

Consultation Documents Update and Proposed Responses
Report by Planning Policy Officer

<p>Summary: This report informs the Committee of the Officers' proposed response to planning policy consultations recently received, and invites any comments or guidance the Committee may have.</p> <p>Recommendation: That the report be noted and the nature of proposed response be endorsed.</p>
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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 endorsement, comments or guidance are invited.

2. Financial Implications

- 2.1 There are no financial implications.

Background papers: None

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Appendices: APPENDIX 1 – Schedule of Planning Policy Consultations received

Planning Policy Consultations Received

ORGANISATION:	Norfolk County Council
DOCUMENT:	Norfolk Minerals and Waste – Issues and Options
LINK	https://www.norfolk.gov.uk/what-we-do-and-how-we-work/policy-performance-and-partnerships/policies-and-strategies/minerals-and-waste-planning-policies/norfolk-minerals-and-waste-local-plan-review
DUE DATE:	13 August 2018
STATUS:	Issues and Options version
PROPOSED LEVEL:	Planning Committee endorsed
NOTES:	<ul style="list-style-type: none"> Norfolk County Council is the waste and minerals planning authority and determines applications for minerals and waste development. This is the first public consultation stage of the production of the Minerals and Waste Local Plan. The Local Plan will bring together the separate documents on minerals and waste into one place.
PROPOSED RESPONSE:	<p><u>Main document</u></p> <ul style="list-style-type: none"> The Broads has been identified by Historic England as an area with exceptional potential for waterlogged archaeology. Any excavation within or close to the executive area will require particularly robust archaeological evaluation prior to consenting and not rely on a brief desk based evaluation and conditions. For the avoidance of doubt, perhaps say that this covers the entire county of Norfolk. Perhaps something about how it fits with our Local Plans? Something about how Authority is consulted if application in or near to area? We would like to understand how our special qualities and our policies that could be of relevance would be considered in decision making. Page 16, 28 – the Broads has a status equivalent to a national park. Page 23 – suggest A3 landscape. Page 28: Typographical error: ‘Landscape Character Assessments have been carried by the Local Planning Authorities in for Norfolk and they consider where locally designated landscapes of importance are situated’. Page 39: Typographical error: ‘and/or the volumes of waste in each area so low that it would be unviable for a full range of waste management facilities to exist in every area’. Page 41: Typographical error: ‘end-of-live vehicles’ – should this be ‘life’? Page 46: Typographical error: ‘...have similar locational requirements due to their potential to impact on local amenity and the environmental’. Page 49: Typographical error: ‘of waste electronic electrical and electronic equipment (WEEE)’ WP17 and MP10 and MP11 – will you provide GIS layers of these facilities and consultation zones? Page 61: Typographical error: ‘the most recently available date’ The areas on page 67 – the Broads is not mentioned. Presumably this is because silica sand only occurs in West Norfolk Borough? Page 77: Typographical error: ‘will be made by on a case by case basis’. Page 78: Typographical error: ‘Carstone is also a scare resource in Norfolk and therefore it is appropriate for the entire carstone resource to be safeguarded as

part of the MSA'

- Page 78 – reference to peat. Whilst extraction is not supported in the NPPF, what about the removal of peat as part of the development related to minerals and waste? Peat has many important qualities and the Authority has a policy relating to peat. How will this be used in determining applications in the Broads? As well as that, you may wish to look at policies relating to peat in terms of its removal and how it is to be treated in relation to its properties.
- Page 81 – are there any areas in Norfolk that could be investigated for unconventional hydrocarbons/fracking?
- Appendix 4: What about moorings and river bank stabilisation and other such applications that occur in the Broads but probably not elsewhere in Norfolk?
- General comment: headers and paragraph numbering would make the document easier to read – pages of text with no breaks was difficult to read.

Question 5: MW2

- Page 26, MW2 could mention dark skies. You could refer to the CPRE Night Blight data as well as our dark skies policy and zones.
- Page 27: Dark skies are important in the Broads and elsewhere. Perhaps more could be said about lighting: directing lighting downwards and away from properties and only lighting if needed and temporary versus permanent illumination.
- Page 27: 'A baseline ecological survey will be necessary where biodiversity features are present on a proposed site. Such surveys are essential in identifying what exists on a proposed mineral or waste management site and establishing whether such features should be retained and managed'. This is a bit confusing and seems to say that a survey would be needed to see if there are biodiversity features on a proposed site to then need a survey? We recommend that all sites would require baseline ecological survey and assessment of the presence of rare and protected species.
- Page 28: 'Local recreation assets, including Public Open Space and other outdoor facilities such as country parks, are protected in District, Borough and City Local Plans'. Also protected in the Local Plan for the Broads.
- Page 29: 'whilst others designated at a local level are subject to protection through District, Borough and City Local Plans'. Also mention the Local Plan for the Broads.

Question 6: MW3

- Page 33: 'All proposals for minerals development or waste management facilities must assess and consider positively the potential for non-HGV transportation of materials to and from the facilities, principally by rail or water'. Perhaps you might want to require an assessment that looks into this and shows their considerations? As written, an applicant does not seem to be required to do anything other than think about it.
- Page 33: 'The County Council will consider minerals and waste development proposals to be satisfactory in terms of access where anticipated HGV movements, taking into account any mitigation measures proposed, do not generate'. Wonder if this could be worded in a more simple way?

Question 7: MW4

- Uses the word 'should' which is quite weak term. A stronger term similar to use in other policies (like will need to, must, is required to) might be better.
- Some aspects repeat MW2 – does that matter?

Question 9: MW6

- Does MW6 repeats MW2?
- See previous comment about peat. Should peat be mentioned in this policy?

Question 11: WP2

- Page 45: what is 'appropriate transport infrastructure'?
- Page 45: is the five mile requirement as the crow flies or by road/path etc?

Question 12: WP3

- Page 46: 'Policy WP3: Land uses potentially suitable for waste management facilities'. This does not seem an ideal title for the policy; the policy seems to be more about where waste management facilities can go. Not all of the areas listed in the criteria are land uses in the typical sense; they are areas to which such facilities are directed towards.
- Page 46, do criteria d, e, f apply even if the proposal is not within 5 miles of a town as talked about in the previous policy? How do WP2 and WP3 work together?

Question 16: WP7

- WP7: regarding the location, these could be away from urban areas according to some criteria in WP3. Should these be located near to larger urban areas (i.e. near to the source of the waste)?

Question 22: WP13

- Are the areas of these landfills identified and are any in the Broads?

Question 25: WP16

- Should this include reference to MW2? That seems to have relevant and detailed criteria.

Question 28: Policy MP2

- The Broads, which has a status equivalent to a national park, may need to be listed as a planning constraint

Question 29: MP3

- There is no mention of the requirement for restoration.
- In other policies you cross refer to a more detailed policy, but not in this policy. Presumably policy MW2 is of relevance and could be cross referred to?

Question 31: MP5

- Who does the assessment? Does that need to be handed in with the planning application? How will you liaise with the Broads Authority if proposals come forward in the river valleys in the Broads rather than just consult? Why is the Broads not included in the core river valleys? Is a separate policy on the Broads required? Or is it the case that the Broads is not covered by this policy as the Broads Authority Executive Area is shown on the policies map as a landscape designation and so rivers and broads within the BEA not included under core river valleys policy, potentially affording greater protection i.e. development could be acceptable in Core River Valleys? This could usefully be clarified.

- In other policies you cross refer to a more detailed policy, but not in this policy. Presumably policy MW2 is of relevance and could be cross referred to?

Question 32: MP6

- What are the criteria or is there a checklist that helps ascertain if cumulative impacts are unacceptable?

Question 33: MP7

- As well as GI, ecological networks? There is ecological network work underway for the entire county which could be of relevance.
- The last part says 'The Green infrastructure Strategy' – which strategy is this? The strategy of the district in which the proposal is located?
- There is also a Norfolk-wide habitats map that could be of relevance.

Question 34: Policy MP8

- To gain the ecological benefits outlined for many of the sites an outline aftercare strategy for a minimum of ten years, rather than five years is required prior to the determination of the planning application

Question 35: MP9

- It is not clear if the works then need to be removed and form part of the restoration works or are moth-balled. This could usefully be clarified.

Sites Document

- MIN 38 - land at Waveney Forest, Fritton – the Authority supports the conclusion that this should not be allocated for the reasons as set out in the assessment. Page 169 – the landscape character assessment is also relevant: <http://www.broads-authority.gov.uk/news-and-publications/publications-and-reports/planning-publications-and-reports/landscape-character-assessments>. Broads Landscape Character Assessment 2016; Land considered as heathland Landscape Character Type (LCT) within the St Olaves to Burgh Castle Landscape Character Area (LCA). Land to the north and west considered to be estuarine marshland LCT within the same LCA. Haddiscoe Island LCA beyond river. The Authority strongly requests that Norfolk County Council liaise with us regarding this site and any future policy prior to the next version of the Local Plan. Strongly support this conclusion and the reasons for it. The current commercial forest operation, whilst not ideal in terms of the HE features within it, offers a degree of continued protection to those features. Page 169 Typographical error: “although food practice for tree felling” presumably should read good practice.
- MIN65; support submission of Heritage statement
- MIN 209, 210, 211; For information, the Broads Landscape Character Assessment 2016 says that this area is LCA Outney Common and Bath Hills, Industrial / Early post-industrial LCT borders MIN 211. The Authority strongly requests that Norfolk County Council liaise with us regarding this site and the policy prior to the next version of the Local Plan. Support removal of plant site from BA executive area. What will go in its place?
- MIN 25; Broads Landscape Character Assessment 2016; Norton Marshes to Haddiscoe Dismantled Railway LCA immediately NE. Adjacent LCT is settlement

	<p>fringe which would be covered in time by the Broads settlement fringe policy. Support submission of Heritage statement. Whilst this is not within the Broads, the Authority strongly requests that Norfolk County Council liaise with us regarding this site and the policy prior to the next version of the Local Plan.</p> <ul style="list-style-type: none"> • MIN 92; Broads Landscape Character Assessment 2016; Chet Valley LCA, Carr woodland LCT to west and upland LCT to the north and south. Recommended not to support this site going forward (in terms of landscape) for reasons as set out in the supporting text under 'landscape'.
ORGANISATION:	Suffolk County Council
DOCUMENT:	Minerals and Waste Local Plan
LINK	https://www.suffolk.gov.uk/council-and-democracy/consultations-petitions-and-elections/consultations/minerals-and-waste-local-plan-consultation/
DUE DATE:	23 July 2018
STATUS:	Pre-submission consultation
PROPOSED LEVEL:	Planning Committee endorsed
NOTES:	<p>The Suffolk Minerals and Waste Local Plan, will replace all three of the existing plans:</p> <ul style="list-style-type: none"> • Suffolk Minerals Core Strategy (adopted 2008) • Suffolk Minerals Site Specific Allocations (adopted 2009) • Suffolk Waste Core Strategy (adopted 2011) <p>The Pre-submission Stage is where the final version of the plan is published for further consultation. This version includes changes made in response to comments made at the Preferred Options Stage. Comments made at this stage are sent together with the submission draft plan and all the supporting documents to the Planning Inspectorate who will hold an Examination in Public. The inspector will then produce a report that includes recommendations to the County Council about any changes that need to be made to the plan. The County Council will then adopt the plan as planning policy.</p>
PROPOSED RESPONSE:	<p><u>General</u></p> <ul style="list-style-type: none"> • Perhaps something about how it fits with our Local Plans? Something about how Authority is consulted if application in or near to area? We would like to understand how our special qualities and our policies that could be of relevance would be considered in decision making. • The maps don't say where they are; they simply have reference numbers on. Strongly recommend they have a title with the location/settlement included. • There is not much detail in there regarding the Broads and how it has a status equivalent to a National Park. There does not seem to be much commentary about other landscape designations either. This might enable better interpretation of the policies in the Local Plan. <p><u>Policies</u></p> <ul style="list-style-type: none"> • There seems to be no guiding restoration policy. MP6 refers to restoration but only emphasises biodiversity net gain rather than giving guiding principles of restoration. Why is there no such guiding policy? • GP4 – The policy should also refer to the setting of protected landscapes. Query the use of 'significant' when referring to adverse impacts; even small negative impacts could cause considerable issues but this policy seems to allow impacts that are less than significant but are still negative impacts. How will a

threshold be defined and upheld? Request this is changed to 'adverse impacts'. We raised this at the last consultation. We would also suggest that the term 'impacts' be amended to 'effects'. The impact is the development itself, the effect the result / consequence of the impact. Suggest amenity value be incorporated into the list. The policy refers to 'appropriate national or local guidelines for each criterion, including reference to any hierarchy of importance' – what are these and where can they be found? How will this policy be used and in particular this part of the policy? How will the special qualities of the Broads be taken into consideration and protected? The Broads has been identified by Historic England as an area with exceptional potential for waterlogged archaeology. Any excavation within or close to the executive area will require particularly robust archaeological evaluation prior to consenting and not rely on a brief desk based evaluation and conditions. Archaeology does not appear to be mentioned here.

- Policy MP6: query the wording 'preference will be given' in relation to proposals that incorporate a net biodiversity gain. Would 'proposals will be supported' or 'proposals need to...' be a better and stronger phrase?
- MP9, MP10, WP18 – will Suffolk County Council send us these consultation zones in GIS file format? Presume this should apply to the Broads Authority as well as we are the Local Planning Authority? Would it be better to use the term 'local planning authority' because as written the Broads Authority don't need to comply with this policy as we are not mentioned?
- Policy MP9. Not sure what is meant by "any mitigation required falls on the development that receives planning permission last". Should the mitigation be instated by whoever implements their permission, whether their permission was given most recently or a year ago? If a development is proposed over an area which is likely to be parcelled up / split into phases / uses then an outline scheme of mitigation and implementation programme which identifies the measures for each phase/area should be provided by the first applicant and implemented / amended accordingly by them or following phases. Wording is not clear.
- WP4 – should these be located near to areas that generate waste i.e towns? What does 'accessible to the public' mean? These sites are designed for household waste so need to be accessed by the public anyway. We raised this as part of the last consultation.
- WP17 – where does landscape impact come into consideration? It is not clear if criterion d relates to landscape? As written, criterion d does not seem comprehensive or clear. Suggest point c to incorporated landscape more explicitly and additional point added for amenity. Could a reference be made to GP4 as in other policies?
- WP18 comments as per MP9 regarding 'Any mitigation required falls on the development that receives planning permission last'.

Typographical/grammatical errors

- Page 9, 'Aim 3: To safeguard minerals and waste development from other development other forms of development by':
- Page 14, 4.13, 'but to provide a general list of issues that would were appropriate be taken into account when reaching a decision upon a particular planning application'.
- Page 16, 'Minerals and waste development will be acceptable so long as the proposals, adequately access and address the potentially significant adverse impacts upon'

- Page 19, 'a proposal for such a facility is included at in the Plan at Cavenham Quarry'.
- Page 20, 'There are licences for the dredging of up to 9 Mt of sand & gravel off the coast of the East Anglia on an annual basis'
- Policy MP8,: 'planning permission will be limited to the end date of the quarry planning permission or the when the indigenous material is no longer being used'
- Page 29, 'The Plan also has to take into account of the potential to receive London Waste'.
- Page 35, 6.16, 'The recycling of construction, demolition of excavation waste'
- Page 36, 6.24, 'This composting has the effected of reducing' and 'The residue is either than landfilled at a reduced taxation rate of processed further to make a fuel'.
- WP18 'or prejudice the use such sites for those purposes unless suitable alternative provision is made'.
- 5.42: 'As important as proposing new minerals development is safeguarding existing, planned or potential facilities from other forms of competing development'. Does not make sense. Should this end with something like 'is equally important'?

Sustainability Appraisal

The SA does not mention any of the Broads Authority documents. This was raised as part of the last consultation but has not been rectified. It is disappointing that these documents have not been reviewed. Why is this?