused, none withdrawn and 4 were not determined by end of December 2023. There was not a sustained mineral objection to the applications that were granted. |

5. Policy Conclusions

The key findings from the Monitoring Report for 2022/23 are:

Implementation of the Minerals and Waste Development Scheme

The Pre-Submission representations period on the emerging Norfolk Minerals and Waste Local Plan was planned to take place in May and June 2020 but actually took place from 28 September to 19 December 2022. This will have a knock-on effect on the remaining stages of the Local Plan process. A formal revision to the MWDS has therefore been carried out and the new MWDS was adopted in October 2022. The adopted October 2022 MWDS timetabled the submission of the NM&WLP to take place in December 2022. However, submission did not take place until December 2023 and examination hearings are expected to take place in summer 2024. Due to the differences between the adopted 2022 Scheme and the expected examination and adoption stages of the new NM&WLP, a revised MWDS will be required.

Policy Performance

No planning applications were granted approved contrary to policy during 2022/23.

One planning appeal was determined during 2022/23 and the Planning Inspector allowed the appeal.

One planning permission was granted for a minerals site allocation in 2022/23, for 0.24 million tonnes of sand and gravel extraction at site MIN 19 at Pentney.

Planning permission was also granted on an unallocated site for the extraction of 0.187 million tonnes of sand at Burgh Castle.

One planning permission was granted for a waste site allocation in 2022/23, for the recycling of metals, CD&E waste on site WAS 47 at Attleborough.

The main findings from monitoring the indicators contained in the adopted Core Strategy were:

Policy CS2 – Two permissions were granted for new mineral extraction sites in 2022/23. Both are located in accordance with policy CS2.

Policy CS5 - Six permissions were granted for new or extended waste management facilities in 2022/23; three are pumping stations located to serve specific villages (and located in accordance with Policy CS5), one other facility (Larkshall Mill) is in accordance with Policy CS5. One site is not located in accordance with policy due to its size, but is an extension to an existing site and within Attleborough. One site is not in accordance with Policy CS5 but was granted on appeal for temporary inert recycling at an existing quarry.

Policy CS13 – Two permissions were granted for new mineral extraction sites in 2022/23; one of them proposed the production of renewable energy at the associated plant site. Permissions were granted for six new or extended waste management facilities; one of them include the production of on-site energy.

Policy CS16 - No major applications were approved on Mineral Safeguarding Areas in the face of sustained objections on mineral safeguarding grounds.

6. Monitoring and Enforcement

Summary

Annual monitoring report on the monitoring and enforcement progress of mineral, waste and Regulation 3 sites for the period from 1 April 2022 to 31 March 2023.

Since 2019 there has been a reduction in Monitoring and Control Team staff resource. It has therefore been necessary to prioritise the workload as follows:

- Complaints
- Known or anticipated breaches of planning control
- Routine preventive work that generates income
- Other routine preventive work

As an overview of performance achieved to date:

Levels of complaints received in 2022/2023 remain relatively stable with 27 complaints received in the reporting year, compared to 23 complaints received in the previous year.

Planning applications received as a result of monitoring have reduced although they still make up a sizable proportion of the applications received; 26 out of a total of 71 applications received and 12 discharge of condition applications out of a total of 36 received. The chargeable inspection regime has generated £24,216 of income.

All complaints received have been actioned within 3 working days. This is above the 80% target proposed as regional guidance best practice. The impact of future complaints will be assessed for risk and actions and inspection carried out accordingly.

Officers attended three local liaison meetings over the reporting year.

Four aftercare meetings took place in the reporting year.

One Enforcement Notice and one Breach of Condition Notice were served in the reporting period.

6.1 Introduction

This is the annual briefing on progress with minerals, waste and Regulation 3 (County Council development) sites monitoring. The adopted Minerals and Waste Core Strategy contains policies committing the Authority to achieving high standards of operations and restoration and ensuring effective monitoring, enforcement and education to achieve them. Further details are included in the County Council's approved [enforcement policy](#). When operators are complying fully with all conditions, then it is accepted that operators are working to a high standard. Complaints can be a reasonable indicator of performance on site, and pro-active monitoring seeks to reduce complaints by maintaining the standard of full compliance.

Since 2019 there has been a reduction in monitoring officer resource, from 4 FTE (full time equivalents) to 2.8 FTE for the majority of the reporting year. Therefore, less programmed site inspections took place in 2022/23 than in 2018/19 when there was a higher monitoring officer resource in post. Since March 2022 the focus has been on chargeable site inspections, which take longer when on site and when writing up. The County Planning Authority has also taken on an enforcing authority role for a number of district housing schemes which requires resource to set up and discharge the requirements.

6.2 Site Monitoring Programme

The Council continues to be pro-active in dealing with planning problems on sites. The Council is continuing with a risk-based approach to the monitoring of minerals, waste and Regulation 3 development, with visits/inspections carried out over a prescribed scale. This helps to ensure a consistent, even handed and preventative approach when dealing with all mineral and waste development sites across the County. It also targets those sites where there is likely to be a greater impact on the environment, in the event of non-compliance. This pro-active approach allowed officers to identify non-compliances, and this has helped to forestall complaints from the public (see table 6.1). The effective resources used to monitor active sites are also helping to maintain the number of complaints at a low level (see table 6.2). As set out in section 6.1, since 2019 there has been a reduction in monitoring resource, from 4 FTE (full time equivalents) to 2.8 FTE for the majority of the current reporting year. Therefore, less programmed site inspections took place in 2022/23 than in 2018/19 when there was a higher monitoring officer resource in post. The number of routine minerals and waste site inspections is therefore planned to be between 100 to 150 per annum in the future on the basis of this permanent reduction of staff resource.

6.3 Inspections

76 programmed inspections were undertaken during 2022/2023 (see table 6.1) and 61 inspections were undertaken as a result of ongoing complaint investigations (see table 6.2). The chargeable inspection regime has necessitated a more prescriptive monitoring approach requiring a formal reporting arrangement, and invoicing system. This increases the average amount of officer time taken up with each visit. The chargeable site monitoring regime has generated £24,216 (see table 6.3). The chargeable fee, set by the government for site inspections, is £397 per inspection of active sites and £132 for dormant/mothballed sites. No programmed inspections took place during 2020/21 due to the covid-19 pandemic restrictions; which was also the reason for a reduced number of inspections taking place during 2021/22. The reduction in income generated from chargeable site inspections from 2019/20 onwards is directly linked to the reduction in the number of inspections carried out.

| Year / inspection type | 2013/14 | 2014/15 | 2015/16 | 2016/17 | 2017/18 | 2018/19 | 2019/20 | 2020/21 | 2021/22 | 2022/23 |
|---|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|
| Minerals and waste inspections | 551 | 558 | 549 | 574 | 536 | 523 | 100 | 0 | 70 | 76 |
| Regulation 3 inspections | 41 | 45 | 47 | 54 | 37 | 34 | 10 | 0 | 0 | 0 |
| None-compliances noted during routine inspections | 237 | 217 | 224 | 260 | 203 | 212 | 43 | 0 | 27 | 34 |

Table 6.1 Site Inspections

Levels of complaints received have increased slightly from 23 in 2021/22 to 27 in 2022/23 with 23 minerals and waste related complaints and 4 Regulation 3 complaints. However, many of these complaints require several investigation actions to fully resolve matters. Actions taken in relation to pre-existing complaints continue to use staff resources when providing an appropriate response (see table 6.2).

| Year / complaint type | 2013/14 | 2014/15 | 2015/16 | 2016/17 | 2017/18 | 2018/19 | 2019/20 | 2020/21 | 2021/22 | 2022/23 |
|-----------------------------------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|
| Minerals and waste complaints | 39 | 37 | 53 | 45 | 40 | 43 | 32 | 23 | 19 | 23 |
| Regulation 3 complaints | 5 | 2 | 5 | 2 | 7 | 4 | 6 | 10 | 4 | 4 |
| Inspections following a complaint | 81 | 103 | 97 | 83 | 67 | 102 | 61 | 34 | 38 | 61 |

Table 6.2 Complaints received

| Year / inspection type | 2013/14 | 2014/15 | 2015/16 | 2016/17 | 2017/18 | 2018/19 | 2019/20 | 2020/21 | 2021/22 | 2022/23 |
|-------------------------------------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|
| Minerals and waste inspections | £52,071 | £54,499 | £53,838 | £52,184 | £55,949 | £56,413 | £19,397 | £0 | £5,191 | £24,216 |
| Regulation 3 inspections | £5,280 | £5,520 | £2,880 | £2,400 | £2,640 | £2,400 | £960 | £0 | £0 | £0 |
| Commissioned chargeable inspections | £0 | £0 | £5,958 | £5,958 | £5,958 | £6,352 | £0 | £0 | £0 | £0 |
| Total income | £57,351 | £60,019 | £62,676 | £60,542 | £64,547 | £65,165 | £20,357 | £0 | £5,191 | £24,216 |

Table 6.3 income generated from chargeable site inspections

Regular site inspections and associated follow up actions are having an influence on the way in which the industry adheres to conditions and seeks to regularise breaches quickly. It has also generated more planning applications, with 26 of the total 71 applications received and 12 discharge of condition applications out of a total of 36 received (see table 6.4).

| Year / application type | 2013/14 | 2014/15 | 2015/16 | 2016/17 | 2017/18 | 2018/19 | 2019/20 | 2020/21 | 2021/22 | 2022/23 |
|--|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|
| Planning applications received as result of monitoring | 70 | 57 | 50 | 45 | 45 | 35 | 27 | 20 | 21 | 26 |
| Discharge of conditions applications | 8 | 23 | 19 | 21 | 7 | 9 | 6 | 5 | 1 | 12 |

Table 6.4 Applications received as a result of monitoring

6.4 Monitoring of Non-hazardous Landfill Sites

The inspection programme together with the use of modern survey equipment has helped identify more quickly those landfill sites that have been tipped above agreed contours.

Capping of Aldeby has been completed and restoration is complete. The site was surveyed in early 2019 and found to be in compliance with the approved restoration profile. Final landscape planting was delayed and a Breach of Condition Notice was served to secure the completion of this work.

The non-hazardous landfill site at Blackborough End has re-opened for the deposit of waste. One small cell has been engineered and the deposit of waste started in late 2019. Deposits of waste continue at this site.

Closed (completed) landfills at Edgefield, Costessey, Snetterton, Mayton Wood, Beetley, Docking and Blackborough End (phase 1) are the responsibility of the Community and Environmental Services department of Norfolk County Council.

6.5 Targets

Complaints are initially assessed for impact on the environment and are prioritised accordingly. The performance target of dealing with complaints of high priority is to acknowledge and initiate action within three working days. Priority is given to dealing with complaints quickly. In this respect 100% of high priority complaints currently received are actioned within three working days. Complainants and other relevant consultees, such as the Environment Agency, District and Parish Councils are kept informed of progress and action.

Additionally, there is an increasing awareness by the general public about mineral and waste development and a higher expectation about the way in which sites operate. The proactive presence on site, together with regular inspections as part of a programme is designed to forestall complaints; the resourcing issues currently being experienced may lead to additional complaints in the future.

6.6 Liaison Arrangements

Local Liaison arrangements are a valuable method of keeping local communities informed about mineral and waste development of a local nature and dealing with problems quickly and effectively before they get out of hand.

The number of sites that may be serviced by liaison meetings are shown below (see table 6.5). These currently number 10 and include Leziate, Beeston Regis, Coxford, Aldeby landfill, Tottenhill, Mangreen, Stody, Stanninghall, Ketteringham and West Dereham. Attendance at liaison meetings has reduced but will be resumed as soon as resources allow. Liaison meetings are also held on a regular basis with other authorities including the Environment Agency.

| Year | 2013/14 | 2014/15 | 2015/16 | 2016/17 | 2017/18 | 2018/19 | 2019/20 | 2020/21 | 2021/22 | 2022/23 |
|--------------------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|
| Number of meetings | 6 | 7 | 7 | 10 | 8 | 8 | 2 | 3 | 2 | 4 |

Table 6.5 Number of liaison meetings attended

6.7 Enforcement

The County Council has continued to monitor mineral and waste development and regulation 3 development to secure compliance with planning conditions and Legal Agreements. Enforcement action may be taken, if necessary, to deal with unauthorised activities, but subject to prior negotiation.

Additionally, when we receive complaints, as represented in table 6.2, we often consult with the District Council and Environment Agency and co-operate with them in deciding any action. If necessary, we may take enforcement action to control and possibly stop unauthorised development. Where companies do not comply with existing conditions, enforcement action can result. Low levels of performance can also undermine competing operators who are complying with their planning permission.

One Breach of Condition Notice was served in 2022/2023. In addition, one Enforcement Notice was served in relation to activities taking place on land at Rackheath (see table 6.6).

An appeal was lodged against the Enforcement Notices served at Rackheath; the appeal is yet to be determined. An appeal lodged against an Enforcement Notice in relation to activities taking place on land at Heacham in a previous reporting year is also still to be determined.

| Year / complaint type | 2013/14 | 2014/15 | 2015/16 | 2016/17 | 2017/18 | 2018/19 | 2019/20 | 2020/21 | 2021/22 | 2022/23 |
|--------------------------------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|
| Planning contravention notices | 8 | 3 | 15 | 11 | 1 | 11 | 3 | 0 | 2 | 0 |
| Breach of condition notices | 5 | 13 | 0 | 19 | 9 | 1 | 2 | 0 | 3 | 1 |
| Enforcement notices | 0 | 2 | 0 | 5 | 0 | 0 | 0 | 0 | 4 | 1 |
| Temporary stop notices | 1 | 1 | 0 | 0 | 0 | 4 | 0 | 0 | 0 | 0 |
| Enforcement appeals | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 2 | 1 |
| Prosecutions | 0 | 1 | 0 | 0 | 2 | 0 | 0 | 2 | 0 | 0 |

Table 6.6 Enforcement action

6.8 Aftercare Programme

The aftercare programme operated by the Council is a vital part of ensuring that mineral and waste sites are restored properly and managed to ensure beneficial and productive after-use. The aftercare inspections during the reporting period were targeted at agricultural restoration schemes to ensure that the return of land to agriculture is not delayed.

Meetings relating to long-term aftercare schemes have been held in abeyance but will resume as soon as resource is available. Sites that are subject to ongoing site management currently number 12, and it is expected that this number will continue to increase as biodiversity initiatives and general nature conservation replace agriculture on some sites. Management meetings normally take place during spring and summer each year.

| Year / meeting type | 2013/14 | 2014/15 | 2015/16 | 2016/17 | 2017/18 | 2018/19 | 2019/20 | 2020/21 | 2021/22 | 2022/23 |
|---------------------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|
| Aftercare meetings | 21 | 18 | 17 | 16 | 16 | 16 | 3 | 2 | 3 | 4 |
| Management meetings | 9 | 9 | 8 | 12 | 12 | 12 | 0 | 0 | 0 | 0 |

Table 6.7 Aftercare and long-term management meetings