

Planning Committee

11 November 2022

Agenda item number 11

Consultation responses

Report by Planning Policy Officer

Summary

This report informs the Committee of the officer's proposed response to planning policy consultations received recently, and invites members' comments and guidance.

Recommendation

To note the report and endorse the nature of the proposed response.

1. Introduction

- 1.1. Appendix 1 shows selected planning policy consultation documents received by the Authority since the last Planning Committee meeting, together with the officer's proposed response.
- 1.2. The Committee's comments, guidance and endorsement are invited.

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Date of report: 27 October 2022

Appendix 1 – Planning Policy consultations received

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Norfolk County Council

Document: [Pre-submission Norfolk Minerals and Waste Local Plan \(PDF | norfolk.gov.uk\)](#)

Due date: 11 November 2022

Status: Pre-submission

Proposed level: Planning Committee endorsed

Notes

The letter from Norfolk County Council accompanying the consultation states:

“We are preparing a Norfolk Minerals and Waste Local Plan Review, to consolidate the three [adopted DPDs](#) into one Local Plan, ensure that the policies within them remain up-to-date and to extend the plan period to the end of 2038.

The national Planning Practice Guidance states that most local plans are likely to require updating in whole or in part at least every five years. The requirement for a planned five-yearly review was incorporated into the adopted Minerals and Waste Core Strategy.

The current adopted plan period is up to the end of 2026; the review will extend this plan period up to the end of 2038 to ensure consistency with the other plans being developed by the Local Planning Authorities in Norfolk.

Once adopted, the Norfolk Minerals and Waste Local Plan Review will contain the policies used to determine planning applications for mineral extraction and associated development and waste management facilities in Norfolk.”

Proposed response

Summary of response

There are some concerns about two sites that are allocated as well as some other concerns relating to light pollution, the setting of assets and the Broads as well as identifying some areas that need to be more internally consistent.

Main issues

Policy MW1 Development Management Criteria

- It is good that light pollution is mentioned in terms of amenity, but situations could arise where a site is isolated and there would be no impacts on amenity, but light pollution could be caused. The policy needs to consider the impact of light pollution in all instances – on people, landscape, dark skies, wildlife. The current wording is narrow in scope - only impact on people (amenity). Addressing light pollution is not necessarily about not having lighting, but a good design, doing what is needed at the right intensity and for as long as needed. Particularly in or near the Broads which have intrinsically dark skies. Another criterion needs to be added that specifically talks about light pollution. Para 6.12 is very

good, but that is not policy. And the policy it links to, as worded, means that schemes that have external lighting that does not cause amenity issues fall through the gap. Noting our comments on para 6.16 (below), lighting needs to be fully justified as well.

- MW1 part i – to be consistent with the NPPF, this criterion needs to mention the impact on the setting of these assets as well as on the assets themselves.
- Paragraph 6.16 – bullet point on lighting – needs to say more – it is about justifying the need for light in the first place, designing light so it is shielded and pointing down, of the right intensity for the job and only on when needed. This paragraph is a good start, but does not go far enough and as per the comments earlier, Policy MW1 needs to be wider than the impact of light on amenity.

Policy WP2 Spatial Strategy for waste management facilities – STRATEGIC POLICY

- This policy says ‘New or enhanced waste management facilities should be located within five miles of one of Norfolk’s urban areas or three miles of one of the main towns and be accessible via appropriate transport infrastructure, subject to the proposed development not being located within: the Broads Authority Executive Area or the Norfolk Coast Area of Outstanding Natural Beauty, other than in exceptional circumstances and where it can be demonstrated that the development is in the public interest’. (my emphasis)
- Elsewhere, throughout the document, the stance is no minerals and waste sites within the Broads, yet this policy says they could be.
- A look at the maps suggests that there are no settlements that need a facility within the AONB or Executive Area to achieve the 3 miles/5 miles criteria; as such, why is this criterion needed?
- If this part of the policy is to be kept in, we request there is reference to the need for close working with the Broads Authority.
- We also request that any proposals would need to demonstrate no alternative sites are available.

WP16 Design of waste management facilities

- Uses the word ‘should’. This is a weak term and all other policies before use the term ‘will’ – why is this wording used in this policy and why is it different to other policies?
- Does WP16 repeat MW1? If they are both needed, then WP16 needs to refer to impact on the Broads and AONB and their setting.
- Should it cross refer to MW1 like lots of other policies do?

MP5 Core River Valleys

- This policy does not mention impact on the Broads or its setting and does not cross refer to MW1 like other policies do.
- For consistency, this policy needs to refer to the Broads and/or cross refer to MW1.

MP10 Safeguarding of port and rail facilities, and facilities for the manufacture of concrete, asphalt and recycled materials – STRATEGIC POLICY

- This policy uses the term ‘should’ in relation to the submission of a Minerals Infrastructure Impact Assessment. The rest of the policy uses ‘will’ for example. It seems that this assessment is essential, but the policy using the term ‘should’ implies it is not. Why is there difference in wording in this policy when compared to others?

Min 65 land north of Stanninghall Quarry

- It is noted that this site has planning permission and the plan may not include this policy if the scheme has started.
- The site could potentially have adverse effects on the Broads and setting of the Broads in terms of scale, and proximity in relation to the numbers of visitors to attractions and facilities in Horstead/Coltishall area – this needs to be addressed by the LVIA.
- The Site Characteristics para states *could be extracted within 13 years*. It is not entirely clear whether this refers to the proposed site only or the proposed plus existing sites. Clarification is required as the timescale clearly influences the duration of effects.
- M65.6 Landscape states: *it should be possible to design a scheme of working, incorporating screening*. However, the plan does not show any screening (only areas of Buffer). Some of the northern and eastern boundaries may require screening as mitigation for adverse visual effects if identified by LVIA.
- On Google Maps there is a photograph apparently showing some plant of significant size at the existing Tarmac Stanninghall Quarry. The Plan text does not indicate anything of this scale/height although Policy MIN 65 (j) refers to use of existing processing plant at the proposed site. This is somewhat concerning. However, the Specific Site Allocation Policy MIN 65 includes a requirement for submission of an LVIA with any planning application. If larger scale plant is moved to the proposed site, that any LVIA would need to assess the effects of this on the Broads area.

Min 25 land at Manor Farm (between Loddon Road and Thorpe Road), Haddiscoe

- This is immediately adjacent to the Broads Authority boundary
- Landscape impact concerns are as follows:
 - Proximity and landscape sensitivity mean that there would be potential for adverse effects on the Broads and setting.
 - Visual: processing plant – topography could enable this to be more visible. Possible lighting associated with plant and operation would exacerbate visual effects. Bunding during the extraction phases could also cause visual intrusion.
 - Footpath to NE across marshes - users are sensitive receptors. There may also be views from northern valley side above Blunderston/Flixton to Herringfleet Marshes.
 - Noise from plant and lorry movements.
 - Dust from extraction operations.
 - Additional lorry traffic on local roads in BA area.

- Policy MIN 25 (b) refers to the submission of an acceptable Landscape and Visual Impact Assessment. However, it doesn't include the Broads. The assessment of impacts on the Broads needs to be included as an aim of the study.
- Heritage concerns are as follows:
 - The proposed site here is immediately adjacent to the BA Executive Area boundary and I would suggest that there is the potential for harm to the setting of listed buildings, in particular, the White House, which is positioned to the north-east of the site.
 - In its assessment the document appears to assess the impact on heritage assets largely in terms of potential views of the mineral extraction site.
 - However, I would suggest that the definition of 'setting' is somewhat wider than that, with the NPPF glossary definition stating it is 'the surroundings in which a heritage asset is experienced'.
 - *The Setting of Heritage Assets: Historic Environment Good Practice Advice in Planning Note 3* guidance by Historic England goes on to state (p2): 'The extent and importance of setting is often expressed by reference to visual considerations. Although views of or from an asset will play an important part, the way in which we experience an asset in its setting is also influenced by other environmental factors, such as noise, dust and vibration from other land uses in the vicinity, and by our understanding of the historic relationship between places'.
 - As such, I would suggest that the potential for detrimental impact on designated heritage assets is greater than implied in the policy.
 - I would suggest that there is some acknowledgement in M25.4 to the impact on the setting of the listed buildings being more than visual and in the last sentence it should say that it may be necessary to require measures to reduce the potential impacts on the setting of issues such as noise, dust and vibration, as well as providing the screening etc referred to, to reduce visual impacts

Queries

- **3.12** – could the navigable waterways of the Broads be used for the transport of such freight?
- **MW2** - should this refer to how staff travel to and from the site as a place of work?
- **MW2** – should this refer to the potential to use clean fuel/net zero emissions fuel for the HGVs or other work vehicles?
- **MW3** - Where a site will be in place for a number of years, would resilience to the effects of climate change be sensible to consider?
- **WP9** – aren't anaerobic digesters an in-scope type of development in terms of impact on nutrient enrichment and therefore nutrient neutrality?
- **Policy WP13 and paragraph 13.5** - Some of the wording in 13.5 is not included in WP13. In particular, there is no mention in the policy of the need to mitigate the potential rapid release of leachate or emissions and odours. This is mentioned in 13.5 but not in the policy. This may be covered to some extent in MW1, but as it is raised specifically in 13.5, does it need to be a consideration for schemes captured by WP13?

- **WP15.6** – how does the likely requirement for all WRCs to be at best available technology by 2030 relate to what is written here?
- **MP7** – could the restoration be a walk or cycle route itself – as in, not necessarily connected to the PROW? Could it become an attraction itself?
- **MP7** – what about access to water, if a body of water becomes part of the scheme?
- Given the recent announcement from Government in relation to **fracking**, is that something that the minerals and waste local plan needs to address? Would applications for such sites come to the County or the Local Planning Authority? That being said, the new Prime Minister, Rishi Sunak, has indicated changing stance again to banning fracking unless scientifically proven to not cause issues Does the Minerals and Waste Local Plan need to set out a policy position on fracking, in the interests of clarity?
- Could the situation arise whereby **peat** is excavated, not as a produce to sell, but to access a minerals site or to develop a waste site? Peat has many qualities. We have a policy that seeks the reduction of peat excavated as part of a scheme and its appropriate assessment/'disposal' to address these qualities and prevent it from becoming a carbon source. Should the Minerals and Waste plan have something similar? (See DM10, page 49 [Local-Plan-for-the-Broads.pdf \(broads-authority.gov.uk\)](#)).
- Appendix 2 – I am not sure what these are. Are you saying that these policies in another document will still be in place? They have not been reviewed, but left as is? So this Local Plan is additional to these policies? Where are these saved policies? This is not clear and might need explaining better. For example, I searched the document for 'Appendix 2' and the only two occurrences are the title of Appendix 2 and the contents page.

Typos/grammar/format

- Para after 6.30 could do with a para number
- Map 4 – may not matter, but the urban areas are blue and the main towns are blue and the shades are not very different so it is not easy to tell which blue is which.
- MP6, as worded, is quite complicated... in the same sentence, the policy talks about making something unacceptable, acceptable... I understand what is trying to be said here, but I wonder if the wording is clear?
- MP7.5 – grammar - strategy for maintaining biodiversity

Factual issues

- 1.2 – rather than 'lodged with district councils' say 'lodged with Norfolk Local Planning Authorities' – as written, it excludes the Broads Authority.
- 6.19 – again by only mentioning district and borough local plans, you don't include the Broads Authority's Local Plan. Say Norfolk LPA Local Plans.