



Norfolk County Council

Norfolk Minerals and Waste Development Framework

Monitoring Report

2017-2018

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

February 2019



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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 2017 to 31 March 2018.

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 2017 to March 2018:

- 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

2.0 Review of the Minerals and Waste Development Scheme

2.1 Minerals and Waste Development Scheme (MWDS)

The MWDS (updated on 24 March 2017) sets out the timetable for producing the minerals and waste planning policy documents which form Norfolk's Minerals and Waste Local Plan.

The Minerals Site Specific Allocations Development Plan Document was adopted by Norfolk County Council in October 2013. Norfolk County Council agreed to an early review of the Minerals Site Specific Allocations DPD in recognition of an under allocation of silica sand extraction sites. The timetable for the Silica Sand Single Issue Review is contained in the MWDS and in Table 1 below.

Table 1: MWDS timetable for the Minerals Site Specific Allocations DPD - Single Issue Silica Sand Review to be produced compared with actual date produced / to be produced		
Stage	Date timetabled in the Development Scheme (March 2017)	Actual date produced/ anticipated production date
Preparation of Local Plan Consultation (Regulation 18)	Initial Consultation: March to April 2015 Preferred Options Consultation: November to December 2015	Initial Consultation: March to April 2015 Preferred Options Consultation: November to December 2015
Pre-Submission representations period (Regulation 19)	May to June 2016 September to October 2016 (Modifications)	May to June 2016 September to October 2016 (Modifications)
Submission (Regulation 22)	December 2016	December 2016
Hearing commencement (Regulation 24)	March 2017	March 2017
Inspector's Report	August 2017	October 2017
Adoption (Regulation 26)	October 2017	December 2017

A revised scheme for the Single Issue Silica Sand Review was adopted in March 2017 due to differences between the dates in the scheme adopted in June 2016 and the production dates for the stages from Regulation 22 to Regulation 26.

The submission of the Silica Sand Review was delayed because, following the Pre-Submission representations period in May and June 2016, it was decided to make modifications to the Pre-Submission document. The regulations require a formal six-week representations period to take place on main modifications to the Pre-Submission document. The Scheme adopted in June 2016 did not include a representations period on modifications to the Pre-Submission document because the decision to make modifications was not expected when the Scheme was adopted. The consequence of the representations period on the modifications was to delay the submission of the Silica Sand Review until early December 2016, which had a knock-on effect on the date of the examination hearings, the Inspector's report and adoption of the Silica Sand Review.

Following the examination hearings in March 2017, the Inspector wrote to Norfolk

County Council in June 2017 requesting Main Modifications to be made to the Silica Sand Review. The statutory six-week period on the modifications took place from 17 July to 1 September 2017. The Inspector's report was received in October 2017 and the Silica Sand Review was adopted at the following full Council meeting in December 2017.

The Norfolk 'Core Strategy and Minerals and Waste Development Management Policies DPD' 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 to determine whether any changes are required to the planning policies within them. It has therefore been agreed that a joint review of all three of the adopted DPDs will be carried out to update the policies within them where appropriate, to extend the plan period to 2036 and to consolidate the three existing DPDs into one Norfolk Minerals and Waste Local Plan, in accordance with national planning policy. The timetable for the Review of the Minerals and Waste Local plan is contained in the MWDS.

Due to the work required on the modifications to the Pre-Submission version of the Silica Sand Review and the modifications required following the examination hearings for the Silica Sand Review, the timetable for the work on the Minerals and Waste Local Plan Review has slipped. This had a knock-on effect on all the other stages of the Local Plan Review. A revised timetable is shown in Table 2 below. Due to the differences between the Local Development Scheme adopted in March 2017 and the expected production dates of the Local Plan Review, a revised Scheme was prepared and was adopted by EDT Committee in May 2018.

Table 2: MWDS timetable for the Review of the Minerals and Waste Local Plan to be produced compared with actual date to be produced		
Stage	Date timetabled in the Development Scheme (May 2018)	Actual date produced/ anticipated production date
Preparation of Local Plan Consultation (Regulation 18 Stage)	Initial Consultation: June to August 2018 Preferred Options Consultation: December 2018 to January 2019	Initial Consultation: June to August 2018 Preferred Options Consultation: June to July 2019
Pre-Submission representations period (Regulation 19 Stage)	September to October 2019	February to March 2020
Submission (Regulation 22)	December 2019	May 2020
Hearing commencement (Regulation 24)	May 2020	September 2020
Inspector's report	July 2020	January 2021
Adoption (Regulation 26)	October 2020	March 2021

A 'call for mineral extraction sites' took place in July 2017 and the sites that were proposed were subject to an initial assessment. The first public consultation stage on the Minerals and Waste Local Plan Review took place in Summer 2018 and was

an opportunity for the specific and general consultation bodies, as well as local residents, to comment on the Initial Consultation document. A high number of responses were received to the Initial Consultation, which has meant that preparation of the next stage of the M&WLPR, called the 'Preferred Options' has taken longer than planned in the adopted LDS. The issues raised in response to the Initial Consultation will be taken into account in the preparation of the 'Preferred Options' which is due to be published for consultation in Summer 2019.

2.2 Consultation Participation and Response

Minerals Site Specific Allocations DPD - Single Issue Silica Sand Review

In this reporting period (April 2017 to March 2018) a representations period took place on the Main Modifications and Additional Modifications to the Single Issue Silica Sand Review (for six weeks from 17 June to 1 September 2017).

Responses were received from: Borough Council of King's Lynn and West Norfolk, Hampshire County Council, North Yorkshire County Council, Environment Agency, Natural England, Historic England, and Anglian Water Services Ltd. No responses were received from parish or town councils or from individuals.

The table below summarises the number of responses received to the representations period on the 'Main Modifications and Additional Modifications' to the Silica Sand Review. Where a Main Modification (MM) or Additional Modification is not included in the table below, this is because no representations were received in response to the proposed modification. The contents of the responses are available to view on consultation website at: <https://norfolk.jdi-consult.net/localplan/readdoc.php?docid=45&chapter=3&docelemid=d3731#d3731>

Representations received to Main Modifications and Additional Modifications to the Silica Sand Review

Section	Respondents	Objectors	Reps in Support	Reps Objecting	Reps Commenting	Total Reps
Whole document	4	0	1	0	3	4
MM2 – para 2.7	1	0	1	0	0	1
MM6 – Policy SIL 01	1	1	0	1	0	1
MM11 – Para E.4	1	0	1	0	0	1
MM12 – Para E.5	1	1	0	1	0	1
MM13 – new para in section AOS E	1	0	1	0	0	1
MM14 – new para in section AOS F	1	0	1	0	0	1
MM17 – Areas of Search Policy	1	1	0	3	0	3
Total	7	1	5	5	3	13

2.3 Duty to Co-operate

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 2017/18 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. In 2017/18 a six week representations period took place on the Main Modifications and Additional Modifications to the Single Issue Silica Sand Review of the Minerals Site Specific Allocations DPD. The council has also responded to consultations and directly engaged on minerals and waste plans prepared by neighbouring authorities.

Waste

In addition to formal consultation processes, the County Council, as Minerals and 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 (EoEWTAB).

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

Minerals

In addition to formal consultation processes, the County Council, as Minerals and Waste 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 (EoEAWP).

In addition to the County Councils adjacent to Norfolk in the East of England (Suffolk and Cambridgeshire), the meetings of EoEAWP include representatives of Essex and Hertfordshire County Councils, Central Bedfordshire, Bedford Borough, Luton, Thurrock, Southend-on-Sea and Peterborough Councils. The EoEAWP also includes a representative of DCLG, the London Aggregates Working Party, and the South East Aggregates Working Party. The data and information collected by EoEAWP from its constituent MPAs is collated and published in Annual Monitoring Reports (AMR).

Norfolk

Meetings of a **Norfolk Strategic Planning Group** take place on a monthly basis, involving officer representatives from the County Council, the Norfolk District/Borough Councils, Norwich City Council, and the Broads Authority, 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.

A quarterly **Norfolk Strategic Planning Member Forum** has been meeting since October 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 Local Planning Authorities, 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 Norfolk Strategic Planning Framework) 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.

Local Plan meetings between Norfolk County Council and Norfolk's Local Planning Authorities

These meetings have been held since 2004 to allow discussions regarding the current Local Plan situation in each Local Planning authority, to ensure that the parties to the meeting are aware of potential issues and to promote meaningful dialogue. The Mineral and Waste Planning Authority has been attending since 2011. The meetings are held on a six monthly basis. The meeting consists of officers of Norfolk County Council in its capacity as the Mineral and Waste Planning Authority, Highway Authority, Local Education Authority, Lead Local Flood Authority, Public Health Authority, the Infrastructure and Economic Growth Team, and the Local Planning Authority.

During 2017/18 financial year

During the 2017/18 financial year a six week representations period on the Main Modifications and Additional Modifications to the Single Issue Silica Sand Review of the Minerals Site Specific Allocations DPD took place, as detailed in section 2.2 of this report.

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 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.

3.0 Policy Implementation 2017-2018

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 Development Plan Document (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 64 planning applications for minerals and waste development determined between 1 April 2017 and 31 March 2018. All except three applications were approved. The policies referred to in the reasons for approval or refusals 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	Refusal
CS1	Minerals Extraction	9	0
CS2	Locations for Mineral Extraction	10	0
CS3	Waste Management Capacity	4	0
CS4	New Waste Management Capacity	6	0
CS5	Location of Waste Management Facilities	9	0
CS6	Waste Management Considerations	19	0
CS7	Recycling, Composting, Anaerobic Digestion and Waste Transfer Stations	15	0
CS8	Residual Waste Treatment	0	0
CS9	Inert Waste Landfill	0	0
CS10	Non-Hazardous and Hazardous Waste Landfill	0	0
CS11	Waste Water and Sewage Facilities	12	0
CS12	Whitlingham Waste Water Treatment Works	0	0
CS13	Climate Change and Renewable Energy	18	2
CS14	Environmental Protection	50	3
CS15	Transport	53	0
CS16	Safeguarding Sites	6	0
CS17	Secondary and Recycled Aggregates	1	0
DM1	Nature Conservation	37	0
DM2	Core River Valleys	4	0

Policy Number	Policy Description	Number of Times Used	
		Approval	Refusal
DM3	Groundwater and Surface Water	41	1
DM4	Flood Risk	46	1
DM5	Borrow Pits and Water Reservoirs	0	0
DM6	Household Waste Recycling Centres	1	0
DM7	Safeguarding Aerodromes	5	0
DM8	Design Local Landscape and Townscape Character	53	1
DM9	Archaeological Sites	10	1
DM10	Transport	55	0
DM11	Sustainable Development	6	0
DM12	Amenity	55	2
DM13	Air Quality	11	0
DM14	Progressive Working, Restoration and Afteruse	13	0
DM15	Cumulative Impacts	4	0
DM16	Soils	13	0

On 28 October 2013, the Norfolk Minerals Site Specific Allocations DPD and the Norfolk Waste Site Specific Allocations 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

No new planning permissions were granted for waste site specific allocations in 2017/18.

Minerals Site Specific Allocations DPD

No new planning permissions were granted for mineral site specific allocations in 2017/18.

3.2 Refused Applications

Three planning applications were refused approval due to non-compliance with policy in the period between 1 April 2017 and 31 March 2018.

Location/ Planning App. Ref.	Proposal	Policies used in grounds for refusal	
Land at Cross Bank Road, King's Lynn PE30 2HD C/2/2016/2011	Erection of anaerobic digestion facility (to process up to 14,000 tonnes of biomass/ slurry) including reception/office building and workshop, two digesters, two storage tanks, combined heat and power plant, energy crop storage area, and ancillary plant.	CS13 CS14 DM12	Climate change and renewable energy Environmental protection Amenity
Land at Cross Bank Road, Kings Lynn, PE30 2HD C/2/2017/2009	Erection of anaerobic digestion facility (to process up to 19,250 tonnes of biomass/ slurry) including reception/office building and workshop, two digesters two storage tanks, combined heat and power plant, energy crop storage area, and ancillary plant. Engineering works to resurface a section of the Byway open to all traffic.	CS13 CS14 DM4 DM8 DM12	Climate change and renewable energy Environmental protection Flood risk Design, local landscape and townscape character Amenity
SPC Atlas Works, Norwich Road, Weston Longville, NR9 5SL C/5/2015/5007	Resubmission of application for change of use from B8: Warehousing to a Sui Generis use for waste processing and the production of refuse derived fuel (RDF) with an annual throughput of 150,000 tonnes; installation of office, 2 x weighbridges and photovoltaic panels	CS14 DM3 DM9	Environmental protection Groundwater and surface water Archaeological sites

C/2/2016/2011 – Mikram Ltd, Land at Cross Bank Road, King's Lynn, PE30 2HD. Erection of anaerobic digestion facility (to process up to 14,000 tonnes of biomass/ slurry) including reception/office building and workshop, two digesters, two storage tanks, combined heat and power plant, energy crop storage area, and ancillary plant.

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

1. The application documentation has failed to enable determination of whether the proposed development during its construction and operation would be acceptable or whether it would result in an unacceptable impact on the safe use of Cross Banks Road in the Fisher Fleet and Dock areas. It is not possible to determine whether the benefits of the proposed development in terms of energy generated are outweighed by the impact on public safety and economic activity. The proposal is therefore

contrary to the requirements of policy DM20 of King's Lynn and West Norfolk Borough Council, Site Allocations and Development Management Policies Plan (September 2016).

2. The application documentation has failed to provide sufficient information of the construction phase of the development to enable determination of whether the amenity of local residents and businesses could be protected to an acceptable level during site construction. It is therefore not possible to establish whether the facility can be constructed in a manner which would satisfy the requirements of Policy DM12 of the Norfolk Core Strategy Minerals and Waste Development Management Policies DPD 2010-2026 (September 2011) and policies DM15 & DM20 of King's Lynn & West Norfolk Borough Council, Site Allocations and Development Management Policies Plan (September 2016).
3. The application site is in Flood Zone 3. The proposal fails to demonstrate the application of the sequential test i.e. assess whether any reasonably available alternative sites appropriate for the proposed development exist in any areas with a lower probability of flooding. The proposal also fails to satisfactorily justify locating the development in flood zone 3. Therefore, the proposed development is not justified in the flood zone and conflicts with policies CS01 & CS08 of King's Lynn & West Norfolk Borough Council, Core Strategy (June 2011) and policies CS13 & CS14 of the Norfolk Core Strategy and Minerals and Waste Development Management Policies DPD 2010-2026 (September 2011) and section 10 of the National Planning Policy Framework.

C/2/2017/2009 - Mikram Ltd, Land at Cross Bank Road, King's Lynn, PE30 2HD.
Erection of anaerobic digestion facility (to process up to 19,250 tonnes of biomass/ slurry) including reception/office building and workshop, two digesters two storage tanks, combined heat and power plant, energy crop storage area, and ancillary plant. Engineering works to resurface a section of the Byway open to all traffic.

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

1. The application documentation has failed to enable determination of whether the proposed development during its construction and operation would be acceptable or whether it would result in an unacceptable impact on the safe use of Cross Banks Road in the Fisher Fleet and Dock areas. It is not possible to determine whether the benefits of the proposed development in terms of energy generated are outweighed by the impact on public safety and economic activity. The proposal is therefore contrary to the requirements of policy DM20 of King's Lynn and West Norfolk Borough Council, Site Allocations and Development Management Policies Plan (September 2016).
2. The application documentation has failed to enable determination whether the proposed development during its operation would be acceptable or whether it would result in an unacceptable impact on the amenity of local residents and businesses. It is not possible to determine whether the benefits of the proposed development in terms of energy generated are outweighed by the impact on amenity. The proposal is therefore contrary to the requirements of policies CS14 & DM12 of the Norfolk Core Strategy Minerals and Waste Development Management Policies DPD 2010-2026 (September 2011) and policies DM15 & DM20 of King's Lynn & West Norfolk Borough Council, Site Allocations and Development Management Policies Plan (September 2016).
3. The application documentation has failed to provide sufficient information of the construction phase of the development to enable determination of whether the amenity of local residents and businesses could be protected to an acceptable level.

It is therefore not possible to establish whether the facility can be constructed and operated in a manner which would satisfy the requirements of policy DM12 of the Norfolk Core Strategy and Minerals and Waste Development Management Policies DPD (September 2011) and policies DM15 & DM20 of King's Lynn and West Norfolk Borough Council, Site Allocations and Development Management Policies Plan (September 2016).

4. The application site is in Flood Zone 3. The proposal fails to demonstrate the application of the sequential test i.e. assess whether any reasonably available alternative sites appropriate for the proposed development exist in any areas with a lower probability of flooding. The proposal also fails to satisfactorily justify locating the development in flood zone 3. Therefore, the proposed development is not justified in the flood zone and conflicts with policies CS01 & CS08 of King's Lynn & West Norfolk Borough Council, Core Strategy (June 2011) and policies CS13 & CS14 of the Norfolk Core Strategy and Minerals and Waste Development Management Policies DPD 2010-2026 (September 2011) and section 10 of the National Planning Policy Framework.
5. The applicant has not submitted sufficient detail of the materials to be used for boundary treatment, for BOAT construction to demonstrate that the proposed development would not have a negative impact on the localised landscape or will not protect or enhance the environment in which it sits. Therefore officers are unable to recommend approval or fully evaluate whether the proposed development is in accordance with Policy CS12 of King's Lynn and West Norfolk Borough Council, Core Strategy (July 2011), policies DM15 & DM20 of King's Lynn & West Norfolk Borough Council, Site Allocations and Development Management Policies Plan (September 2016) & Policy DM8 of the Norfolk Core Strategy and Minerals and Waste Development Management Policies DPD (September 2011) due to lack of information.
6. It is not clear whether the proposed development would affect the listed buildings on Cross Bank Road or their setting. Officers are therefore unable to conclude that there has been special regard to preserving the listed buildings or their setting. As such the proposal is considered to not be in accordance with the requirements of section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, the NPPF, policies CS01, CS12 of King's Lynn & West Norfolk Borough Council, Core Strategy (July 2011), DM15, DM20 of King's Lynn & West Norfolk Borough Council, Site Allocations and Development Management Policies Plan (September 2016) and CS14 of NMWDF (2011).

C/5/2015/5007 – Serruys Property Company Ltd, SPC Atlas Works, Norwich Road, Weston Longville, NR9 5SL. Resubmission of application for change of use from B8: Warehousing to a Sui Generis use for waste processing and the production of refuse derived fuel (RDF) with an annual throughput of 150,000 tonnes; installation of office, 2 x weighbridges and photovoltaic panels.

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

1. NMWDF policy DM3: *Groundwater and surface water* seeks to ensure that developments do not adversely impact on groundwater quality or resources, or surface water quality or resources. NMWDF policy CS14: *Environmental protection* states developments must ensure there are no unacceptable adverse impacts on biodiversity including internationally designated sites and species. Policy 1: *Addressing climate change and protecting environmental assets*, and Policy 2: *Promoting good design* of the Joint Core Strategy seek to design development to avoid harmful impacts on key environmental assets including special Areas of Conservation. Broadland Development Management Policy EN1:

Biodiversity and habitats seeks to ensure there are no adverse impacts on the water environment including the River Wensum designated as a SAC under Environmental legislation. Paragraph 120 of the National Planning Policy Framework (NPPF) states that planning decisions should ensure the effects of pollution on the natural environment, and the potential sensitivity of the area to adverse effects from pollution, should be taken into account. Whilst it is acknowledged that the site is allocated in the NMWDF Waste Site Allocations DPD, it is considered that this application has not sufficiently demonstrated that there would not be adverse impacts on the groundwater and surface water environment including the River Wensum SAC, which is located some 200 metres from the site, with regard to measures and safeguards to be employed, including drainage, and therefore the proposal is not considered to comply with these policies and the NPPF.

2. NMWDF Policy DM9: *Archaeological Sites* states development will only be permitted where it would not adversely affect the significance of heritage assets (and their settings) of national importance. Policy EN2: *Landscape* of the Broadland Development Management DPD states proposals should have regard to the Landscape Character Assessment DPD and, in particular, consider any impact on as well as seek to protect and enhance where appropriate inter alia Scheduled Ancient Monuments. Paragraph 134 of the National Planning Policy Framework (NPPF) states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. The application site is located south of the Tumulus in the Warren scheduled monument, a Bronze Age Barrow, this is considered of national importance. Whilst it is acknowledged that the site is allocated in the NMWDF Waste Site Allocations DPD, it is considered that the application as proposed would adversely impact the setting of the scheduled monument and sufficient public benefits have not been demonstrated to justify the less than substantial harm that would be caused to it. Accordingly, the proposal is considered contrary to these policies, and the NPPF.

3.3 Appeals

No planning appeals were determined in the period between 1 April 2017 and 31 March 2018.

3.4 Applications Approved Contrary to Policy

The following planning applications were granted approval contrary to policy in the period between 1 April 2017 and 31 March 2018:

C/2/2017/2003 – Warren Energy Ltd, Methwold Farm, Methwold, IP26 4DU

The proposal was a retrospective application to amend/expand the site area to accommodate a revised site layout including 2 no. lagoons, weighbridge office, site office, 2 no. containers and substation and a variation of condition 1 of planning permission C/2/2015/2032 to amend the approved site layout and plant elevations.

The application was advertised as a departure from the development plan because the site is located in the open countryside (outside any development boundary). However, in accordance with the National Planning Policy for Waste, Minerals and Waste Core Strategy Policy CS6: *General waste management considerations* states that unused and underused agricultural buildings and their curtilages will also be suitable in principle for waste management uses, subject to impacts on the rural environment being acceptable. The proposal was for the expansion of an existing permitted anaerobic digestion facility by 0.21 hectares to accommodate a revised site layout. Although advertised as a departure the application was later decided to be in accordance with the development plan due to being within the curtilage of an agricultural building and the proposal not having any unacceptable environment, amenity or highway impacts.

C/3/2016/3026 – Martyn Green Grab Hire, A47 Bypass site, North Tuddenham, NR20 3DE

The proposal was a retrospective application for the construction of a perimeter bund and proposed Waste Transfer Station and Material Recycling Facility to collect and sort inert waste (East site).

The application was considered to be a departure from Minerals and Waste Core Strategy Policy CS6: *General waste management considerations* because the application site is not an existing or allocated site for waste management, it is not an existing or allocated site for industrial or employment use, and it is not classed as brownfield or derelict land. Therefore, the site is not located on any of the suitable types of land specified in policy CS6 and is considered to be located in the open countryside on a greenfield site.

However, whilst not in accordance with all development plan policies identified it is considered there are material considerations to justify approval of the scheme. The application site is located on land that has been broken/ disturbed for a considerable period of time, the grant of planning permission would bring the retrospective application under planning control ensuring the site is sufficiently managed and utilized. The proposed application seeks to significantly improve visual amenity and landscaping on the site, and is in an appropriate location for highways access, and away from sensitive receptors. There are no material considerations that indicate that the application should be refused.

C/3/2016/3027 – Martyn Green Grab Hire, A47 Bypass site, North Tuddenham, NR20 3DE

The proposal was a retrospective application for the construction of a perimeter bund and operation of area of land as a Waste Transfer Station and Materials Recycling Facility to collect and sort inert waste (west site).

The application was considered to be a departure from Minerals and Waste Core Strategy Policy CS6: *General waste management considerations* because the application site is not an existing or allocated site for waste management, it is not an existing or allocated site for industrial or employment use, and it is not classed as brownfield or derelict land. Therefore, the site is not located on any of the suitable types of land specified in policy CS6 is considered to be located in the open countryside on a greenfield site.

However, whilst not in accordance with all development plan policies identified it is considered there are material considerations to justify approval of the scheme. The application site is located on land that has been broken/ disturbed for a considerable period of time, the grant of planning permission would bring the retrospective application under planning control ensuring the site is sufficiently managed and utilized. The proposed application seeks to significantly improve visual amenity and landscaping on the site, and is in an appropriate location for highways access, and away from sensitive receptors. There are no material considerations that indicate that the application should be refused.

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 2018.

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
Ensure steady and adequate provision of primary, and increasingly recycling and secondary minerals to meet requirements	CS1	Landbank for sand and gravel	Performance against these indicators will be reported in the Local Aggregate Assessment and Silica Sand Assessment
		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)		
	CS16	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)	Since the adoption of the Core Strategy: Only one major application has been approved on Mineral Safeguarding Areas in the face of sustained objections on mineral

Objective	Relevant policies	Indicator	Performance
		Proposed additional indicator of: Number of Neighbourhood Plans containing policies relating to mineral safeguarding.	<p>safeguarding grounds. Nineteen relevant planning permissions granted for housing contained conditions to require mineral assessment and prior extraction and reuse, there are also five applications to be determined where such a condition has been agreed. Seven applications were refused for other reasons, although a mineral safeguarding condition had been agreed.</p> <p>The following Neighbourhood Plans in force in Norfolk by the end of 2017 have addressed mineral safeguarding, and contain policies where appropriate: Cringleford, Strumpshaw, Sprowston, Acle, Great and Little Plumstead, Mulbarton, Brancaster, Brundall, Old Catton, Drayton, Blofield, Easton, Hellesdon, Mattishall, Rackheath, Salhouse, Walpole Cross Keys, North Runcton & West Winch, Yaxham.</p> <p>NCC considered that the NP for South Wootton (2015) did not meet the basic conditions test because it did not take into account Policy CS16 on mineral safeguarding. However, the Independent Examiner did not consider that any modification to the plan was required in this regard or make any reference to this policy in his report.</p>
	CS17	Number of district council LDFs containing a policy in accordance with CS17: use of secondary and recycled aggregates.	The Norfolk Minerals and Waste Core Strategy was adopted in September 2011. The following Norfolk Local Planning Authorities had adopted their Core Strategies before September 2011: North Norfolk, Breckland, King's Lynn & West Norfolk, Norwich,

Objective	Relevant policies	Indicator	Performance
			<p>Broadland, South Norfolk and the Broads Authority.</p> <p>North Norfolk and Breckland had adopted their Development Management Policies prior to September 2011 and the Broads Authority adopted their DM policies in November 2011.</p> <p>The following planning policy documents have been adopted since the Minerals and Waste Core Strategy:</p> <p>Norwich City's DM policies document (2014) does not contain a policy in accordance with CS17. Broadland's DM policies document (2015) contains policy GC4 which requires developments to make efficient use of resources and South Norfolk's DM policies document (2015) contains policy DM1.4 which refers to recycling building materials. Great Yarmouth's Core Strategy (2015) contains policy CS12 which promotes the use of secondary and recycled aggregates in all new non-residential developments. These policies are considered to be in accordance with CS17.</p> <p>King's Lynn and West Norfolk DM Policies and Site Allocations DPD (2016) does not contain a policy in accordance with CS17.</p> <p>Long Stratton AAP (2016) does not contain a policy in accordance with CS17, but development within Long Stratton would be covered by South Norfolk's Policy DM1.4.</p> <p>Broadland Growth Triangle AAP (2016) and Site Allocations DPD (2016) do not contain a policy in accordance</p>

Objective	Relevant policies	Indicator	Performance
			with CS17, but development within Broadland would be covered by Broadland's adopted Policy GC4.
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
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
Ensure mineral extraction and associated development and waste management facilities takes place as close as reasonably possible to where these	CS2 CS5 CS9 CS10	Location of allocation sites and distance from main settlements and market towns	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

Objective	Relevant policies	Indicator	Performance
resources are used, and then waste is treated as close as reasonably possible to where it is generated			<p>small scale composting.</p> <p>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.</p>
		<p>Distance of mineral extraction and associated development and waste management facilities from main settlements and market towns for which planning permission has been granted</p> <p>[This indicator has been monitored for planning permissions granted for new sites, not for changes to existing sites]</p>	<p>No new mineral extraction sites permitted in 2017/18.</p> <p>Waste applications 2017/18 – Four new waste management facilities. All are located in accordance with Policy CS5.</p>
Increase the use and availability of sustainable transport in accessing waste and/or minerals facilities	CS15 DM10	<p>Number of minerals and waste planning applications approved to utilise transport methods via road, rail or water</p> <p>[This indicator has been monitored for planning permissions granted for new sites, not for changes to existing sites]</p>	<p>No new mineral extraction sites permitted in 2017/18.</p> <p>Waste applications 2017/18 – Four new waste management facilities; all use road transport.</p>
Mitigate the adverse traffic impacts of mineral extraction and associated development and waste management facilities	CS15 DM10	<p>Number of reported accidents involving HGVs</p> <p>[This indicator is monitored in relation to all accidents in Norfolk]</p>	<p>2017/18 – 35 HGV accidents of which 3 were fatal and 10 were serious.</p> <p>Goods vehicles where the class has not been noted: 222 accidents of which 11 were fatal and 50 serious. As the class of goods vehicle has not been noted, these figures may include accidents involving HGVs. A change in the way collision data is reported by</p>

Objective	Relevant policies	Indicator	Performance
			Norfolk Constabulary has meant a reduction in data quality around the identification of the correct goods vehicle class.
		<p>Number of minerals or waste planning applications granted that involve highway infrastructure upgrades/improvements</p> <p>Number of mineral or waste planning applications granted that include direct access to corridors of movement</p> <p>[Trunk roads, such as the A11/A47/A10 and A class roads are designated as corridors of movement]</p> <p>[The original indicator has been split into two to improve the clarity of what is being reported]</p>	<p>No new mineral extraction sites permitted in 2017/18.</p> <p>Waste 2017/18 – 4 new waste management facilities. Two facilities access the corridors of movement, via an existing access' (A47). One other required highway infrastructure improvements in the form of an improved access road, and visibility splay.</p>
		Number of substantiated complaints concerning lorry traffic	2017/18 – 0 complaints
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	DM1 CS14 DM2	Number of minerals and waste sites within 5km of a Special Area of Conservation (SAC)	27 safeguarded mineral sites 44 safeguarded waste sites 33 safeguarded WWTWs
	DM8	Number of minerals and waste sites within 5km of a Special Protection Area (SPA)	12 safeguarded mineral sites 29 safeguarded waste sites 23 WWTWs
		Number of minerals and waste sites within 5km of a Ramsar site	12 safeguarded mineral sites 20 safeguarded waste sites 17 WWTWs
		Number of minerals and waste sites within 2km of a Site of Special Scientific Interest (SSSI)	36 safeguarded mineral sites 46 safeguarded waste sites 28 WWTWs
		Number of minerals and waste sites within 2km of a National Nature Reserve (NNR)	0 safeguarded mineral sites 4 safeguarded waste site 8 WWTWs

Objective	Relevant policies	Indicator	Performance
		Number of minerals and waste sites adjacent to a Local Nature Reserve	0 safeguarded mineral sites 1 safeguarded waste site 2 WWTWs
		Number of minerals and waste sites adjacent to a County Wildlife Site	20 safeguarded mineral sites 11 safeguarded waste sites 23 WWTWs
		Number of minerals and waste sites adjacent to a RIGS	1 safeguarded mineral site 0 safeguarded waste sites 0 WWTWs
		Number of minerals and waste sites within the Area of Outstanding Natural Beauty (AONB)	2 safeguarded mineral sites 3 safeguarded waste sites 6 WWTWs
		Number of minerals and waste sites within the Heritage Coast	Nil
		Number of minerals and waste sites within the Broads Authority Executive Area	1 safeguarded mineral site 2 safeguarded waste sites 4 WWTWs
		Number of minerals and waste sites within a Core River Valley	7 safeguarded mineral sites 7 safeguarded waste sites 12 WWTWs
		Number of minerals and waste planning applications refused on grounds of design or landscape	One application was refused on these grounds in 2017/18 (see section 3.2 of this report)
		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 WWTW
		Number of minerals and waste sites within or adjacent to Conservation Areas	6 safeguarded mineral sites 8 safeguarded waste sites 11 WWTWs
	Number of minerals and waste sites adjacent to listed buildings	15 safeguarded mineral sites 4 safeguarded waste sites 22 WWTWs	
	DM9	Number of archaeological sites adversely affected by minerals extraction and associated development or waste	No archaeological sites were adversely affected by new planning permissions for minerals extraction and

Objective	Relevant policies	Indicator	Performance
		management facilities.	associated development or waste management facilities in 2017/18.
	DM14	<p>Area of Biodiversity Action Plan (BAP) habitat lost to, or created by, minerals extraction and associated development and waste management activities</p> <p>[Amend indicator to refer to new permissions only and planned restoration]</p> <p>[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.]</p>	<p>No new mineral extraction sites permitted in 2017/18.</p> <p>Waste 2017/18 – four new waste management facilities. No BAP habitat will be lost.</p>
	DM14	% of mineral workings covered by progressive restoration schemes	No new mineral extraction sites permitted in 2017/18.
	DM11	<p>Number of applications demonstrating a good standard of design, use of sustainable materials and water efficient design</p> <p>[Amend indicator to refer to permissions instead of applications]</p>	<p>No new mineral extraction sites permitted in 2017/18.</p> <p>Waste 2017/18 – Four new waste management facilities. Policy DM11 was not considered to be applicable to the new waste management facilities permitted.</p>
Minimise soil and water contamination and flood risk arising from minerals and waste activities	CS14 DM3 DM4	Number of minerals and waste sites within groundwater Source Protection Zone 1	<p>3 safeguarded mineral sites</p> <p>5 safeguarded waste sites</p> <p>1 WWTW</p>
	CS13	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 2017/18 policy DM3 was listed in the reasons for approval 39 times.

Objective	Relevant policies	Indicator	Performance
		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 advice on flood risk grounds.
Reduce methane and CO2 emissions from mineral extraction and associated development and waste management facilities	CS13 CS8 DM11	% of methane emissions from landfill sites escaping into the atmosphere	Performance against these indicators will be reported in the Waste Data Monitoring Report
Contribute to the renewables obligation and targets for renewable energy by increasing the proportion of energy recovery from waste		% of methane emissions from landfill sites used in power generation	
		Renewable energy generation capacity at waste management facilities	
		Quantity of waste management through processes generating renewable energy	
		Number of minerals and waste operations securing at least 10% of their energy on site from renewable or low-carbon sources	No new mineral extraction sites permitted in 2017/18. Waste 2017/18 – Four new waste management facilities. None proposed the production of any renewable energy.
Ensure that minerals and waste facilities and transportation do not lead to AQMAs and that emissions are reduced	CS15 DM13	Number of minerals and waste management sites within an AQMA	None
		Number of AQMAs within Norfolk [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.]	Four – one in Norwich, one in Swaffham and two in King's Lynn which have all been declared for exceeding limits of nitrogen dioxide from traffic sources. The total area of all AQMAs in Norfolk is 284.7 hectares, the largest of which covers 274.6 hectares of Norwich City centre.
Mitigate adverse impacts on amenity resulting from mineral extraction and associated development and waste management facilities	CS14 DM12 DM10	Number of substantiated complaints about amenity impacts from minerals and waste activities	2017/18 – 14 complaints
	CS15 DM8	Number of non-minerals and waste planning applications granted by local planning authorities within safeguarded	No major applications were granted in the face of sustained objections on mineral resource

Objective	Relevant policies	Indicator	Performance
	DM15 CS7 CS12 CS11 CS16	<p><i>areas which are not exempt from Policy CS16 and do not take account of safeguarding.</i></p> <p>[Amend indicator to more accurately reflect Policy CS16 as detailed above]</p>	<p>safeguarding grounds.</p> <p>There were 11 non-minerals and waste planning applications on Mineral Safeguarding Areas in 2017/2018 where CS16 was relevant and the Mineral Planning Authority made an initial consultation response. Of these four have been granted, one refused, and the rest were not determined by end of May 2018. There was not a sustained mineral objection to the four applications that were granted.</p>

5. Conclusions

The key findings from the Monitoring Report for 2017/18 are:

Implementation of the Minerals and Waste Development Scheme

During the 2017/18 reporting period, the examination of the Single Issue Silica Sand Review of the Minerals Site Specific Allocations DPD continued, with the Inspector requesting additional information from Norfolk County Council and Historic England regarding Area of Search E. Following submission of this information a six week representations period took place, in July-September 2017, on the Inspector's proposed 'Main Modifications' to the Single Issue Silica Sand Review. Following the close of the representations period the Inspector's report was published in October 2017. The report concluded that, with the Main Modifications, the Single Issue Review was sound and legally compliant and recommended that it be adopted by Norfolk County Council. It was adopted by a meeting of Full Council in December 2017 and now forms part of the Minerals Site Specific Allocations DPD.

A revised MWDS was adopted on 24 March 2017. The revised MWDS reflects the changes to the timetable for the Silica Sand Review that occurred because of the decision to make modifications to the Pre-Submission document. This decision led to a three month delay in the submission of the Silica Sand Review.

Due to the work required on the modifications to the Pre-Submission version of the Silica Sand Review and the modifications required following the examination hearings for the Silica Sand Review, the timetable for the work on the Minerals and Waste Local Plan Review has slipped. This had a knock-on effect on all the other stages of the Local Plan Review. A 'call for mineral extraction sites' took place in July 2017 and the sites that were proposed were subject to an initial assessment.

Due to the differences between the adopted Scheme and the expected production dates of the Local Plan Review, a revised MWDS was prepared and was adopted by committee in May 2018.

The first public consultation stage on the Minerals and Waste Local Plan Review took place in Summer 2018. The next stage of the Review, the 'Preferred Options' is due to be published for consultation in Summer 2019.

Policy Performance

Three planning applications were granted approved contrary to policy during 2017/18.

No appeals were determined during 2017/18.

No planning permissions for minerals site specific allocations or waste site specific allocations were granted in 2017/18.

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

Policy CS2 – no permissions were granted for new mineral extraction sites in 2017/18.

Policy CS5 - four permissions were granted for new waste management facilities. All are located in accordance with policy CS5.

Policy CS13 – no permissions were granted for new mineral extraction sites. Permissions were granted for four new waste management facilities, none of them include the production of any on-site renewable 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 2017 to 31 March 2018. As an overview of performance achieved to date:

Levels of complaints received in 2017/2018 have remained at the previous level, with 47 received.

Planning applications received as a result of monitoring have remained at a high level with 45 out of a total 187 applications received and 7 discharge of condition applications out of a total of 59 received. The chargeable inspection regime continues to operate successfully with inspections generating £64,547, representing an increase of £4,005 over the previous year.

All complaints received have been actioned in 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.

Local liaison meetings remain at 8. Liaison meetings with other authorities are ongoing.

The remaining 2 landfill sites at Aldeby and Blackborough End have now stopped accepting non-hazardous waste, with five former sites restored satisfactorily. Surveys indicate a general compliance with agreed pre-settlement contour plans (Appendix 1).

The number of aftercare and long term management meetings relating to restoration have remained constant with 12 long term management meetings and 16 aftercare meetings.

Nine Breach of Condition Notices and one Planning Contravention Notice was served in 2017/2018 representing a decrease on the previous year. Two cases associated with the Proceeds of Crime Act 2002 were ongoing from previous years.

6.1 Introduction

This is the latest of the annual briefing notes 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.

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 figure 1). The effective resources used to monitor active sites are also helping to maintain the number of complaints at a low level (see figure 2).

6.3 Inspections

Over 573 programmed inspections were undertaken during 2017/2018 (see figure 1) and 67 inspections were undertaken as a result of ongoing complaint investigations (see figure 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 £64,547 (see figure 3). The chargeable fees set by the government for site inspections increased on 1st January 2018 from £331 to £397 per inspection of active sites and from £110 to £132 for dormant/mothballed sites. The income generated by the chargeable monitoring regime has increased by £4,005 on the previous year due to the increased fees.

Levels of complaints received have remained at the previous level of 47 with minerals and waste related complaints reducing to 40 and Regulation 3 complaints increasing to 7. However, many of these complaints require a number of investigation actions to fully resolve matters. A number of actions also in relation to pre-existing complaints at Manor Farm, North Runcton and Cornish Way, North Walsham continue to use disproportionate staff resources when responding with an appropriate response (see figure 2).

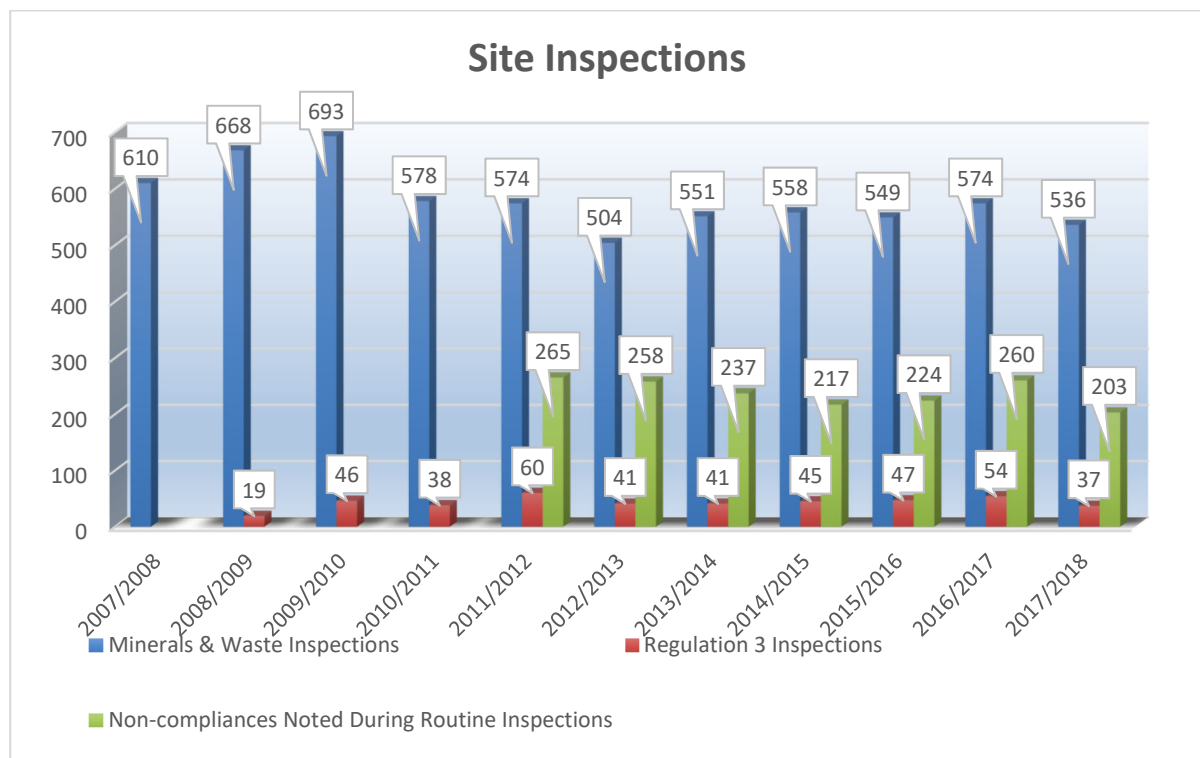


Figure 1

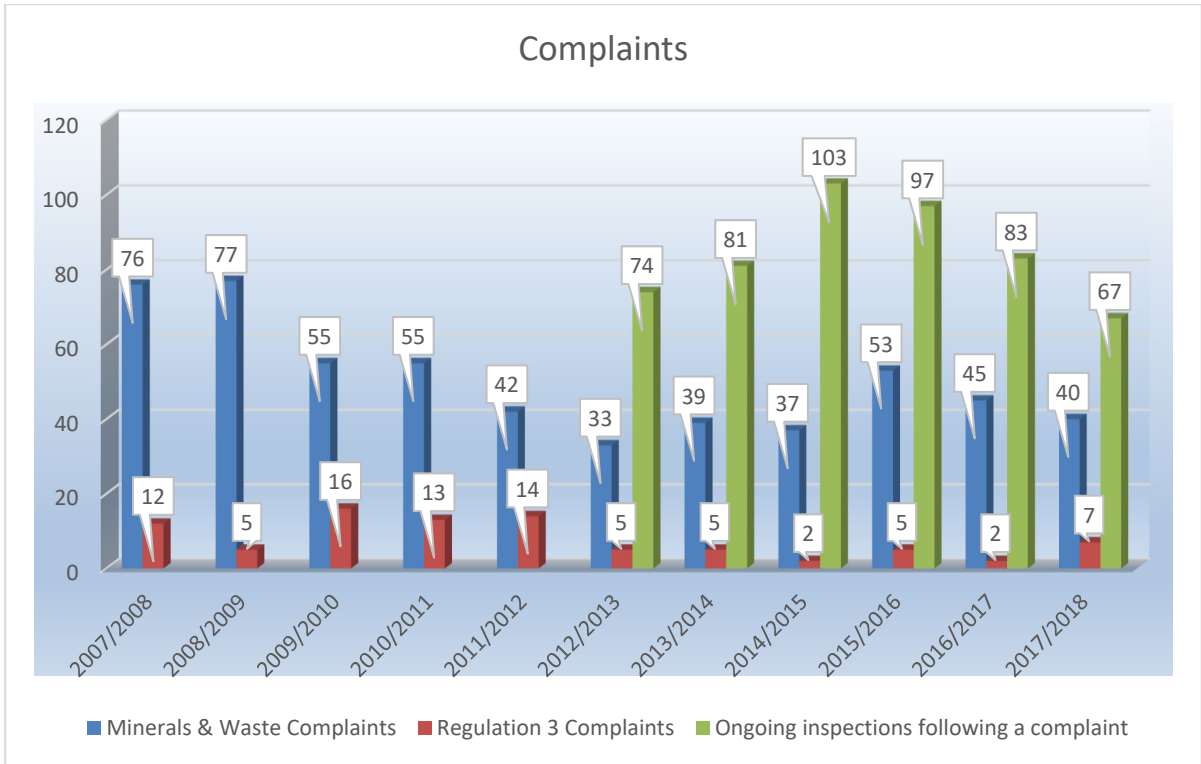


Figure 2

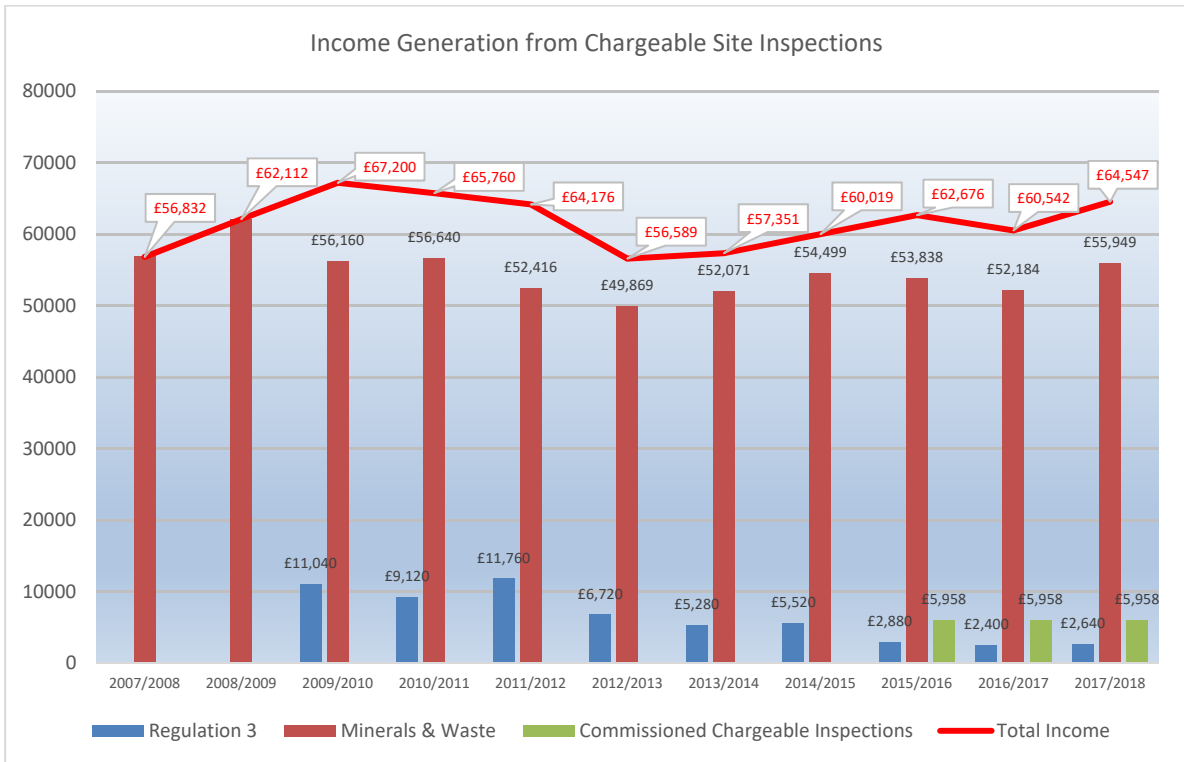


Figure 3

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 45 of the total 187 applications received and 7 discharge of condition applications out of a total of 59 received (see figure 4).

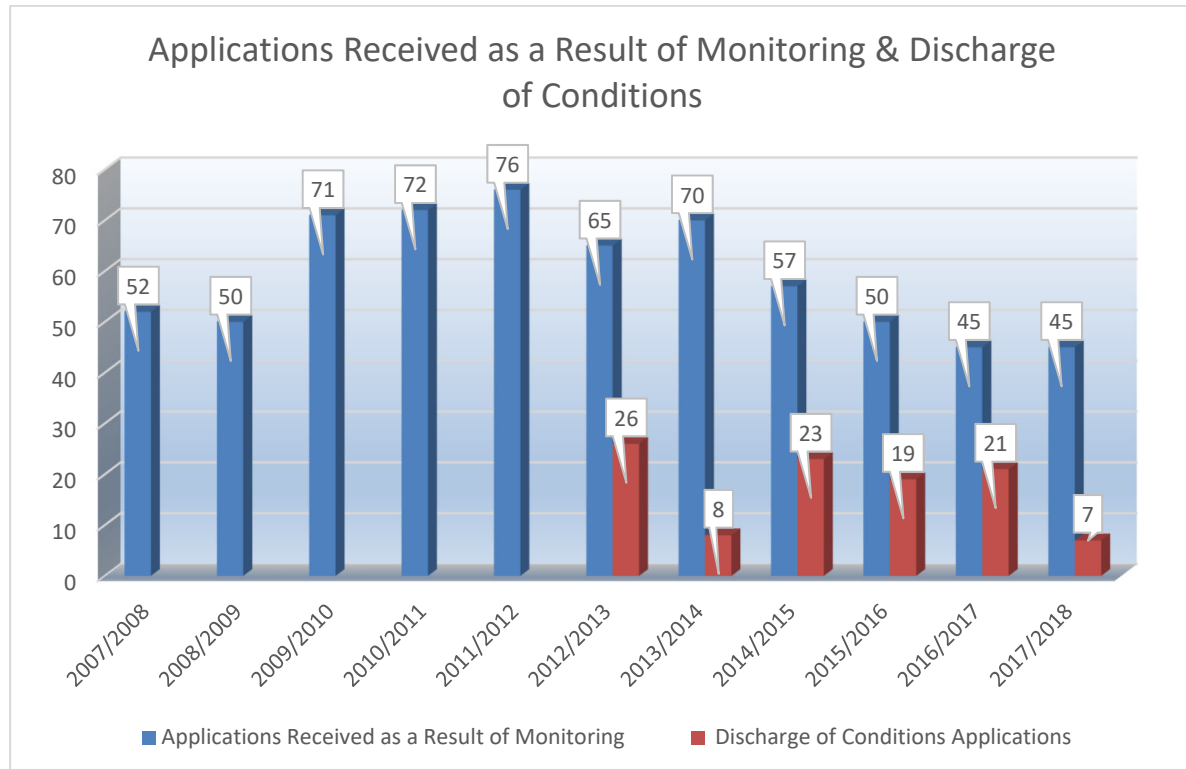


Figure 4

6.4 Monitoring of Non-hazardous Landfill Sites

The inspection programme together with the use of more modern survey equipment has helped identify more quickly those landfill sites that have been tipped above agreed contours. The information is enclosed in Appendix 1 of this report.

The NORSE Group have now completed the filling for the landfill site at Edgefield and the site now continues in the 5 year statutory care and maintenance period (aftercare). The remaining 'closed' landfills at 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 (see figure 5 below). 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. However, the proactive presence on site, together with regular inspections as part of a programme is continuing to forestall complaints to either maintain or reduce previous levels of complaint. This is further evidenced in figures 1 and 2.

It is acknowledged that fewer complaints, particularly in relation to minerals and waste sites allow for more resources for pro-active site monitoring. The monitoring team can now quantify matters that have been raised as a result of pro-active monitoring and this will continue in future updates (see figure 1).

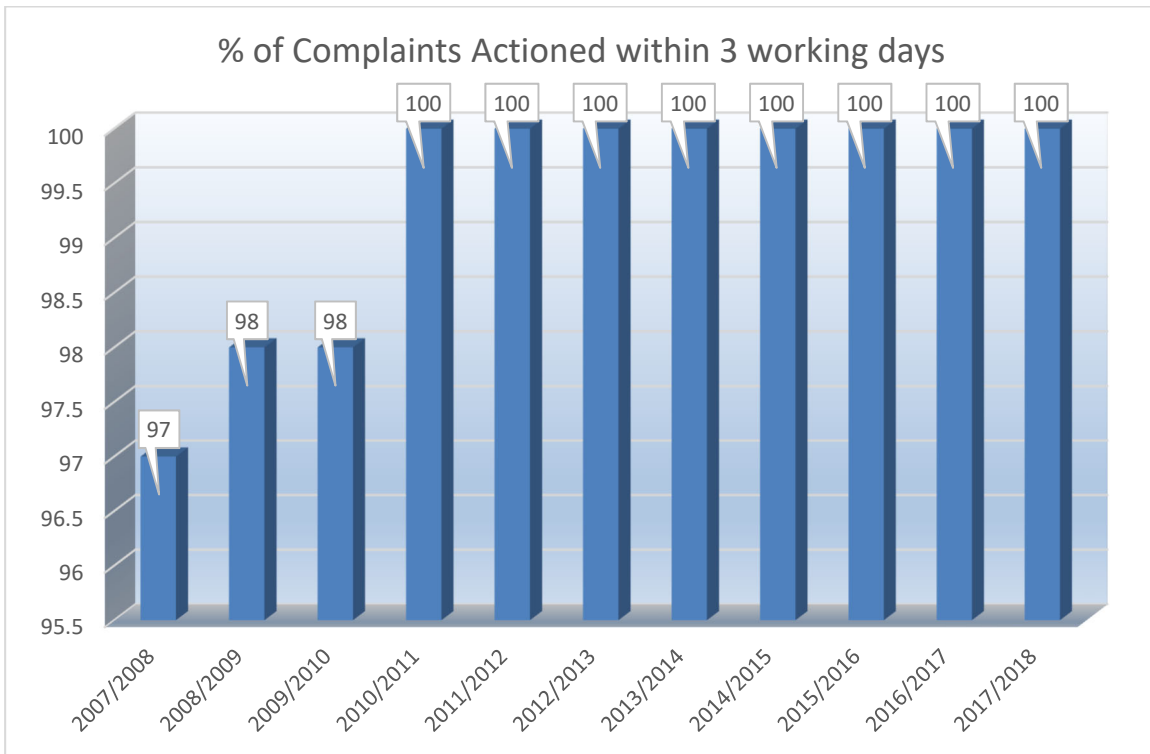


Figure 5

Since the inception of the new fees regime, the Council has maintained sufficient staff resources, to ensure that previous high levels of pro-active monitoring and all agreed chargeable visits are carried out. The fee income recovered to date contributes significantly to funding this resource. However, over the last three years the monitoring regime has sought to target those sites where there is a greater risk to the environment. The targeting of sites will help to maintain a regular but reduced site inspection regime.

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 are serviced by liaison meetings are shown below (see figure 6). These currently number 8 and include, Leziate, Coxford, Aldeby Landfill, Tottenham, Mangreen, Stody, Ketteringham and Stanninghall. Liaison meetings are also held on a regular basis with other authorities including the Environment Agency.

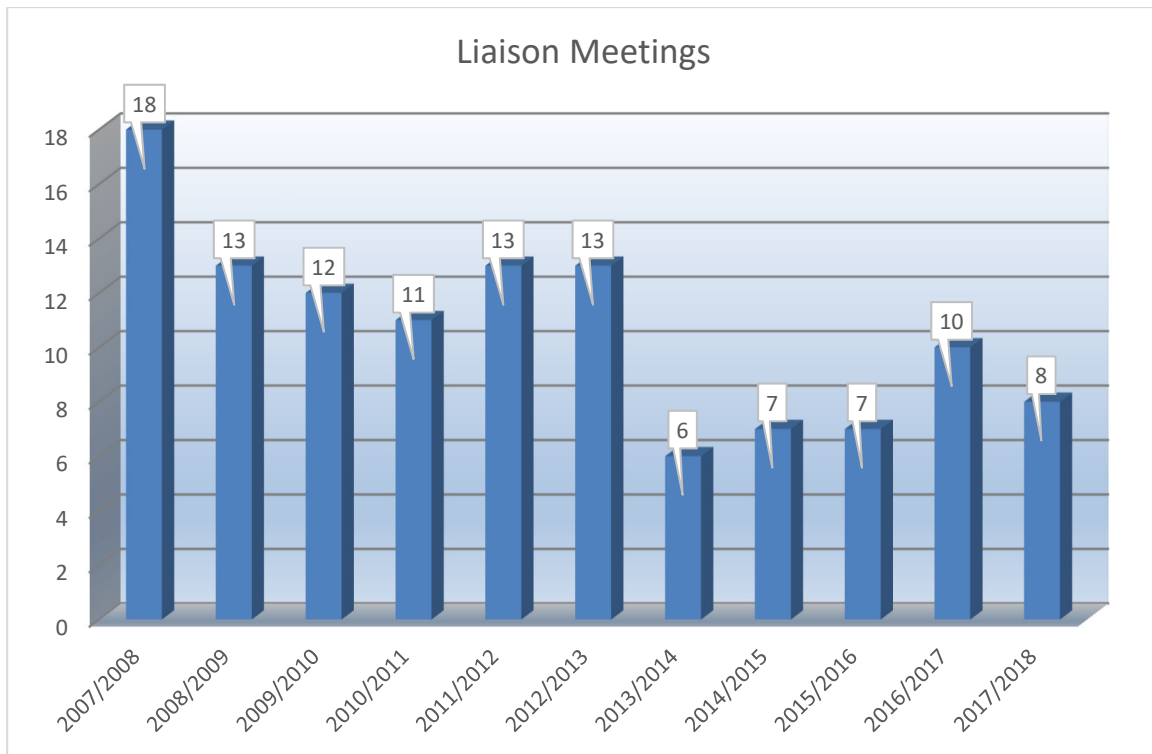


Figure 6

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 figures 2 and 5, 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.

It is acknowledged that a cost may be involved when operators seek to raise environmental standards. Good environmental practice can also save money. However, 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.

Nine Breach of Condition Notices and one Planning Contravention Notice were served in 2017/2018 (see figure 7).

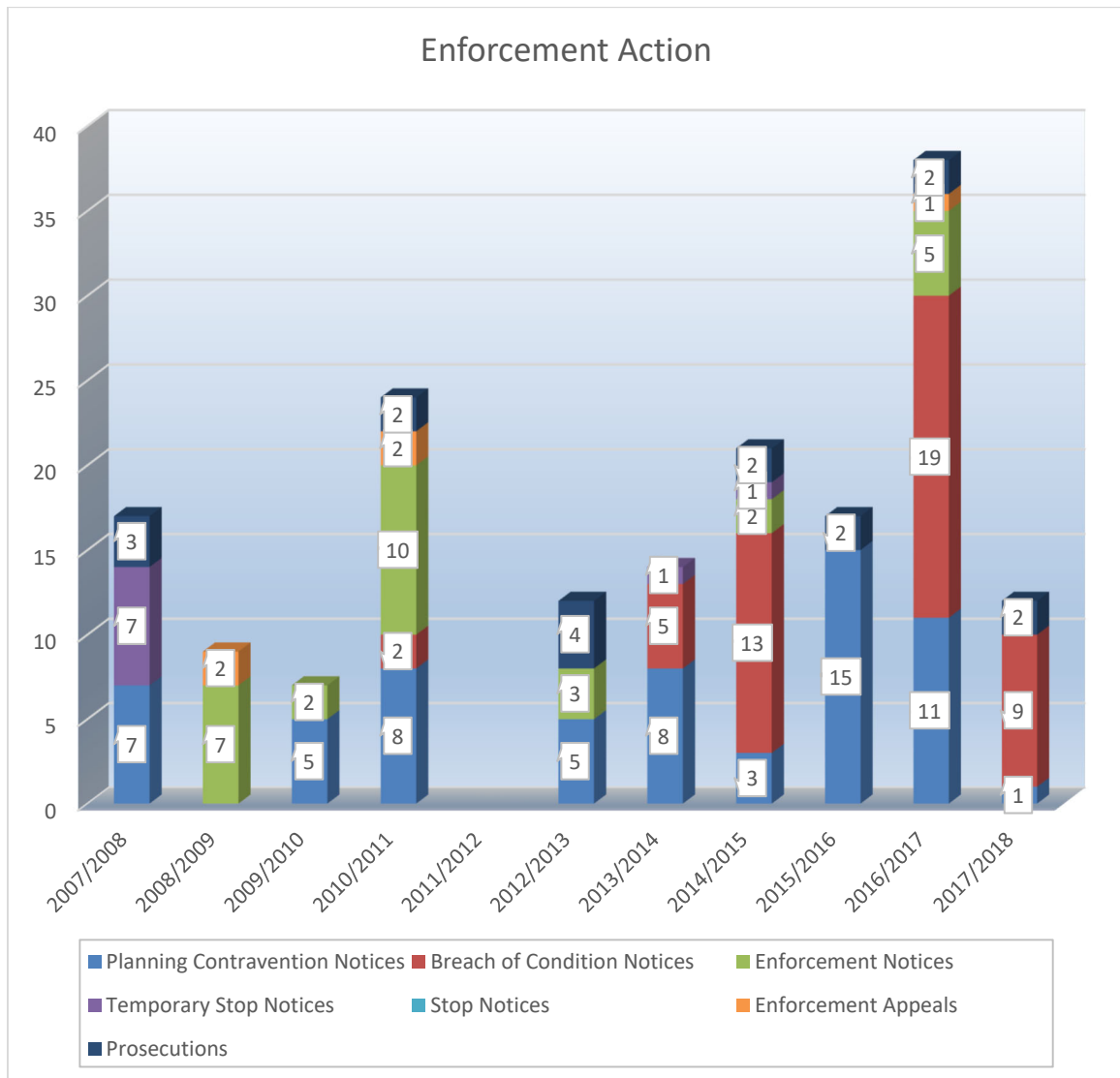


Figure 7

There were two ongoing prosecutions under the Proceeds of Crime Act 2002 relating a site at Strayground Lane, Wymondham and Manor Farm, North Runcton which have now been resolved.

Strayground Lane, Wymondham

In April 2012 Mark Broadbelt, Louise Chubb and Wymondham Quarry Ltd pleaded guilty at Norwich Magistrates Court to failing to comply with an Enforcement Notice served by Norfolk County Council. The Enforcement Notice related to unauthorised recycling activities taking place at the quarry in Strayground Lane, Wymondham. Using powers under the Proceeds of Crime Act 2002, the council then sought to recover money made by the defendants from the illegal activities.

On the 6 August 2018 at Norwich Crown Court a financial agreement was reached by the Council pursuant to the Proceeds of Crime investigation and Louise Chubb and Mark Broadbelt were each given a 12 month conditional discharge.

Wymondham Quarry Ltd has now been dissolved. The agreed financial settlement has now been paid to the County Council and this positive outcome should send a

clear message to others that funds that have been obtained as a result of criminal activity are subject to recovery, where possible, by the courts following a successful prosecution.

Manor Farm, North Runcton

On 17 March 2016 waste operator Mark Edward Fuller was sentenced to 15 months imprisonment for running an illegal waste site in North Runcton.

On 18 January 2017 Mark Fuller was released from prison. On 21 January 2017 the large stockpile of timber on the southern part of the site caught fire.

The fire was multi-seated and the cause of the fire is being investigated by the Police, Fire and Rescue Service and the Environment Agency. The fire is now extinguished.

At a hearing at King's Lynn Crown Court on 24 November 2017 two documents were signed comprising of Agreed Directions signed by His Honour Judge Radford and an Undertaking signed by Norfolk County Council and Mark Fuller.

Mark Fuller agreed a benefit figure of £233,445 and not to interfere with agents and employees of the council having access to the site for the purposes of carrying out a survey and valuation of the material on the site. If the council wished to recover treat or otherwise deal with material on the site Mr Fuller would enter a binding agreement to disclaim all rights that he had over the material.

Stockpiles of material on the site had a value and contractors were invited to tender for clearance of the site. The provision of information was advertised in the Official Journal of the European Union (OJEU) and emails were sent to 27 contractors who the council believed may be able to undertake the work. Four contractors inspected the site accompanied by council officers. The site is classed as hostile. One contractor put in an unrealistic estimate for site clearance and the other contractors declined to tender for the work sighting concerns relating to safety of plant and personnel.

On 17 August 2018 at Norwich Crown Court Mark Fuller agreed a benefit figure of £233,445. His Honour Judge Bate agreed a confiscation order of £1 and thanked the officers for their 'utmost diligence' in dealing with this case.

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. Aftercare inspections and meetings, largely concerning agricultural restorations, form a significant proportion of monitoring activity, particularly during the March/May period.

Management meetings are often associated with legal agreements, where restoration is required beyond the statutory 5 years. Sites that are subject to ongoing site management currently number 12, but it is expected that this number will increase as biodiversity initiatives and general nature conservation replace agriculture on some sites. Management meetings normally take place during spring and summer each year.

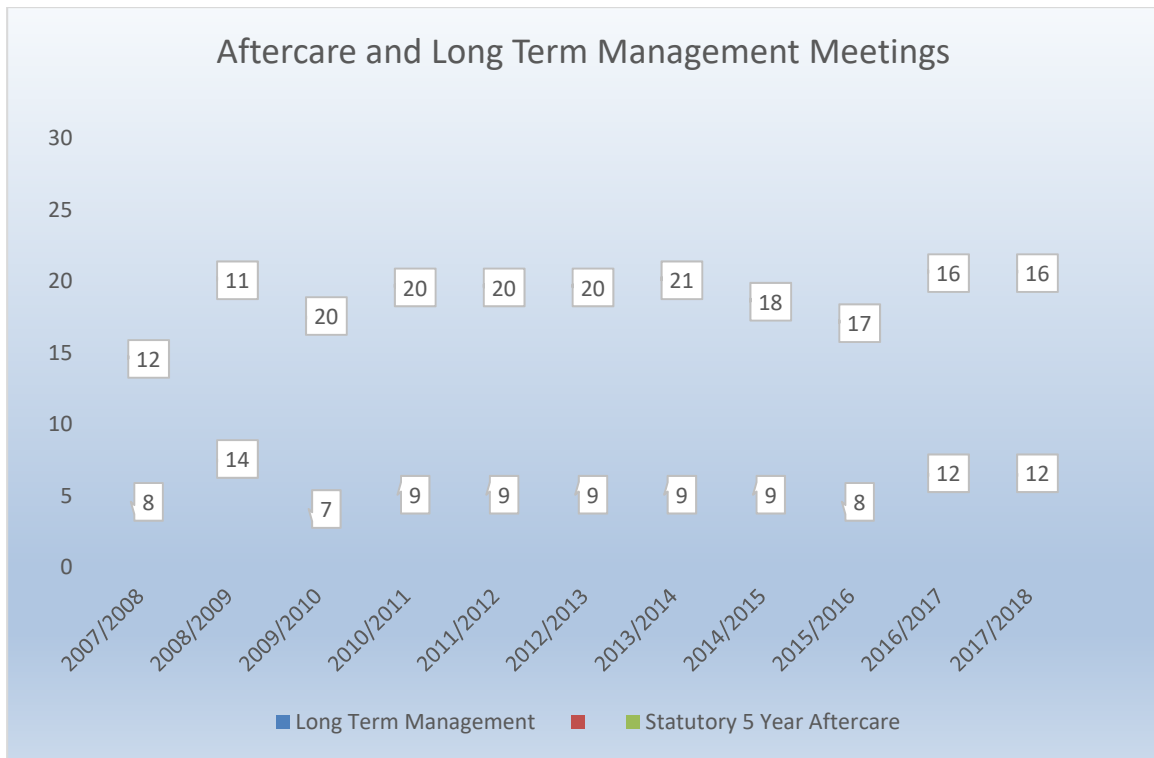


Figure 8

APPENDIX 1- Landfill sites progress

Aldeby – FCC

A planning application was approved in October 2014 to provide for the revised newly formed site contours. Capping and restoration using imported soils are ongoing in order to complete restoration by July 2018. A local liaison group will continue to meet until the restoration works are substantially complete. A further survey would be required this year to check that the site has been filled to the agreed level.

Feltwell – FCC

The site is currently moth-balled and in 'care and maintenance'. This has necessitated the import of soils to complete the capping and restoration of phase 2. A further survey would be required this year to check that the last landfilling phase has been completed to level.

Blackborough End - FCC

The currently agreed 'domed' restoration scheme was approved on appeal. However, surveys carried out over the last two years have indicated non-compliance with the pre-settlement plan. A planning application was received in March 2018 to vary the restoration contours to include a 'valley' feature running in an east-west direction, and is currently being determined. Landfilling progress was completed in cell 12, when it was decided to suspend any further landfilling. Capping and restoration works using imported soils are ongoing in order to complete the last phase of filling. A survey has been undertaken which indicates the last landfilling phase has been completed to level.

Blackborough End – W M George

A Breach of Condition Notice (BCN) to prevent the import and disposal of any further waste remains in force. Failure to comply with this notice would lead to prosecution in the magistrates' court.

Attlebridge – BIFFA Waste Services Limited

Landfilling has been completed, with previous surveys indicating compliance with the approved scheme. Part of the site is now in the five year aftercare and management period.

Stoke Ferry – Pearsons and Formerly Acacia waste, north and south of the A143 respectively

The northern site has settled over a number of years since landfilling was completed, and is less intrusive in the surrounding landscape. Grass cutting takes place on a regular basis.

The southern site has now been restored and has entered the five year aftercare and management period.

Mayton Wood – Norfolk County Council Waste Management

Landfilling has been completed, with surveys indicating compliance with the approved scheme. The site has now completed the five year aftercare and management period.

Edgefield - NEWS

Landfilling has been completed with surveys indicating compliance with the approved scheme. Final seeding and planting has been completed and the site is currently in year three of the five year aftercare and management period.

Planning applications were approved to retain the existing site cabins for use associated with the site and fencing on the northern aspect. A northern perimeter road will remain for use associated with the landfill gas plant.

Beetley, Costessey and Docking

Landfilling has been completed, with surveys indicating compliance with the approved scheme. These sites have now successfully completed the five year aftercare and management period.

Permission was granted in February 2018 for 'Variation of condition 1 of planning permission re. C/7/2002/7022 to extend use of landfill gas compound at Costessey until 31 December 2030.

A retrospective application for the retention and continued use of a temporary Landfill Gas Utilisation facility and flare stack until December 2030, at Costessey, was granted in June 2018.

The office accommodation on Costessey has been retained and will require planning permission.

Snetterton - Norfolk County Council Waste Management/NEWS

Putrescible landfilling on the site has ceased. The agreed contour plan indicates that the whole site will be filled. However, due to changes in legislation this is not now achievable. Alternative methods of restoration of the site are being considered.