

BRECKLAND COUNCIL

Report of the Deputy Chief Executive to Development Control Committee – 23rd November 2009

NORFOLK MINERALS AND WASTE LOCAL DEVELOPMENT FRAMEWORK, SITE ALLOCATIONS ISSUES AND OPTIONS (PREFERRED OPTIONS) CONSULTATION

1. Purpose of Report

- 1.1 This report informs Members of the content of the current consultation on the Norfolk Minerals and Waste Development Framework. Norfolk County Council is currently consulting on a further draft of its Minerals and Waste Site Allocations document. As the Local Planning Authority, Breckland Council is a statutory consultee in the formation of the Minerals and Waste Development Framework. This report summarises the content of the document and provides an officer's recommendation of Breckland's response to the consultation. The consultation documents together sum up to around 500 pages and are not reproduced with this report. However, the appendices to this report summarise what Breckland Council said at the previous consultation stage, considers the County Council's response and whether there is agreement with the County assessment. All the consultation documents and supporting evidence can be viewed on-line at www.norfolk.gov.uk

2. Recommendation(s)

It is recommended that:

- 2.1 Members views are requested and that subject to any amendments that the comments and recommendations listed in the proposed response column of Appendices B and C of this report form Breckland Council's response to the Minerals and Waste Local Development Framework consultation.

Note: In preparing this report, due regard has been had to equality of opportunity, human rights, prevention of crime and disorder, environmental and risk management considerations as appropriate. Relevant officers have been consulted in relation to any legal, financial or human resources implications and comments received are reflected in the report.

3. Information, Issues and Options

3.1 Background

- 3.1.1 Under the Planning and Compulsory Purchase Act 2004 County Councils retain the role of Minerals and Waste Planning Authority. Part of this responsibility is to prepare a Minerals and Waste Local Development Framework (MWLDF) which has two functions: (1) to plan for how much waste is produced in the County and how it is dealt with; and (2) how much mineral extraction is needed. Both these issues are critical in the context of the growth in Norfolk up to 2021 as provided for in the Regional Plan. The scale of growth is 78,700 new homes (including 15,200 in Breckland) and this will result in a County population growth from 824,200 in 2005 to 871,300 in 2021. At one end aggregates will be needed as raw materials to deliver the new homes and infrastructure and at the other end waste production needs to be carefully managed and dealt with.
- 3.1.2 The County Council started work on its MWLDF in 2005. This is the second 'Issues and Options' consultation produced by Norfolk County Council in preparing the Minerals and Waste Site Allocations Development Plan Document (DPD). It is currently expected that the Minerals and Waste Site Allocations document will be

submitted for independent inspection by the Government in late 2010.

3.1.3 The East of England Plan requires Norfolk to plan for 2,980,000 tonnes per annum of land won sand and gravel and 200,000 tonnes per annum of land won carstone. The East of England Plan estimates that Norfolk will have to manage the following annual tonnages of Municipal Solid Waste, and Commercial and Industrial Waste:

- 2,080,000 between 2005/06 and 2010/11
- 2,260,000 between 2010/11 and 2015/16
- 2,560,000 between 2015/16 and 2020/21

3.1.4 The Mineral's and Waste Core Strategy sets out the policies to deliver these Minerals apportionments and manage the estimated tonnages of waste. The Minerals and Waste Site Allocations document will identify what areas of land will deliver the annual mineral requirements outlined in the Minerals and Waste Core Strategy and what areas of land will manage the waste that the county will produce as outlined in the Minerals and Waste Core Strategy.

3.1.5 These consultation documents seeks comments on previous sites as well as new sites that were submitted into the process since the last consultation in 2008. As a result of the previous consultation, some sites have been withdrawn or have been amended either in terms of the site area or proposed uses within the site. Members should note that this consultation document differs from the previous version as each site has now been given one of three broad classifications. These are as follows:

- Acceptable – Meets the requirements of national, regional and local policy and subject to controls can be developed without harm to environmental, economic or social impacts.
- Potentially acceptable – Could be acceptable subject to conditions/ controls or amendments which may make the site acceptable. This could include amendments to site area, proposed uses or changes to access etc.
- Not acceptable – Sites do not accord with national, regional and local policy and cannot be developed without causing unacceptable harm to environmental, economic or social impacts.

3.1.6 Therefore, the documents are, in effect, a further refinement of the work undertaken in 2008 and now adds a helpful layer of further analysis to each of the sites proposed. Therefore, this report seeks to advise Members of any significant departures from previous comments made and recommended responses, and invites comments on the new sites submitted.

3.2 Issues

Summary of Norfolk Minerals Site Allocations Development Plan Document Preferred Options Consultation

3.2.1 This document outlines a number of sites proposed for minerals extraction within Breckland administrative area. There are now a total of 32 sites proposed for minerals extraction in Breckland over the period to 2021 as a result of some sites being withdrawn and new sites being proposed. Of these, 5 are considered by Norfolk County Council as 'acceptable', 8 potentially acceptable and 19 not acceptable.

3.2.2 Appendix A lists all of the proposed sites in Norfolk County Council's Minerals Site Allocation Issues and Options Consultation Document, together with Norfolk County Council's comments on the site and Capita suggested comments and recommendations.

3.2.3 In considering the 5 sites that are considered 'acceptable' by Norfolk County Council,

2 sites (Beetley MIN 08 and 13) were previously supported by Breckland Council at the last consultation stage in 2008 and no further comments are necessary. A further site at Longham (MIN 67) was not supported by Breckland in 2008 but has since been the subject of a resolution to grant Planning Permission. As such, this resolution effectively limits the opportunity for Breckland to substantiate a further objection to this use as the principle of extraction has been accepted by the minerals planning authority. Finally, 2 other sites in Shropham have been considered acceptable by the County Council. These sites are located in River Valley landscape character areas as identified by Breckland Council. These character areas are afforded a high level of protection in the emerging (sound) Breckland Core Strategy document. It is considered that an objection be raised against the classification of these sites as 'acceptable' due to harm that minerals development will have on this particularly sensitive landscape character area. This will ensure that the approach taken by the County Council has due regard to local Planning Policies.

- 3.2.4 Of the sites identified as 'potentially acceptable' it is considered that the County Council assessments of MIN 23, 68, 50, 108 and 110 are not supported. There are concerns that the assessment of these sites in a number of cases, looks too positively towards potential mitigation/ enhancement that may not be delivered. This is particularly notable where sites require a Habitats Regulations Assessment to ensure they do not harm European Habitats and Species. There are also concerns that some of these sites are not acceptable on landscape grounds and objections should be made or previous concerns reiterated.
- 3.2.5 There are also 5 minerals sites which are new to this consultation and a where a comment is recommended. These are referenced MIN 35, 60, 63, 109 and 116. In the case of these five sites, only the assessment of MIN 109 is not supported. The remaining 4 sites are considered 'not acceptable' by the County Council and these assessments are supported for the reasons outlined in Appendix A.

Summary of Norfolk Waste Site Allocations Development Plan Document Preferred Options Consultation

- 3.2.6 This document shows all of the sites promoted to Norfolk County Council by land owners, developers and their agents for waste developments. The comments that Norfolk County Council receive on these sites will help formulate their submission minerals and waste site allocations, which will be published in 2010/11.
- 3.2.7 A total of 24 waste sites have been put forward to Norfolk County Council, within Breckland's administrative area. Of these, 5 of the sites have been classified as 'acceptable', 8 'potentially acceptable' and a further 11 as 'not acceptable'.
- 3.2.8 Appendix B lists all of the proposed sites in Norfolk County Council's Waste Site Allocation Issues and Options Consultation Document, together with Norfolk County Council's comments on the site and Capita suggested comments and recommendations.
- 3.2.9 Of the 5 sites categorised as 'acceptable', sites WAS 06 and 47 are in alignment with Breckland Council's previous comments and are endorsed on that basis. However, it is recommended that further comments and objections are raised to the assessments of sites WAS 01, 09 and 19 in this category. The assessment of site 01 is considered to be inconsistent with the assessment of adjoining sites in Beetley. Site 09 in Longham would result in intrusion into the rural area and was not previously supported and there has been no material change in status that would lead to a different view on this occasion. Finally, site WAS 19 may compromise Breckland Council's strategic vision for the Snetterton Heath employment area and if allocated for additional waste activities, may compromise options for the emerging Area Action Plan.
- 3.2.10 Of the 8 potentially acceptable sites, WAS 84 raises concerns regarding the impact of significant additional traffic in this area if used as a Household Waste Recycling Centre, and WAS 80 (Shropham) is likely to result in harm to a river valley Landscape Character Area which is given a high level of protection in the emerging

Breckland Core Strategy.

- 3.2.11 In reviewing the assessments of the 11 'not acceptable sites' for waste developments, it is considered that these 11 sites have been appropriately categorised as 'not acceptable' although some additional reasons for their unsuitability have been included.
- 3.2.12 It should be noted that a number of waste sites have also been promoted for mineral extraction, and the waste proposals would form fill post-extraction. However, all comments made in the Appendices to this report consider each use on their own merits.

Adjacent Minerals and Waste sites

- 3.2.13 At the previous stage of consultation a number of comments were raised on sites within adjacent authorities' administrative areas that may affect Breckland. At this stage, it is proposed only to comment on those where there is a divergence between the Council's previous comments and the current assessment.
- 3.2.14 Previous objections were made to site MIN 34 at Methwold due to likely harm being caused to the Breckland SPA. The latest NCC assessment categorises this site as 'acceptable' and it is recommended that objections are raised as previously. There is no indication that the site can satisfy a Habitats Regulations Assessment (HRA) and it is considered that this should be reclassified to 'not acceptable' unless an HRA can be passed in order to avoid harm to the SPA.

Next Steps

- 3.2.15 The next stage of the process will require Norfolk County Council to identify the final sites for allocation. At this stage Norfolk County Council will be seeking representations on the soundness of this final document. It is expected that this stage will take place later on in 2010 after the adoption of the Minerals and Waste Core Strategy.
- 3.2.16 The Council will be consulted on the final document as a statutory consultee.

3.3 Options

- 3.3.1 Respond to Norfolk County Council's consultation documents using the Officer comments in Appendices A, B, C and D of the Report subject to any additional comments from the committee.
- 3.3.2 Do not respond to Norfolk County Council's consultation.

3.4 Reasons for Recommendation(s)

- 3.4.1 To enable Breckland Council's views be recorded and to inform the preparation of the submission Minerals and Waste Strategy for Norfolk.

4. Risk and Financial Implications

4.1 Risk

- 4.1.1 I have completed the Risk Management questionnaire and this report does not require a risk assessment because the changes/issues covered by the recommendations are not significant in terms of risk.

4.2 Financial

- 4.2.1 None

5. Legal Implications

- 5.1 None

6. Other Implications

- a) Equalities: None
- b) Section 17, Crime & Disorder Act 1998: None
- c) Section 40, Natural Environment & Rural Communities Act 2006: Where there is a conflict with the integrity of statutory protected sites and the amenity of rural communities this has been raised in the responses provided in Appendices A, B and C to the Report.
- d) Human Resources: None
- e) Human Rights: None
- f) Other: [e.g. Children's Act 2004]

7. Alignment to Council Priorities

7.1 This report aligns to the following Council priorities:

- A safe and healthy environment
- A well planned place to live which encourages vibrant communities

8. Ward/Community Affected

8.1 All Wards are affected.

Background Papers

Norfolk County Council Minerals and Waste LDF Site Allocations Issues and Options (Preferred Options) consultation and supporting evidence (available at www.norfolk.gov.uk)

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Key Decision Status (Executive Decisions only):

This is not a Key Decision

Appendices attached to this report:

Appendix A - Comments on the Norfolk Mineral's Issues and Options consultation document

Appendix B – Comments on the Norfolk Waste Issues and Options consultation document

Appendix C – Adjacent Sites to Breckland