

Planning (Regulatory) Committee

Date: **Friday 22 March 2024**

Time: **11am**

Venue: **Council Chamber, County Hall, Martineau Lane,
Norwich. NR1 2UA**

Advice for members of the public:

This meeting will be held in public and in person.

It will be live streamed on YouTube and members of the public may watch remotely by clicking on the following link: [Norfolk County Council YouTube](#)

We also welcome attendance in person, but public seating is limited, so if you wish to attend please indicate in advance by emailing committees@norfolk.gov.uk

Current practice for respiratory infections requests that we still ask everyone attending to maintain good hand and respiratory hygiene and, at times of high prevalence and in busy areas, please consider wearing a face covering.

Please stay at home if you are unwell, have tested positive for COVID 19, have symptoms of a respiratory infection or if you are a close contact of a positive COVID 19 case. This will help make the event safe for attendees and limit the transmission of respiratory infections including COVID-19.

Members of the public wishing to speak about an application on the agenda, must register to do so at least 48 hours in advance of the meeting. [Click here to view information on public speaking at Planning \(Regulatory\) Committee, which is shown on page 2 of this agenda.](#) Anyone who has registered to speak on an application will be required to attend the meeting in person and will be allocated a seat for this purpose.

Persons attending the meeting are requested to turn off mobile phones

Membership

Cllr Brian Long (Chair)

Cllr Graham Carpenter (Vice-Chair)

Cllr Stephen Askew

Cllr William Richmond

Cllr Rob Colwell

Cllr Steve Riley

Cllr Chris Dawson

Cllr Mike Sands

Cllr Alexandra Kemp

Cllr Martin Storey

Cllr Mark Kiddle-Morris

Cllr Tony White

Cllr Paul Neale

Registering to speak:

At meetings of this Committee, members of the public are entitled to speak before decisions are made on planning applications. There is a set order in which the public or local members can speak on items at this Committee, as follows:

- Those objecting to the application
- District/Parish/Town Council representatives
- Those supporting the application (the applicant or their agent.)
- The Local Member for the area.

Anyone wishing to speak regarding one of the items going to the Committee must give written notice to the Committee Officer (committees@norfolk.gov.uk) at least 48 hours before the start of the meeting. The Committee Officer will ask which item you would like to speak about and in what respect you will be speaking. Further information can be found in Part 2A of the Council's Constitution. [Click here to view the full Constitution.](#)

**For further details and general enquiries about this Agenda please contact the
Committee Officer:**

Hollie Adams on 01603 223029 or email committees@norfolk.gov.uk

Under the Council's protocol on the use of media equipment at meetings held in public, this meeting may be filmed, recorded or photographed. Anyone who wishes to do so must inform the Chairman and ensure that it is done in a manner clearly visible to anyone present. The wishes of any individual not to be recorded or filmed must be appropriately respected

When the County Council have received letters of objection in respect of any application, these are summarised in the report. If you wish to read them in full, Members can request a copy from committees@norfolk.gov.uk

A g e n d a

1. To receive apologies and details of any substitute members attending

2. Minutes

To confirm the minutes from the Planning (Regulatory) Committee meetings held on 26 January 2024

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3. Declarations of Interest

If you have a **Disclosable Pecuniary Interest** in a matter to be considered at the meeting and that interest is on your Register of Interests you must not speak or vote on the matter.

If you have a **Disclosable Pecuniary Interest** in a matter to be considered at the meeting and that interest is not on your Register of Interests you must declare that interest at the meeting and not speak or vote on the matter

In either case you may remain in the room where the meeting is taking place. If you consider that it would be inappropriate in the circumstances to remain in the room, you may leave the room while the matter is dealt with.

If you do not have a Disclosable Pecuniary Interest you may nevertheless have an **Other Interest** in a matter to be discussed if it affects, to a greater extent than others in your division

- Your wellbeing or financial position, or
- that of your family or close friends
- Any body -
 - Exercising functions of a public nature.
 - Directed to charitable purposes; or
 - One of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union);

Of which you are in a position of general control or management.

If that is the case then you must declare such an interest but can speak and vote on the matter.

4. Any items of business the Chair decides should be considered as a matter of urgency

5. **FUL/2022/0051: Land at Brandon Rail Sidings, Mundford Road, Weeting, Suffolk. IP27 0BA** **Page 39**
Report by the Interim Executive Director of Community and Environmental Services
6. **FUL/2023/0032: Larkshall Mill, Thetford Road, Wretham, Thetford, Norfolk, IP24 1QY** **Page 89**
Report by the Interim Executive Director of Community and Environmental Services
7. **FUL/2023/0039: Quarry, Ipswich Road, Dunston** **Page 140**
Report by the Interim Executive Director of Community and Environmental Services

Tom McCabe
Chief Executive
County Hall
Martineau Lane
Norwich
NR1 2DH

Date Agenda Published: 13 March 2024



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STANDING DUTIES

In assessing the merits of the proposals and reaching the recommendation made for each application, due regard has been given to the following duties and in determining the applications the members of the committee will also have due regard to these duties.

Equality Act 2010

It is unlawful to discriminate against, harass or victimise a person when providing a service or when exercising a public function. Prohibited conduct includes direct discrimination, indirect discrimination, harassment and victimisation and discrimination arising from a disability (treating a person unfavourably as a result of their disability, not because of the disability itself).

Direct discrimination occurs where the reason for a person being treated less favourably than another is because of a protected characteristic.

The act notes the protected characteristics of: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The introduction of the general equality duties under this Act in April 2011 requires that the Council must in the exercise of its functions, have due regard to the need to:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by this Act.
- Advance equality of opportunity between people who share a relevant protected characteristic and those who do not.
- Foster good relations between people who share a relevant protected characteristic and those who do not.

The relevant protected characteristics are: age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation.

Crime and Disorder Act, 1998 (S17)

Without prejudice to any other obligation imposed on it, it shall be the duty of the County Council to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area.

Human Rights Act 1998

The requirements of the Human Rights Act 1998 must be considered.

The human rights of the adjoining residents under Article 8, the right to respect for private and family life, and Article 1 of the First Protocol, the right of enjoyment of property are engaged. A grant of planning permission may infringe those rights but they are qualified rights, that is that they can be balanced against the economic interests of the community as a whole and the human rights of other individuals. In making that balance it may also be taken into account that the amenity of local residents could be adequately safeguarded by conditions albeit with the exception of visual amenity.

The human rights of the owners of the application site may be engaged under the First Protocol Article 1, that is the right to make use of their land. A refusal of planning permission may infringe that right but the right is a qualified right and may be balanced against the need to protect the environment and the amenity of adjoining residents.

**Planning (Regulatory) Committee
Minutes of the Meeting Held on 26 January 2024
at 11am in the Council Chamber, County Hall**

Present:

Cllr Brian Long (Chair)

Cllr Steven Askew

Cllr Rob Colwell

Cllr Chris Dawson

Cllr Mark Kiddle-Morris

Cllr Paul Neale

Cllr Mike Sands

Cllr Martin Storey

Cllr Tony White

Substitute Members Present:

Cllr David Bills for Cllr Graham Carpenter

Also Present

Hollie Adams

James Beasley

Cllr Roly Beazley

Cllr John Billing

Chris Burgess

Charles Colling

Jenna Conway

Ralph Cox

Andrew Harriss

Nick Johnson

Karl Robinson

Andrew Sierakowski

Marcia Solloway-Brown

Phil Taylor

Kieran Yates

Committee Officer

Public Speaker

Public Speaker

Public Speaker

Subject Lead (Planning Team), npLaw

Planning Officer

Public Speaker

Principal Planner

Planning Officer

Head of Planning

Public Speaker

Planning Officer

Public Speaker

Public Speaker

Highway Development Management Officer

1 Apologies and Substitutions

- 1.1 Apologies were received from Vice-Chair Cllr Graham Carpenter (Cllr David Bills substituting), Cllr William Richmond and Cllr Alexandra Kemp.

1.2 Election of Vice-Chair for meeting

Cllr Storey was nominated by Cllr Tony White and seconded by Cllr Brian Long. Cllr Martin Storey was duly elected to sit as Vice-Chair for the meeting.

2 Minutes

- 2.1 The minutes from the Planning (Regulatory) Committee meeting held on 24 November 2023 were agreed as an accurate record and signed by the Chair.

3 Declarations of Interest

- 3.1 Cllr Kiddle-Morris declared a declaration of interest related to item FUL 2022 0021 as he was speaking as Local Member. He would abstain from speaking and voting on this item as a Committee Member.

4 Urgent Business

- 4.1 There was no urgent business.

Applications referred to the Committee for determination.

5 Point of Order

- 5.1 The Committee agreed to take agenda items 6, "FUL/2022/0021: Land south of Rawhall Lane, Beetley, Dereham, Norfolk, NR20 4HJ" and 7, "FUL/2023/0019: Land adjacent to the Barn, Heron Farm, Bunwell Road, Besthorpe, Attleborough, Norfolk, NR17 2LN" first, followed by item 5, "FUL/2023/0033: Carter Concrete Ltd, Britons Lane, Beeston Regis, NR26 8TP".

6 FUL/2022/0021: Land south of Rawhall Lane, Beetley, Dereham, Norfolk, NR20 4HJ

- 6.1.1 The Committee received the report setting out a planning application for the development of a new sand and gravel quarry on agricultural land south of Rawhall Lane, approximately 1.1 km to the north-west of Beetley, near Dereham.
- 6.1.2 In line with his declaration of interest, Cllr Kiddle-Morris did not take part in discussion, debate or voting on this application as a Member of the Committee, as he was speaking to the Committee about the application as Local Member.
- 6.1.3 The Planning officer gave a presentation; maps, photographs and diagrams shown in the presentation are available to view as part of the Committee report or planning application documents:
- Photographs and maps from the planning application documents and the local plan were shown. There was an area of land which was included in the local plan but excluded from the application as the mineral here was not good.
 - There was proposed to be 6 phases of extraction, with restoration after each phase. Maps detailing the phases were shown. The final works phase would return to the access of the site.
 - There was a proposal to restore the site back to agricultural land.

- The level of extraction was proposed to be kept above the water table.
- A map was shown of site access and photographs of the site access and aspects of the site.

6.2 The Committee asked questions about the presentation:

- Removal of the two substantial trees on the site was queried. The Planning Officer confirmed that these would be retained.

6.3.1 Cllr John Billings spoke as local Parish Councillor for Beetley Parish Council

- Cllr Billings felt that this application threatened to disrupt the peace and safety of the community. Cllr Billings had given his concerns in writing which he felt were not fully represented in the report.
- Cllr Billings felt that the report failed to show accurate highways conditions as the traffic survey was conducted during the Covid-19 pandemic, therefore misrepresenting the impact on the B1146 due to the lower traffic levels during this time.
- Cllr Billings stated that the proximity of the site to Rawhall Lane raised a threat of noise to residents living in East Bilney. The start time of operations raised concerns due to the early opening hours.
- Cllr Billings raise concerns that there would be a doubling of aggregate trucks passing by the local school which would impact on the safety of children. Cllr Billings asked the Committee to consider the implications on the school and preschool of the heavy traffic.
- Cllr Billings queried the disparity between site specific allocation policies Min12 and Min51. Min12 stated that sites must be phased with adjacent permitted sites to ensure only one is worked at any one time.
- Cllr Billings asked the Committee to think about the impact of traffic, noise levels and on school children and delay the approval of this application until existing sites had completed extraction.

6.3.2 Cllr Roly Beazley spoke as Chairman of Gressenhall Parish Council

- Cllr Beazley supported Cllr Billings' comments. He accepted the principal of gravel production but thought this would be better achieved over the long scale.
- There were two other pits in the vicinity of this site which fully met needs.
- Cllr Beazley objected to the doubling of lorry movements on the local road network, which he described as less than adequate.
- Cllr Beazley felt that the application did not comply with CS13, as it did not mention the production of renewable energy on the site, which he felt should be considered in today's environment.

6.3.3 Committee Members asked questions to the speakers:

- The Planning Officer clarified that CS13 required sites to have provision and consideration of renewable energy on site but recognised that this was not always possible. Planning officers had asked the applicant to look into this. They had considered it but found constraints of the site would not allow it.
- The Highways Officer had assessed safety during a site visit. The B1146 was a designated lorry route and there was a quarry opposite; he concluded that

the route was adequate and that highways objections could not be justified. There could be up to 28 trips to the site which was around 2 HGVs per hour which did not constitute severe highways impact. He recommended the HGV routing plan to ensure that HGVs used the lorry route. If so minded, Members could make a recommendation to amend the routing plan to avoid school hours drop off and pick up times.

- A Committee Member asked about lorry movements taking into account other quarries in the area. The Highways Officer was unsure of the number of vehicles from other sites however had carried out a traffic survey on the road.
- A Committee Member suggested that the meeting be adjourned so the full extent of highway impacts could be assessed, noting the possible impact on the wider highway network. Officers clarified that the traffic from the site did not constitute a severe highways impact as this was a designated lorry route and the results of the HGV survey included HGVs from any source. The threshold for a more detailed assessment was an increase in traffic of 10% which was not reached.
- A Committee Member asked how mitigation measures would handle the timetable of HGV arrival. The Planning Officer replied that it was difficult to control HGVs arriving before opening of the quarry other than through opening times and the routing agreement. Proposed operating hours were set out on page 55 of the report.
- The Planning Officer confirmed that there should be a wheel wash on the site.
- It was pointed out that as traffic surveys were said to have been taken during Covid, when figures were measured at a point of low traffic movement then percentage increases would be much higher, but it had been pointed out that they were acceptable.

6.3.4 Jenna Conway from Heaton Planning spoke on behalf of the applicant:

- Longwater Gravel was a family run company based in Norfolk with three quarries producing sand and gravel for use within the County.
- The company was well established in the market and was a local employer, engaging with smaller companies to supply materials.
- The central area of the proposed quarry was in Min51, along with land to the north and south proposed for allocation in the emerging minerals and waste local plan. Norfolk County Council had identified a need to secure additional reserves to meet demand for the county of 12m tonnes of reserve. The National Planning Policy Framework (NPPF) advised that local authorities could give weight to emerging plans according to the stage of allocation; this plan had been submitted and was in its final stage.
- Work had been undertaken to minimise the impact of work where possible, such as the site being at low level behind vegetation and bunds and phased working to minimise the number of working areas at any one time.
- Restoration would be completed at the earliest opportunity with peripheral trees and hedges retained with stand-off areas to ensure they were not impacted by operations. Internal hedges were proposed to be reinstated as part of the restoration plan, with stand-off from the western boundary.

- The new quarry proposed at Beetley would supply reserves when Longwater operations Wymondham and Coxford quarries ceased in the next 5-10 years and was at lower tonnage to increase when these ceased.
- The restoration concept was based on land for agricultural use and the scheme showed an increase of over 100% in-area habitat units and a 13% increase in linear habitat units.
- Liaising with statutory consultees had resulted in amendments to the scheme and additional information provided. Proposals had been provided with no objections from the statutory consultees, subject to conditions and subject to submitting further schemes to measure additional impacts.
- The operation would be carried out in tandem with the works at Middleton Aggregates. The benefits of Middleton's Aggregates already operating was that cumulative impacts could be measured.
- HGV movements were a maximum of three additional movements per hour with no peak hours, progressive across the day, and should not cause problems at school drop off or pick up time.

6.3.5 Cllr Mark Kiddle-Morris spoke to the Committee as local Member for Necton and Launditch:

- Cllr Kiddle-Morris circulated a photograph showing the location of the site; see appendix A of these minutes.
- The site was proposed to extract around 70,000 to 100,000 tonnes of aggregate per annum.
- There were three other active quarries in the division, and two of these also extracted around this amount per annum. Middleton Aggregates was adjacent to this site, and this site had applied to extend its operations to 2037. Longham quarry produced 110,000 tonnes per annum.
- If this application was approved there would be 300,000 tonnes coming out of this division.
- There had been concerns raised that the processing plant was 400m away from the processing plant of Middleton Aggregates, and the cumulative impact of noise, dust and vibrations from the two plants had not been taken into account in the assessment. Cllr Kiddle-Morris felt that more work needed to be done to look at the cumulative impact.
- The transport assessment proposed 18-29 HGV movements per day depending on the extraction rate. Middleton Aggregates produced around the same amount of traffic meaning that this would result in around 36-58 more HGVs per day if this application was approved. Cllr Kiddle-Morris felt that the assessment of highway safety was inadequate and a reduction of the speed limit on Rawhall Junction should be investigated.
- It had been stated that it was not possible to install a renewable energy source on site however Cllr Kiddle-Morris noted that solar panels had been installed at a local quarry which provided 20% of the site's energy.
- Cllr Kiddle-Morris felt that MW1, MW3 and MW6 or the emerging local plan were not met in this case. He felt that the application should be deferred to start at the end of the Middleton quarry extraction, and more work carried out to assess the cumulative impact with Middleton Aggregates.

- 6.3.6 Committee Members asked questions to the speakers:
- Cllr Kiddle-Morris confirmed that the school was 1.5 miles south of Rawhall Lane.
 - A Committee Member asked why renewable energy was not possible on site; the Planning Officer replied that the assessment included in the application concluded there was not enough space on site to accommodate it.
 - A Committee Member asked about the mitigations in place to take care of wildlife. The Planning Officer replied that a licence was needed to undertake work due to the protected species in the area, and mitigations for these species were built into the application.
 - The Vice-Chair felt that a 20mph speed limit past the school would be beneficial. Cllr Kiddle-Morris confirmed that there was a wigwag 20mph advisory speed limit. The Head of Planning advised that since highways impacts were negligible any recommendations to put in place a highways condition would not pass the test needed to put a condition in place.
- 6.4 The Vice Chair **proposed** that the plant operating times be amended so that they were in line with the nearby Middleton Aggregates' operating times to protect local amenity. He understood that the Middleton site closed at 5pm. This proposal was seconded by the Chair. With 6 votes in favour this proposal was **agreed**. **after the meeting it was determined that Middleton Aggregates closed at 6pm, not 5pm. The Chair, in consultation with the Head of Planning and Legal Officer, agreed that this condition be changed so that the site close at 6pm, as the intention of this proposal was to keep operating times in line with those at Middleton Aggregates.*
- 6.5 Cllr Colwell **proposed** that the application be deferred to a later date so that the concerns about highways could be looked into in more detail, particularly the cumulative effect on local villages. This was seconded by Cllr Mike Sands with the addition of further investigation into mitigation measures for wildlife. With 3 votes for and 6 against, the proposal was **lost**.
- 6.6 The planning officer reported that the applicant had requested changes to the conditions. These were read out by the planning officer and are attached at appendix B of these minutes. The Chair requested that at future meetings late amendments to conditions were circulated to the Committee as a hard copy, and that an item was added to future agendas for the Committee's consideration of changes made to applications between publication of reports and the meeting and late correspondence received.
- 6.7 Cllr Paul Neale left the meeting at 14:20 and would not vote on this item.
- 6.8 A Committee Member asked about the HGV rerouting. The Planning Officer replied that the HGV rerouting plan would ensure that vehicles would not turn right and go towards the B1146. The Chair noted the importance of businesses acting as good neighbours.
- 6.9 With 7 votes for and 1 vote against, the Committee **agreed** that the Executive Director of Community and Environmental Services be authorised to:

1. Grant planning permission subject to the conditions outlined in Section 11 the amended conditions, set out in appendix B to these minutes, and the proposal agreed by the Committee for the site to close at 6pm to align with the closing time of Middleton Aggregates (agreed at paragraph 6.4 of these minutes)
2. Discharge conditions where those detailed above require the submission and implementation of a scheme, or further details, either before development commences, or within a specified date of planning permission being granted;
3. Delegate powers to officers to deal with any non-material amendments to the application that may be submitted.

6.10 The Committee took a break from 12:40 until 12:45.

7. FUL/2023/0019: Land adjacent to the Barn, Heron Farm, Bunwell Road, Besthorpe, Attleborough, Norfolk, NR17 2LN

7.1.1 The Committee received the report setting out a planning application for a change to the use of an area of land from open air storage (plant, materials and aggregates) to an aggregate and soil recovery facility (part retrospective). The application sought to recycle / recover up to 60,000 tonnes per annum of aggregates and soils from imported construction, demolition and excavation waste linked to the adjacent Newall civil engineering business.

7.1.2 The Planning Officer gave a presentation to the Committee; maps, photographs and diagrams shown in the presentation are available to view as part of the Committee report or planning application documents:

- A presentation was given showing maps of the site location, an aerial photo, maps of the proposed site plan including landscaping and a cross section, available in the planning application documents.
- Photographs were shown of the crusher, local highways, the application site, and views of the site from nearby, available in the planning application documents.
- Health and Safety Executive (HSE) best practice guidance advised that crushers should be in a raised position so the operator could be always seen in the hopper. A condition requiring all plant to operate at ground level would go against this and was therefore unreasonable.

7.2 A Committee Member asked how much development had taken place on the site since the planning application submitted in 2021 was refused by the Committee. The Planning Officer replied that there had been waste stored on the site.

7.3.1 Karl Robinson spoke to the Committee as an objector:

- This was the eighth retrospective application for this site related to waste. As the nearest unconnected neighbour to the site, due to the site moving 150m closer Mr Robinson believed the site became worse.
- Planning Applications had been refused for this site in the past due to noise and landscaping issues which had not been resolved. There were no controlled hours of operation at the site which had tipping at all hours.

- There was no planning consent to planning to store waste and Mr Robinson believed that Breckland District Council had allowed them to store it as “material”.
- Mr Robinson stated that the applicant ran lorries at all hours with no control, from 4:30am until midnight through country lanes, which was noisy. There had been objection received from the Parish Council about this, waking local residents. The lorries were reported to travel through Bunwell and New Buckenham, affecting residents here as well.
- There was noise heard locally from excavators, reversing sounds and tipping of waste. There had been no objection from Environmental Health or the Environment Agency however there was an open case with Breckland District Council over noise and over 30 incidents had been reported to the Environment Agency.
- Mr Robinson showed photographs of the view of the site from his back garden, which showed a view of the excavator working in an elevated position and other machinery above the top of the bund and a photograph of the highways; please see appendix C of these minutes. There was a condition on the site from Breckland District Council to have no aggregate crushers on the site and no waste storage, but Mr Robinson believed this indicated this showed waste processing was taking place.
- Mr Robinson asked for a condition to regulate lorry hours as he noted that the noise peaked by 30 decibels over background noise.
- He felt that there was an issue with lorry movements on the nearby roads, as shown in his photographs, at appendix C to these minutes.
- If refused, Mr Robinson felt that Norfolk County Council should work on resolving enforcement issues with waste with Breckland District Council and was concerned about the storage of waste on the site, which Breckland District Council had a condition in place against.

7.3.2 Marcia Solloway-Brown spoke in support of the application:

- Ms Solloway-Brown lived at the closest residential home to the site. She did not have any problems with the site and thought the bund had been put up sensitively.
- She had put trees around her own boundary, and the application site ran alongside her boundary which she said was hard to see from the road. Ms Solloway-Brown liked the location of the house and liked living there and wanted it to be her “forever home”.
- Ms Solloway-Brown felt recycling was important to be carried out by everyone and places were needed for it to take place; it would always have an impact but the negative impact could be reduced. She felt Newall’s had addressed this.
- Ms Solloway-Brown stated that she was not disturbed by the noise and dust from lorries on the site. She was retired, and before this had worked from home; work on the site had not stopped her conducting business at home. Newall’s had worked to limit dust by dampening the road regularly.
- Ms Solloway-Brown reported that before Newall’s began work in the area, it was an agricultural area, with tractors and agricultural work taking place. The work here affected her no more so than the agricultural work had done.

- Ms Solloway-Brown stated that neighbours had encouraged her to disprove of the application however she was happy to live next to the application site.

7.3.3 Phil Taylor spoke to the Committee as applicant:

- Newall's took pride in their reputation and relationship with the community. They welcomed parish councils and residents to visit the site to understand what the site did and its benefits but noted that recycling could be seen as negative. However, recycling was better than sending waste to landfill.
- Mr Taylor was confused by the recommendation to refuse, since all statutory consultees had no objections. Three facts had changed since this application was last submitted: the site previously considered was on a smaller piece of land which was more difficult to work, there was a 5m bund around the land granted by the District Council, and trees which had been planted around the site; see appendix D of the minutes.
- The equipment could be located at ground level. The Council recommended the application for refusal because they could not impose a condition requiring it to be located at ground level due to Health and Safety Executive legislation.
- Mr Taylor felt that the report was confusing on the reasons for refusal. He had not heard of other sites which had been granted permission with controls in place for the height of machinery.

7.3.4 James Beasley spoke to the Committee as applicant:

- Mr Beasley was a qualified health and safety manager and environmental manager. He stated that in their recommendation, the council referenced the best practice guidance by the Health and Safety Executive. This was not a code of practice.
- The Provision and Use of Work Equipment Regulations 1998 stated that clear written instructions must be given when using this equipment. The manufacturer's specifications for the equipment were approved by EU and UK regulations. Neither of these stated that a ramp or platform must be used for loading or operating the equipment.
- Statutory guidance of mobile crushing and screening process guidance also did not state that a ramp or platform must be constructed. Plants recognised Health and Safety Executive guidance, but as stated in this guidance, this was not comprehensive, and Newall's had turned to statutory documentation and advice from Morgan Sindell's Health and Safety advisor which stated that techniques using modern technologies in the form of CCTV to allow operators to view operations and allowing operators to carry out task in a safe manner was key.
- Risks arising from the tasks could be controlled in a safe and manageable level.

7.4 The Committee moved onto debate:

- The Planning officer confirmed that working at ground level had been raised with the applicant, who had looked into other measures such as attaching CCTV cameras to the plant or working using a banksman.
- The highway routing was queried. The Highways Officer had recommended the HGV routing to ensure that HGVs would avoid travelling through Bunwell.

- Cllr Tony White **proposed** to approve the application, seconded by Cllr Chris Dawson, who noted that this was a finely balanced application, due to there not being a clear adverse impact on local amenity and landscape. The Chair clarified that if approved, conditions would need to be put in place. In usual circumstances when this occurred, conditions were delegated to officers in consultation with the Chair and Vice-Chair. In the absence of the Vice-Chair the Chair suggested that instead this was in consultation with the Chair and Cllr Tony White, as the proposer of the motion.
- A Committee Member was concerned having read Health and Safety Executive guidance, which stated that the machinery used at the site could be fatal. The Chair noted it was the responsibility of the site operator to ensure the machinery used on site was used safely.
- A Committee Member asked if anything could be done to manage the antisocial operating hours. The Chair suggested that, if this application was approved, opening times would be taken into account as part of drawing up of conditions. If there were any concerns with the conditions drawn up then they would be brought back to the Committee.
- Cllr White and the Chair **confirmed** that the Committee did not intend to condition the requirement for the site operator to work at ground level.
- A Committee Member noted that it was the company's responsibility to carry out a Health and Safety assessment and ensure they were operating machinery safely on site.

7.5 With 7 votes for, and 2 votes against the Committee **AGREED** to **approve** the planning application, with conditions to be agreed by officers in consultation with the Chair of the Committee and Cllr Tony White.

8. **FUL/2023/0033: Carter Concrete Ltd, Britons Lane, Beeston Regis, NR26 8TP**

8.1.1 The Committee received the report setting out a planning application under Section 73 of the Planning Act 1990 for variation of conditions of permission reference FUL/2019/0002 to regularise changes to the approved restoration scheme for the original quarry.

8.1.2 The Committee Officer gave a presentation to the Committee; maps, photographs and diagrams shown in the presentation are available to view as part of the Committee report or planning application documents:

- The location map, site plan and approved restoration scheme and photographs of the site were shown.
- The site was located in an Area of Outstanding Natural Beauty. On balance it was considered that there was demonstration of public benefits of this development continuing within the Area of Outstanding Natural Beauty.
- Photographs of highways access from the site were shown.
- The Planning Officer updated Members on an additional condition recommended since the report was published; see Appendix E to these minutes.

8.2 The Committee moved to debate:

- A Committee Member asked about the safety of the steep sides of the quarry after restoration. The Planning Officer confirmed there would be provision for public access, however people would not be encouraged to venture onto the slopes, which were not proposed to be reduced in steepness. Over time, gorse and shrubs would colonise the slopes and reduce the opportunity for people to climb them.
- Cllr Chris Dawson recommended that the application be approved. The Chair agreed with this proposal to move to the vote on approval.

8.3 The Committee unanimously agreed that the Interim Executive Director of Community and Environmental Services be authorised to:

1. Grant planning permission subject to the conditions outlined in section 11, and subject to continued obligations of the existing legal agreement; and
2. Discharge conditions where those detailed above require the submission and implementation of a scheme, or further details, either before development commences, or within a specified date of planning permission being granted;
3. Delegate powers to officers to deal with any non-material amendments to the application that may be submitted.

The meeting ended at 13:39

Chair

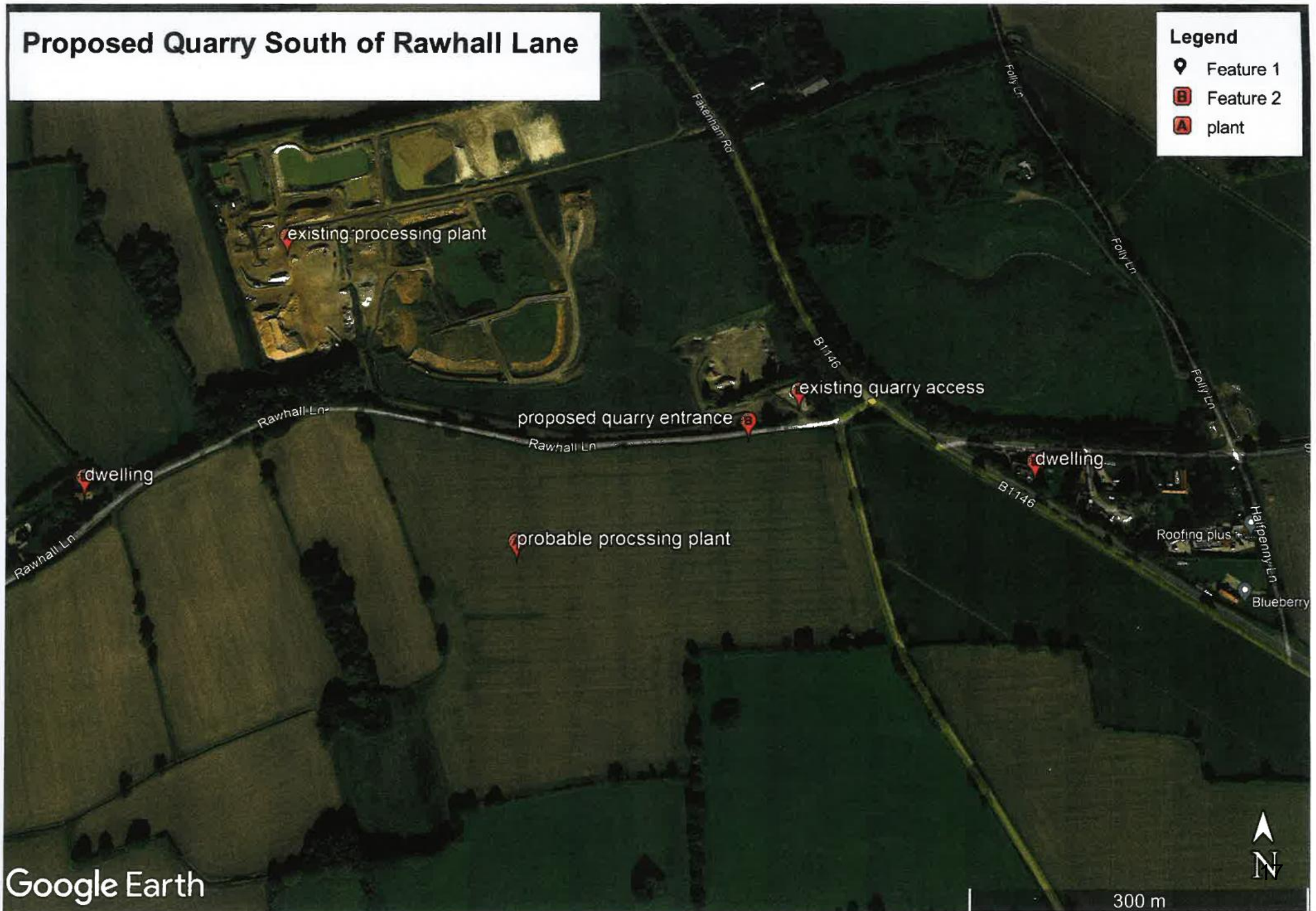


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Proposed Quarry South of Rawhall Lane

Legend

-  Feature 1
-  Feature 2
-  plant



Planning (Regulatory) Committee

Item No: 6

Report Title: FUL/2022/0021: Land south of Rawhall Lane, Beetley, Dereham, Norfolk, NR20 4HJ

Date of Meeting: 26 January 2024

Responsible Cabinet Member: N/A

Responsible Director: Grahame Bygrave, Interim Executive Director of Community and Environmental Services

Is this a Key Decision? No

Proposal & Applicant: Planning Application for a new sand and gravel quarry on agricultural land south of Rawhall Lane (Longwater Gravel Company Limited)

There are 7 updates since the planning application committee report was published:

Organization	Comment	Officer Response
Applicant	<p>Requests amendment to draft Condition No. 1 so that the condition states:</p> <p><i>The development to which this permission relates shall cease and the site shall be restored by 31 December 2036 2046 in accordance with Drawing No. LON-002-M.D.015E, Concept Restoration Plan, dated September 2023.</i></p>	<p>This is a typographical correction. The end date is intended to be 2046.</p> <p>Recommended that the requested amendment is accepted.</p>

Applicant	<p>Requests removal of draft Condition No. 7 which states:</p> <p><i>Prior to the first use of the development hereby permitted the vehicular access/crossing over the verge shall be constructed in accordance with a detailed scheme to be agreed in writing with the Mineral Planning Authority in accordance with the highways specification (Industrial) and thereafter retained at the position shown on the approved plan. The scheme shall include details of any hedgerow removal and a specification for any replanted hedgerow to be replanted outside the approved visibility splay in accordance with the requirement of Condition No. 10.</i></p>	<p>The applicant has requested removal of the condition on the basis that details of the access have been submitted. NCC Highways however are not satisfied that the level of detail of the construction of the access required has been supplied and accordingly have requested inclusion of the condition.</p> <p>It is therefore recommended that the condition be retained as worded.</p>
Applicant	<p>Requests an amendment to draft Condition No. 13 to include reference to a caveat for essential maintenance and emergencies outside the normal operational hours to state (additional wording underlined):</p> <p><i>No operation authorised or required under this permission shall take place on Sundays or public holidays, or other than during the following periods:</i></p> <p><i>07.00 - 18.00 Mondays to Fridays</i> <i>07.00 - 13.00 Saturdays.</i></p> <p><u><i>except for the purposes of essential maintenance and in the event of an emergency.</i></u></p>	<p>This is an acceptable amendment.</p> <p>Recommended that the requested amendment is accepted.</p>
Applicant	<p>Requests an amendment to draft Condition No. 17 to remove reference to heavy goods vehicles, on the basis that HGV's may be delivering to sites that require audible reversing alarm systems, so that the condition states:</p>	<p>This is standard requirement to minimise noise from HGVs and mobile plant and white noise</p>

	<p>All heavy goods vehicles and all mobile plant operating on the site will be fitted with broadband ('white-noise') reverse warning systems and maintained in accordance with the manufacturers recommendations for the lifetime of the development.</p>	<p>alarms are audible.</p> <p>Accordingly, it is recommended that the condition is retained as worded.</p>
Applicant	<p>Requests that Condition Nos. 24 & 27 are combined to state:</p> <p><i>Prior to any operations commencing on the site a Soil Resource and Management Plan, which shall be prepared in accordance with the Institute for Quarry's Good Practice Guide for Handling Soils in Mineral Workings (2021). Shall be submitted to the MPA for their consideration. The Plan shall identify clearly the origin, intermediate and final locations of soils for use in the restoration, as defined by soil units, together with details balancing the quantities, depths, and areas involved.</i></p> <p><i>All soil handling and storage operations shall be carried out in accordance with the details to be set out in the approved Soil Resource and Management Plan.</i></p>	<p>This is an acceptable amendment.</p> <p>Recommended that the requested amendment is accepted.</p> <p>Subsequent conditions would be renumbered.</p>
Applicant	<p>Requests an amendment to draft Condition No. 28 be amended to remove period of time stated in the condition as this is unnecessary so that condition states:</p> <p><i>Soil shall only be moved when in a dry and friable condition. For all soil types no soil handling shall proceed during and shortly after significant rainfall, and/or when there are any puddles on the soil surface.</i></p> <p><i>Soil handling and movement shall not be carried out between the months of October to March inclusive.</i></p> <p><i>Plant or vehicle movement shall be confined to clearly defined haul routes, or the overburden surface and shall not cross areas of topsoil and subsoil.</i></p>	<p>This is an acceptable amendment.</p> <p>Recommended that the requested amendment is accepted.</p>

	<p>Requests an amendment to draft Condition No. 35 on the basis that the requirement of the condition is to onerous, so that the condition states:</p> <p><i>Prior to the installation of any fixed external lighting, a Lighting Design Strategy scheme for areas to be lit shall be prepared by a suitably qualified lighting consultant and submitted to the Mineral Planning Authority for written approval. The strategy shall:</i></p> <ul style="list-style-type: none"> <i>(a) Identify those areas/features on site that are particularly sensitive for bats, and those areas where lights are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging;</i> <i>(b) Show how and where external lighting will be installed (through technical specifications and the provision of appropriate lighting contour plans which shall include lux levels of the lighting to be provided) so that it can be clearly demonstrated that areas to be lit will not cause light pollution and disturb or prevent bats using their territory or having access to their breeding sites and resting places; and</i> <i>(c) Include the hours of operation for the approved lighting.</i> <p><i>The lighting shall be installed in accordance with the specifications and locations set out in the approved strategy and shall be maintained thereafter in accordance with the strategy for the lifetime of the development.</i></p>	<p>Full details of the lighting scheme have not been submitted with the application and any scheme should be designed to take into account the potential presence of bats and designed by suitably qualified lighting consultant.</p> <p>It is therefore advised that the condition be retained as worded.</p>
Applicant	<p>Requests that the monitoring requirement set out in draft Condition No. 37 be deleted (as follows) or amended so that a monitoring report be submitted post each phase of mineral extraction and restoration:</p> <p><i>The development shall be undertaken strictly in accordance with the Proposed Quarry Development, Beetley, Norfolk, Ecology Addendum (BNG Calculations), Wild Frontier</i></p>	<p>Monitoring is required to ensure the delivery of BNG a proposed.</p> <p>Currently guidance allows for up to five years of</p>

	<p><i>Ecology Ltd, dated December 2022, including the implementation of the Proposed Habitats set out in Section 2.3 and the Appropriate Management of Proposed Habitats set out in Section 2.4 to deliver the Change in Biodiversity Unit calculations for the site - Area Based Habitats set out in Table 5 Proposed Hedgerow Unit calculations for the site – Linear Based Habitats set out in Table 6.</i></p> <p><i>An annual Monitoring Report to be prepared a competent ecologist shall be submitted to the Mineral Planning Authority by 31st December each year confirming implementation of the Proposed Habitats and the Appropriate Management of Proposed Habitats, following the commencement of soil stripping and extraction works in Phase 2.</i></p> <p>It is recommended that this second paragraph is retained with the following amended wording (underlined):</p> <p><i>An annual Monitoring Report to be prepared a competent ecologist shall be submitted to the Mineral Planning Authority by 31st December each year confirming implementation of the Proposed Habitats and the Appropriate Management of Proposed Habitats, following the commencement of soil stripping and extraction works in Phase 2 <u>and until five years after the end date of the final restoration works notified in accordance with Condition No. 2.</u></i></p> <p>As a consequential amendment it is also recommended that Condition No. 2 be amended to state:</p> <p><i>Within seven days of the commencement of operations, the operator shall notify the Mineral Planning Authority in writing of the start date <u>and within seven days of the completion of the final restoration works in Phases 1 and 2 (shown on Drawing Refs LON-002-M.D.014E and Drawing Ref. LON-002-M.D.015E), the operator shall notify the Mineral Planning Authority in writing of the end date of the works.</u></i></p>	<p>aftercare, so it is recommended that the condition is retained as worded but with the additional wording to require submission of a monitoring report for a period up to five years after the completion of the final restorations works in phases 1 and 2. This would provide greater certainty to the developer.</p> <p>As a consequential amendment, Condition No. 2 should also be amended to require completion of the works on site.</p>
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Photographs from Karl Robinson

FUL/2023/0019













Photographs from Phil Taylor

FUL/2023/0019











Planning (Regulatory) Committee

Item No: 5

Report Title: FUL/2023/0033: Carter Concrete Ltd, Britons Lane, Beeston Regis, NR26 8TP

Date of Meeting: 26 January 2024

Responsible Cabinet Member: N/A

Responsible Director: Grahame Bygrave, Executive Director of Community and Environmental Services

Is this a Key Decision? No

Proposal & Applicant: Non-compliance with conditions 2 (approved plans) and 7 (restoration scheme) of permission reference FUL/2019/0002 to regularise proposed changes to approved restoration scheme (retrospective): Norfolk Gravel Limited

There are ** updates since the planning application committee report was published:

Organization	Comment	Officer Response

There is one amendment to the report since the planning application committee report was published:

Paragraph	Issue	Amendment
11.2 Additional condition and reason for condition	Additional condition required in order to clarify locations of proposed two no. culverts underneath proposed trackway, to facilitate surface water drainage into northeast corner of quarry void, and secure management and maintenance of surface water drainage features	Additional condition and reason: Notwithstanding the provisions of paragraph 3.3.5 of submitted document titled Environmental Statement; unreferenced; prepared by David L Walker Limited; dated August 2023, and the email reference B92/2 from David L Walker Limited to Norfolk County Council dated 08 January 2024

	(please refer to paragraph 3.98 of Committee Report)	<p>16:23 hours, within three months of the date of this permission details of a scheme for the management of surface water shall be submitted to the County Planning Authority for its approval in writing. The scheme shall also include details of the maintenance and management of all the surface water drainage features.</p> <p>The scheme shall thereafter be implemented in accordance with the approved details and retained in perpetuity, and be managed and maintained in accordance with the approved details in perpetuity.</p> <p>Reason: To ensure the effective management of surface water and to ensure clear arrangements are in place for ongoing operation and maintenance of the surface water drainage system, in accordance with Policy DM4 of the Norfolk Minerals and Waste Core Strategy 2010-2026, and paragraph 175 of the National Planning Policy Framework (2023).</p>

Planning (Regulatory) Committee

Item No: 5

Report Title: FUL/2022/0051: Land at Brandon Rail Sidings, Mundford Road, Weeting, Suffolk. IP27 0BA

Date of Meeting: 22 March 2024

Responsible Cabinet Member: N/A

Responsible Director: Grahame Bygrave, Interim Executive Director of Community and Environmental Services

Proposal and applicant: Retention of replacement rail siding (retrospective): Network Rail

Is this a Key Decision? No

Executive Summary

Planning permission is sought for retention of a replacement (second) rail siding at Brandon Rail Sidings. The sidings site is currently operated as an aggregate storage and distribution centre, with the importation of aggregates by rail and export by road. Submission of the application follows the issue of an Enforcement Notice by the County Council which requires removal of the rail siding track.

Objections and concerns are raised by a Local Member (Breckland Council Electoral Ward), the Local Member for the neighbouring Suffolk County Electoral Division and the Local Member for the neighbouring West Suffolk Council Electoral Ward. Concerns are raised by Weeting Parish Council, Brandon Town Council and a Local Member (Breckland Council Electoral Ward). Representation is made by nine members of the public, six of whom make explicit objection to the proposals. Their concerns relate primarily to impacts on residential amenity and traffic movements. No objections have been raised by statutory consultees, subject to suitably worded conditions being imposed on any grant of planning permission.

The key issues are the principle of development, landscape and visual impact/design, impact on residential amenity, impact on heritage assets, biodiversity, transport, sustainability, flood risk, groundwater/surface water, safeguarding aerodromes and cumulative impacts.

The environmental impacts of the proposal have been carefully considered. It is considered that the proposal would be in accordance with the policies contained within the development plan and no material considerations sufficient to outweigh the plan have been identified.

Full details of the application, FUL/2023/0033, and consultation responses, can be found online here: eplanning.norfolk.gov.uk/Planning/Display/FUL/2022/0051

Recommendations:

That the Interim Executive Director of Community and Environmental Services (or equivalent) be authorised to:

- 1. Grant planning permission subject to the conditions outlined in section 11;**
- 2. Discharge conditions where those detailed above require the submission and implementation of a scheme, or further details, either before development commences, or within a specified date of planning permission being granted;**
- 3. Delegate powers to officers to deal with any non-material amendments to the application that may be submitted.**

1. Background

- 1.1 This report deals with a retrospective planning application for retention of a replacement (second) rail siding on land forming part of the Brandon Rail Sidings site within the parish of Weeting; the rail siding was laid in late 2017.
- 1.2 Submission of the application follows the issue of an Enforcement Notice dated 16 August 2021 by the County Council which requires removal of the rail siding track by 29 November 2022.
- 1.3 The development is located on an area of open ground forming part of an operational rail sidings site, which dates back to the Norwich and Brandon Railway Act 1844, and has historically been used for transfer of freight by rail. It is understood that the site benefited from two railway siding tracks until the early 2000's but historically there were several more. The sidings site is currently operated as an aggregate storage and distribution centre, with the importation of aggregates by rail and export by road.
- 1.4 Given that the application site and wider sidings site has historically operated as a rail site and would have done so under rail related permitted development rights and/or predated the planning system, the application site and wider sidings site has a very limited planning history: the below history covers the application site as well as the wider Rail Sidings / Goods Shed and Porters Room, Brandon Railway Station:
- 1.5 Breckland DC reference **3PL/1983/1091/CU** - Manufacture of packaging materials from waste paper – Conditional Approval 1983

- 1.6 NCC reference **C/3/2017/3004** - EIA Screening Opinion: Proposed Aggregates Storage and Distribution Facility – Issued 16 May 2017 – Officers concluded that proposed development would need to be considered through the process of Environmental Assessment due to noise and air quality impacts on nearby residential properties, and local landscape/visual impacts due to loss of screening vegetation and storage of aggregate.
- 1.7 NCC reference **C/3/2017/3013** – EIA Screening Opinion: Proposed Aggregates Storage and Distribution Facility – Issued 19 December 2017 – Officers concluded that, on the basis of the information provided, and subject to mitigation measures in relation to noise, dust, biodiversity and landscape to be secured through a unilateral undertaking, the proposed development would not need to be considered through the process of Environmental Assessment (the unilateral undertaking reached an advanced stage but was not ultimately completed).
- 1.8 NCC reference **SCR/2019/0003** – Request for EIA Screening Opinion: Proposed Aggregates Storage and Distribution Facility – Withdrawn December 2019
- 1.9 Following receipt of complaints in relation to noise, dust and HGV movements arising from use of the sidings site for aggregate import and distribution, and protracted negotiation between the County Council, and the operator and landowner, to help resolve the matter the County Council issued a Planning Contravention Notice (“PCN”) dated 21 October 2019. The PCN identified the following matters as appearing to constitute a breach of Planning Control: - Without planning permission: The use of the Land as an aggregate storage and distribution centre; - The construction of a railway siding track.
- 1.10 Following further investigation regarding alleged unauthorised development at Brandon Rail Sidings officers concluded that:
- The continued use of the site as rail sidings which includes, but is not exclusively for, the import and onward distribution of aggregate has been assessed as not being development and, therefore, not a breach of planning control.
 - The installation of the additional railway siding track is development and is not authorised by any form of planning permission (deemed or express); therefore, it is a breach of planning control. The development could have benefitted from permitted development rights under The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), Schedule 2, Part 18 – Miscellaneous development, Class A – development under local or private Acts or Order but, as the prior approval of the appropriate planning authority was not sought, it cannot benefit from this permitted development right.
- [The prior approval process requires the planning authority to consider how the design or external appearance of the development could impact on the amenity of sensitive receptors].

- 1.11 Given the above, officers considered it expedient to invite a retrospective planning application for the additional siding track and take enforcement action if the landowner / operator refuses to apply for retrospective planning permission.
- 1.12 As detailed above, an Enforcement Notice dated 16 August 2021 was served on the applicant and site operator by the County Council. The Enforcement Notice took effect on 31 August 2022 and requires that the rail siding track be removed by 29 November 2022).
- 1.13 The reasons for issuing the Notice are as follows: 1) It appears to the Council that the breach of planning control has occurred within the last four years; 2) The development is not subject to planning control in relation to noise, dust, traffic or hours of operation contrary to development plan policies.
- 1.14 The supporting Planning Statement states that the applicant disagrees with the County Councils' interpretation and considers that the siding track was lawfully laid under permitted development rights afforded by the Town and Country Planning (General Permitted Development) (England) Order 2015, Schedule 2, Part 8 – Transport related development, Class A – railway or light railway undertakings and that such works do not constitute a breach of planning control. The Planning Statement confirms that this application is made on an entirely 'without prejudice' basis that planning permission was not required for the laying of the siding track.
- 1.15 Determining authority
- 1.16 Whilst construction of a railway track/siding in itself would not normally be a "county matter", the sidings site is currently operated as an aggregate storage and distribution centre, with the transport (importation) of aggregates by rail. Therefore, in accordance with the Town and Country Planning Act, Schedule 1, Para 1(1)(e): Local Planning Authorities: Distribution of Functions, the application under consideration is a "county matter" and falls to be determined by the County Council

2. Proposal

2.1 SITE

- 2.2 The application site amounts to some 0.19ha of open ground forming part of the wider Brandon Rail Sidings site, which extends to some 2ha and surrounds the vast majority of the application site area. The proposed siding track is located south of and roughly parallel to the existing single siding, and runs from the eastern end of the sidings site and ending on the western end just beyond the site offices.
- 2.3 The wider Sidings site comprises of an area of open ground accommodating: rail infrastructure in the form of a further siding located north of the siding under consideration; aggregate storage bays located south of the proposed siding;

site offices and weighbridge located south of the western end of the proposed siding.

- 2.4 The Rail Sidings site is bounded to the north by a number of commercial / industrial units; to the east-northeast by a row of cottages; to the west by the A1065, Mundford Road and a number of residential properties; to the southwest by Brandon Railway Station; and to the south by the mainline Norwich - Ely railway, beyond which are existing commercial / industrial units, and the town of Brandon, assessed in more detail below:
- 2.5 The nearest residential properties are: Redbrick Cottages abutting the east-northeast boundary of the Rail Sidings site; Railway Terrace to the west; and a property to the north.
- 2.6 Existing vehicular access to the site, which is shared with the adjacent Brandon Railway Station, is via an existing vehicular access from the A1065, Mundford Road, to the west.
- 2.7 Relevant Constraints:
- 2.8 The Breckland Council Local Plan Policy Map - Weeting (2020) identifies the site as being:
-located outside the defined Weeting settlement boundary.
-located within an area allocated as a 'General Employment Area'.
- 2.9 The adopted NM&W Core Strategy Policies Map and the Breckland Council Local Plan Policy Map - Weeting (2020) identify the site as being located within the Breckland Special Protection Area (SPA) Stone Curlew 1500m Primary Buffer, and SPA Stone Curlew Grid Cells less than 50% coverage.
- 2.10 The rail sidings site is situated some 17m from an area identified in the Forest Heath Area of West Suffolk Site Allocations Local Plan (2019) as existing employment land.
- 2.11 The rail sidings site is located: some 0.28km from Breckland Special Protection Area (SPA) and Breckland Forest Site of Special Scientific Interest (SSSI); approximately 1km from Breckland Farmland SSSI; some 2.17km from Breckland Special Area of Conservation (SAC); and some 2km from London Road Industrial Estate, Brandon SSSI.
- 2.12 The rail sidings site partly abuts the Grade II listed Brandon Railway Station
- 2.13 **PROPOSAL**
- 2.14 Retrospective planning permission is sought for retention of a replacement (second) rail siding at the site (some 228m of new railway track), together with one set of points and signal at the eastern end of the site. Proposed vehicular

access to the site would be via the existing vehicular access from the A1065, Mundford Road.

2.15 Site Layout

2.16 The application states that the layout has been based on the fact that this is a reinstatement of a former siding, and has additionally been determined by:

- The nature of the site (including land available for the laying out of the siding);
- The existing location of the first railway siding;
- Operational requirements in terms of being able to unload material from both sidings;
- Operational considerations including safe and efficient movement of vehicles and plant into / out of and around the wider sidings site, safe walking routes, and movement of material into the storage areas.

2.17 Operation of the Siding/Wider Sidings Site (train access, shunting and unloading)

2.18 The application states that the key reason for the laying of the replacement siding is to make better / more efficient use of the sidings site. The single siding only allows for a maximum train length of 12 wagons, whereas the second siding allows for 24 wagon trains to access the site and be split over the two sidings. This means that a smaller number of train deliveries / train paths are required for the same level of material throughput. The application compares operation of the site on the basis of a single siding with operation of the site with the retained second siding.

2.19 Goods Loop and Access to Sidings Site

2.20 Whether one siding is in place or two, before accessing the sidings site the train will always first enter the 'goods loop' from the main line. The goods loop is located to the east of the sidings site. The locomotive will then shunt the train into the sidings site entering the site from the east.

2.21 Unloading and train movements/shunting - utilising one siding

2.22 Operating with only one siding in place means that only 12 wagon trains can access the site. The whole train is shunted along the single (northern) siding and the locomotive would be stationed broadly next to Redbrick Cottages. Under the one siding scenario a greater number of trains per week would be required to meet current maximum activity levels. A single 'clamshell' unloader would be used to unload the train, working from the western end towards the eastern end. The unloader would be followed by a dust spray as needed. Unloading operations (including train arriving / shunting / departing site) would

take circa 4.5 hours to complete. Once the train is unloaded the locomotive would be started up and would depart the sidings site.

2.23 Unloading and train movements/shunting – utilising two sidings

2.24 Operating with two sidings in place means the site can accept longer (24 wagon) trains. The train is first shunted along the northern siding and is then de-coupled to leave 12 wagons on the northern siding. The loco then reverses out pulling the remaining 12 wagons out sufficiently to enable it to then shunt those 12 wagons along the southern siding. Once shunting is complete the locomotive remains stationed on the southern siding and its engine is switched off for the duration of the unloading of the 12 wagons on the southern siding. Due to the longer length of the southern siding the locomotive is positioned further into the site and as such further away from Redbrick Cottages.

2.25 As far as practicable two 'clamshell' unloaders are used to unload the 12 wagons on the southern siding. They work in one of two ways: (a) One unloader positioned at the western end and one positioned at the eastern end. Each unloader would work moving towards the centre of the train where they would meet; (b) Alternatively, one unloader would start at the either end, and the other unloader would be positioned at the centre of the 12 wagons with both unloaders then moving in the same direction. A mobile dust spray would be in operation during unloading operations.

2.26 In the event that both unloaders are not available and operational with drivers, then one unloader would be used in these circumstances.

2.27 Once the 12 wagons on the southern siding are unloaded, the locomotive is used to pull the 12 wagons out of the site and then shunts the wagons back into the site to couple up with the train on the northern siding. The locomotive would be located some distance from Redbrick Cottages to the east.

2.28 Once the train is at full length the train is moved out of the northern siding and pushed back into the southern siding to allow the remaining full wagons to be emptied. The remaining 12 wagons are then unloaded in the same way as the first half (i.e. two 'clamshell' unloaders working either on the basis of unloading option (a) or unloading option (b) above).

2.29 Once unloading from wagons on the southern siding is completed the 24 wagon train is already in position to depart from the site with the locomotive pulling the train out.

2.30 Material Throughput and HGV Movements

2.31 The application is made of the basis of an average level of operation of the rail site (with the second siding in place) of two 24 wagon train deliveries per week,

with a cap of three trains per week and a yearly cap of 104 trains (which reflects an average of 2 trains per week); this equates to a maximum annual material throughput of 189,696 tonnes. As regards export of aggregate from the site, based on throughput of 189,696 tonnes this would generate 54 two-way HGV movements per day (27 in / 27 out). The application states that, in business and operational terms, a sustained and consistent operation at these levels is how the site is intended to operate. Whilst this is the ideal there are factors outside of the applicant's control such as availability of train paths or operational issues with the railway line, rolling stock or drivers which can and does impact on operating levels across different weeks.

- 2.32 As detailed elsewhere in this report, officers have concluded that the continued use of the wider site as rail sidings which includes, but is not exclusively for, the import and onward distribution of aggregate has been assessed as not being development and, therefore, not a breach of planning control.
- 2.33 The wider site could continue to operate on the basis of the existing single siding without the need for planning permission, and without restriction. This would include: number of trains, material throughput, hours of site operations / unloading, method of unloading and HGV movements.
- 2.34 Assuming current operational levels are maintained and assuming average level of operation of two trains per week, utilising both sidings would involve an average of two no. full-length train (24 wagons) deliveries per week.
- 2.35 Assuming the second siding is removed and current operational levels maintained, using the single siding would involve an average of four no. half-length train (12 wagons) deliveries per week.
- 2.36 The application confirms that (i) if for whatever reason the second siding is not granted planning permission (once all appeal and other options have been considered) the site would revert back to operation on the basis of the single siding, and (ii) the current maximum operational throughput of the sidings site making use of the two sidings, could and would be operated on the single siding (if the second siding were not in place).
- 2.37 The supporting Planning Statement states that submission of this application allows for detailed physical and operational mitigation measures to be secured by condition and/or legal agreement. In a single siding scenario there would be no mechanism for control and any retained mitigation would be at the goodwill of the operator. The Statement considers that the proposals would bring tangible benefits in terms of amenity considerations.
- 2.38 Amended application

- 2.39 In addition to Monday – Friday, the application as originally submitted sought permission for loading and unloading operations to be undertaken on Saturdays. The applicant subsequently amended the proposal such that no rail unloading will be undertaken on a Saturday.
- 2.40 The application as originally submitted was made on the basis of an average level of operation of the rail site (with the second siding in place) of two 24 wagon train deliveries per week, which equates to 100 trains per year. In order to allow an element of flexibility to deal with any missed or cancelled deliveries, the applicant amended the proposal such that the number of train deliveries would be restricted to three trains per week and 104 trains per year, (which reflects an average of 2 trains per week).
- 2.41 Ministerial advice on this subject is that it is sensible and time saving to allow applicants for planning permission to amend details of applications provided the amendments do not materially change the character of the development. Given that: the nature, scope and character of the proposal is not changed in a material way; and, as will be demonstrated, the impact of the proposal on the locality arising from an additional four train deliveries per year is not changed in a material way, it was concluded that the subsequent amendments do not materially alter the basis of the proposal as was originally the subject of advertising. The amended application has been subject to re-consultation.
- 2.42 **ENVIRONMENTAL IMPACT ASSESSMENT**
- 2.43 As detailed elsewhere in this report, the local member for the neighbouring Suffolk County Electoral Division and the local member for the neighbouring West Suffolk District Electoral Ward comment that they do not believe an Environmental Impact Assessment has been carried out to assess the impacts of the aggregate facility in relation to residential amenity, HGV traffic and wildlife/flora. As also detailed elsewhere, a local resident asks whether an Environmental Impact study has been carried out on the site to measure noise and pollution.
- 2.44 The application was screened on receipt and re-screened at the determination stage and it is not considered that the development would have significant impacts on the environment within the meaning of the EIA Regulations 2017. No Environmental Impact Assessment is therefore required.
- 2.45 Notwithstanding that EIA is not required, as detailed elsewhere in this report the impacts of the proposed development in relation to residential amenity, HGV traffic and wildlife/flora etc. are material considerations.

3. Impact of the Proposal

3.1 DEVELOPMENT PLAN POLICIES

The following policies of the Norfolk Minerals and Waste Local Development Framework: Core Strategy and Minerals and Waste Development Management

Policies DPD (2011) (NMWDF) and Breckland Local Plan (2019) provide the development plan framework for this planning application. The following policies are of relevance to this application:

Norfolk Minerals and Waste LDF: CS and Minerals and Waste DM Policies DPD (2011)

CS13: Climate change and renewable energy generation
CS14: Environmental protection
CS15: Transport
CS16: Safeguarding mineral and waste sites and mineral resources
DM1: Nature conservation
DM3: Groundwater and surface water
DM4: Flood Risk
DM7: Safeguarding Aerodromes
DM8: Design, local landscape and townscape character
DM9: Archaeological sites
DM10: Transport
DM11: Sustainable construction and operations
DM12: Amenity
DM13: Air Quality
DM15: Cumulative impact

Norfolk Minerals and Waste Local Development Framework: Revised Policies Map (2017)

The rail infrastructure at Brandon Rail Sidings is not identified as 'safeguarded' on the NMWDF Revised Policies Map

Breckland Local Plan (2023)

GEN 01 Sustainable Development in Breckland
GEN 02 Promoting High Quality Design
GEN 05 Settlement Boundaries
TR 01 Sustainable Transport Network
TR 02 Transport Requirements
ENV 01 Green Infrastructure
ENV 02 Biodiversity protection and enhancement
ENV 03 The Brecks Protected Habitats & Species
ENV 05 Protection and Enhancement of the Landscape
ENV 06 Trees, Hedgerows and Development
ENV 07 Designated Heritage Assets
ENV 09 Flood Risk & Surface Water Drainage
EC 03 General Employment Areas
COM 01 Design
COM 02 Healthy Lifestyles
COM 03 Protection of Amenity

Neighbourhood Development Plan

The area in which the application site is situated does not have an adopted Neighbourhood Plan or Neighbourhood Plan in preparation.

3.2 OTHER MATERIAL CONSIDERATIONS

The Revised National Planning Policy Framework (NPPF) was published in December 2023 and sets out the Government's planning policies for England and how these should be applied. Whilst not part of the development plan, policies within the NPPF are also a further material consideration capable of carrying significant weight. The NPPF places a presumption in favour of sustainable development. Paragraph 47 states that planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The following sections are of relevance to this application:

- 2. Achieving sustainable development
- 6. Building a strong, competitive economy
- 9. Promoting sustainable transport
- 12. Achieving well-designed and beautiful places
- 14. Meeting the challenge of climate change, flooding and coastal change
- 15. Conserving and enhancing the natural environment
- 16. Conserving and enhancing the historic environment
- 17. Facilitating the sustainable use of minerals

- 3.3 National Planning Practice Guidance (NPPG) provides supporting information to the NPPF but has lower standing than the NPPF as it is not consulted upon or subject to external scrutiny, unlike the NPPF.

3.4 Emerging Development Plan Policy

Paragraph 48 of the NPPF states, in summary, that local planning authorities may give weight to relevant policies in emerging plans according to: the stage of preparation of the emerging plan; the extent to which there are unresolved objections to relevant policies; and the degree of consistency of the relevant policies in the emerging plan to the NPPF.

- 3.5 The County Council is currently preparing a Minerals and Waste Local Plan to extend the plan period to the end of 2038. The pre-submission version of the Minerals and Waste Local Plan, relevant background documents and the representations received have now all been submitted to the Secretary of State for public examination by a Planning Inspector in 2024. So, whilst at an advanced stage, it is not yet formally part of the development plan for the area and therefore the following policies have been given some weight in the planning balance:

Norfolk Minerals and Waste Local Plan: Publication (2022)

MW1: Development Management Criteria

MW2: Transport

MW3: Climate Change mitigation and adaption

MW4: The Brecks Protected Habitats and Species

MP10: Safeguarding of port and rail facilities

[Policies MW2, MW3 and MW4 did not receive any objections and therefore can be given greater weight]

3.6 Breckland Local Plan Review

Breckland Council is currently undertaking a review of the adopted Local Plan that will roll forward the plan to 2046. A period of public consultation on the Regulation 18 Local Plan: Full Update (emerging development strategy) began on January 8 and ran until February 19 2024. The emerging plan is a material consideration but is not yet formally part of the development plan for the area; given the early stage of preparation very little weight is given to the emerging plan.

3.7 Whilst not itself a planning policy, Norfolk County Council's Environmental Policy (2019) is also material to the decision.

3.8 CONSULTATIONS

Breckland District Council – No objections, subject to conditions suggested by Environmental Protection being imposed

West Suffolk Council – No response received

Suffolk County Council – No response received

Breckland District Council Environmental Health Officer –

Recommend approval subject to conditions in relation to: development proceeding in line with application details; programme of ambient air monitoring for minimum period of six months; cap number of train deliveries to no more than 104 in calendar year, and no more than three in any one week (Monday – Sunday), cap annual tonnage of aggregates delivered to site, and cap maximum number of wagons in each train to 24; record dates and times of train arrivals and departures, and tonnage of aggregates delivered to site; no operations outside 7am – 6pm Monday to Friday other than rail freight entering/leaving sidings and essential maintenance; compliance with Dust Management Plan; compliance with Noise Management Plan; replace windspeed monitor/windsock with meteorological station; lighting.

Comments made on the basis that the original siding has a lawful use and can operate without restrictions and that if permission for the second siding is not obtained then the current import by rail and the onward distribution of the aggregates by road would continue at the same capacity as it does now, using only the original siding. Without the use of the second siding the operation would move closer to the residential properties known as Redbrick Cottages.

West Suffolk Council Environment Team –

No objection. Comment that: are aware that site impacts air quality of Brandon High Street due to number of HGV movements through town. There has, in the past, been informal agreements to limit movements by diverting lorries via A1065 and A134 to A11, although there is no formal method for enforcing this. Although accept that two 24 wagon deliveries would not increase traffic movements over four 12 wagon deliveries, uncontrolled use of southern siding could result, in theory, in a 24 wagon delivery every day of the week. This could significantly increase the number of HGV movements from the site and with no assessment of the impact of this we could not accept this scenario. Request condition to restrict use of southern siding to maximum of two deliveries per working week (Monday to Friday) with no deliveries on Saturday, Sunday or bank holiday.

Natural England – No response received

Historic England – On basis of information provided do not need to be notified

Breckland Council Conservation Officer – No response received

Highway Authority (Norfolk County Council) – Comment that, given existing lawful use of site, access arrangements and current unrestricted activity could not substantiate highway related objection to proposals. Recommend conditions in relation to: deposit of material on public highway; cap on activity; Dust Management Plan.

Highway Authority (Suffolk County Council) – No response received

Open Spaces Society – No response received

Lead Local Flood Authority – appears development classed as minor development; no comments to make

County Council Ecologist - No objection, subject to mitigation measures set out in Preliminary Ecological Appraisal. Welcomes proposed ecological enhancement measures. Is satisfied that development is unlikely to impact on Breckland SPA and SAC, and that no further assessment is required.

County Council Principal Landscape Architect – No objection. Would support conditions which limit additional vehicle movement, working hours or storage which may have further visual or amenity impacts.

County Council Historic Environment Officer (Archaeology) – Based on currently available information proposal will not have any significant impact on historic environment; no recommendations for archaeological work

Weeting Parish Council –

Original submission:

Comment that: Existing layout is intrusive and siding is exacerbating situation; Problems emanating from operation have not diminished; Dust control measures are given 'lip service' and are not particularly effective.

Amended application/additional information:

hours of operation should be between 08:00 and 17:00 only;

Noise unloading should be kept to absolute minimum;

Wheel wash is essential; offer to sweep station yard daily will not stop mud and dust being trafficked across station yard and onto Mundford Road, Bridge Street and High Street, Brandon; any mitigation for residents of Redbrick Cottages should be pursued.

Brandon Town Council (Neighbouring) –

Original submission:

No objection. Express great concern regarding: use of site for onward transport of materials; onward road transport requires transit through Brandon; insecure loads deposited on roads; residue of material clinging to sides of vehicles is deposited on roads blocking drainage system.

Amended application/additional information:

The comments of the Council have not altered.

Movement of material through Brandon affects resident's quality of life; Material which falls from vehicles or washes off vehicles whilst transiting Brandon makes area unpleasant and unsafe;

The numerous HGV movements through Brandon result in continual problems incl. damage to drain covers, blocking drainage systems, haunching of verges and increased wear to surfaces, which taxpayers of Brandon must pay the burden and suffer inconvenience of.

County Councillor Fabian Eagle (The Brecks Electoral Division) – No response received

Local Member (Neighbouring Suffolk County Electoral Division) –

Original submission:

Strongly objects. Expresses concern that: additional siding has allowed doubling of aggregate to be brought into site, which is then transported by HGVs through Brandon, with related problems, e.g. noise, pollution and damage to drain covers;

On 11/09/2019 Brandon's Councillors carried out HGV count from the Station over a five day period between 8am and 4pm, 670 HGV's left the station and travelled through Brandon. This is excessive and unacceptable.

Does not believe EIA has been carried out to assess what effects a substantial aggregate facility would have on a residential area.

Amended application/additional information:

Strongly objects. Additional rail siding would greatly increase quantity of aggregate coming into site; from there it is transported by HGVs through Brandon causing damage and pollution incl. noise.

Local member (Breckland District Electoral Ward) – Raises objection

Comments that: is aware of devastating impact this site has on lives of local residents and impacts of dust, air quality, noise and vibration due to number of vehicle movements and train movements; operator and Network Rail should give consideration to vibration from arrival of trains, which is causing blight for residents.

Recommends conditions in relation to:

- Restrict use of southern siding to maximum of two deliveries per working week (Monday to Friday) with no deliveries on Saturday, Sunday or bank holiday. (this must not then cause a detrimental impact on northern siding).
- Dust suppression during all activities on site
- Automatic noise alarms to be fitted on site for use for loading/unloading which alert staff to the need to stop.
- Sheeting of vehicles on arrival and departure
- site wheel wash for vehicles.

Local member (Breckland District Electoral Ward) –

Operation of the pair of sidings has generated more complaints than any other matter in Forest Ward. Principal issues are 1. excessive dust 2. excessive noise especially outside of conditioned hours of operation. 3. locos left with engines running. 4. No effective use of tyre wash facilities.

Conditions must be attached to any approval to regularise use of siding in a manner which enables strict enforcement.

Local Member (Neighbouring West Suffolk District Electoral Ward) –

Raises objection

Comments that:

Contaminated Land report has not been conducted.

Additional siding has allowed considerably more than double amount of aggregate materials to be trafficked through Brandon Station.

Queries accuracy of Transport Assessment: Brandon Town and West Suffolk District Councillors carried out count of HGVs leaving site over five day period between 8am and 4pm and observed 670 HGVs leave site, and without exception turn left onto A1065 through Brandon Town Centre.

Believes EIA has not been carried out to determine effects of such a large volume of HGV traffic upon Brandon High Street, Thetford Road (B1107) and Bury Road (B1106). Both Thetford Road and Bury Road are totally unsuitable to carry such volumes of HGV traffic.

Believes no EIA has been carried out to determine effects of operations upon local residents and wildlife/flora in near vicinity.

Recognises that site brings benefit of employment to Brandon, but this does not mitigate the damage this operation brings to Brandon due to constant HGV traffic, dust and noise impact on residents within vicinity of site.

3.9 REPRESENTATIONS

The application was advertised by means of neighbour notification letters, site notice, and an advertisement in the Eastern Daily Press newspaper. Ten letters

of correspondence were received from nine members of the public with six of those people explicitly objecting to the planning application. The grounds of objection and concerns raised are summarised as follows:

- Sidings are inadequately equipped and poorly located to facilitate handling of aggregates in such close proximity to residential properties.

- Object to retrospective nature of application.

- Siding should not have been put in place without planning permission

- For five years residents have been subjected to extreme levels of excessive noise and dust. Whilst Environment Health are monitoring the situation, their involvement has done little to better the situation.

- If permission was to be granted, what NCC are essentially promoting is a continued abuse of power by the landowner and operator, and that the health and well-being of residents and the impact operations have on the environment are meaningless.

- Asks whether an Environmental Impact study has been carried out on the site to measure the noise and pollution

- Dust hangs in the air and people are breathing it in

- Dust contamination inside our properties; at least two of the materials handled are carcinogenic i.e. Silica and Gypsum.

- Dust settles on properties, plants and cars

- Dust is carried on vehicles and deposited as they travel through the town

- Dust from unsheeted HGVs

- Air Quality and Monitoring Assessment states that dust control will only be used in certain conditions, as a resident I would expect this to be used at all times

- A misting machine parked at edge of site doesn't deal with it all.

- No wheel wash

- Continuing noise from machinery and trains (sometimes arriving late into night)

- Noise when loading lorries

- Concerned about increased traffic this has caused; doubling capacity of site will only increase productivity.

- Heavy volume of HGV traffic along London Road.

- Between 100 and 150 eight-wheel tippers and articulated bulkers leave siding each weekday and travel up Brandon High Street, they also park up along the High Street, blocking the road.

- Noise and vibration from HGV traffic

- My listed building suffers constant damage from vibration caused by HGV's travelling on Brandon High Street.

- Have to endure late-night carriageway repairs caused by HGV's, the High Street cannot handle the constant HGV traffic.
- HGV movements via very busy railway station car park where there is a lot of pedestrian access.
- it is only a matter of time before someone is injured or..
- Material is shed from lorries onto local roads (incl. Brandon)
- Material shed from lorries is washed into drainage system blocking the drains
- The Transport Assessment states that a single siding can accommodate the site's current activities, a business model based on two sidings, without permission, would be unwise, if the second siding was to get permission the business model could be changed and the site's activities increased by around 60% which could potentially put a further 60 plus lorries leaving the site per day-this is neither safe or acceptable.
- site should be restricted to stated 48 wagons per week
- site movements should be limited to Monday to Friday
- Please check how much revenue for the town is generated against the impact financially to the bridge and drain covers and pot holes.
- concern with depreciation of property values

3.10 **APPRAISAL**

The key issues for consideration are:

- A. Principle of Development
- B. Landscape & Visual Impact / Design
- C. Amenity
- D. Ecology
- E. Impact on Heritage Assets
- F. Transport
- G. Sustainability
- H. Flood Risk
- I. Groundwater/surface water
- J. Safeguarding aerodromes
- K. Cumulative Impacts

3.11 A – Principle of Development

A basic principle when assessing planning applications is outlined in Section 38(6) of the Town and Country Planning Compulsory Purchase Act 2004 which states:

"if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, the determination must be

made in accordance with the plan unless material considerations indicate otherwise”.

- 3.12 In terms of the development plan and material policy/guidance, the County Planning Authority considers the relevant documents in relation to this proposal are those listed above.
- 3.13 The application site is identified within the Breckland Local Plan Policy Map as being located outside the defined Weeting settlement boundary, and within a wider area designated as a ‘General Employment Area’, (to which Breckland Local Plan policy EC 03 relates).
- 3.14 NMWLDF CS Policy CS15 requires that, All proposed minerals extraction and waste management facilities must assess and consider positively the potential for non-HGV transportation of materials to and/or from the facilities, principally by rail or water. The supporting text to policy CS15 states that, Alternatives to road freight, such as rail and water-borne freight distribution of minerals and waste, will be strongly encouraged but in Norfolk the majority of bulk materials are likely to continue being transported by road. Whilst not a minerals extraction site itself, Brandon Rail sidings is currently used for the import (by rail) and onward distribution (by road) of aggregates.
- 3.15 Draft Policy MW2 of the emerging MWLP requires that, All proposals for minerals development...must assess the potential for non-HGV transportation of materials to and from the facilities, principally by rail or water and take up these sustainable transport opportunities where available.
- 3.16 It is therefore considered that there would be no conflict with this requirement of Policy CS15 or emerging policy MW2.
- 3.17 NMWLDF CS Policy CS16 states that, The County Council will safeguard existing, permitted and allocated mineral extraction and associated development within a range of categories including: Infrastructure located at railheads, wharves and quarries which can transport or handle minerals. Whilst the rail infrastructure at Brandon Rail Sidings is not identified as ‘safeguarded’ on the NMWDF Revised Policies Map (2017), Brandon Sidings has not been subject of a planning permission determined by the County Planning Authority in relation to aggregates handling; use of the site as a rail sidings includes, but is not exclusively for, the import and onward distribution of aggregate. Furthermore, the replacement rail siding subject of the application under consideration was only laid in late 2017.
- 3.18 Draft Policy MP10 of the emerging MWLP confirms that, The County Council will safeguard, (amongst other things), Existing, planned and potential rail heads...for the bulk transport by rail...of minerals
- 3.19 Breckland Local Plan Policy GEN 01 confirms that the Local Plan will seek to...make the best and most efficient use of previously developed land..., whilst Policy GEN 05 directs that Development outside the defined settlement

boundaries will only be acceptable where it is compliant with all relevant policies set out in the development plan.

- 3.20 Breckland Local Plan Policy EC 03 states that Sites that are identified as General Employment Areas...will be protected for employment use. Proposals to accommodate new employment development (B1, B2 and B8 uses) will be permitted on General Employment Areas subject to criteria, including: scale and appearance of the development being compatible with its surroundings; amenity of neighbouring land uses; and traffic generated does not have a severe adverse impact on local amenity, highway safety or the operation of the highways network.
- 3.21 Breckland Local Plan supporting paragraph 6.44 states that, the majority of employment development will be provided for in the strategic employment allocation outlined in Policy EC 01 and on established employment areas as outlined in Policy EC 03.
- 3.22 Whilst not part of the development plan, policies within the National Planning Policy Framework (NPPF) are also a material consideration. Guidance within paragraph 215 of the NPPF states, "It is essential that there is a sufficient supply of minerals to provide the infrastructure, buildings, energy and goods that the country needs", whilst Paragraph 216 e) provides that, "Planning policies should safeguard existing, planned and potential sites for: the bulk transport, handling and processing of minerals; the manufacture of concrete and concrete products; and the handling, processing and distribution of substitute, recycled and secondary aggregate material"
- 3.23 Concern is expressed by a local resident that the sidings are inadequately equipped and poorly located to facilitate handling of aggregates in such close proximity to residential properties.
- 3.24 The development is located on an area of land forming part of an operational rail sidings site. The site has a long history of rail related use: it is understood that the sidings site dates back to the Norwich and Brandon Railway Act 1844.
- 3.25 The Planning Statement states that the application site forms part of a strategically important rail sidings site: Brandon Rail Sidings Site is identified as a 'Strategic Freight Site'. This status was given at rail privatisation to protect sites for future rail use. These sites are held by the applicant (Network Rail) to avoid the sale of the land outside of the industry when it could be used by the rail sector in the future. As such the Brandon Sidings site (including the application site area) is protected by Network Rail for rail freight use. Whether the second siding is retained or not the site would be expected to be retained in some form of rail freight use for the long term. [Examination of the Network Rail website confirms that Brandon is identified as a strategic freight site].
- 3.26 The principle of the use of the existing rail sidings site is long established and officers have concluded that the operation of the site is lawful. Subject to an assessment of its impacts, the development proposals are not considered to be contradictory to the provisions of the development plan and National Planning

Policy, and it is therefore considered that the proposed development in this location is acceptable in principle.

3.27 B - Landscape & Visual Impact / Design

3.28 *Landscape & Visual impact*

3.29 Policies CS14 and DM8 of the NMWLDF CS, Policies GEN 01, GEN 02, ENV 01, ENV 05, ENV 06, EC 03 and COM 01 of the adopted Breckland Local Plan, and Sections 12 and 15 of the NPPF apply. Due weight is given to Policy MW1 of the emerging Norfolk Minerals and Waste Local Plan.

3.30 As detailed elsewhere in this report, the wider sidings site is located within a designated 'General Employment Area', which includes industrial development and areas of open storage. The area surrounding the site encompasses a mix of uses, characterised by industrial/employment development north and south of the site, Brandon railway station to the southwest and a number of residential properties to the east-northeast, and southwest of the site.

3.31 The wider sidings site comprises largely of an area of open ground accommodating rail infrastructure, aggregate storage bays, site offices and weighbridge. Existing boundary treatment includes a 2.5m high vegetated bund which partly encloses the western end of the site.

3.32 The sidings site is visible from residential properties abutting the east-northeast boundary and partly abutting the southwest boundary, and from Brandon Railway Station and the mainline Norwich - Ely railway to the south.

3.33 The proposals provide for retention of a reinstated siding, and one set of points and signal. The application also provides for installation of an Acoustic barrier/fencing measuring 38m (l) x 2.4m (h) affixed to chain link fence to the northern perimeter of the site, in proximity to Redbrick Cottages.

3.34 As regards visual impact of the proposed siding itself, given its low-level nature there are very few public vantage points from which the siding would be visible. Whilst freight wagons would be visible on the siding they would be in place for a limited period of time and for a maximum of three days a week. It should be noted that freight wagons would still be a feature at the site even if the second rail siding is not retained. Whilst other operations on the site including material storage do not require planning permission, the height of material stockpiles would be restricted to a maximum height of 7.5m.

3.35 The application is made on the basis of all existing boundary treatment for the wider sidings site being retained. The application is also accompanied by a Preliminary Ecological Appraisal which includes landscaping recommendations for the wider sidings site in the form of planting native shrub and small tree species etc. to embankments along the northern and southwestern boundaries. The application further confirms that construction/reinstatement of the second siding did not require removal of any trees and there were no trees in proximity to the works area which were

impacted in any way. The application concludes that, It is not considered that the proposals have any potential to give rise to any perceptible impact in landscape terms. The County Council Landscape Architect has been consulted on the application and whilst raising no objection, would be in support of conditions which limit any additional vehicle movement, working hours or storage which may have further visual or amenity impacts.

3.36 *Design*

3.37 Policies CS14 and DM8 of the NMWLDF CS, Policies GEN 02, ENV 06, EC 03 and COM 01 of the adopted Breckland Local Plan, and Section 12 of the NPPF apply. Due weight is given to Policy MW1 of the emerging Norfolk Minerals and Waste Local Plan

3.38 The proposed development comprises of a section of track comprising steel rails and sleepers. From a design point of view, the proposal is of a functional design and would be in keeping with the existing siding on site. It is considered that the design and layout of the proposal is acceptable in the context of the existing rail infrastructure and layout of the site, and surrounding form of development, and there would be no material harm caused to the established characteristics and quality of the local area. The Council's Landscape Architect has been consulted on the application and raises no objection on design grounds.

3.39 Overall, it is considered that the development would not result in unacceptable adverse impacts to the character and quality of the landscape/townscape. The development is therefore considered to be acceptable in terms of the relevant planning policies and NPPF.

3.40 *C – Amenity*

3.41 NMWLDF CS Policies CS14, CS15, DM12 and DM13, Policies GEN 02, EC 03, COM 01, COM 02 and COM 03 of the Breckland Local Plan, and NPPF Section 15 apply. Due weight is given to Policies MW1 and MW2 of the emerging Norfolk Minerals and Waste Local Plan

3.42 Concern is expressed by the two local members for the Breckland District Electoral Ward in relation to: impacts of dust, air quality, noise and vibration from vehicle and train movements; absence of a wheel wash. They recommend conditions in relation to: number of deliveries; no deliveries on Saturday, Sunday or bank holidays; dust suppression; noise alarms for loading / unloading; sheeting of vehicles; and provision of a wheel wash.

3.43 The local member for the neighbouring Suffolk County Electoral Division expresses concern with: increased volume of aggregate delivered to the site; noise and pollution impacts in Brandon arising from transport of aggregate through the town; absence of Environmental Impact Assessment (EIA) to assess the effects of the aggregate facility on a residential area.

3.44 The local member for the neighbouring West Suffolk District Electoral Ward expresses concern in relation to: absence of a contaminated land report; dust

and noise impacts; increased amount of aggregate trafficked through the site; damage arising from HGV traffic through Brandon; and absence of an EIA.

- 3.45 Concern is expressed by Weeting Parish Council in relation to: intrusiveness of the existing layout and additional siding; noise and dust control; hours of operation; wheel washing; and mitigation for residents of Redbrick Cottages.
- 3.46 Whilst not raising objection, Brandon Town Council express concern with movement of material through Brandon and material which falls/washes off vehicles in Brandon.
- 3.47 Objections and concerns are raised by local residents on the grounds of: noise and dust impacts; absence of a wheel wash; damage to a building on Brandon High Street arising from vibration from passing HGVs; shedding of material from HGVs onto local roads (incl. Brandon); and carriageway repairs necessitated by HGV's. Concern is also raised that materials handled are carcinogenic.
- 3.48 Local residents ask whether an EIA has been undertaken in relation to noise and pollution, and also raise concerns in relation to increased traffic and future changes to the site's business model.
- 3.49 As regards concerns raised in relation to EIA, as detailed elsewhere in this report, the application was screened on receipt and re-screened at the determination stage, and it is not considered that the development would have significant impacts on the environment within the meaning of the EIA Regulations 2017. No EIA is therefore required.
- 3.50 Notwithstanding that EIA is not required, the amenity impacts of the proposal, such as noise and dust are material considerations.
- 3.51 The wider sidings site is not located within or in close proximity to an Air Quality Management Area, either in Weeting (Norfolk) or Brandon (Suffolk). The closest residential properties are Redbrick Cottages abutting the east-northeast boundary of the sidings site and Railway Terrace, the closest dwelling of which is separated from the southwest boundary of the sidings site by the shared access road to the railway station/sidings site, and a property some 35m to the north, separated by industrial land.
- 3.52 The wider Sidings Site and Redbrick Cottages are located within a 'General Employment Area' and to the north of a separate employment area, separated by a mainline railway, and surrounded by a number of industrial uses, including manufacturing facilities.
- 3.53 The application is made on the basis of operating hours (for loading and unloading of trains) of 07:00 – 18:00 Monday to Friday, with no such operations on Saturdays, Sundays or public holidays. Operations on the sidings outside of these hours are additionally proposed to be limited to rail freight entering/departing the sidings and essential maintenance in respect of site and track safety. It is proposed that operation of the wider site including

storage and onward distribution of material by road will continue under the applicable permitted development rights.

- 3.54 As regards concerns raised in relation to: noise; dust and air quality; and shedding of material from lorries, the application is accompanied by an Acoustic Comparison Report, and Air Quality and Monitoring Assessment which consider the potential for noise and air quality related impacts from activities on the site operating with the two sidings and with all detailed mitigation measures in place, as compared to how the site would operate in a single siding scenario.
- 3.55 In a two-siding scenario the closest wagon for unloading purposes (on the southern siding) would be located approximately 50m from the nearest sensitive receptor at Redbrick Cottages, whilst in a single (northern) siding scenario the closest wagon would be located approximately 35m from the nearest sensitive receptor at Redbrick Cottages. The two-siding scenario also allows for the locomotive to be positioned further away from Redbrick Cottages during unloading.
- 3.56 A single siding scenario increases the number of trains required to deliver to the site each week as compared to a two-siding scenario. As regards length of time to unload a train, the application states that using a single siding would take 4.5 hours for a half-length (12 wagon) train (using one 'clamshell' unloader), whilst use of both sidings would take 4.5 hours for a full-length (24 wagon) train (using two unloaders). The use of two unloaders in a two-siding scenario means that there would be up to three no. 4.5 hour unloading events per week as opposed to up to six no. 4.5 hour unloading events in a single siding scenario.
- 3.57 Noise
- 3.58 The Acoustic Report concludes that, If the southern siding were to be removed and operations revert back to only using the north siding, then there would be a significant adverse impact on the existing residents, over and above the current sound levels, whereas operating with the southern siding in place, the acoustic screening provided by stationary wagons on the northern track, together with all other physical and operational noise control measures detailed, is substantial.
- 3.59 The Acoustic Report includes a draft Noise Management Plan (NMP) which details a range of operational and physical mitigation measures, the majority of which have been in place for some time, including:

Working hours

In relation to all rail loading and unloading operations.

Management of train/locomotive noise

To include minimising of locomotive idling and stationing of locomotive as far from Redbrick Cottages as practicable

Loading/Unloading activities

To include adoption of a 'quiet' working methodology

Physical mitigation measures

Acoustic barrier/fencing measuring 38m (l) x 2.4m (h) affixed to northern perimeter of site in proximity to Redbrick Cottages

No noise generating activity within triangular-shaped area of land at eastern end of sidings site where the proposed siding converges with the original siding, in proximity to Redbrick Cottages.

Noise attenuation 'long-term' stockpile to west of above-mentioned triangular-shaped land, comprising of aggregate for sale. Not a fixed feature but managed so that it is in place ahead of a train arriving and retained during unloading operations.

provision for additional period of noise monitoring and annual review of NMP

3.60 Air Quality

3.61 The Air Quality and Monitoring Assessment concludes that operation of the site based on the single (northern) siding only (and without the mitigation measures detailed) would have an adverse impact on the existing sensitive receptor locations surrounding the site, in relation to dust and Particulate Matter (PM), whilst operation of the site with the retention of the second siding and with the identified existing and proposed mitigation measures, as evidenced by monitoring work undertaken, should not cause adverse impacts to sensitive receptor locations, in relation to dust and PM, and retention of the southern siding provides clear benefits in air quality terms.

3.62 The application is also accompanied by a Dust Management Plan and Dust Monitoring Plan.

3.63 The Dust Management Plan details a range of dust management and mitigation measures, the majority of which have been in place for some time, including:

Train Unloading Activities

To include dust suppression during unloading of trains

Physical Mitigation Measures

No loading or unloading of trains within triangular-shaped area of land at eastern end of sidings site where proposed siding converges with original siding, in proximity to Redbrick Cottages.

Wider Site Operations/Management

To include: Dust suppression; Material storage (incl. maximum stockpile height); All loaded vehicles to be sheeted before departing site; All vehicles leaving site to be in a condition whereby they would not deposit mud or other loose material on public highway; site speed limit; Dedicated vacuum road sweeper for site access road, Station Car Park and site approaches along public highway.

Windspeed Monitor/Windsock and Meteorological Station

Daily site checks and site monitoring

Maintenance and Replacement of Machinery/Plant

Contact Details, Complaints Procedure and Liaison with Local Residents

Provision for review of Dust Management Plan

- 3.64 The Dust Monitoring Plan provides for extended monitoring to ensure that the mitigation measures detailed in the Dust Management Plan are successful in maintaining the dust levels below the PM10 24-hour mean Air Quality Objective (AQO) and PM10 and PM2.5 annual mean AQOs (respectively), with specific regard to Redbrick Cottages.
- 3.65 Breckland Environmental Health team has been consulted on this application and has made no objection to the development in terms of any potential emissions, subject to conditions relating to: development proceeding in line with application details; programme of ambient air monitoring for minimum period of six months; cap number of train deliveries to no more than 104 in calendar year, and no more than three in any one week (Monday – Sunday), cap annual tonnage of aggregates delivered to site, and cap maximum number of wagons in each train to 24; record dates and times of train arrivals and departures, and tonnage of aggregates delivered to site; no operations outside 7am – 6pm Monday to Friday other than rail freight entering/leaving sidings and essential maintenance; compliance with Dust Management Plan; compliance with Noise Management Plan; replace windspeed monitor/windsock with meteorological station; lighting.
- 3.66 West Suffolk Council Environment Team has been consulted on the application and raises no objection, subject to condition to restrict use of southern siding to maximum of two deliveries per working week (Monday to Friday) with no deliveries on Saturday, Sunday or bank holiday.
- 3.67 As regards concerns in relation to the site layout, as detailed elsewhere in this report, the application states that the layout has been based on the fact that this is a reinstatement of a former siding, and has also been determined by: the existing location of the first railway siding; operational requirements in terms of being able to unload material from both sidings; and operational considerations.

- 3.68 As regards concern that materials handled at the site are carcinogenic, i.e. silica and gypsum, this matter has been pursued with the applicant who confirms that the sidings site is used to import Carboniferous Limestone and that no Gypsum is imported to the site. The operator further responds that the issue of exposure to limestone posing a respiratory risk due to crystalline silica has been previously raised by residents and has led to the Health and Safety Executive (HSE) inspecting the operations on a number of occasions. The material imported was not considered a substance hazardous to health under the Control of Substances Hazardous to Health (COSHH) Regulations.
- 3.69 The HSE statement reference: HSE / guidance / industries / quarries / resources / silica states that, "Silicosis is a disease that has only been seen in workers from industries where there is a significant exposure to silica dust, such as in quarries, foundries, the potteries etc. No cases of silicosis have been documented among members of the general public in Great Britain, indicating that environmental exposures to silica dust are not sufficiently high to cause this occupational disease. In addition to silicosis, there is now evidence that heavy and prolonged workplace exposure to dust containing crystalline silica can lead to an increased risk of lung cancer. The evidence suggests that an increased risk of lung cancer is likely to occur only in those workers who have developed silicosis". Review of the HSE website confirms that different types of stone contain different amounts of silica, with sandstone containing more than 70%, granite up to 30% and limestone up to 2%. Breckland EHO has not raised objection/concerns in relation to the nature of materials to be handled at the site.
- 3.70 As regards concerns raised in relation to absence of a wheel wash, this matter has been pursued with the applicant who confirms that a wheel wash is not proposed as part of this application. As detailed elsewhere in this report, the Dust Management Plan provides for a dedicated vacuum road sweeper for the site. Breckland EHO has not raised objection in relation to absence of a wheel wash.
- 3.71 As regards concerns raised in relation to: noise and pollution impacts arising from HGV traffic through Brandon; dust deposited by vehicles in Brandon; shedding of material from lorries onto roads; and late-night carriageway repairs caused by HGV's etc., West Suffolk Council Environment Team has been consulted on the application and has not raised objection in relation to these issues.
- 3.72 As regards concerns raised in relation to the number of deliveries / volume of aggregate delivered to the site, as detailed elsewhere in this report the application provides for the number of train deliveries to be restricted to 104 trains per year, and three per week, (which reflects an average of 2 trains per week).

- 3.73 As regards West Suffolk Council Environment Team's request for a condition to restrict use of the southern siding to a maximum of two deliveries per working week (Monday to Friday), the applicant's agent has indicated that there are factors outside of the applicant's control such as availability of train paths or operational issues with the railway line, rolling stock or drivers which can and does impact on operating levels across different weeks. The operator is not able to control when train deliveries are to be made at the site, they are only notified within the previous week and must respond accordingly. For these reasons it is critical that flexibility is built in and the site is not so restricted to be unable to respond to external factors as detailed. Given the above it is considered that a condition restricting deliveries to a maximum of two per working week will not meet the tests for conditions in relation to 'reasonable in all other respects'. It is recommended that the annual/weekly number of train deliveries to the site be restricted by planning condition to 104/three respectively.
- 3.74 As regards concerns with vibration from trains accessing the sidings, this matter has been pursued with Breckland EHO who advises that this relates to the original siding that benefits from the lawful use. The original siding runs immediately to the front of Redbrick Cottages and complaints have been received in respect of the wagons arriving and departing. The issue of the normal use of the sidings falls outside the remit of statutory nuisance and all complaints have been directed to Network Rail. Section 122 of the Railways Act 1993 provides Network Rail and train operators with a statutory defence to proceedings for nuisance. Given that this matter relates to the original siding rather than the siding subject of the application under consideration it is considered that it would not be reasonable to seek to control vibration arising from the legitimate use of the original siding within this application.
- 3.75 As regards concerns with damage to a listed building on the A1065, Brandon High Street arising from vibration from passing HGVs, HGVs are not prevented from using this route and HGVs other than those servicing the rail sidings depot could also use the A1065. This matter has been pursued with West Suffolk Council: The Regulatory Services confirm that they do not have any recent complaints relating to damage from HGVs to houses on Brandon High Street, whilst the Conservation Officer responds that they are unaware of issues relating to vibration impact on listed buildings along Brandon High Street. No response has been received to the consultation with Suffolk County Council Highway Authority.
- 3.76 *Contaminated land*
- 3.77 As regards concern expressed in relation to land contamination, the application is accompanied by a Land Contamination Statement which details

that analytical testing of soil samples taken before entry and site preparation works was undertaken, which concluded that all of the samples have shown results that are within guidance parameters and the works associated with the site have not increased any potential risk posed by the site. Breckland Council EHO has been consulted on the application and raises no objection in terms of contaminated land.

- 3.78 Given the above, it is therefore considered that the impact of the proposal on local amenity would not be such as to be unacceptable. Subject to the aforementioned conditions, the development is considered to be acceptable in terms of the relevant planning policies and the NPPF.
- 3.79 D – Ecology
- 3.80 Policies CS14 and DM1 of the NMWLDF Core Strategy, Policies GEN 01, ENV 01, ENV 02, ENV 03 and ENV 05 of the Breckland Local Plan, and Section 15 of the NPPF apply. Due weight is given to Policies MW1 and MW4 of the emerging Norfolk Minerals and Waste Local Plan.
- 3.81 As detailed elsewhere in this report, the NM&W Core Strategy Policies Map and Breckland Local Plan Policy Map identify the site as being located within a Special Protection Area (SPA) 1500m Primary Buffer for Stone Curlew, (designated for the protection of the Stone Curlew which is the special interest feature of the Breckland Farmland SPA), and SPA Stone Curlew Grid Cells less than 50% coverage.
- 3.82 As also detailed elsewhere in this report, the rail sidings site is located: some 0.28km from Breckland Forest Site of Special Scientific Interest (SSSI) and Breckland Special Protection Area (SPA); approximately 1km from Breckland Farmland SSSI; some 2.17km from Breckland Special Area of Conservation (SAC); and some 2km from London Road Industrial Estate, Brandon SSSI.
- 3.83 Breckland LP Policy ENV 02 requires that, All development should demonstrate how net gains for biodiversity are being secured as part of the development, proportionate to the scale of development and potential impacts (if any).
- 3.84 The local member for the neighbouring West Suffolk District Electoral Ward does not believe an Environmental Impact Assessment (EIA) has been carried out to assess the impacts of the development in relation to wildlife/flora. As detailed elsewhere in this report, the application was screened on receipt and re-screened at the determination stage, and it is not considered that the development would have significant impacts on the environment within the meaning of the EIA Regulations 2017. No EIA is therefore required.

- 3.85 Notwithstanding that EIA is not required, the environmental impacts of the proposal are material considerations.
- 3.86 The habitats present within the wider sidings site comprise of bare ground and hardstanding, with areas of bare ground/ruderals (plants growing on disturbed ground)/ephemerals/scrub mosaic.
- 3.87 The application is accompanied by a Preliminary Ecological Appraisal (PEA) which concludes that, the reinstatement of the second siding does not give rise to any concerns in ecological terms as the habitats impacted are of low ecological value and no notable species were found, and the operation of the siding will not have any impact upon the surrounding Designated Nature Conservation Sites. The PEA confirms that no trees were impacted by the construction of the second siding.
- 3.88 The PEA includes recommendations for the application site and wider sidings site in relation to Habitat Protection including: Dust suppression measures; retention of existing boundary screening; and no external lighting to be installed unless it is low intensity and maintained such that it is directed away from features used by commuting/foraging bats.
- 3.89 As regards the policy requirements, the PEA also includes recommendations in relation to Habitat Enhancement including: retention of 're-wilded' area and hibernaculum within area of land at eastern end of sidings site; and biodiversity enhancements to embankments along the northern and southwestern boundaries.
- 3.90 The Council's Ecologist has been consulted on the application and raises no objection, subject to conditions in relation to mitigation measures set out in the PEA. No response has been received to the consultation with Natural England.
- 3.91 Given the above, it is considered that, subject to the afore-mentioned conditions, no unacceptable adverse ecological impacts would arise from the proposal and the proposal would provide proportionate biodiversity net gains. It is therefore considered that there would be no conflict with the relevant planning policies or the requirements of the NPPF.
- 3.92 Biodiversity Net Gain
- 3.93 The Environment Act 2021 introduced Schedule 7A of the Town and Country Planning Act 1990 and for major planning applications lodged after 12 February 2024 applicants now have to provide mandatory Biodiversity Net Gain (BNG). This application is not subject to BNG on the basis that it was validated prior to 12 February 2024.
- 3.94 Appropriate Assessment

- 3.95 The rail sidings site is situated within five km of the Breckland Special Area of Conservation (SAC) and Breckland Special Protection Area (SPA). The application has been assessed in accordance with Regulation 63 of The Conservation of Habitats and Species Regulations 2017. The supporting PEA concludes that the site operation will not directly / indirectly impact upon the Breckland SAC and SPA, and no further assessment of the Habitats Regulations Assessment Process will need to be undertaken. The Council's Ecologist has been consulted on the application and is satisfied that the development is unlikely to impact on the Breckland SAC and SPA, and that no further assessment is required. Given the above, a full Appropriate Assessment is not needed and NCC as the competent authority can screen out the need for an Appropriate Assessment. Accordingly, no Appropriate Assessment of the development is required.
- 3.96 Nutrient Neutrality
- 3.97 With regards to Natural England's (NE) letter of 16 March 2022 concerning nutrient neutrality, the proposed development would not result in a discharge to the catchment of the River Wensum SAC or any of the SSSIs notified by NE that comprise the Broads SAC/Ramsar. The proposal would therefore not result in an addition to the nutrient load of the designated sites.
- 3.98 E – Impact on Heritage Assets
- 3.99 The Planning (Listed Buildings and Conservations Areas) Act 1990, Policies CS14, CS15, DM8 and DM9 of the NMWLDF Core Strategy, Policies GEN 01, ENV 07 and COM 01 of the Breckland Local Plan, and Section 16 of the NPPF apply. Due weight is given to Policy MW1 of the emerging Norfolk Minerals and Waste Local Plan
- 3.100 *Designated Assets / Non-designated Assets*
- 3.101 The proposed siding is some 43m from the nearest façade of the Grade II listed Brandon Railway Station building. In addition, there are a further 17 listed buildings within a 2km radius of the application site, albeit not located adjacent or close to the site.
- 3.102 The station building's local context is a mix of rail infrastructure, industrial development and housing. The station building abuts the mainline to the south, beyond which is a factory complex, the wider sidings site to the east, and an open car park and access route to the application site and wider sidings site to the north. To the west is housing fronting Mundford Road, with garages to their rear.
- 3.103 There is a clear connection between the station building and wider sidings site and railway infrastructure as they have historically co-existed, with an OS map from 1905 showing several sidings and rail related infrastructure across the

wider sidings site, and the station building. As such, reinstatement of a railway siding is considered appropriate development in this location.

- 3.104 The proposed rail siding would be located adjacent to an existing rail siding and be of similar construction to the existing siding and mainline railway. The existing siding can lawfully be used for the transfer of freight between rail and road. The additional siding would not result in a significant change to the associated site structures including offices, storage bays and weighbridge, or nature of operation.
- 3.105 Trains (passenger and freight) are an intrinsic feature of the setting of the station site: occupation of the proposed siding by a freight train is a related feature of rail sites, whilst trains will regularly pass the station building on the mainline. Occupation of the proposed siding by a freight train would also be a relatively low level and temporary feature.
- 3.106 In addition to the separation distance, an existing intervening vegetated bund on the southwest boundary of the wider sidings site and sidings site structures limit inter-visibility between the proposed siding and the station building. The application under consideration does not seek to make any alterations to existing screening arrangements at the site.
- 3.107 The application is accompanied by a Heritage Statement which concludes that there is no potential for impact from the proposal on the significance of the listed station building.
- 3.108 Historic England has been consulted on the application and comment that, on the basis of the information provided they do not need to be notified. Breckland Council has been consulted on the application and raises no objection on heritage grounds.
- 3.109 As regards concerns with damage to a listed building on the A1065, Brandon High Street arising from vibration from passing HGVs, as detailed elsewhere in this report, HGVs are not prevented from using this route and HGVs other than those servicing the rail sidings depot could also use the A1065. This matter has been pursued with West Suffolk Council: The Regulatory Services confirm that they do not have any recent complaints relating to damage from HGVs to houses on Brandon High Street, whilst the Conservation Officer responds that they are unaware of issues relating to vibration impact on listed buildings along Brandon High Street. No response has been received to the consultation with Suffolk County Council Highway Authority.
- 3.110 Given the above, it is therefore concluded that the proposal will not have a detrimental impact upon or cause any harm to the significance of heritage assets and the application is not considered to be in conflict with the Planning

(Listed Buildings and Conservation Areas) Act 1990, the relevant planning policies, or the NPPF.

3.111 *Archaeology*

3.112 The County Council Historic Environment Officer has been consulted on the application and does not make any recommendations for archaeological work.

3.113 Overall, it is considered that the development would not have any adverse impact on the historic environment and the proposals would not be in conflict with the relevant planning policies or the NPPF.

3.114 F – Transport

3.115 Policies CS15 and DM10 of the NMWLDF CS, Breckland Local Plan Policies GEN 01, TR 01, TR 02, EC 03 and COM 01, and Section 9 of the NPPF apply. Due weight is given to Policies MW1 and MW2 of the emerging Norfolk Minerals and Waste Local Plan

3.116 A local member for the Breckland District Electoral Ward raises concerns in relation to impact of dust, air quality, noise and vibration due to the number of vehicle movements.

3.117 The local member for the neighbouring Suffolk County Electoral Division expresses concern that: the additional siding has doubled the volume of aggregate delivered to the site, which is then transported through Brandon, with related impacts, e.g. noise, pollution and damage to drain covers.

3.118 Concern is expressed by the local member for the neighbouring West Suffolk District Electoral Ward in relation to: increased aggregate transported through the site; accuracy of the Transport Assessment; unsuitability of Thetford Road and Bury Road, Brandon to carry such volumes of HGV traffic; damage arising from HGV traffic through Brandon.

3.119 Whilst not raising objection, Brandon Town Council express concern that: onward transport from the site requires transit through Brandon resulting in problems including damage to drain covers, blocking drainage systems, haunching of verges and increased wear to surfaces; material which falls / washes off vehicles whilst transiting Brandon makes the area unsafe.

3.120 Local residents also raise objection and concerns in relation to: increased traffic and future changes to the site's business model; HGV traffic along High Street and London Road (Brandon); shedding of material from lorries onto roads / into drainage systems (including Brandon), pedestrian safety and carriageway repairs caused by HGV's.

3.121 As regards concerns raised in relation to EIA, as detailed elsewhere in this report, the application was screened on receipt and re-screened at the

determination stage, and it is not considered that the development would have significant impacts on the environment within the meaning of the EIA Regulations 2017. No EIA is therefore required.

- 3.122 Notwithstanding that EIA is not required, the highway impacts of the proposal are material considerations.
- 3.123 As regards material throughput and HGV movements, the application site and wider sidings site have historically generated vehicle movements associated with previous freight handling operations.
- 3.124 The application is made on the basis of an average level of operation of two / maximum of three 24-wagon train deliveries per week, with a yearly cap of 104 trains. This equates to an annual maximum material throughput of 189,696 tonnes. An equivalent level of material throughput could be achieved on a one siding operation (operating under permitted development rights). As such, the operation of the two sidings on the basis of an average of two 24 wagon trains per week could equally be accommodated by a single siding operation, on the basis of an average of four shorter (12 wagon) trains delivering to the site per week. Both scenarios would result in the same level of HGV movements.
- 3.125 As regards HGV movements, on the basis of an annual maximum material throughput of 189,696 tonnes the application details that the export of aggregates would generate a maximum of 54 two-way HGV movements per day (27 in/27 out).
- 3.126 The site would be accessed via the existing access directly onto the A1065, Mundford Road. The application states that up to seven employees would be based at the site including two/three site staff and four train unloading operatives.
- 3.127 The application is accompanied by a Transport Assessment (TA) which considers the proposed development by assessment of the activity on the site based on a single (original) siding operation as compared to the proposed two siding operation. The TA states that, operationally it is understood that it is much more efficient to service the site via two longer trains per week, and that whilst material delivery in shorter length trains (12 wagons as opposed to 24) would require a greater number of train deliveries it would not, however, alter the resulting HGV movements as this is dictated by the material throughput and not whether it arrives on a shorter or longer train.
- 3.128 As regards HGV management, the TA states that HGV routes are largely dictated by contracts and local markets. The TA notes that the A1065 through Brandon is not currently subject to any weight restrictions. However, where possible HGVs will be encouraged to avoid Brandon town centre and travel

to/from the site via the section of the A1065 to the North. The TA states that, all drivers of HGVs under the control of the Site Manager will be made aware of the “preferred” site access routeing arrangements by way of written instructions to drivers, notice boards in facilities used by drivers and verbal communication from the Site Manager.

- 3.129 The TA concludes that, the proposed development would not give rise to any road safety or capacity issues, is a highly sustainable form of development and should, therefore, be considered acceptable on highway grounds.
- 3.130 As regards concerns raised in relation to amenity impacts arising from vehicle movements, these matters are addressed in the Amenity section of this report.
- 3.131 As regards concerns raised in relation to shedding of material from HGVs, as detailed elsewhere in this report, the Dust Management Plan details a range of mitigation measures including: sheeting of loaded vehicles before departing site; All vehicles leaving site to be in a condition whereby they would not deposit mud or other loose material on the public highway; dedicated vacuum road sweeper for the site access road, station car park and site approaches along the public highway.
- 3.132 As regards the HGV count undertaken by local Councillors in September 2019, this matter has been pursued with the applicant who responds that, the site operator has reviewed the data they hold for the whole month of September 2019, and the alleged number of HGVs indicated to have exited the site in a 5 day period is substantially in excess of the number recorded by the weighbridge to have exited the site across the whole month.
- 3.133 As regards concerns with increased traffic, accuracy of the Transport Assessment, and pedestrian safety etc., Norfolk Highway Authority has been consulted on the application and comment that, given the existing lawful use of the site, access arrangements and current unrestricted activity they could not substantiate a highway related objection to the proposals. Should permission be granted the Highway Authority recommend conditions in relation to: deposit of material on the public highway; cap on activity; and Dust Management Plan.
- 3.134 As regards concerns raised in relation to: increased traffic; accuracy of the Transport Assessment; traffic through Brandon and associated impacts; and highway safety etc., no response has been received to the consultation with Suffolk Highway Authority.
- 3.135 As detailed elsewhere in this report, officers have concluded that the continued use of the wider site as rail sidings which includes, but is not exclusively for, the import and onward distribution of aggregate is not

development and, therefore, not a breach of planning control. Theoretically, the site could lawfully operate with a single siding and generate the same level of material throughput, and therefore HGV movements, as with the two sidings in place.

3.136 The application confirms that (i) if for whatever reason the second siding is not granted planning permission (once all appeal and other options have been considered) the site would revert back to operation on the basis of the single siding, and (ii) the current maximum operational throughput of the sidings site making use of the two sidings, could and would be operated on the single siding (if the second siding were not in place).

3.137 As regards highways considerations this means that there would be no restriction on: the number of train deliveries, material throughput and the resulting HGV movements if the site were to operate with only the single siding in place.

3.138 Given the above, it is concluded that the proposal is satisfactory and will not cause any unacceptable impacts in highway terms, and the development is considered compliant with the principles of the relevant planning policies and the NPPF.

3.139 G – Sustainability

3.140 NMWLDF Policies CS13 and DM11, Policies GEN 01, GEN 02, TR 01, TR 02 and COM 01 of the Breckland Local Plan, and NPPF sections 2 and 14 apply. Due weight is given to Policies MW2 and MW3 of the emerging Norfolk Minerals and Waste Local Plan. Although a material consideration, it is considered that only limited weight can be given to Norfolk County Council's Environmental Policy (2019)

3.141 The three facets of sustainable development have been assessed below:

3.142 economic objective

3.143 The proposal would contribute to the local economy during the operational period through use of the rail siding for the import and onward distribution of aggregate, and through employment opportunities.

3.144 social objective

3.145 The proposal would contribute to the wellbeing of the District/County by creating job opportunities for residents during the operational period.

3.146 environmental objective

- 3.147 The counties of Norfolk and Suffolk have no indigenous reserves of hard rock. The application states that, aggregates imported by rail have to date been sourced from quarries in Derbyshire some 180 miles from the sidings site. The Rail sidings site offers sustainability advantages in terms of transfer of freight by rail rather than road. The briefing note titled, 'Why is Rail freight vital for Housing and Construction?' published by the Mineral Products Association and Rail Freight Group (2016) details that CO2 emissions per tonne of material delivered by rail are 76% lower than by road.
- 3.148 As detailed elsewhere in this report, the application is made on the basis that the site can facilitate importation of up 189,696 tonnes per annum of aggregate by rail (assuming an average of two 24-wagon train deliveries per week). In the context of the application under consideration, the maximum payload of each 24-wagon train is 1,824 tonnes which is equivalent to 65 lorries (with a 28-tonne payload) and 130 HGV movements. Import of this amount of material to the local area by rail would result in significant HGV road miles savings and associated CO2 emission reductions.
- 3.149 As detailed elsewhere in this report, it is considered that the proposals would provide biodiversity gains.
- 3.150 For the reasons outlined above, it is considered that the proposal would be sustainable development, and the application is considered to comply with the principles of the relevant planning policies, the NPPF and NCC's Environmental Policy.
- 3.151 H - Flood Risk
- 3.152 NMWLDF Policies CS13 and DM4, Policy ENV 09 of the Breckland Local Plan, and Section 14 of the NPPF apply. Due weight is given to Policies MW1 and MW3 of the emerging Norfolk Minerals and Waste Local Plan.
- 3.153 The application site is located in Flood Zone 1 as defined by the Environment Agency and is considered to be at low risk of fluvial flooding. Essential transport infrastructure which has to cross the area at risk is identified as 'Essential infrastructure' in the table of Flood Risk Vulnerability Classification as set out in Planning Practice Guidance (PPG), whilst storage and distribution is identified as 'less vulnerable'. PPG further advises that 'Essential infrastructure' and 'less vulnerable' uses are appropriate in Flood Zone 1. On this basis, the proposal is considered acceptable in terms of development within flood zone 1.
- 3.154 The application site and wider sidings site have a low probability of surface water flooding, containing no areas of surface water pooling or flow paths of either a 1 in 30-year or 1 in 100-year rainfall event.

- 3.155 In terms of surface water drainage, the application states that, as per the existing siding, the reinstated siding is laid on a ballast bed and no new hardstanding has been laid as part of the related works.
- 3.156 The LLFA have been consulted on the proposal and offer no comments.
- 3.157 It is therefore considered, taking into account the above, that the development would not materially increase the risk of flooding and the proposal would not be in conflict with the relevant planning policies and objectives of the NPPF.
- 3.158 I - Groundwater / Surface Water
- 3.159 Policies CS14 and DM3 of the NMWLDF CS, and Section 15 of the NPPF apply. Due weight is given to Policy MW1 of the emerging Norfolk Minerals and Waste Local Plan.
- 3.160 The development is not located in a groundwater source protection zone. Taking into account the nature of the proposed development it is considered that the proposed development would not adversely impact upon groundwater/surface water quality or resources. It is therefore considered that the proposal would not be in conflict with the relevant planning policies or objectives of the NPPF.
- 3.161 J – SAFEGUARDING AERODROMES
- 3.162 NMWLDF CS Policy DM7 applies. Due weight is given to policy MW1 of the emerging Norfolk Minerals and Waste Local Plan
- 3.163 The site is situated within the consultation areas for RAF Lakenheath and RAF Mildenhall where consultation is required for any building, structure or works exceeding 91.4m in height above ground level. Taking into account the nature of the proposed development it is considered that the proposed development would not cause any risk to these aerodromes.
- 3.164 It is therefore considered that this proposal is compliant with the relevant planning policy.
- 3.165 K – CUMULATIVE IMPACTS
- 3.166 NMWLDF policy DM15, Policy GEN 01 of the Breckland Local Plan and Sections 9, 14 and 15 of the NPPF apply. Due weight is given to policy MW1 of the emerging Norfolk Minerals and Waste Local Plan.
- 3.167 As regards material throughput and HGV movements, the application site and wider sidings site have historically been used for transfer of freight by rail and have generated vehicle movements associated with such operations. The

sidings site is situated both within a 'General Employment Area' and adjacent a separate employment area, occupied by a number of industrial uses, including manufacturing facilities.

3.168 Breckland EHO and West Suffolk Environment Team have been consulted on the application and raise no objection, in terms of emissions/impact upon residential amenity. Norfolk Highway Authority have been consulted on the application and raise no objection in terms of HGV movements. No response has been received to the consultation with Suffolk Highway Authority. The Council's Natural Environment Team have been consulted on the application and raise no objection in terms of landscape or ecology impacts. Taking into account the above, and as detailed elsewhere in this report, it is considered that the proposal would not cause unacceptable cumulative impacts.

3.169 It is therefore considered that this proposal is compliant with the relevant planning policies, and objectives of the NPPF.

3.170 **RESPONSES TO REPRESENTATIONS RECEIVED**

The application was advertised by means of neighbour notification letters, site notice, and an advertisement in the Eastern Daily Press newspaper in accordance with statutory requirements.

3.171 A number of concerns/objections were raised, which are summarised in the 'Representations' section of this report. With exception of the issues detailed below, the response of this authority to those comments is discussed above in the 'Appraisal' section of this report and in section 8, 'Human Rights'.

3.172 As regards concern with depreciation of property values, this matter alone is not a material planning consideration: in planning terms the issue is not whether owners of properties would experience financial loss from a particular development, but whether the proposal would have an unacceptable detrimental impact on local amenity, and on the existing use of land and buildings which ought to be protected in the public interest. The potential impacts on amenity which may result from the development proposed are discussed elsewhere in this report.

3.173 As regards the request from a local resident to assess revenue generated for Brandon against the financial impact to the bridge, drain covers and pot holes, no response has been received to the consultation with Suffolk County Council or Suffolk Highway Authority. As detailed elsewhere in this report, HGVs are not prevented from using the A1065, Brandon High Street and HGVs other than those servicing the rail sidings depot could also use the A1065.

3.174 **INTENTIONAL UNAUTHORISED DEVELOPMENT**

- 3.175 Objection and concern are raised by local residents in relation to the fact that the siding was installed without planning permission and the retrospective nature of the application.
- 3.176 As regards the retrospective nature of the application, following the Chief Planner's letter of 31 August 2015 to planning authorities, intentional unauthorised development is now a material consideration in the determination of all planning applications received after 31 August 2015. This is therefore capable of being a material consideration in the determination of this application.
- 3.177 In this instance the siding track has been installed on a site outside a defined Green Belt. As detailed elsewhere in this report, whilst the applicant considers that the track was lawfully laid under permitted development rights, the CPA considers that as the prior approval of the appropriate planning authority was not sought, it cannot benefit from permitted development rights.
- 3.178 Whilst regrettable, in this instance it is not felt that the retrospective nature of the application would represent a ground for refusing planning permission for this development and very little weight is given to this in the planning balance.

4. Conclusion, Reasons for Decision and Planning Balance

- 4.1 Retrospective planning permission is sought for retention of a replacement (second) rail siding on land forming part of the Brandon Rail Sidings site, which is currently operated as an aggregate storage and distribution centre, with the importation of aggregates by rail and export by road.
- 4.2 The wider sidings site is a strategic freight site and has a long history of rail related use. The wider site could lawfully operate on the basis of the existing single siding under rail related permitted development rights, and without restriction. This would include: number of trains, material throughput, hours of site operations / unloading, method of unloading and HGV movements.
- 4.3 Retention of the second siding would allow for more efficient and effective operation of the existing sidings site. Specifically, it would allow for longer trains to service the site thereby reducing the number of trains which need to access the site and the amount of activity / unloading time. This means that a smaller number of train deliveries / train paths are required for the same level of material throughput.
- 4.4 Whilst the application confirms that many of the existing physical and operational mitigation measures would be in place irrespective of whether the second siding is retained or not, on the basis that they comprise good site working practices, there would be no formal process under which they could be secured. The application under consideration offers the opportunity to formally secure the mitigation measures by way of condition. These mitigation measures would otherwise be provided at the good will of the site operator.

- 4.5 As regards objections and concerns raised in relation to impacts on amenity/air quality, the development is likely to give rise to local impacts. On balance, given (i) the benefits in acoustic screening and air quality terms that would result from operating the site with the southern siding in place, and with the proposed mitigation measures, and (ii) the fact that no objection is raised by the Breckland Council EHO or West Suffolk Council EHO, it is considered that it would not weigh against the proposal on amenity/air quality grounds.
- 4.6 As regards objections and concerns raised in relation to transport impacts, theoretically, the site could lawfully operate with a single siding and generate the same level of material throughput, and therefore HGV movements, as with the two sidings in place. As regards highways considerations this means that there would be no restriction on: the number of train deliveries, material throughput and the resulting HGV movements if the site were to operate with only the single siding in place. On balance, given (i) the fact that no objection is raised by Norfolk Highway Authority, and (ii) no response has been received to the consultation with Suffolk Highway Authority, it is considered that it would not weigh against the proposal on highway grounds.
- 4.7 The proposal contributes to the achievement of sustainable development in accordance with the principles of the relevant planning policies, the NPPF and NCC's Environmental Policy on the basis that: (i) the proposal would contribute to the local economy through use of the rail siding for the import and onward distribution of aggregate, and through employment opportunities; (ii) the proposal would contribute to the wellbeing of the District/County by creating job opportunities for residents during the operational period; and (iii) the Rail sidings site offers sustainability advantages in terms of transfer of aggregates by rail rather than road. Significant weight is given to these material considerations in the planning balance.
- 4.8 The application is retrospective: in this case, the development has taken place on a site outside a defined Green Belt. Whilst regrettable, in this instance it is not felt that the retrospective nature of the application would represent a ground for refusal of planning permission for this development and very little weight is given to this in the planning balance.
- 4.9 Subject to the implementation of appropriate conditions, the proposed development is considered acceptable, accords with the development plan and there are no material considerations that indicate that the application should be refused. Accordingly, full conditional planning permission is recommended.

5. Alternative Options

- 5.1 Members of the Planning (Regulatory) Committee can only resolve to make a decision on the planning application before them whether this is to approve, refuse or defer the decision.

6. Financial Implications

- 6.1 The development has no financial implications from the Planning Regulatory perspective.

7. Resource Implications

- 7.1 **Staff:** The development has no staffing implications from the Planning Regulatory perspective.
- 7.2 **Property:** The development has no property implication from the Planning Regulatory perspective.
- 7.3 **IT:** The development has no IT implications from the Planning Regulatory perspective.

8. Other Implications

- 8.1 **Legal Implications:** There are no legal implications from the Planning Regulatory perspective.

8.2 **Human Rights Implications:**

The requirements of the Human Rights Act 1998 must be considered. Should permission not be granted Human Rights are not likely to apply on behalf of the applicant.

The human rights of the adjoining residents are engaged under Article 8, the right to respect for private and family life and Article 1 of the First Protocol, the right of enjoyment of property. A grant of planning permission may infringe those rights but they are qualified rights, that is that they can be balanced against the economic interests of the community as a whole and the human rights of other individuals. In making that balance it may also be taken into account that the amenity of local residents could be adequately safeguarded by conditions albeit with the exception of visual amenity. However, in this instance it is not considered that the human rights of adjoining residents would be infringed.

The human rights of the owners of the application site may be engaged under the First Protocol Article 1, that is the right to make use of their land. An approval of planning permission may infringe that right but the right is a qualified right and may be balanced against the need to protect the environment and the amenity of adjoining residents.

8.3 Equality Impact Assessment (EqIA) (this must be included):

The Council's planning functions are subject to equality impact assessments, including the process for identifying issues such as building accessibility. None have been identified in this case.

8.4 Data Protection Impact Assessments (DPIA):

None

8.5 Health and Safety implications (where appropriate):

There are no health and safety implications from a planning perspective.

8.6 Sustainability implications (where appropriate):

This has been addressed in the sustainability section of the report above.

8.7 Any Other Implications:

There are no other implications from a planning perspective

9. Risk Implications / Assessment

9.1 There are no risk issues from a planning perspective.

10. Select Committee Comments

10.1 Not applicable.

11. Recommendations

11.1 That the Interim Executive Director of Community and Environmental Services (or equivalent) be authorised to:

- 1. Grant planning permission subject to the conditions outlined below.**
- 2. Discharge conditions where those detailed above require the submission and implementation of a scheme, or further details, either before development commences, or within a specified date of planning permission being granted.**
- 3. Delegate powers to officers to deal with any non-material amendments to the application that may be submitted.**

11.2 CONDITIONS:

1. Except as modified by the provisions of:
 - the letter from Firstplan Ltd to Norfolk County Council; reference 22061/VW/jc; dated 24 January 2023; received 24 January 2023
 - the email from Firstplan Ltd to Norfolk County Council dated 22 January 2024 10:35
 - another condition of this permission,

the development must be carried out in strict accordance with the application form, plans and documents detailed below:

- Location Plan; Dwg No. TSES-20195-1012-DSN-01; dated July 22
- Proposed Site Layout Plan and Proposed Levels (Retrospective); Dwg No. TSES- 20195- 1012- DSN- 03; dated 22.07.22
- Proposed Cross Section (Retrospective); Dwg No. TSES- 20195- 1012- DSN- 04; dated 22.07.22

- Planning and Heritage Statement; reference 22061/VW/jc; prepared by Firstplan Ltd; dated 14 October 2022; received 8 November 2022

Reason: For the avoidance of doubt and in the interests of proper planning

2. With effect from 1st May 2024 the programme of ambient air monitoring to determine particulate levels generated by site activities at the boundary of the site with Redbrick Cottages shall commence in accordance with the provisions of the Dust Monitoring Plan - Revision F; reference NP/VL/P23-2867/01 Rev F; prepared by Create Consulting Engineers Limited; dated 30th January 2024; received 31st January 2024.

The programme shall demonstrate that the particulate levels at Redbrick Cottages do not exceed the national Air Quality Objectives Concentration in England of:

- o Annual mean Particulate Matter (PM10) 40 µg/m³
- o 24-hour mean Particulate Matter (PM10) 50 µg/m³ not to be exceeded more than 18 times during the six month monitoring period or, should the monitoring period be extended, 35 times a year; and
- o Annual mean Particulate Matter (PM2.5) 20 µg/m³

In addition, visible dust shall be measured using Frisbee gauges and shall not exceed 150mg/m² /day, averaged over a four week period

The dust monitoring programme shall be undertaken for a minimum period of six calendar months (excluding baseline measurement period) and,

(i) in the event that there are no exceedances of the above dust thresholds during the month of October 2024, the monitoring shall cease on 31st October 2024, and within seven days of the cessation of monitoring documentation to demonstrate that the above levels have not been breached during the month of October 2024 shall be submitted to the County Planning Authority for its approval in writing; or

(ii) in the event that the exceedance levels are breached at any time during the month of October 2024 monitoring shall continue until such time as the above exceedance levels are not breached for a period of one calendar month, and within seven days of the cessation of monitoring documentation to demonstrate that the above levels have not been breached during the full calendar month immediately prior to the cessation of monitoring shall be submitted to the County Planning Authority for its approval in writing.

Reason:

To protect the amenity of residential properties, in accordance with Policy DM12 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.

3. Within three months of the date of this permission, the existing windspeed monitor/windsock shall be replaced by a Meteorological Station in accordance with the provisions of sections 3.6 to 3.9 of the Dust Monitoring Plan - Revision F; reference NP/VL/P23-2867/01 Rev F; prepared by Create Consulting Engineers Limited; dated 30th January 2024; received 31st January 2024 and section 2.1 4. Windspeed Monitor/Windsock and Meteorological Station of the Dust Management Plan - Revision E; reference NP/VL/P23-2867/02 Rev E; prepared by Create Consulting Engineers Limited; dated 15th February 2024; received 16th February 2024.

As specified within section 2.1 4. of the Dust Management Plan - Revision E, the Meteorological Station shall be used to monitor the following parameters as a minimum:

- o Temperature (Degrees Centigrade);
- o Wind Speed (m/s);
- o Wind Direction; and
- o Precipitation (mm), and

in the event that the meteorological station identifies any of the following, immediate dust suppression measures (Dust Fighter and/or water cannon) will be deployed:

- o Wind speeds greater than 3 m/s;
- o Temperatures greater than 18 degrees centigrade for two continuous days;
- o When rainfall has not occurred for three continuous days.

Reason for condition:

To protect the amenity of residential properties, in accordance with Policy DM12 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.

4. Within three months of the date of this permission, a scheme for biodiversity enhancement in accordance with the principles detailed in

section 6.2 (R5 Habitat Loss and Enhancement), and shown on Dwg C158261-01; Phase 1 Habitat Map of the approved Preliminary Ecological Appraisal; reference RT-MME-158261-01 Rev A2; prepared by Middlemarch Environmental Ltd; dated 3 October 2022, shall be submitted to the County Planning Authority for its approval in writing. The scheme shall include details of plant species, plant sizes, proposed numbers/densities, operations associated with plant establishment, and maintenance.

The enhancement scheme shall be implemented within the first available planting and seeding season in accordance with the approved details. Any plants which, within a period of five years from the date of initial planting die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species.

Reason

In the interests of biodiversity enhancement, in accordance with Policy CS14 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026 and Section 15 of the National Planning Policy Framework (2023).

5. Operation of the rail sidings site, with the southern siding retained (as shown on Dwg No. TSES- 20195- 1012- DSN- 03; Proposed Site Layout Plan and Proposed Levels (Retrospective); dated 22.07.22), shall not exceed a maximum of 104 trains (of up to 24 wagons) entering the site over the course of a single calendar year (1st January – 31 December), with no more than three trains in any one week (Monday – Sunday).

No more than 189,696 tonnes of aggregates shall be delivered to the site in a single calendar year.

The number of deliveries during any part calendar year of operation, including from the date of this permission, should be calculated on a pro-rata basis.

Reason:

To protect the amenities of local residents, in accordance with Policy DM12 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.

6. From the date of this permission the operators shall maintain records of their annual (1 January to 31 December) and weekly movements into the site by trains, including the dates and times of train arrivals and departures, and the tonnage of aggregates delivered to the site, and shall make them available to the County Planning Authority at any time upon request. All records shall be kept for at least 12 months.

Reason:

In order that the County Planning Authority can monitor the input of aggregate, to protect the amenities of local residents, in accordance with Policy DM12 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.

7. Except as modified by the provisions of condition 9 of this permission, and revised mitigation measures as may be approved in writing by the County Planning Authority, the development hereby permitted shall be carried out fully in accordance with Appendix B Noise Management Plan (Draft) of the Acoustic Comparison Report; reference JDB/CS/P19-1747/06; prepared by Create Consulting Engineers Limited; dated October 2022

Reason:

To protect the amenity of residential properties, in accordance with Policy DM12 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.

8. Except as modified by revised management/mitigation measures as may be approved in writing by the County Planning Authority, the development hereby permitted shall be carried out fully in accordance with the Dust Management Plan - Revision E; reference NP/VL/P23-2867/02 Rev E; prepared by Create Consulting Engineers Limited; dated 15th February 2024; received 16th February 2024.

Reason:

To protect the amenity of residential properties, in accordance with Policy DM12 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.

9. No rail unloading operations, with the southern siding retained (as shown on Dwg No. TSES- 20195- 1012- DSN- 03; Proposed Site Layout Plan and Proposed Levels (Retrospective); dated 22.07.22), shall take place on Saturdays, Sundays or public holidays, or other than during the following periods:
07.00 - 18.00 Monday to Friday.

There shall be no operations on the rail sidings outside these hours other than rail freight entering/departing the sidings and essential maintenance in respect of site and track safety.

Reason:

To protect the amenities of residential properties, in accordance with Policy DM12 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.

10. Except as modified by the provisions of another condition of this permission, the development shall only be carried out in accordance with the mitigation measures detailed in section 6.2 (R3 Habitat Protection and Enhancement) of the approved Preliminary Ecological

Appraisal; reference RT-MME-158261-01 Rev A2; prepared by Middlemarch Environmental Ltd; dated 3 October 2022.

Reason

In the interests of biodiversity protection, in accordance with Policy CS14 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026 and Section 15 of the National Planning Policy Framework (2023).

11. Vehicles leaving the site shall not be in a condition whereby they would deposit mud or other loose material on the public highway.

Reason:

In the interests of highway safety, in accordance with Policy DM10 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.

12. No external lighting shall be installed on site unless details of such lighting, including the intensity of illumination and predicted lighting contours, have been first submitted to, and approved in writing by, the County Planning Authority.

Any external lighting that is installed shall accord with the details so approved.

Reason:

To protect the appearance of the area, the environment, and local residents from light pollution, in accordance with Policy DM12 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.

12. Background Papers

- 12.1 Planning Application reference: FUL/2022/0051 available here:
eplanning.norfolk.gov.uk/Planning/Display/FUL/2022/0051
- 12.2 Norfolk Minerals and Waste Development Framework Core Strategy and Minerals and Waste DM Policies DPD (2011)
[Adopted policy documents - Norfolk County Council](#)
- 12.3 Norfolk Minerals and Waste Development Framework Revised Policies Map (2017)
[Adopted policy documents - Norfolk County Council](#)
- 12.4 Norfolk Minerals and Waste Local Plan: Publication (2022)
[Norfolk Minerals and Waste Local Plan Review - Norfolk County Council](#)
- 12.5 Breckland Local Plan (2023)
[Appendix 4 - Breckland District Council Local Plan](#)
- 12.6 Breckland Local Plan Review
[Local Plan Review - Breckland Council](#)

- 12.7 National Planning Policy Framework (2023)
[National Planning Policy Framework \(publishing.service.gov.uk\)](https://www.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/111111/national-planning-policy-framework-2023.pdf)
- 12.8 National Planning Practice Guidance (NPPG)
[Planning practice guidance - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/national-planning-practice-guidance)
- 12.9 Norfolk County Council Environmental Policy (2019)
[Environmental policy - Norfolk County Council](https://www.norfolk.gov.uk/council-and-democracy/council-policies-and-procedures/environmental-policy)

Officer Contact

If you have any questions about matters contained within this paper, please get in touch with:

Officer name: Andrew Harriss

Telephone no.: 01603 224147

Email: andrew.harriss@norfolk.gov.uk



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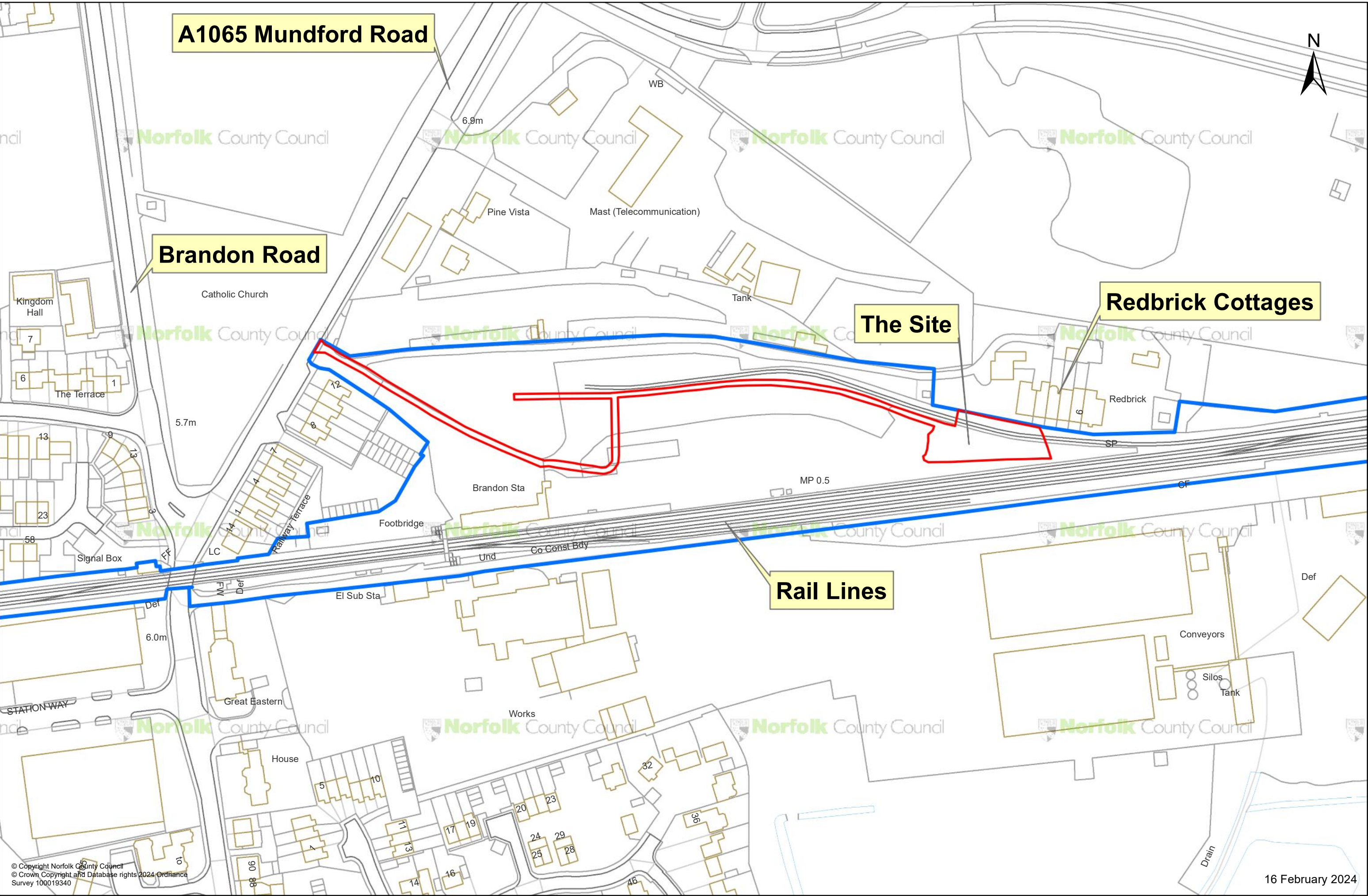


**Brandon Rail Sidings
Location Plan**

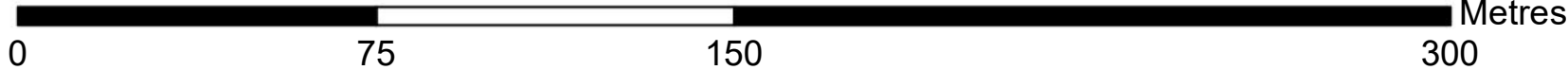


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Survey 100019340 Wangford Fen

16 February 2024



Brandon Rail Sidings Site Plan



Planning (Regulatory) Committee

Item No: 6

Report Title: FUL/2023/0032: Larkshall Mill, Thetford Road, Wretham, Thetford, Norfolk, IP24 1QY

Date of Meeting: 22 March 2024

Responsible Cabinet Member: N/A

Responsible Director: Grahame Bygrave, Interim Executive Director of Community and Environmental Services

Is this a Key Decision? No

Proposal & Applicant: Increase in tonnage of Air Pollution Control residue from 30,000 tonnes to 100,000 tonnes in connection with manufacturing of carbon-negative aggregates; additional third production line in the process building; proposed increase in operational hours to 24-hour working, 7 days a week; aggregate processing building; 7 no. additional APCr and cement silos; 1 no. additional CO2 tank; sand storage building; additional conveyor and curing bay; extension to side of process building; acoustic barrier along access; 6m high rainwater harvesting tank; process water tanks; pipe bridge; additional staff and visitor parking; visitor and welfare facilities building; 0.2 hectare extension to site area and associated development - (OCO Technology Ltd).

Executive Summary

Full planning permission is sought for the increase in tonnage of the amount of Air Pollution Control residue (APCr) used in connection with the manufacturing of carbon-negative aggregates at the existing Larkshall Mill site at Thetford Road, East Wretham, Thetford. The application seeks an increase from 30,000 tonnes APCr, which was approved by the Planning (Regulatory) committee under planning application (ref: FUL/2021/0072) in 2022, to 100,000 tonnes APCr.

In order to facilitate the increase in tonnage an additional third production line will be required with associated physical development, including an aggregate processing (dry screening) building, 7 no. additional silos for the storage of powder wastes such as Air Pollution Control residue (APCr) and cement, 1 no. additional CO2 tank, a sand storage building to cover the existing sand storage bay, an additional curing conveyor and curing bay, a low level fully enclosed 'lean to' on the main production building to cover the manufacturing plant, an acoustic barrier along the northern boundary of the access into the site, a rainwater harvesting tank measuring 6m in height, process water tanks, a pipe bridge for the supply of CO2 and a visitor centre building with welfare facilities.

The application also seeks a 0.2 hectare extension to the site area to accommodate the proposed additional parking and welfare facilities.

To achieve the additional throughput with the operation of the third line, the application also seeks an increase in operational hours of the site to allow 24-hour working, 7 days a week.

In accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 ('the EIA Regs') an Environmental Statement has been submitted with this application, by virtue of the scale of the proposed development and also the location of the application site being in proximity to the Breckland Special Protection Area (SPA) and the Breckland Special Area of Conservation (SAC). In accordance with the Council's constitution the application therefore needs to be reported to, and determined by, this committee.

The key issues:

- Ecological impacts;
- Visual / landscape impacts;
- Amenity impacts - noise, dust and light etc (including vehicle movements).

No objections have been received from consultees, and 6 no. third party representations have been received.

It is considered that the proposal is in accordance with the development plan.

Recommendation:

That the Interim Executive Director of Community and Environmental Services (or equivalent) be authorised to:

- 1. Grant planning permission subject to the conditions outlined in section 11;**
- 2. Discharge conditions where those detailed above require the submission and implementation of a scheme, or further details, either before development commences, or within a specified date of planning permission being granted;**
- 3. Delegate powers to officers to deal with any non-material amendments to the application that may be submitted.**

1. Background

- 1.1** Planning permission was approved in 2022 for the change of use of the site from a Materials Recycling Facility (MRF) to a facility for the manufacturing of carbon-negative aggregates involving hazardous waste (ref: FUL/2021/0072). Work is currently underway to implement the physical works associated with this permission.
- 1.2** Prior to this, the site was used as a waste management and recycling plant following the grant of planning permission by the Planning (Regulatory) Committee in 2006 (Ref: C/3/2004/3014). This planning permission allowed a throughput of up to 75,000 tonnes of household, commercial and industrial materials each year for recycling, along with incidental non-recyclable waste and pre-sealed clinical waste for storage.
- 1.3** As mentioned above the application has been supported by an Environmental Statement submitted under the Town and Country Planning (Environmental

Impact Assessment) Regulations 2017 ('the EIA Regulations'), to assess the impacts of the 'project' as a whole. Whilst there are no outstanding objections to the planning application, in accordance with the Council's Constitution, the application needs to be determined by the Planning (Regulatory) Committee.

- 1.4 The site is within the Parish of Wretham and within the jurisdiction of Breckland District Council.

2.0 Proposal

2.1 SITE

- 2.1 The application site is located approximately 6 miles northeast of Thetford and approximately 27 miles southwest of the city of Norwich.
- 2.2 Access to the site is directly from Thetford Road, (the A1075) which links to the surrounding road network with the A11 approximately 3 miles to the south.
- 2.3 The site entrance road is hard surfaced and there is a gravel covered car park area adjacent to the main site area. The main yard is concrete surfaced and enclosed by steel palisade fencing.
- 2.4 The site comprises existing buildings, hard surfacing and parking areas used in connection with the former waste transfer station/materials recovery facility, and two weighbridges. Works to implement the previous permission are currently underway which include the demolition of the existing storage shed, construction of feed hopper and conveyor, curing bay shed, covered aggregate conveyor system, 7 no. silos, a CO2 tank and other associated works.
- 2.5 In the northeast corner of the application site is a lagoon forming part of the site's drainage infrastructure.
- 2.6 The application site is part of an industrial estate created on the site of the former Larkshall Mill, which extends to the south and to the south east of the application site, and comprises several large industrial units, areas of hard standings and car parking. A petfood manufacturer and an agribusiness facility are located to the south of the site and share the same vehicle access.
- 2.7 To the east of the application site are three reservoirs associated with agricultural/agribusiness uses in the area.
- 2.8 To the north and north east is an area of grassland and scrub, beyond which is a tree belt forming part of 'Sawpit Plantation'. There are poultry sheds north of the tree belt.

- 2.9 A pair of semi-detached properties is located immediately adjacent to the car park on the northern side of the entrance to the site. These properties are owned by the applicant. The other nearest private dwellings are Saw Pit Farm to the north of the site boundary and a private dwelling on the A1075 to the southwest.
- 2.10 The site is located within 415 metres of Breckland Forest Site of Special Scientific Interest (SSSI) that forms part of the Breckland Special Protection Area (SPA) and within 645 metres of East Wretham Heath SSSI, that also forms part of the Breckland SPA as well as the Breckland Special Area of Conservation (SAC). East Wretham Heath Nature Reserve, to the southwest of the application site, is located within the SSSI designation.
- 2.11 The nearest Scheduled Monument is Roudham deserted medieval village, located 3.6km to the southeast of the site. There are no listed buildings within the site or in the immediate surrounding area.
- 2.12 The site is located within Flood Zone 1 and therefore has a low probability of flooding.
- 2.13 Although the site is located within part of an industrial estate this is not an identified allocated employment site within the Breckland Local Plan.
- 2.14 **PROPOSAL**
- 2.15 This application seeks planning permission for the following:
- An increase in the tonnage of Air Pollution Control residue from 30,000 tonnes to 100,000 tonnes in connection with the manufacturing of carbon-negative aggregates.
- 2.17 To accommodate the tonnage sought under this planning application the following additional infrastructure will be required:
- a new visitor and welfare facilities building and parking;
 - a small extension to the eastern elevation of the process building measuring 6.5m² in area to accommodate the addition of a third production line;
 - the addition of a second conveyor from the process building to the curing bay building;
 - an extension to the curing bay building to provide additional curing bay space;
 - 7 no. additional silos for the storage of APCr and cement at 16.2m in height;
 - 1 no. additional CO₂ tank at 13m high;
 - a new sand storage building measuring 12.5m in height to cover the sand storage bay;
 - a new screening plant building at 8.6m in height;

- a pipe bridge from the CO₂ tanks to the Direct Air Capture (DAC) pilot plant (not subject of this application);
- a 3m high acoustic barrier along the north of the access;
- a rainwater harvesting tank measuring 6m in height;
- 2 no. additional water tanks measuring 4.5m in height; and one tank at 3.7m
- 4 no. EV charging points.

2.18 To accommodate the additional infrastructure the proposal also seeks:

- a 0.2 hectare extension to the north western corner of the application site approved under ref: FUL/2021/0072, to accommodate the visitor and welfare facilities and parking.

To achieve the required 100,000 tonnes throughput the application also seeks:

- an increase in operational hours to 24-hour working, 7 days a week.

2.19 The process would result in the manufacture of an aggregate (building material for use in concrete products such as blocks) that is carbon negative, meaning that the product's carbon footprint is less than zero and it absorbs (captures) carbon dioxide (CO₂). The process is called 'accelerated carbonation' and uses Air Pollution Control residue (APCr) from Energy from Waste (EfW) facilities in the process. APCr is classified as a hazardous waste. It is noted that other powder waste materials can be used in the process, and it is not limited to APCr.

2.20 The process involves 3 key stages:

2.21 Stage 1: APCr is delivered in sealed bulk powder tankers and blown through pipes into enclosed storage silos. The APCr is transferred by sealed conveyors into enclosed mixers, where it is treated with carbon dioxide to chemically and physically change it using the patented process known as Accelerated Carbonation Technology (ACT). This initial process causes the calcium in the materials to be converted into calcium carbonate, which both chemically and physically stabilises the materials, lowering the PH and reducing the potential leaching of any contaminants.

2.22 Stage 2: The carbonated output from Stage 1 is blended with binders and fillers (typically sand and cement) to produce the appropriate properties for pelletisation. This is completed in sealed mixers. Material movements are fully automated with no manual handling of the ingredients.

2.23 Stage 3: Pelletising is undertaken to achieve the strength and pellet size requirements (for use as an alternative product replacement in the manufacturing of blocks). The manufactured aggregate is then stored under cover to allow it to full harden before delivery to the customers.

2.24 Much of the buildings and infrastructure needed to operate the facility are already in place. As referred to above, the site already has planning permission for the manufacturing of carbon-negative aggregates involving

hazardous waste (ref: FUL/2021/0072) and this permission repurposed many of the buildings already on the site.

- 2.25 In terms of site operation, APCr and cement will be delivered to the site using bulk tankers which fill the silos pneumatically, preventing windborne dust. CO2 would be discharged under pressure from the tanker to the tank on site.
- 2.26 The process uses imported non waste inputs of sand, cement, and CO2 in the manufacturing process which by tonnage and volume outweigh the APCr as follows:
- APCr: circa 100,000 tonnes per annum (tpa) imported by articulated tanker HGV with 25 tonne max. payload
Sand: circa 90,000 tpa Imported by articulated bulker HGV with 29 tonne max. payload.
Cement: circa 25,000 tpa Imported by articulated bulker HGV with 29 tonne max. payload.
CO2: circa 5,000 tpa by Imported using tanker HGV with 20 tonne max. payload.
- 2.27 The aggregate to be exported would amount to approximately 250,000 tpa exported using 29 tonne max. articulated bulker HGV, although HGVs delivering sand/filler often backhaul the finished aggregate. This is normally up to 25% of the sand/filler HGVs.
- This equates to HGV traffic of 52 in and 52 out on an average weekday. The majority of the HGV movements will be between 7am and 4pm as these will follow the aggregates and construction industry working hours.
- 2.28 The proposal seeks 24 hours operation, 7 days a week. This would include the 24 hour manufacture of aggregate including production, curing and moving cured materials into the storage areas and the delivery of APCr and cement to the facility and loading of silos. There would, however, be limited deliveries between 2200 – 0600 of approximately three vehicle movements.
- 2.29 The export of aggregate and the import of sand and CO2 is proposed to be between Monday – Saturday: 0600 – 1700, with no export or deliveries of sand on Sundays or Bank Holidays.
- 2.30 The proposed facility would seek to employ 48 staff on the site consisting of 36 operatives and 12 support staff and administrative staff. The operative staff will be split across a 3-shift work pattern with between 10 and 12 operatives per shift. The shift pattern is likely to be 0600 – 1400, 1400 – 2200 and 2200 – 0600.

3.0 Impact of the Proposal

3.1 DEVELOPMENT PLAN POLICIES

The following policies of the Norfolk Minerals and Waste Development Framework (adopted 2011) (NMWDF), Adopted Breckland Local Plan 2023 (adopted September 2023), Core Strategy and Development Control Policies (2009) (Saved policies) provide the development plan framework for this planning application. Neighbourhood Plans also form part of the development plan however there is not one currently in place for this area.

Norfolk Minerals and Waste Development Framework Core Strategy and Minerals and Waste Development Management Policies Development Plan Document 2010-2026

CS5: General location of waste management facilities
CS6: General waste management considerations
CS7: Recycling, composting, anaerobic digestion and waste transfer stations
CS13: Climate change and renewable energy generation
CS14: Environmental protection
CS15: Transport
CS16: Safeguarding mineral and waste sites and mineral resources
CS17: Use of secondary and recycled aggregates
DM1: Nature conservation
DM3: Groundwater and surface water
DM4: Flood Risk
DM8: Design, Local landscape and townscape character
DM10: Transport
DM11: Sustainable construction and operations
DM12: Amenity
DM13: Air Quality
DM15: Cumulative impact

Breckland Local Plan 2023

GEN 01 - Sustainable Development in Breckland
TR01 - Sustainable transport network
TR02 - Transport requirements
ENV 01 - Green Infrastructure
ENV02 – Biodiversity protection and enhancement
ENV03 – The Brecks protected habitat and species
ENV05 – Protection and enhancement of the landscape
ENV 06 - Trees, Hedgerows and Development
ENV 08 - Non-Designated Heritage Assets
ENV09 – Flood risk and surface water drainage
ENV 10 Renewable Energy Development
EC 04 - Employment Development Outside General Employment Areas
COM 01 – Design
COM 02 - Healthy Lifestyles
COM 03 - Protection of Amenity

3.2 OTHER MATERIAL CONSIDERATIONS

The Revised National Planning Policy Framework (NPPF) was published in December 2023 and sets out the Government's planning policies for England

and how these should be applied. Whilst not part of the development plan, policies within the NPPF are also a further material consideration capable of carrying significant weight. The NPPF places a presumption in favour of sustainable development. Paragraph 47 states that planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The following sections are of relevance to this application:

- 2. Achieving sustainable development;
- 6. Building a strong, competitive economy;
- 9. Promoting sustainable transport
- 11. Making effective use of land
- 14. Meeting the challenge of climate change, flooding and coastal change.
- 15. Conserving and enhancing the natural environment
- 16. Conserving and enhancing the historic environment
- 17. Facilitating the sustainable use of minerals

3.3 Planning policy with respect to waste is set out in the National Planning Policy for Waste (NPPW published on 16 October 2014). Additionally, both the National Waste Management Plan for England (2021) (NWMPE), which is the overarching National Plan for Waste Management, and the Government's Waste Strategy, Our Waste, our resources: a strategy for England (2018), are both further material consideration in planning decisions.

3.4 Paragraph 48 of the NPPF states, in summary, that local planning authorities may give weight to relevant policies in emerging plans according to the stage of preparation of the emerging plan; the extent to which there are unresolved objections to relevant policies and the degree of consistency of the relevant policies in the emerging plan to the NPPF.

3.5 The County Council is currently preparing a Minerals and Waste Local Plan to extend the plan period to the end of 2038. The pre-submission version of the Minerals and Waste Local Plan, relevant background documents and the representations received have now all been submitted to the Secretary of State for public examination by a Planning Inspector in 2024. So whilst at an advanced stage, it is not yet formally part of the development plan for the area and therefore the following policies can be given some weight in the planning balance.

3.6 Norfolk Minerals and Waste Local Plan Draft Document May 2022
 Policy MW1: Development Management Criteria
 Policy MW2: Transport
 Policy MW3: Climate Change mitigation and adaption
 Policy MW4: The Brecks Protected Habitats and Species
 Policy WP2: Spatial Strategy for waste management facilities
 Policy WP3: Land suitable for waste management facilities
 Policy WP6: Transfer, storage, processing and treatment of hazardous waste
 Policy WP16: Design of waste management facilities

3.7 **CONSULTATIONS**

Breckland District Council – No objection – advise the need to give due weight to the following matters and ensure that satisfactory mitigation and monitoring processes are in place by way of condition and/or legal agreement as necessary:

- Inclusion of conditions if permission is granted to secure the approval and implementation of ongoing measures to control and mitigate for noise, dust, light and air pollution resulting from the operation of the site on the surrounding rural area throughout operations on site.

- The additional impacts of the proposals on the residential amenity and visual amenity of the surrounding rural area and countryside noting the proximity to nearby dwellings.

- Appropriate consideration and assessment of the effects of the proposed development on Breckland SPA under the Conservation of Habitats and Species Regulations 2017, and if necessary, what and how any necessary mitigation would be secured with respect to any affected Habitat Sites in the surrounding area.

Breckland District Council Environmental Health Officer – No objection – request that the conditions relating to dust and lighting on the earlier permission are carried over. I understand that the development will operate in line with an Environment Agency permit and that noise and odour from the ongoing operation of the development will be controlled within the permit rather than conditions within any planning permission that may be granted.

Environment Agency – No objection - The current Waste Management Licence is due to be surrendered as this is a preoperational condition of the Installation Permit EPR/BP3702MC which was issued to O.C.O Technology Limited on 10/08/2023.

The Installation activities will be regulated against the Environmental Permit EPR/BP3702MC. The proposed developments must not result in non-compliance of the permit conditions. The operator should consider the effect of change on their Environmental Management Systems and their Environmental Permit conditions.

Natural England - No comments – but gave general advice and references to Natural England Standing Advice.

Department for Levelling Up, Housing and Communities – No response received regarding the Environmental Statement

Highway Authority – No objection – conditionally. Given both the previous & existing lawful use of the site coupled with the other existing users of the access, on balance, I could not substantiate an objection to the proposals. Recommend conditions to limit the throughput of material / aggregate to the levels proposed, implement new road markings proposed at the existing

vehicular access onto the A1075, provide and retain visibility splays and provide and retain the vehicle parking/manoeuvring areas.

Lead Local Flood Authority – No comments

County Council Ecologist – No objection – conditionally. Recommend conditions to ensure development is carried out in strict accordance with the recommendations set out in section 8.7 of the Environmental Statement. Also full details of 1) bird and bat boxes and 2) external lighting to be provided either prior to determination or secured by condition.

County Council Arboriculturist – (most recent comments) No objection – The submitted arboricultural method statement dated 13th Dec 2023 details that there are no tree losses and is considered fit for purpose.

County Council Landscape Officer - (most recent comments) No objection –Minor amendments have been made to the LVIA to show correct tables and titles, I am now broadly happy with the content of the assessment. I also note that table 11.7 now references that vegetation loss is restricted to scrub removal only. Provided that this is the only loss occurring I have no further objections.

Wretham Parish Council – Supports the application.

Norfolk Fire Service – The proposal will need to comply with Building Regulations set out in Approved Document B, Volume 2, Buildings other than Dwellings, 2019 edition incorporating 2020 amendments – for use in England. Failure to meet these requirements may result in an objection and an unsatisfactory proposal. Comments on the internal layout will be made at the Building Regulation application stage.

County Council Sustainability Manager - No objection

RSPB - No response received.

Local Member (The Brecks) (Cllr Eagle) - No response received.

3.8 REPRESENTATIONS

The application was advertised by means of neighbour notification letters, site notices, and an advertisement in the Eastern Daily Press newspaper. Six letters of correspondence (One objecting and five in support) have been received from the public and the comments relate to the following:

- The proposed increase of 233% will obviously lead to a huge increase in heavy goods traffic.
- Given the amount of traffic already using the A1075 and the many agricultural vehicles (and others) already turning in and out of the current entrance, serious consideration should be given to some form of

controlling mechanism to ensure local traffic has ready access to the main road and that road safety is not compromised.

- Concerns regarding the increase in noise pollution.
- Fully support this application because it will help to prove Norfolk's commitment to "tackling climate change and achieving a net zero Norfolk" as stated on their website.
- It will provide long-term job security for the existing Brandon based staff and opportunities for others to join the business.
- Support this application; It allows the company to expand in the local area and will create a number of new job opportunities.
- Working currently for OCO Technology, this will provide job security for myself and my family and will benefit from me not having to move from the area to seek equivalent employment.
- Climate change is happening, it will affect us all, therefore carbon capturing is essential in today's world.
- OCO Technology are willing to invest in the local area, its people and its economy and this should be seen as a positive move by the council.
- It is a great position for Norfolk to embrace the investment that O.C.O Technology is bringing to the area. To have a true carbon capture company in Norfolk and that being one of the top 10 Carbon capture companies in the world should be seen as a unique opportunity to put Norfolk on the world stage and prove that Norfolk is serious about climate change.
- This will bring employment to the area and will maximize the use of what was a derelict site. The location is excellent, and this site is proven to be right for the waste use and has only a positive impact on the environment by locking up CO2.
- With Breckland Council trying to achieve Net Zero by 2030 it would be extremely negative not to allow this "world's first" company to prosper and support the locality.
- It is great that a true carbon capture company wishes to expand its operation in Norfolk. Ours and our children's futures depend on a carbon reduction strategy and O.C.O technology is certainly in 1st place to help Norfolk and Breckland achieve their Net Zero targets.
- The increase in sustainable jobs in the Wretham is also a great reason why this proposal should be approved. The assessments presented show no reason why this application should not be permitted.

- The effort that O.C.O have taken in keeping the local community informed of their progress and the help to maintain the local village magazine is commendable.
- Locationally this is an excellent site that is proven to be right for a waste use and has no significant impacts on amenity or the environment. It will also provide additional local employment on site & through OCO's supply chain.

3.9 APPRAISAL

The key issues for consideration are:

- A. Planning application procedure and background
- B. Principle of Development
- C. Landscape & Visual Impact / Design
- D. Amenity
- E. Ecology
- F. Impact upon Heritage Assets
- G. Transport
- H. Sustainability
- I. Flood Risk
- J. Groundwater/surface water
- K. Cumulative Impacts
- L. Socio-Economic Effects

3.10 A - Planning application procedure and background

- 3.11 Prior to the submission of this application the applicant undertook discussions with the Planning Inspectorate and NCC to ascertain if the proposed development would fall within the definition of a Nationally Significant Infrastructure Project (NSIP) under section 14 of the Planning Act 2008 (PA 2008). Part (1) (p) of section 14 lists the construction or alteration of a hazardous waste facility as a nationally significant infrastructure project where it falls within the definitions and criteria set out in Section 30 of the same Act.
- 3.12 Sections 30(1) and 30(2) of the PA 2008 relate to development involving the construction of a new hazardous waste facility and Sections 30(3) and 30(4) relate to the alteration of a hazardous waste facility.
- 3.13 Section 30 (2) refers to the capacity of a new hazardous waste facility, stating that the construction of a hazardous waste facility falls within section 14(1)(p) if the capacity of hazardous waste is more than 30,000 tonnes per year.
- 3.14 Section 30 (4) refers to the capacity of the alteration of a hazardous waste facility, stating that the construction of a hazardous waste facility falls within section 14(1)(p) if the effect is to increase by more than 30,000 tonnes per year the capacity of the facility.
- 3.15 For this proposed development the resulting capacity of the facility would exceed 30,000 tonnes per year and in terms of capacity the proposal falls

under the definition of a Nationally Significant Infrastructure Project (NSIP). However, the criteria of Sections 30 (1), (2), (3) and (4) set out that for this tonnage restriction to apply, the final disposal or recovery of hazardous waste has to be the main purpose of the facility. In this case, the processing of hazardous waste is one process, but the other key purpose of the facility is the production of carbon-negative aggregates which can be used in the construction industry.

- 3.16 Following legal advice and consensus of all parties involved, it is considered that the proposed development does not, by definition, constitute an NSIP and, therefore, NCC should determine the planning application in their role as the minerals and waste planning authority.
- 3.17 It should be noted that when initial discussions took place it was first considered this proposal was classed as an NSIP application for which the Planning Inspectorate would be the determining authority. On the basis of this initial advice, the applicant restricted the capacity of the previous planning application (ref: FUL/2021/0072) to a maximum of 30,000 tonnage due to the belief at the time that anything over 30,000 tonnes of hazardous waste per annum would need to be considered through a Development Consent Order (DCO) under the Planning Act 2008.
- 3.18 The applicant has stated that, given that the DCO process takes significantly longer to come to a determination than through the Town and Country Planning Act route and the time pressures upon the applicant at the time for the need to relocate from their site in Brandon, Suffolk, the initial 30,000 tonnes per annum was sought. The applicant has confirmed in their Planning Sustainability Statement that if this Town and Country Planning Act route had been agreed when the previous application was submitted, the original application would have been submitted at 100,000 tonnes per annum and not 30,000 tonnes per annum. This is because the applicant always anticipated the facility to operate at 100,000 tonne per year.
- 3.19 Members should be aware that the previous planning permission (ref: FUL/2021/0072) has been implemented and this is a material consideration. The principle of this use on the site has, therefore, previously been found to be acceptable. The key issues for consideration below focus on the differences between the development previously approved and the current proposal to increase the capacity of the site. However, it should be noted that if this planning permission is approved, the existing permission and conditions would fall away in the event the new permission is granted and implemented.
- 3.20 **B – Principle of Development**
- 3.21 A basic principle when assessing planning applications is outlined in Section 38(6) of the Town and Country Planning Compulsory Purchase Act 2004 which states:

“if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise”.

- 3.22 Relevant development plan policy is, as detailed above, is set out in the Norfolk Minerals and Waste Development Framework (NM&WDF) Core Strategy, Adopted Breckland Local Plan 2023 (adopted September 2023), Core Strategy and Development Control Policies (2009) (Saved policies).
- 3.23 Planning permission was approved last year for the use of the site as a facility for the production of carbon-negative aggregates involving the use of Air Pollution Control residues (APCr), which, is classed as hazardous waste. APCr is classed as hazardous mainly due to the high pH level (pH11 - 13) and can, from some sources, have sufficiently high concentrations of heavy metals (notably copper) to give it Hazard Property (HP) 14 - ecotoxic. In most cases, however, the concentrations of heavy metals are only just over the relevant thresholds.
- 3.24 Information contained within the applicant's Planning Statement confirm that APCr is considered no more, or no less, hazardous than cement powder. Both are fine powders, very alkaline with low levels of heavy metals. The handling of both materials has identical PPE requirements and carries the same risks to the environment and human health.
- 3.25 At the time of the consideration of this earlier planning application (ref: FUL/2021/0072) the site was in operation as a waste management use. Local policy supports the development of new and expanded waste management facilities on land that is already in a waste management use, on existing industrial or employment land and/or on other previously developed and contaminated or derelict land. As stated above, this recent permission has already been implemented. The principle of the use of the site for waste management and more specifically the production of carbon-negative aggregates involving the use of Air Pollution Control residues (APCr) has, therefore, already been established.
- 3.26 The NM&WDF Core Strategy, and in particular Policies CS3, CS4, CS5, CS6 and CS7 are of relevance.
- 3.27 Policy CS3, which is concerned with the amount of waste management capacity to be provided over the plan period, sets out that the aim of the overall strategy is to provide sufficient waste management capacity to meet the expected arisings of municipal and commercial and industrial waste. Policy CS4 sets out in more detail the amount of different types of capacity to be provided.
- 3.28 Policy CS5, which is concerned with the general location of waste management facilities, sets out the broad spatial strategy for the location of new waste management capacity and identifies that strategic or major waste management facilities should be well related to the major centres of

population and waste arisings in Norwich, Great Yarmouth, King's Lynn or Thetford. Although the site is located within 6 miles of Thetford, the facility would not in any case be dealing with household or industrial waste generated from the town or the surrounding area. Instead, the waste stream would emanate from energy from waste facilities across the east of England, including the Midlands and London (as the facility at Brandon already does). Given the unique nature of the waste stream, and the proximity to the A11 providing good transport links, this was previously considered to be acceptable in the context of Policy C7 when application ref: FUL/2021/0072 was determined and remains the case (see below).

- 3.29 The two other relevant key policies in relation to the principle of the development are Policies CS6 and CS7. Policy CS6 sets out general considerations in relation to proposed waste management uses and makes clear that proposals on land already in a waste management use will be considered to be acceptable. This applies to this current proposal. The additional qualifying test to be applied requires no unacceptable environmental impacts. These are considered in more detail below.
- 3.30 Policy CS7 which is concerned with applications for recycling, composting, anaerobic digestion and waste transfer stations, to handle all types of waste states that these will be considered favourably, so long as they would not cause unacceptable environmental, amenity and/or highways impacts.
- 3.31 In terms of the principle, it is noted that this development has previously been found to be policy compliant. None of the policies referred to above have witnessed significant change since the consideration of the previous planning application for the same use of a smaller scale. Clearly the scale of the operation, and the impacts of this, are the key issues for consideration, but in terms of principle, subject to the additional consideration of the environmental, amenity and highways impacts, the application can be considered to be acceptable and in compliance with the development plan policy, including, Core Strategy Policies CS3, CS4, CS5, CS6 and CS7 as detailed above. As such and in accordance with paragraph 7 of the National Planning Policy for Waste (NPPW) there is no need for the applicant to have to demonstrate the quantitative or market need for new or enhanced waste management facilities.
- 3.32 The Government's National Planning Policy for Waste (2014) is the most direct relevant national guidance. This document underlines that the planning system is pivotal to the timely and adequate provision of waste facilities and it sets out the Government's strategy for sustainable waste management. This scheme would assist with the overarching thrust of dealing with waste in a more sustainable manner, i.e. through recovery of hazardous waste and diverting it from landfill, therefore driving waste management up the waste hierarchy. The NPPW also underlines that the need for a facility is only required to be demonstrated where a proposal is not consistent with an up to date plan. Because of the compliance with the land use policies detailed

above, there is not a requirement to demonstrate a need for this facility at this location.

- 3.33 Government guidance also states that the waste planning authority should not assume that because a particular area has hosted, or hosts, waste disposal facilities, that it is appropriate to add to these or extend their life. It is important to consider the cumulative effect of previous waste disposal facilities on a community's wellbeing. Impacts on environmental quality, social cohesion and inclusion and economic potential may all be relevant. Engagement with the local communities affected by previous waste disposal decisions will help in these considerations. These elements are considered in more detail below.
- 3.34 In summary, the principle of the development is considered acceptable in relation to relevant development plan policy.

3.35 C - Landscape & Visual Impact

- 3.36 Adopted NMWDF Policy CS14: Environmental Protection requires that there are no unacceptable impacts and ideally improvements to the character and quality of the landscape, and NMWDF Policy DM8: Design, Local Landscape and Townscape character requires that developers show how their proposals will address impacts on the local landscape. In addition, Policy ENV 05 of the Breckland Local Plan November 2023 requires proposals to have particular regard to maintaining the aesthetic and biodiversity qualities of natural and man-made features within the landscape, including a consideration of individual or groups of natural features such as trees, hedges and woodland or rivers, streams or other topographical features.
- 3.37 In this case most of the infrastructure required to achieve the 100,000 tonnes throughput is additional tanks or silos, extensions to existing buildings, a building to cover the existing sand storage bay and an additional conveyor from the process building to the curing bay building.
- 3.38 The additional proposed infrastructure is below the height of the existing structures on the site and the highest new structures, the cement silos at approximately 16.2m, would be located towards the northern boundary, screened by the existing waste processing hall building and the existing established trees to the north.
- 3.39 The proposed new silos, building and conveyor are all lower than the existing buildings on the site. Their design is functional and not out of keeping for this existing site surrounded by other industrial uses. The external materials proposed for the additional infrastructure is functional and generally has a grey finish which will complement the existing buildings on site and the surrounding buildings. In context the siting and design of these industrial structures will not be unexpected in terms of visual impact.
- 3.40 As part of the Environmental Statement, a Landscape and Visual Impact Assessment (LVIA) has been undertaken by David Jarvis Associates (DJA). Fieldwork carried out by DJA established that site is visually contained to the

north by a tree belt, to the east by two embanked reservoirs and to the south and southeast by hedgerows and woodland.

- 3.41 Whilst there are some views of the upper elements of the existing principal waste facility building on the site, such views are very localised and limited to a short section of Thetford Road to the southwest and restricted byway Wretham RB8 to the southeast. Overall, the LVIA concludes that the repurposing of the site's existing facility and the proposed additional infrastructure on the site for the manufacture of carbon negative aggregate will have very limited effects on local landscape character and visual amenity and the proposed development would be successfully assimilated into the wider landscape.
- 3.42 It is unlikely that there would be visibility of the additional cement and APCr silos from Peddars Way National Trail. If visible, however, they would constitute a very small proportion of view and would not be readily perceptible to the casual observer.
- 3.43 Any limited public views of the structures will be seen largely against or adjacent to existing buildings. Given that the proposed new silos, building and conveyor are all lower in height than the existing buildings, they will not appear unduly prominent within the landscape. Views of the proposed new acoustic barrier adjacent to the access road would be filtered and oblique from the A1075 (Thetford Road).
- 3.44 The County Principal Landscape Architect (PLA) is content that the LVIA has been undertaken following industry standard guidance and is appropriate and proportionate for the proposed development. The PLA confirms she is broadly in agreement with the conclusions drawn in the LVIA, stating that the site is well contained, and the proposals have been designed in a sensitive way towards the surrounding landscape. She is content that based on the provided assessment the proposals would have limited effects on the local landscape character and visual amenity, and raises no objection to the proposal, subject to the development being carried out in strict accordance with the submitted plans, as laid out in the ES and according to the mitigation laid out in table 11.7, which include the repurposing of existing buildings, the reduction in height of the APCr silos from 21m to 16.2m, the retention of on-site trees along the access route and north of the visitors centre and the careful siting of additional buildings and structures within the site. This can be secured by planning condition.
- 3.45 During the course of the planning application the Arboricultural Officer requested additional information regarding the potential loss of trees on the site, in particular the oak trees to the northern boundary. As a result, an Arboricultural Method Statement (AMS) was conducted and submitted to support the application. This confirmed that no trees are proposed to be removed to facilitate this proposal. It was noted that some of the trees have a limited safe useful life expectancy, but all trees are to be retained to ensure continued tree cover.

- 3.46 The AMS also confirmed that the modular nature of the proposed welfare building, which is new build closest to the existing trees, will have simple pad foundations which means that minimal excavation will be required. However, tree protection measures are proposed during construction to prevent any potential damage to tree roots.
- 3.47 The Arboricultural and Woodland Officer has confirmed that the submitted arboricultural method statement dated 13th Dec 2023 details that there are no tree losses and is considered fit for purpose.
- 3.48 The proposals therefore are considered consistent with the development plan policies outlined above and the NPPF.
- 3.49 **D – Amenity**
- 3.50 Policy DM12: Amenity of the adopted NMWDF states that development will only be permitted where it can be demonstrated that the scale, siting and design of a proposal is appropriate and that unacceptable impacts to local amenity will not arise from the construction and/or operation of a facility. This echoes policy NMWDF CS14: Environmental protection which also seeks to avoid unacceptable impacts on amenity.
- 3.51 Breckland Adopted Local Plan policies GEN 02 and COM 03 also give regard to the protection of residential amenity. Policy GEN 02 requires high quality design that protects high levels of amenity. Policy COM 03 refers that development which causes unacceptable effects on the residential amenity of neighbouring occupants or does not provide for adequate levels of amenity for future occupants will not be permitted. Para 191 of the NPPF refers that decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development.
- 3.52 NMWDF policy DM13 relating to air quality seeks to only permit development where development would not impact negatively on Air Quality Management Areas (AQMA) or lead to the designation of new ones. Furthermore, NPPF paragraph 180 requires that new and existing development should be prevented from contributing to unacceptable levels of air pollution.
- 3.53 As referred to above, a small number of residential properties lie in proximity of the application site. The nearest are a pair of semi-detached dwellings which are immediately to the north of the car park at the western end of the site. These properties are in the ownership of the applicant. The farmhouse to Saw Pit Farm is to the nearest dwellinghouse to the north, separated from the application site by a band of trees. The nearest private dwelling to the south east is sited along the A1075.
- 3.54 No public rights of way run through or abut the site.

3.55 Noise

- 3.56 As part of the Environmental Statement, Chapter 12 focuses on noise, with appendix 12.1 providing details of the baseline noise survey results. Chapter 12 reports on the likely significance of noise effects to arise from the operation of the proposed scheme, describing the policy context, the method used to assess the potential impacts and likely effects, the baseline conditions at and surrounding the site, the likely noise effects considering embedded mitigation, the need for additional mitigation and enhancement, and the significance of residual effect. Consideration has also been given to cumulative impacts arising from other development.
- 3.57 The EIA Scoping Opinion assessed prior to the submission of the application concluded that vibration effects were scoped out of the assessment on the basis that vibration generated during the construction phase would be limited in duration and of a scale unlikely to result in negative impact on nearby receptors, and that the process does not generate any significant amounts of vibration.
- 3.58 As part of the noise assessment a noise survey was undertaken in 2022 to establish the prevailing noise levels at each of the identified receptors. The assessment identified three noise sensitive receptors, including the residential properties located at the entrance to the site, Saw Pit Farm and the private dwelling to the south of the site.
- 3.59 A noise model of the site was developed and used to assess the likely effects of noise sources within the study area. The model takes into account existing topography, proposed site layout and the completed development HGV flows. Noise levels from proposed internal and external plant were informed by measured noise data collected at an operational site in Leeds, which is also owned by the applicant.
- 3.60 During the consideration of the previous planning application for the use of the site for the 30,000-tonne facility (Ref. FUL/2021/0072), Breckland Council Environmental Protection stated that the use should not generate a noise level measured at the boundary of the nearest noise sensitive premises greater than 5 dBA above the existing day or night-time background levels. This noise measurement has been used in the assessment of the current proposed development.
- 3.61 From the modelling undertaken, the assessment finds that the noise emissions from the site are expected to meet the Breckland Council requirements in all cases except for one period of time and to one receptor. The assessment reveals that there would be a moderate impact and significant effects may be experienced during night-time periods for occupants of the adjoining residential properties when APCr tanker HGVs access the site during night-time periods.
- 3.62 The applicant has provided information within the Transport Assessment indicating no more than 2 APCr tankers are expected to access the site during

night time periods. The figures indicate that vehicle movements between the hours of 2200-0600 will be limited to 3 movements a day, equivalent to one tanker leaving and one arriving and leaving once unloaded. The majority of HGV movements would be associated with haulage of product, which would be during the normal working day.

- 3.63 In order to provide attenuation at these properties from HGVs using the site access, a 3 m high noise barrier is proposed along the boundary of the application site car park and the site access road. This would provide a 6dB attenuation at the receptor boundary along the site access road and 4dB attenuation at the first floor window location that is most exposed to HGV noise along the site access road. The fence will be constructed of wooden reflective panels.
- 3.64 When APCr tankers do not access the site during night-time periods, the predicted significance of effect is expected to reduce to a Lowest Observed Adverse Effect Level (LOAEL), i.e., equal to the Breckland Council limit of +5dB over the background noise level.
- 3.65 The application site is adjacent to other industrial uses and the night-time noise climate at the assessed receptors is dominated by noise emissions from these other adjacent industrial uses. Therefore, night-time noise emissions emanating from the application site would not be deemed to be out of context with the existing noise climate which may reduce the significance of effects perceived by the closest receptor.
- 3.66 Last year planning permission was granted for a carbon capture pilot project involving Direct Air Capture (DAC) technology on the site for a period of two years (NCC Ref. FUL/2022/0071). The pilot plant is to be located in the north eastern part of the site, south of the soakaway. Noise emissions would predominately be associated with fan noise, which draws the air into process for carbon capture. The Noise Survey confirms that the noise emissions from the Mission Zero Technologies equipment would be designed to not exceed background noise levels and therefore, provided this occurs there will be no significant impact on noise levels.
- 3.67 The Planning Statement concludes that the ES has demonstrated that with the inclusion of mitigation, which includes the section of fence to the northern boundary, the impact of the facility singularly and in combination with other existing or planned developments will not be significant in terms of noise.
- 3.68 The ES finds that the proposed development accords with NPPF paragraph 180(e), NPPW Appendix B (j), NMWDF policy DM12 and Breckland Local Plan Policy COM 03 in that the application has provided a description and assessment of the of the noise generating aspects.
- 3.69 The Breckland Council Environmental Protection Officer has reviewed the information provided and comments that the development will operate in line with an Environment Agency permit and that noise from the ongoing operation

of the development will be controlled within the permit rather than conditions within any planning permission that may be granted.

- 3.70 NPPF para 194 refers that the focus of planning policies and decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or permissions (where these are subject to separate pollution control regimes). Planning decisions should assume that these regimes will operate effectively. Accordingly, should planning permission be forthcoming, it is not considered necessary to propose any conditions to control matters of noise in this case, given that it will be controlled through the permitting regime.
- 3.71 The previous application (Ref FUL/2022/0071) included a planning condition restricting hours of operation of the site. In this case, given that the results of the noise modelling show there will be no expected amenity concerns and the permitting regime in place, it is not considered necessary to impose restrictions on the days and times of operation.
- 3.72 The proposal accords with the provisions of development plan policies listed above relating to noise and amenity and in this regard the application can be supported.
- 3.73 Air Quality and Dust
- 3.74 The submitted Environmental Statement (ES) includes an Air Quality Assessment (AQA) (Volume 1: Chapter 10 of the ES) along with an Air Quality Technical Appendix (Appendix 10.1) which considers the potential impacts to air in relation to pollutants potentially arising from the proposed development. The technical appendix sets out in detail the modelling approach taken in the air quality assessment, including the modelling methodology and the model verification process used to calibrate the model.
- 3.75 This proposal seeks the handling of a larger volume of dry materials on the site and potentially, therefore, an increase in dust emissions which could affect local air quality and amenity. Additionally, there is potential to increase emissions to air through construction activities and also from increased road traffic to and from the site using the road network. Emissions from construction and transport vehicles have the potential to impact local air quality.
- 3.76 The key pollutants associated with vehicle emissions are nitrogen oxides (NOx) and particulate matter. The amount of road-going and Non-Road Mobile Machinery (NRMM) involved in construction will be minimal, and consequently the impact of emissions from road traffic and NRMM during construction has been scoped out of the ES.
- 3.77 The AQA assessed the potential key impacts associated with air quality emissions from the operational phase of the facility, with particular reference to the impact of dust emissions on amenity, assessing the air quality impacts arising from HGV movements associated with the proposed scheme. A dust

assessment was undertaken and found the risk of significant effects on amenity to be negligible, since the greater part of materials processed will be enclosed. APCr and cement are delivered to the site using bulk tankers which fill the silos pneumatically, preventing windborne dust. Transfer of these materials takes place using a pneumatic system to transfer it to the silos and from the silos it is blown into the mixer. At no point in the process are APCr or cement powders exposed.

- 3.78 Sand is delivered by sheeted bulk tippers and tipped in the sand storage bay. The proposed sand storage building will prevent windblown sand becoming a nuisance.
- 3.79 The processing will take place indoors and the processed aggregate is then shown to be transported along a covered belt conveyor system to the proposed aggregate curing bays. The conveyor is covered to avoid dust arising from the aggregate.
- 3.80 The dust assessment found the risk of significant effects on amenity to be negligible, since the process materials and product are entirely contained in silos or in buildings, dust emissions are controlled to the extent that the risk to human health or amenity is considered to be negligible. Consequently, dust emissions were not considered further in the submitted air quality assessment.
- 3.81 There are no emissions, smoke or steam produced at any stage of the process. Both the process and end product are odourless.
- 3.82 Dispersion modelling was undertaken to assess traffic related pollution levels at existing sensitive receptors, including sensitive ecological receptors.
- 3.83 The annual mean and one hour mean NO₂ Air Quality Objective (AQO) are forecast to be met at the façade of all existing receptors. The PM₁₀ and PM_{2.5} concentrations are also forecast to meet their respective long and short term AQO by a considerable margin for all modelled receptors.
- 3.84 An assessment of the associated transport emissions on designated ecological sites adjacent to the affected road network finds that there is also no likely significant effect.
- 3.85 Based upon the above, no further air quality mitigation measures are recommended for the operational phase of the proposed scheme.
- 3.86 An assessment of the operational air quality impact has been undertaken for the development. The impact on air quality is negligible with no significant effect. In regard to air quality, it can therefore be concluded that the proposed scheme is not considered to conflict with national, regional and local planning guidance.
- 3.87 As per 3.70, with respect to the actual regulation of an operation such as this, in accordance with paragraph 194 of the NPPF and the National Planning

Policy for Waste, the County Planning Authority needs to focus on whether proposed development is an acceptable use of land, rather than the control of processes or emissions.

- 3.88 The Environmental Protection Officer at Breckland Council has requested that the conditions relating to dust on the earlier permission are carried over. However, a Dust Management Plan was a standard requirement as part of the Environment Agency permitting application and, for the reasons given above, it is not considered necessary to add a condition to control dust given that this is already covered by the Environmental Permit.
- 3.89 Noise, Dust and Air Quality - In summary, the accompanying ES contains noise, dust and air quality assessments which have considered the relevant receptors to the site. The assessments conclude that the proposed development can operate safely without causing nuisance and, where necessary, have recommended mitigation measures or management plans.
- 3.90 It is therefore considered that the proposed development complies with Policies CS14, DM12 and DM13 of the Norfolk Core Strategy as well as emerging local plan policy.
- 3.91 **E – Ecology**
- 3.92 NMWDF Core Strategy Policy CS5 notes the significant environmental constraints affecting the major settlements. With reference to Thetford, it states that development in or near Thetford (and also Swaffham and Watton) is highly constrained by the presence of the Breckland Special Protection Area (SPA) and Breckland Special Area of Conservation (SAC). Given the noise and disturbance of waste management operations, any new waste management facilities close to Thetford are likely to be more acceptable in the area immediately east of Thetford only.
- 3.93 NMWDF Core Strategy policies CS14 and DM1 both seek to protect adverse impacts on biodiversity including nationally and internationally designated sites and species.
- 3.94 Emerging Minerals and Waste Local Plan_Policy MW4 refers specifically to The Brecks Protected Habitats and Species, stating that development will only be permitted where sufficient information is submitted to demonstrate that the proposal will not adversely affect the integrity of the SPA or SAC.
- 3.95 Breckland Local Plan Policy ENV02 relating to biodiversity protection and enhancement states that development likely to have an adverse effect (either directly or indirectly) on a site of national, regional or local biodiversity, or geological interest will not be permitted unless it meets certain criteria. It also states that all development should demonstrate how net gains for biodiversity are being secured as part of the development, proportionate to the scale of development and potential impacts (if any).

- 3.96 Breckland Local Plan Policy ENV03 refers more specifically to the Brecks protected habitats & species and states that development will only be permitted where it can be demonstrated that the proposal will not adversely affect the integrity of the SPA or the SAC.
- 3.97 The application site lies within 450m of the Breckland Special Protection Area (SPA) and 620m of the Breckland Special Area of Conservation (SAC)).
- 3.98 The application has been supported by an ES ecology chapter based on CIEEM (2019) guidelines, a shadow Habitat Regulations Assessment (HRA) and a bat survey. This reflects the matters raised as being of relevance in the Scoping Opinion of the Planning Inspectorate regarding ecology.
- 3.99 Protected species
- 3.100 The submitted Preliminary Ecological Appraisal (PEA) and desk study considered the presence or potential of the site to support each species/group and whether it was appropriate for further survey work to be undertaken. Consideration was given to the site and surroundings, including nearby trees and ponds.
- 3.101 The only identified species where potential adverse impacts were possible and where further survey and consideration is required, were bats, birds and other wild mammals, including hedgehogs.
- 3.102 Section 8.7 of the ES sets out five recommendations relating to 1) Safeguarding of retained trees; 2) Roosting bats; 3) Nesting birds; 4) Safeguarding wild mammals; 5) Net gains in biodiversity.
- 3.103 Recommendation 3 sets out actions if nesting birds are found on site and times of working to avoid bird nesting season. Recommendation 4 sets out best practice safeguarding during construction to protect wild mammals should they enter the site during construction works and to discourage them from entering the site.
- 3.104 The Principal Ecologist raises no objection to the proposal in this regard. His comments regarding bats and net gains in biodiversity are referred to below.
- 3.105 Bat Survey
- 3.106 A Preliminary Roost Assessment (PRA) and Ground Level Tree Assessments (GLTAs) have been conducted in support of this application.
- 3.107 The Process Building (identified as Building B1a in the PRA) was considered to support two separate roosts. An occasional day/night roost of common pipistrelle was identified within the wall cavity, accessed by a weep hole on the southern aspect and an occasional day/night roost of brown long-eared bat within the loft void.

- 3.108 The main office building (identified as Building B2 in the PRA) was also considered to support two separate roosts. An occasional day/night roost of common pipistrelle behind the signage on the western aspect and an occasional day/night roost of brown long-eared bat within the loft void.
- 3.109 Other buildings on site were assessed as not suitable for roosting. Five trees were identified as having bat roost potential but, on inspection, all of them were found to have low suitability for roosting bats.
- 3.110 The bat survey for the previous planning application (ref: (FUL/2021/0072) did not identify the presence of the brown long-eared bat roost in the loft of the Process Building. It should be noted, however, that the applicant has confirmed that a bat licence has already been issued to enable the implementation of the internal works in the building which would cause disturbance of the brown long-eared bat roost in the loft.
- 3.111 Section 8.7 of the ES sets out recommendations and confirms that the proposed development would not alter the distribution or impact the favourable conservation status of the species within the site or local area. Since no impacts to roosting bats are to occur as a result of this planning application, no mitigation or additional licensing is required. In order to achieve a net gain in biodiversity, however, Section 8.7 of the ES recommends that at least two bat boxes are erected as part of these proposals.
- 3.112 The Principal Ecologist notes that the Preliminary Ecological Appraisal (dated April 2022) has been completed and the subsequent Bat Activity Surveys carried out to a suitable standard.
- 3.113 He refers to the confirmed day roosts for individual Common Pipistrelle and Brown Long-eared bats in the two buildings (identified as B1a and B2) and noted that neither of these buildings will be directly affected by the proposed development.
- 3.114 However, the Principal Ecologist notes that the applicant does propose to install additional lighting on the conveyor and silos. It is important that any such lighting is carefully designed so as to avoid disturbing this roost site, as well as minimising impacts on foraging bats more generally. It is recommended that this should include the use of LED warm lights, PIR sensor activated on a short timer and careful directing of lighting.
- 3.115 The Principal Ecologist raises no objection to the proposal subject to conditions to ensure the development is carried out in strict accordance with the recommendations set out in section 8.7 of the Environmental Statement and external lighting to be provided either prior to determination or secured by condition.
- 3.116 Net gains for biodiversity

- 3.117 The application has been submitted in advance of the national mandatory requirement to provide 10% biodiversity net gain (BNG) under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021), so is not required to demonstrate a 10% uplift in better quality natural habitat.
- 3.118 That said, Breckland Local Plan Policy ENV02 relating to biodiversity protection and enhancement, states that all development should demonstrate how net gains for biodiversity are being secured as part of the development, proportionate to the scale of development and potential impacts (if any).
- 3.119 In this case the majority of the site contains buildings in commercial use or is hard surfaced. The level of soft planting and landscaping is low. However, part 5 of the Section 8.7 of the ES sets out recommendations to provide a number of net gains for local wildlife through the installation of at least five bird boxes and two bat boxes, to be secured as part of the proposed development.
- 3.120 The Principal Ecologist raises no objection to this approach but states the proposal for additional wildlife facilities currently lacks details regarding the exact locations and specifications for the installation of the two bat boxes and five bird boxes. In response to this the applicant has now provided the required details and it is recommended that the implementation and retention of the boxes are secured by way of a planning condition.
- 3.121 Based on the results of survey work undertaken to date and reasonably predictable results of outstanding survey work, the proposed development will have no significant adverse ecological impacts and has been sensitively designed to adopt the avoid-mitigate-compensate hierarchy. The proposals also present the opportunity for securing minor net gains in biodiversity at the site in the form of the provision of additional roosting opportunities for bats and additional nesting opportunities for birds and in this respect, there is no conflict with policy.
- 3.122 Habitat Regulations Assessment
- 3.123 A Habitat Regulations Assessment (HRA) Technical Note has been prepared by Artemis Ecological Consulting Ltd (dated 4 August 2023) and accompanies the ES to provide the County Planning Authority with sufficient information to make an HRA of the proposed development. This accords with the provisions of Policy MW4 of the emerging Norfolk Minerals and Waste Local Plan (2022) which requires applicants to submit to the Council suitable information to enable it to undertake an HRA of proposals for development that are likely to have a significant effect on the Breckland Special Protection Area (SPA) and/or Breckland Special Area of Conservation (SAC).
- 3.124 The HRA Technical Note considers the likely significant effects of the proposed development on breeding stone curlew (loss of breeding habitat, disturbance and changes in air quality) and also breeding woodlark (changes in air quality) associated with the Breckland SPA. The potential likely

significant effects on changes in air quality on habitats within the Breckland SAC have also been considered.

- 3.125 While stone curlews are known to nest in the locality, the proposed development takes place on an existing site and does not remove any habitat. The areas used for nesting are considered to be a sufficient distance from the site to not be affected by noise or lighting from the site.
- 3.126 All trees surrounding the site will be retained.
- 3.127 The HRA Technical Note states that disturbance and air quality are the only realistic impact pathways linked to the development that could impact on the interest features of the two protected sites. No likely significant effects on the interest features of the two sites have been identified. A significant effect is any effect that would undermine the conservation objectives for the respective National Site Network (NSN).
- 3.128 The HRA Technical Note concludes that the impacts of the project alone on the two NSN sites are considered to be negligible. There are no other projects within the immediate vicinity of this site that are considered likely to act in combination with this scheme and result in likely significant effects.
- 3.129 Accordingly, no mitigation is required to be included in the scheme design to address potential impacts on the NSN sites. The inclusion of mitigation measures would require the project to be subject to appropriate assessment.
- 3.130 On this basis, it is concluded that this proposal will not have an adverse effect on the integrity of the designated sites identified above, either alone or in combination with other plans and projects.
- 3.131 The Principal Ecologist has reviewed the HRA Technical Note and its findings and confirms he is satisfied with its conclusion that the proposal would be unlikely to have an adverse effect on designated sites, either alone or in combination with other developments. It is important to note that the HRA has been produced by the applicant, and it is the responsibility of NCC as the competent authority to produce the HRA and be accountable for its conclusions. In this case the Principal Ecologist confirms that, as stated in section 6.6, the submitted HRA Note is 'adopted' by the LPA to fulfil its duty as competent authority.
- 3.132 Appropriate Assessment
- 3.133 As referred above, the site is situated within 450m of the Breckland Special Protection Area (SPA) and 620m of the Breckland Special Area of Conservation (SAC)). The application has been assessed in accordance with Regulation 63 of The Conservation of Habitats and Species Regulations 2017 and based on the information submitted to the County Planning Authority (CPA), it is considered that, due to the nature of the development, the proposal would not have a significant impact on these or any other protected

habitat. Accordingly, it can be confirmed that no Appropriate Assessment of the development is required.

3.134 Nutrient Neutrality

3.135 On 16 March 2022 Natural England wrote to a cohort of 42 councils including the County Council reviewing its position on nutrient neutrality. In this instance the proposed site is not located within Natural England's identified nutrient neutrality Site of Special Scientific Interest (SSSI) catchment, would not create new overnight accommodation or additional discharges, and therefore there are no outstanding issues in regard to nutrient neutrality.

3.136 In terms of ecology, given the information submitted it is considered that the proposed development complies with Policies CS14 and DM1 of the Norfolk Core Strategy as well as emerging local plan policy.

3.137 **F – Impact upon Heritage Assets**

3.138 NMWDF Policy CS14 seeks to ensure that that there are no unacceptable adverse impacts on heritage assets and their setting and Policy DM8: Design, local landscape and townscape character states development will only be permitted where it could affect the setting of, inter alia, Listed Buildings where the applicant can demonstrate the development would not adversely impact on the historic form, character and or setting of these locations.

3.139 Policy ENV 07 Designated Heritage Assets of the Breckland Local Plan November 2023 states that development that will affect any designated heritage asset will be subject to comprehensive assessment and should conserve or, wherever possible, enhance the architectural and historic character, appearance and setting of the asset.

3.140 In addition to the above development plan policy, Listed Buildings are afforded additional protection by both the requirements of the Planning (Listed Buildings and Conservation Areas) Act 1990, and by section 16 of the NPPF: Conserving and enhancing the historic environment.

3.141 In this case there are no listed buildings within the site or within the immediate surrounding area. The nearest Scheduled Monument is Roudham deserted medieval village which is located 3.6km to the southeast of the site.

3.142 As this is an existing waste site and all new works are contained within the existing site, the proposed development is not considered to have any negative impacts on cultural or heritage assets in the locality. The contained nature of the site also means there are limited views from any heritage assets in the wider area. There are no implications for designated or non-designated heritage assets in this case.

3.143 The Scoping Opinion found that as the site is previously developed land with no heritage assets located in proximity to the site, significant effects upon

heritage assets are unlikely and agreed this matter could be scoped out of the ES.

- 3.144 The proposals are considered consistent with the development plan policies outlined above and the NPPF and can be supported.

3.145 G – Transport

- 3.146 NMWDF Policy CS15: Transport states that all proposed waste management facilities development must not result in unacceptable risks to road users and pedestrians, unacceptable impacts on the capacity or efficiency of the highway network, or on air quality, the natural and historic environment or physical impacts on the highway network (e.g., road or kerbside damage).

- 3.147 Policy DM10: Transport requires all planning applications for new waste sites or proposals that generate an increase in traffic movements or traffic impacts, to be accompanied by a Transport Statement or Transport Assessment.

- 3.148 Section 9 of the NPPF refers to promoting sustainable transport with paragraph 104 stating that transport issues should be considered from the earliest stages of plan-making and development proposals, Paragraph 115 states that ‘development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highways safety, or the residual cumulative impacts on the road network would be severe.’

- 3.149 Paragraph 117 of the NPPF states that ‘all developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed.’

- 3.150 The National Policy Statement for Hazardous Waste (2013) includes a section on traffic and transport impacts (section 5.13), but this document has been designed to be used by the Secretary of State regarding decisions on development consent applications for hazardous waste infrastructure that fall within the definition of a Nationally Significant infrastructure Project (NSIP). It has been established that this proposal is not an NSIP.

- 3.151 NCC adopted the Local Transport Plan (LTP4 2021-2036) in 2022. This document sets out the County Council’s strategy and policy framework for transport and transport infrastructure. As well as working towards carbon neutrality when making changes and improvements to the transport network, the LTP4 encourages a proactive approach when it comes to innovating and adopting new technologies and seeks to mitigate any adverse effects of new development on the transport network.

- 3.152 A Transport Assessment (TA) is included at Appendix 13 of the ES that accompanies this planning application. The content and scope of the TA has been set out in a scoping report that was sent to the Local Highway Authority (LHA), and to National Highways on 7 June 2022.

- 3.153 The TA includes a report on the baseline conditions including sustainable forms of transport, forecasts the traffic generation and trip distribution, includes a traffic analysis, describes the traffic associated with the construction phase of the development and provides a summary and conclusions.
- 3.154 The construction phase of the project is not expected to generate significant traffic as the majority of the facility will have been constructed following approval of the earlier planning permission. Much of the additional development necessary to increase the tonnage at the facility such as silos and tanks are modular, requiring little construction on site. Each silo, for example, is delivered by a single articulated HGV.
- 3.155 As described above, once operational the process requires the importation of the following:
- i. APCr: circa 100,000 tpa by truck
 - ii. Cement/ binder: circa 25,000 tpa by truck
 - iii. CO2: circa 5,000 tpa by truck
 - iv. Filter/ Sand: circa 90,000 tpa by truck
 - v. Water: by pipeline
- 3.156 Additionally, the process results in the exportation from the site of circa 250,000 tpa of aggregate by truck. The APCr is expected to arrive by tanker type trucks throughout the day whilst articulated tipper type trucks will collect the aggregate on a continuous basis, again throughout the day.
- 3.157 The development approved under planning permission ref; FUL/2021/0072 was expected to have 40 full time equivalent employees of which 28 would be site operatives working shifts i.e., 14 at a time, and 12 will be office based staff. Office staff would operate 'normal' working hours, likely to be 0700-1800 Monday to Friday. This included site operatives working shifts of 0600-1400 or 1400-2200, and HGV movements taking place between the hours of 0600-2200 Monday to Saturday.
- 3.158 By comparison, as detailed above, this current proposal is expected to have 48 full time equivalent employees (8 more) of which about 36 (8 more) will be site operatives working shifts (10 to 12 operatives per shift) and 12 (no change) will be office based staff. Office staff will operate 'normal' working hours that are likely to be 0700-1800 Monday to Friday (no change). Site operatives will work shifts likely to be 0600-1400, 1400-2200 and 2200-0600 (an additional overnight shift). HGV movements will take place Monday to Saturday with some small numbers of truck movements on a Sunday (some additional movements between 2200 and 0600 and on Sundays).
- 3.159 The development approved under planning permission ref; FUL/2021/0072 was expected to generate 44 daily HGV movements and 80 daily staff vehicle movements, or a daily total of 124 movements. On a Monday to Saturday, it was forecast there would be 22 trucks in and 22 trucks out from the site per day. There would also be 40 cars in and 40 cars out generated, which was considered to be a worst-case scenario.

- 3.160 Under the current proposal, the facility is expected to generate 104 daily HGV movements and 80 daily staff vehicle movements, or a daily total of 184 movements. On a Monday to Saturday, it is forecast that there will be 52 trucks in and 52 trucks out from the site per day. There will also be 40 cars in and 40 cars out generated, which is considered to be a worst-case scenario.
- 3.161 The applicant has analysed the figures and compared them against those of the former use of the site as a Materials Recovery Facility/Waste Transfer Station which was in use prior to the consideration of application ref; FUL/2021/0072. This found the proposed traffic generation figures represents a net reduction in traffic generated by the site. Even if the gross increase is considered only, then the analysis of the daily movements on the A1075 south of the site access indicates that this would represent a daily increase of no more than 1.8% of general traffic and 17.8% of HGVs. This is considered to represent a negligible adverse impact compared to the current traffic situation, or a benefit compared to the former land use situation.
- 3.162 The applicant has existing contracts in place for receipt of APCr. This would mean that the trucks delivering this material would arrive at the site from the A11 direction. This will also be the case for CO2 and cement. Some of the sand, estimated to be about 50%, is expected to be supplied locally from Watton. The rest of the sand will come from the A11 direction. Aggregates are mostly supplied to destinations served by the A11. Back haul of aggregate from sand lorries is also expected.
- 3.163 Access to the application site is taken directly from the A1075 Thetford Road which is a strategic County A-road. The section of the road where the access is located is straight and with good forward visibility. The established access forms a simple priority junction arrangement with large radii and good minor road sightline visibility. It is not proposed to physically change this access in any way as the site entrance is considered suitable for the new proposed use.
- 3.164 Details of the access arrangements have been provided on the submitted plans, including sightline visibility splays from the junction for a 50mph road of 'x' distance of 2.4m by 'y' distance of 160m. The drawing shows that this visibility splay can be achieved in either direction from the minor arm of the junction. Additionally, the forward visibility to the junction from both directions on the major road is fully complied with.
- 3.165 The submitted drawing also shows the swept path for a 16.5m articulated lorry which is the largest sized lorry that can operate on UK roads. The swept path analysis shows that the large junction mouth can accommodate a truck of this size to and from either direction on the A1075.
- 3.166 As part of the previous permission ref: FUL/2021/0072, improvements were required to be made to the road markings at the access into the site as they had become faded. Condition 9 of this permission required this to be

undertaken prior to the commencement of the use, and this has already been completed.

- 3.167 This current proposal shows an increase in size of the application site to increase the number of parking spaces on site to accommodate the additional staff and servicing of the site. This is located within an area adjacent to the access to the site, to the north of the main entrance, which means cars are kept separate from trucks entering and leaving the site.
- 3.168 The TA assesses the impact of the proposal against the existing baseline transport conditions for the site and the A1075 Thetford Road outside of the site. The A1075 is a strategic county road that connects to the A11, which is a strategic regional road.
- 3.169 As part of the TA, traffic surveys were undertaken in September 2021 and May 2022 at the site access, on the A1075 and at the junction with the A11. The traffic counters showed that the A1075 typically carries about 6,500 vehicles two-way on a weekday. Of these, about 8% are HGVs. The AM and PM peak hour periods for general traffic on the A1075 are 0700-0800 and 1700-0800. The site access carries about 750-950 vehicles two way on a weekday. Of these about 10% are HGVs. The peak periods for the site access are 0600-0800 in the morning and then traffic movements remains largely constant in the afternoon between 1300-1900.
- 3.170 The TA finds that much of the development traffic takes place outside of the peak periods for general traffic. Overall, the development traffic represents a negligible difference to hourly traffic flows, and less than the existing daily variations in general traffic flow.
- 3.171 The traffic capacity of the A1075 Thetford Road/ A11 roundabout junction has been considered for the future year of 2028 with and without development. The results of modelling the capacity of the junction indicate that it will continue to operate without queues or delays in 2028 with or without development.
- 3.172 The construction phase of the development has been considered. There is very limited new build proposed and most of the construction is expected to consist of mechanical and electrical works, which will be mostly internal to the buildings. New tanks and silos will arrive on site in one piece. Whilst the construction impacts are expected to be minimal, it is proposed that a CTMP is prepared to manage construction traffic movements. This can be controlled by way of a planning condition.
- 3.173 An accident analysis of the A1075 Thetford Road corridor extending as far as the A11 has considered the personal injury accidents for the past five years. For the area analysed, there were 23 recorded accidents resulting in 40 casualties. The severity of the accidents has been classified as 23 'slight', 13 'serious' and 4 'fatal'. There were no accidents involving a pedestrians or cyclists. There were no accidents involving HGVs.

- 3.174 The TA concludes that the proposed development will result in no detrimental impacts on the local highway network. Therefore, there should be no reasons on transport and highways grounds why this proposal should not be acceptable.
- 3.175 The Highways Officer has evaluated the submitted information. He acknowledges that, whilst permission is sought to increase the importation of APCr by 70,000 tonnes per annum (from 30,000 to 100,000 tonnes per annum), the applicant has also provided an assessment comparing the previous use of the site as a Waste Transfer Station (to 75,000 tonnes per annum) to that of the proposed operation with a 100,000 tonne APCr input. This is to demonstrate that, whilst when compared to application FUL/2021/0072 the proposals represent an increase in traffic, however, when compared to its previous use as a Waste Transfer Station the likely daily traffic levels associated with the application would be comparable and in fact lower.
- 3.176 During the course of the application further clarification has been sought with regard to information contained within the assessment, and in particular the calculations and assumptions applied in calculating the traffic figures associated with the latest proposals. Following consideration, the Highways Officer confirms he is satisfied with the further clarification provided.
- 3.177 Given both the previous and existing lawful use of the site, coupled with the other existing users of the access, the Highways Officer confirms that, on balance he could not substantiate an objection to the proposals. The Highways Officer recommends planning conditions are imposed with regard to limiting the throughput of material / aggregate to the levels proposed, the provision and retention of visibility splays, vehicle parking and manoeuvring areas parking for construction workers, the provision of and compliance with a Construction Traffic Management Plan. Should planning permission be forthcoming it is recommended these are conditions are imposed.
- 3.178 The proposed development is considered to comply with Policies CM15 and DM10 of the Norfolk Core Strategy as well as emerging local plan policy. In accordance with the provisions of Paragraph 115 of the NPPF, there is no reason to prevent the development on highway safety grounds subject to the imposition of the recommended conditions.
- 3.179 **H – Sustainability**
- 3.180 NMWDF policy CS13: Climate change and renewable energy encourages developers to generate renewable energy on site and policy DM11: sustainable construction and operations require sustainable development to be promoted in waste sites.
- 3.181 As underlined in paragraph 8 of the NPPF, achieving sustainable development means that the planning system has three overarching objectives, i.e., economic objective, social objective and environmental objective.

- 3.182 Paragraphs 158 – 164 of the NPPF provide policies in relation to the need to plan for climate change. Para 157 states that the planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.
- 3.183 Paragraph 163 states that: "When determining planning applications for renewable and low carbon development, local planning authorities should: a) not require applicants to demonstrate the overall need for renewable or low carbon energy...; and b) approve the application if its impacts are (or can be made) acceptable.
- 3.184 Government legislation has also committed the UK to Net Zero by 2050 through a 100% reduction in emissions and to reduce carbon emissions by 68% by 2030 compared to 1990 levels.
- 3.185 The application has been supported by a Climate Change and Carbon Assessment which assesses the potential effects of the facility on climate change, specifically greenhouse gas (GHG) emissions/sequestration, and the resilience of the facility to the effects of climate change. The assessment of GHG emissions has been undertaken in line with the Institute of Environmental Management and Assessment (IEMA) guidance Assessing Greenhouse Gas Emissions and Evaluating their Significance, 2022 (referred to as the IEMA 2022 Guidance).
- 3.186 The IEMA 2022 Guidance stresses the need to incorporate measures to reduce GHG emissions at an early stage. The guidance provides a mitigation hierarchy structure set out as 'eliminate, reduce, substitute and compensate'.
- 3.187 The facility is a net sequester of carbon, due to the carbon stored in the aggregate product during the manufacturing process. Therefore, in this context the mitigation hierarchy has been followed at the first point of call – the purpose of the development is to reduce global greenhouse gas emissions, so the facility itself is a mitigation measure against GHG emissions.
- 3.188 Furthermore, the aggregate product will go on to be construction material for other developments, therefore aiding other future developments to use low carbon solutions and be more resource efficient.
- 3.189 In terms of designing the buildings to be resilient to the impacts of climate change, there are several elements that apply. Some of these key elements including choosing a site location in an area which has a very low risk of surface water, fluvial, reservoir or groundwater flooding. Noting that the buildings comply with building regulations which ensure resilience to climatic extremes. Ensuring the facility contingency plan allows for enough raw

material and APCr storage to allow the continuation of operation for 2 days, and 7 days of aggregate storage, should no deliveries or collections be able to access site in this time. Ensuring the APCr will be sourced from multiple different location rather than a single location.

- 3.190 In summary, ES Chapter 15 and ES Appendix 15.1 demonstrate that the facility will result in the net sequestration of 8,215 tonnes of CO₂-equivalent (CO₂e). When compared to the baseline, this results in a net annual carbon benefit of 9,500 tonnes CO₂e per annum. The facility accords with the UK's legal obligations on the reduction in greenhouse gas emissions and the net zero target.
- 3.191 Adopted NMWDF policy CS13 seeks to secure at least 10% of a site's energy requirements should be renewable energy created on site from micro-renewables (such as PV panels). This policy applies to extensions to existing sites as well as new ones. The roofs of the existing waste reception and processing halls are already fitted with photovoltaic panels which are proposed to be retained and reconnected. This will contribute significantly towards meeting the 10% requirement for onsite generation.
- 3.192 Decommissioning – The PINS Scoping Opinion considered the ES should make clear the likely operational lifespan of the proposed development and include an assessment of the decommissioning phase of the facility, where likely significant effects could occur.
- 3.193 The submitted planning statement refers to an assumption that the facility will have an operational lifetime of 25 years, albeit it is likely to operate for longer. The statement refers that in a scenario where all plant and machinery had reached the end of useful economic life, a decision would be made at the appropriate time as to whether it would be replaced after 25 years based upon an investment decision considering the market conditions prevailing at that time.
- 3.194 At the end of its working life, the facility would be decommissioned, removed and the site reinstated to a similar state as before the facility operated. For the purposes of the ES, any decommissioning phase is assumed to be of a similar duration to the construction phase.
- 3.195 Whilst not part of the development plan or even a planning policy per se, Norfolk County Council's Environmental Policy is a material consideration in determination of this application. The County Council has made a commitment to use the policy to guide all the Council's future decision-making and therefore it has some, albeit very limited, weight in considering this proposal.
- 3.196 In this context the proposed development accords with the key sustainable objectives, including NCC's drive to support investment in green jobs and infrastructure, while ensuring that the environment is both protected and enhanced.

- 3.197 The NCC Sustainability Manager raises no objection to the proposal.
- 3.198 In summary, the proposed development involves the recovery of a material that would have otherwise ended up at a hazardous landfill and results in a net annual carbon benefit of 9,500 tonnes CO₂e per annum. The process used in the manufacturing of carbon-negative aggregates does not generate any waste material. The proposed development is considered to comply with the provisions of policies CS13 and DM11 of the Norfolk Core Strategy as well as emerging local plan policy.

3.199 I. Flood Risk & Drainage

- 3.200 In terms of policy, Breckland Local Plan 2023 Policy ENV 09 - Flood risk and surface water drainage and NMWDF Policy DM4: Flood risk requires developers to demonstrate waste management sites can function without unacceptable flood risk to both the site itself and also that flood risk is not increased as a result of the proposed development. NMWDF Policy DM3: Groundwater and surface water requires that developers demonstrate that proposed developments would not adversely impact upon groundwater quality or resources and surface water quality or resources. NMWDF Policy CS14: Environmental protection seeks to ensure there are no unacceptable adverse impacts on Norfolk's natural and built environments, with special reference to the Breckland Special Protection Area (SPA).
- 3.201 The topics of Flood Risk Assessment and Drainage Strategy were considered within the scoping opinion by PINS which confirmed that the ES should be supported by the results of a Flood Risk Assessment (FRA), presenting the baseline conditions, impacts of the development, mitigation measures and describe the methodology applied to the FRA, including the information sources and assumptions made, and ensure the latest climate change projections are considered.
- 3.202 Although the whole site is located in Flood Zone 1 (the lowest risk of flooding) a Drainage and Flood Risk Assessment (D&FRA) was undertaken by Callidus Transport and Engineering Ltd. and submitted with the application. This is included at Appendix 9 of the accompanying ES in accordance with the NPPF and PPG on the basis the site area exceeds 1 hectare.
- 3.203 The potential for flooding from a wide range of sources has been considered in the D&FRA, including fluvial, tidal, groundwater, overland, and from canals and reservoirs. Additionally, the impacts on the water environment are considered in a separate Hydrological Risk Assessment report that accompanies the application.
- 3.204 The site's surface water currently drains to a lagoon within the site where the water infiltrates into the ground. Drainage on the site is through a piped drainage system with two spill tanks and a catchpit prior to discharging into the lagoon.

- 3.205 The proposed development will utilise virtually the same buildings and yard as the existing site usage. Therefore, it is proposed to retain the existing surface water drainage arrangement as far as possible by draining the proposed development areas to the lagoon using the same piped network, which has been surveyed and shown to be in good condition.
- 3.206 Existing discharge rates from the piped surface water drainage system are to remain as calculated, and associated attenuation is already provided by the lagoon, which acts as a storage structure. There is no positive discharge from the lagoon, which discharges via infiltration only.
- 3.207 Rainwater harvesting will be used on the site. However, for the purposes of assessing the surface water drainage, the D&FRA confirms that the additional storage capacity associated with the rainwater harvesting has not been included in the discharge assessment. The flood risk assessment therefore represents a worst-case scenario.
- 3.208 Foul flows generated by the development will be collected by the two existing bio-digester tanks. These will be cleaned out and maintained. After treatment of the foul sewage, the bio-digester tanks discharge to the surface water network, and then to the lagoon, and this arrangement will remain.
- 3.209 Overall, the drainage system on the site, which discharges to a lagoon for infiltration, satisfies the top level of the sustainable drainage system (SuDS) hierarchy.
- 3.210 The D&FRA demonstrates that the proposed development is appropriate and shows that the existing drainage system can be maintained so as not to put the development at a high risk of flooding. The site is operating a SuDS compliant solution to drainage, and this will be continued.
- 3.211 The FRA concludes that the risk of flooding downstream of the site will not be increased as a result of the application proposals and there should be no reasons why the approving Authority would not accept the application on flood risk or drainage grounds.
- 3.212 The Lead Local Flood Authority (which has responsibility for managing surface water flooding) has made no comments on this application.
- 3.213 The Environment Agency has no objection to the proposal. They comment that the site is already regulated by a permit under the Environmental Permitting Regulations 2010 and note that the proposed developments must not result in non-compliance of the permit conditions. The operator should consider the effect of change on their Environmental Management Systems and their Environmental Permit conditions.
- 3.214 The proposal is considered to accord with adopted and emerging development plan policy and the NPPF with regards to flood risk.
- 3.215 **J- Groundwater/surface water**

- 3.216 NMWDF policy DM3: Groundwater and surface water seeks to ensure that developments do not adversely impact on ground water quality or resources, or surface water quality or resources. This policy underlines NMWDF policy CS14: Environmental Protection which seeks to ensure there are no unacceptable impacts on natural resources, including water and that there are no unacceptable adverse impacts on Norfolk's natural and built environments, with special reference to the Breckland Special Protection Area (SPA).
- 3.217 As referred to above, the proposed development will utilise the existing drainage infrastructure on site. The existing drainage system that discharges to the lagoon from which the surface water infiltrates into the ground will be retained. The entire site is drained this way using mostly gullies connected to a piped network system. Along the north side of the site where the drainage network is quite shallow, kerb drains are used to collect surface water before discharging to the piped network. The piped network has been surveyed and shown to be in good condition.
- 3.218 Between the piped network and the discharge to the lagoon there are spill tanks, to capture hydrocarbons and suspended sediments, as well as a sluice gate to shut down the discharge to the lagoon in case of emergency.
- 3.219 Foul drainage flows from the site are treated by two onsite septic tanks. These clean the water and then discharge as grey water into the surface water system for discharge to the lagoon. The site's two welfare facilities are connected to the two septic tanks.
- 3.220 The drainage system on the site, which discharges to the lagoon for infiltration, satisfies the top level of the SuDS hierarchy and this arrangement will continue through this proposed development.
- 3.221 The application has also been supported by a Hydrological Risk Assessment as the site is located within a sensitive groundwater setting. The potential pollution risks to hydrogeological receptors from the proposed site use has been undertaken. This found that the proposed construction and demolition on-site are not considered to present a potential risk to water receptors. The manufacturing process is undertaken indoors on concrete flooring and is completely contained until the product is in both a chemically and physically stable and non-hazardous state. Transport and screening of the product is only undertaken when it is in a non-hazardous state. Therefore, no source of contamination has been identified from the proposed manufacturing, transport or screening activities.
- 3.222 Considering the mitigation measures in place of oil interceptor tanks and shut-off valves preventing any accidental spills from reaching the lagoon, no direct pathway linkage for hydrocarbon spills to surface water or groundwater is considered to exist.
- 3.223 The Hydrological Risk Assessment identified nearby watercourses, springs, waterbodies and surface water abstractions along with sites of ecological and

conservation interest, geology and hydrogeology. The Hydrological Risk Assessment confirmed there would be no risk to the ecologically sensitive meres and pingos (natural lakes that have formed in hollows within glacial outwash deposits located 1.2 km southwest of the site) in the locality, all of which are upstream to the development located within a SSSI, within the Breckland SPA and SAC. Therefore, no impact on groundwater levels or from potential contamination to the meres and pingos is anticipated.

3.224 With reference to water usage, the Water Usage and Supply Assessment (ES Appendix 9.3 (doc. ref. 3.4.5)) demonstrates the scale of water usage constraints in the area and that the proposed development is a non-significant variation. The development includes a large mitigation in the form of the rainwater harvesting tanks on top of the embedded reuse of water by the facility itself. The residual risk on the wider environment as a result of the development is considered very small and no further mitigation is considered required.

3.225 The Lead Local Flood Authority (which has responsibility for managing surface water flooding) has made no comments on this application.

3.226 The Environment Agency has no objection to the proposal. They comment that the site is already regulated by a permit under the Environmental Permitting Regulations 2010 and note that the proposed developments must not result in non-compliance of the permit conditions. The operator should consider the effect of change on their Environmental Management Systems and their Environmental Permit conditions.

3.227 In summary, the proposal would not pose a risk to surface or ground water resources and the proposal accords with NMWDF policy DM3 as well as emerging local plan policy.

3.228 **K - Socio – Economic Effects**

3.229 The application has been supported by a Socio-Economic Assessment, the findings of which are included within Chapter 14 of the ES (doc. ref. 3.2.14). The Assessment sets out the socio-economic benefits of the facility from hazardous waste management services, carbon capture and aggregate supply.

3.230 The facility will recover up to 100,000 tonnes of APCr per annum which would have otherwise been sent to hazardous landfill. The facility represents a long-term sustainable source of carbon-negative aggregates in the east of England, producing 250,000 tonnes per annum. The aggregate makes an important contribution to the decarbonisation of the construction industry and will help reduce carbon emissions with a net annual carbon benefit of 9,500 t CO₂e per annum, helping the government meet its net zero target by 2050.

3.231 As a result of the previous planning permission the applicant is in the process of relocating their existing facility at Brandon, Suffolk to the site. This allows for the retention of approximately 25 jobs plus additional jobs created for

additional shifts in the area and the continued use of local suppliers and services.

- 3.232 The increase in tonnage sought under this planning application will generate additional operational phase employment with 25 additional staff required. The requirement for additional operational stage employment will impact on the local labour market and may have the effect of reducing unemployment and improving labour participation rates in the district.
- 3.233 The construction phase also generates employment for local contractors in the re-purposing of the buildings and civil contract works.
- 3.234 The Socio-Economic Assessment finds that the development is considered to provide national, regional and local socio-economic benefits. Most notably it will contribute to the provision of hazardous waste management on a national level. At a lower level it will provide additional direct and indirect employment opportunities in different specialisms, including semi-skilled and skilled roles as well as technical and management.
- 3.235 The proposal accords with the provisions of Policy EC 04 of Breckland Adopted Local Plan.

3.236 L - Cumulative Impacts

- 3.237 Core Strategy Policy DM15 refers to cumulative impacts of proposals and states that planning applications must be supported by information demonstrating how proposals relate to other development nearby and details of how any cumulative effects are proposed to be mitigated satisfactorily.
- 3.238 A Cumulative and Combined Effects Assessment has been prepared as part of the accompanying ES (Chapter 17 (doc. ref. 3.2.17)). An assessment of the combination of the various effects on receptors from the facility has focused on those receptors where potential significant effects have been predicted in respect of at least one topic and/or where the technical assessments have shown that potential individual effects are nearing the thresholds of established national criteria.
- 3.239 It is only predicted that thresholds of significance are being neared in respect of noise – for all other technical assessments, effects are predicted to be negligible or not significant. In terms of noise effects, as the assessment has demonstrated, the site is expected to meet the Breckland Council requirement and mitigation measures are proposed.
- 3.240 The assessment concludes that the proposed development is unlikely to result in significant adverse cumulative effects for any of the common receptors identified and therefore complies with NMWDF Policy DM15 as well as emerging local plan policy.

3.241 ENVIRONMENTAL IMPACT ASSESSMENT

3.242 In accordance with the Town and Country Planning Environmental (Impact Assessment) Regulations 2017 an Environmental Statement has been submitted. The assessment of the matters in the statement is set out above under the headings A – L above.

3.243 In summary, the Environmental Impact Assessment finds that, with the proposed mitigation measures in place there are no identified overriding, significant or adverse environmental effects arising from the proposed development at Larkshall Mill, Wretham.

3.244 RESPONSES TO REPRESENTATIONS RECEIVED

3.245 The application was advertised by means of neighbour notification letters, site notices, and an advertisement in the Eastern Daily Press newspaper in accordance with statutory requirements.

3.246 Six representations have been received: one objecting and five in support.

3.247 The objection refers to the increased traffic generation, particularly heavy goods traffic, and consideration being given to some form of controlling mechanism to ensure local traffic has ready access to the main road and that road safety is not compromised. Concerns have also been raised regarding the increase in noise pollution.

3.248 The impacts of increased traffic and noise resulting from the proposal have been identified and considered in the relevant chapters earlier in this report. The Highway Authority has not identified a need for traffic control based on the predicted increased level of traffic and the noise levels will not result in significant amenity issues, subject to mitigation.

3.249 Support from five representatives has been given to the positive benefits of carbon capture working towards Norfolk's commitment to "tackling climate change and achieving a net zero Norfolk", the opportunity for one of the top 10 Carbon capture companies in the world to be located in Norfolk, the excellent location, the provision of sustainable job creation and job security and the effort that the applicant has taken in keeping the local community informed of their progress and the help to maintain the local village magazine is commendable. The supporting comments are noted.

3.250 INTENTIONAL UNAUTHORISED DEVELOPMENT

3.251 Following the Chief Planner's letter of 31 August 2015 to planning authorities, intentional unauthorised development is now a material consideration in the determination of all planning applications received after 31 August 2015. This is therefore capable of being a material consideration in the determination of this application.

3.252 In this instance however, no unauthorised development is known to have occurred.

4. Conclusion, Reasons for Decision and Planning Balance

- 4.1 As an existing waste management site, Larkshall Mill is considered to be a suitable location for this proposed development to expand its function, which represents a sustainable use for the site, utilising the latest technology to capture carbon in the manufacturing of aggregates for the construction industry.
- 4.2 The application is accompanied by an Environmental Statement (ES) following an Environmental Impact Assessment (EIA) of the potentially significant environmental impacts of the proposed development. The ES presents the findings, with a full assessment of the potential impacts, the significance of the impacts, and mitigation proposals for the development proposal, based on technical work covering a wide range of issues. In conclusion no significant adverse environmental impacts are predicted during the life of the development.
- 4.3 In terms of policy the proposed physical works required to enable the increased throughput at the facility are of appropriate design and scale for this existing industrial site. Any public views of the site are screened by existing landscaping, or the new structures will be visible against a backdrop of existing buildings.
- 4.4 The applicant has demonstrated that the proposal can be implemented with no significant impact on amenity in terms of noise or air quality. An Environmental Permit will need to be secured for a development of this scale covering the control of emissions/pollutants such as noise, odour and dust.
- 4.5 The only protected species likely to be affected by the proposal is a brown long eared bat which was found to be roosting in a building beyond the site boundary. It is recommended that any additional lighting on the site is controlled by planning condition to ensure minimum harm to habitats.
- 4.6 The submitted HRA shows that overall, these proposals will not have an adverse effect on the integrity of the designated nature conservation sites in the vicinity, either alone or in combination with other plans and projects.
- 4.7 The proposal will retain the existing drainage arrangements and it has been shown that there are no identified flood risk issues as a result of the increased throughput of the facility.
- 4.8 The proposal contributes to the achievement of sustainable development in accordance with the NPPF on the basis that development involves the recovery of a material that would have otherwise ended up at a hazardous landfill and results in a net annual carbon benefit of 9,500 tonnes CO₂e per annum. There will be limited physical development required to implement the increased throughput and the process used in the manufacturing of carbon-negative aggregates does not generate any waste material. In terms of socio-economic benefits, it would also retain and create a workforce in the area.

- 4.9 The applicant has demonstrated there are no highway safety implications as a result of the proposal. Similarly, the proposed works will have no implications for any trees and will not have any significant impact on the historic environment.
- 4.10 The proposed development is considered acceptable and accords with the development plan and there are no material considerations why it should not be permitted. Accordingly, full conditional planning permission is recommended.

5. Alternative Options

- 5.1 Members of the Planning (Regulatory) Committee can only resolve to make a decision on the planning application before them whether this is to approve, refuse or defer the decision.

6. Financial Implications

- 6.1 The development has no financial implications from the Planning Regulatory perspective.

7. Resource Implications

- 7.1 **Staff:** The development has no staffing implications from the Planning Regulatory perspective.
- 7.2 **Property:** The development has no property implication from the Planning Regulatory perspective.
- 7.3 **IT:** The development has no IT implications from the Planning Regulatory perspective.

8. Other Implications

- 8.1 **Legal Implications:** There are no legal implications from the Planning Regulatory perspective.

8.2 Human Rights Implications:

The requirements of the Human Rights Act 1998 must be considered. Should permission not be granted Human Rights are not likely to apply on behalf of the applicant.

The human rights of the adjoining residents are engaged under Article 8, the right to respect for private and family life and Article 1 of the First Protocol, the right of enjoyment of property. A grant of planning permission may infringe those rights but they are qualified rights, that is that they can be balanced against the economic interests of the community as a whole and the human rights of other individuals. In making that balance it may also be taken into account that the amenity of local residents could be adequately safeguarded by conditions albeit with the exception of visual amenity. However, in this

instance it is not considered that the human rights of adjoining residents would be infringed.

The human rights of the owners of the application site may be engaged under the First Protocol Article 1, that is the right to make use of their land. An approval of planning permission may infringe that right but the right is a qualified right and may be balanced against the need to protect the environment and the amenity of adjoining residents.

8.3 Equality Impact Assessment (EqIA):

The Council's planning functions are subject to equality impact assessments, including the process for identifying issues such as building accessibility. None have been identified in this case.

8.4 Data Protection Impact Assessments (DPIA):

It is not considered that there are any data protection implications in regard to the above report.

8.5 Health and Safety implications:

There are no health and safety implications from a planning perspective.

8.6 Sustainability implications:

This has been addressed in the sustainability section of the report above.

8.7 Any Other Implications:

9. Risk Implications / Assessment

9.1 There are no risk issues from a planning perspective.

10. Select Committee Comments

10.1 Not applicable.

11. Recommendations

11.1 That the Interim Executive Director of Community and Environmental Services (or equivalent) be authorised to:

- 1. Grant planning permission subject to the conditions outlined below.**
- 2. Discharge conditions where those detailed above require the submission and implementation of a scheme, or further details, either before development commences, or within a specified date of planning permission being granted.**
- 3. Delegate powers to officers to deal with any non-material amendments to the application that may be submitted.**

11.2 CONDITIONS:

1. The development hereby permitted shall commence not later than three years from the date of this permission. Within seven days of the commencement of operations, the operator shall notify the County Planning Authority in writing of the exact starting date.

Reason: Imposed in accordance with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development must be carried out in strict accordance with the application form and plans detailed below and the Environmental Statement (including its recommendations):
 - Drawing No. 2843-10-14-2 DR-0001-S4-P1, Site Location Plan
 - Drawing No. 2843-10-14-2 DR-0005-S4-P3 Proposed Site Layout
 - Drawing No. 2843-10-14-2 DR-0007-S4-P2 Proposed Site Elevations
 - Drawing No. 2843-10-14-2; -DR-0008-S4-P2 Proposed Curing Bay Building Elevations
 - Drawing No. 2843-10-14-2; -DR-0009-S4-P2 Proposed Silo and Co2 Tank Layout and Elevations
 - Drawing No. 2843-10-9-3; -DR-00010-S4-P2 Proposed Sand Storage Building Elevations
 - Drawing No. 2843-10-14-2; -DR-0011-S4-P2 Proposed Screening Plant Building Elevations
 - Drawing No. 2843-10-14-2; -DR-0012-S4-P1 Proposed Pipe Bridge Details
 - Drawing No. 2843-10-14-2; -DR-0013-S4-P1 Proposed Visitor and Welfare Facilities Building Elevations and Floorplan
 - Drawing No. 2843-4-5-2 DR-0001-S4-P1 Bat and Bird Box Locations and Specifications

Reason: For the avoidance of doubt and in the interests of proper planning.

3. The total quantity of Air Pollution Control residues (APCr) waste throughput between 1 January and 31 December of any year at the site shall not exceed 100,000 tonnes. Records shall be maintained for the lifetime of the development and made available for inspection.

Reason: In the interests of highway safety and to accord with the waste strategy objectives of Norfolk Minerals and Waste Core Strategy DPD 2010-2026.

4. The development hereby permitted shall be carried out in strict accordance with the recommendations set out in Section 8.7 of the Ecology section of the Environmental Statement.

Reason: To protect areas of nature conservation interest in accordance with Policies GEN02, COM01 and COM03 of the Breckland Council Local Plan (2023), Policy DM12 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026, and sections 2 and 15 of the National Planning Policy Framework (2023).

5. Notwithstanding the details shown on Drawing No. 2843-4-5-2 DR-0001 S5-P1 and included in Section 8.7 of the Ecology section of the Environmental Statement, the bat and bird boxes shall be installed in the locations shown prior to the operation of the development hereby permitted and thereafter retained.

Reason: In the interests of protected species in accordance with Policies GEN02, COM01 and COM03 of the Breckland Council Local Plan (2023), Policy DM12 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026, and sections 2 and 15 of the National Planning Policy Framework (2023).

6. The development hereby permitted shall be carried out in strict accordance with the mitigation measures set out in Table 11.7 of the Landscape and Visual Impact Assessment Document by David Jarvis Associates, Reference: 3.2.11 (Version P3, dated 20 December 2023) contained at Chapter 11 of the Environmental Statement.

Reason: To protect visual amenity in accordance with Policy ENV 05 of the Breckland Local Plan (2023), Policy DM8 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026, and sections 2 and 15 of the National Planning Policy Framework (2023).

7. All external lighting should be hooded and angled down and installed and maintained in accordance with the manufacturers design. Lighting should be sensor activated with LED warm lights used. No other external lighting shall be installed on the site without the prior written approval of the local Planning Authority.

Reason: To protect the amenities of the surrounding area in accordance with Policies GEN02, COM01 and COM03 of the Breckland Council Local Plan (2023), Policy DM12 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026, and sections 2 and 15 of the National Planning Policy Framework (2023).

8. Notwithstanding the details provided, prior to the commencement of the development hereby permitted a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the County Planning Authority. The CEMP shall provide details of how demolition and construction works are to be undertaken and include:

- i) The identification of stages of works;

- ii) Details of working hours, which unless otherwise agreed with the County Planning Authority shall be limited to 08.00 to 18.00 Monday to Friday and 08.00 to 13.00 on Saturdays);
- iii) Details of all plant and machinery to be used during demolition and construction stage;
- iv) Details of community engagement arrangements;
- v) Details of storage of materials,
- vi) Details of access routes for machinery;
- vii) Details of disposal of rubbish and hazardous materials such as oil;
- viii) Details of consideration for reducing impact on protected species such as bats, birds and invertebrates.

Reason: To safeguard residential amenity, protect areas of nature conservation interest in accordance with Policies GEN02, COM01 and COM03 of the Breckland Council Local Plan (2023), Policy DM12 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026, and sections 2 and 15 of the National Planning Policy Framework (2023). This needs to be a pre-commencement condition because it relates to the construction phase.

9. Prior to the first use of the development hereby permitted visibility splays shall be provided in full accordance with the details indicated on the approved plan (drawing 2843-10-14-2 DR-0005-S4-P3). The splay(s) shall thereafter be maintained at all times free from any obstruction exceeding 0.6 metres above the level of the adjacent highway carriageway.

Reason: In the interests of highway safety in accordance with the principles of the NPPF and Policy DM12 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.

10. Prior to the first use of the development hereby permitted the proposed access/on-site car parking/servicing/loading/unloading/turning/waiting area shall be laid out, demarcated, levelled, surfaced and drained in accordance with the approved plan (drawing 2843-10-14-2 DR-0005-S4-P3) and retained thereafter available for that specific use.

Reason: To ensure the permanent availability of the parking/manoeuvring areas, in the interests of satisfactory development and highway safety.

11. Prior to the commencement of any works a Construction Traffic Management Plan which shall incorporate adequate provision for addressing any abnormal wear and tear to the highway together with wheel cleaning facilities shall be submitted to and approved in writing by the County Planning Authority.
Reason: In the interests of maintaining highway efficiency and safety. This needs to be a pre-commencement condition as it deals with safeguards associated with the construction period of the development.
12. For the duration of the construction period all traffic associated with (the construction of) the development will comply with the Construction Traffic Management Plan.

Reason: In the interests of maintaining highway efficiency and safety.

12. Background Papers

- 12.1 Planning Application reference: FUL/2023/0032 available here:
<https://eplanning.norfolk.gov.uk/Planning/Display/FUL/2023/0032#undefined>

Norfolk Minerals and Waste Local Development Framework Core Strategy and Minerals and Waste Development Management Policies Development Plan Document 2010-2016 (2011):
<https://www.norfolk.gov.uk/article/39049/Adopted-policy-documents>

Norfolk Minerals and Waste Local Plan Review:
<https://www.norfolk.gov.uk/mineralsandwastelocalplanreview>

The National Planning Policy Framework (NPPF) (2023):
<https://www.gov.uk/government/publications/national-planning-policy-framework--2>

National Planning Policy Framework - Guidance - GOV.UK
(<https://www.gov.uk/government/publications/national-planning-policy-framework--2>)

Planning Practice Guidance (2023):
<http://planningguidance.planningportal.gov.uk/>

Breckland Local Plan 2023
https://www.breckland.gov.uk/media/16659/Adopted-Breckland-Local-Plan/pdf/Appendix_4_-_Breckland_District_Council_Local_Plan_text_final-optimized.pdf?m=637818113682070000

Norfolk County Council's Environment Policy
<https://www.norfolk.gov.uk/environmentpolicy>

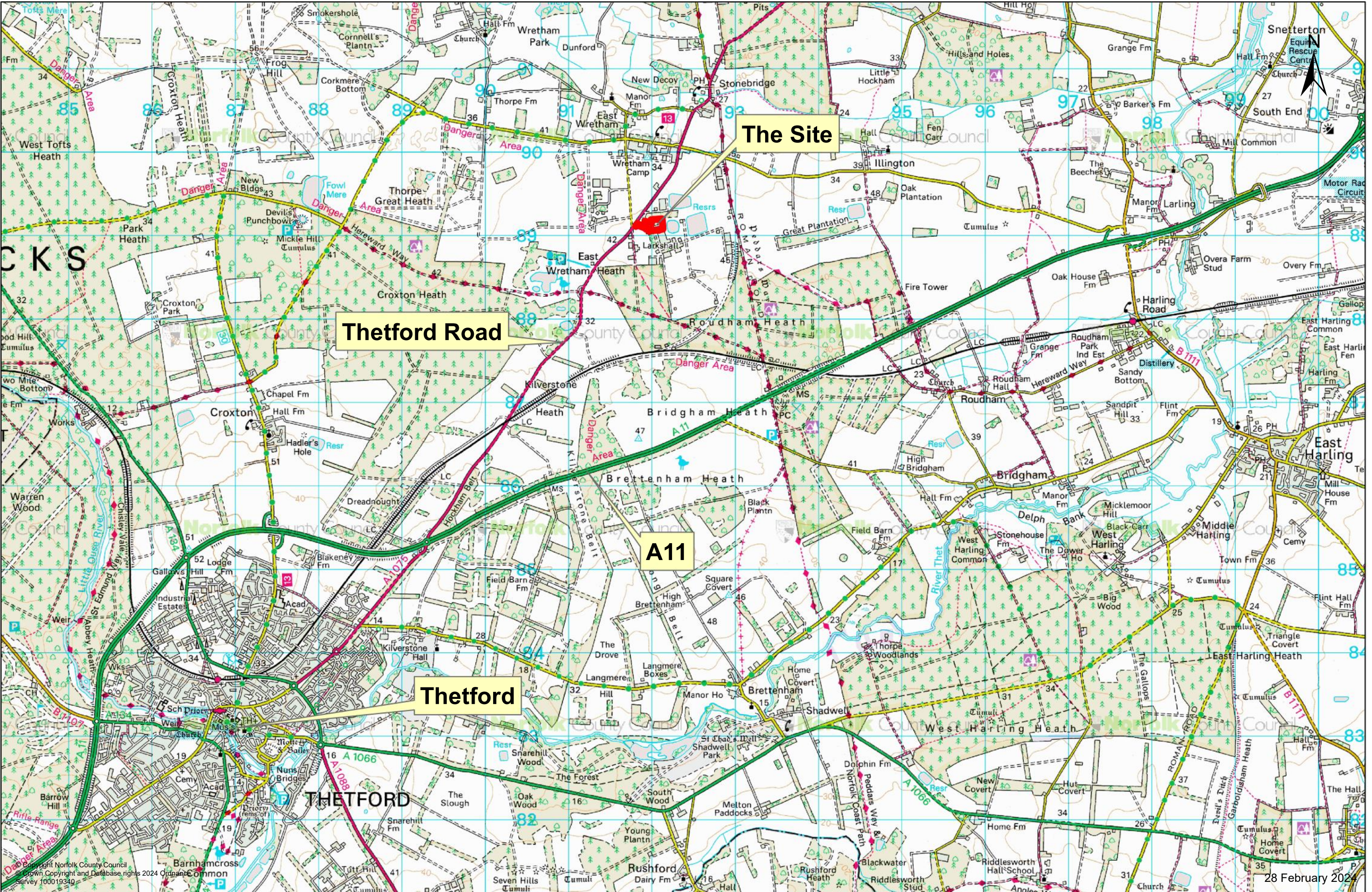
Officer Contact

If you have any questions about matters contained within this paper, please get in touch with:

Officer name: Kate Lawty
Telephone no.: 01603 222751
Email: kate.lawty@norfolk.gov.uk



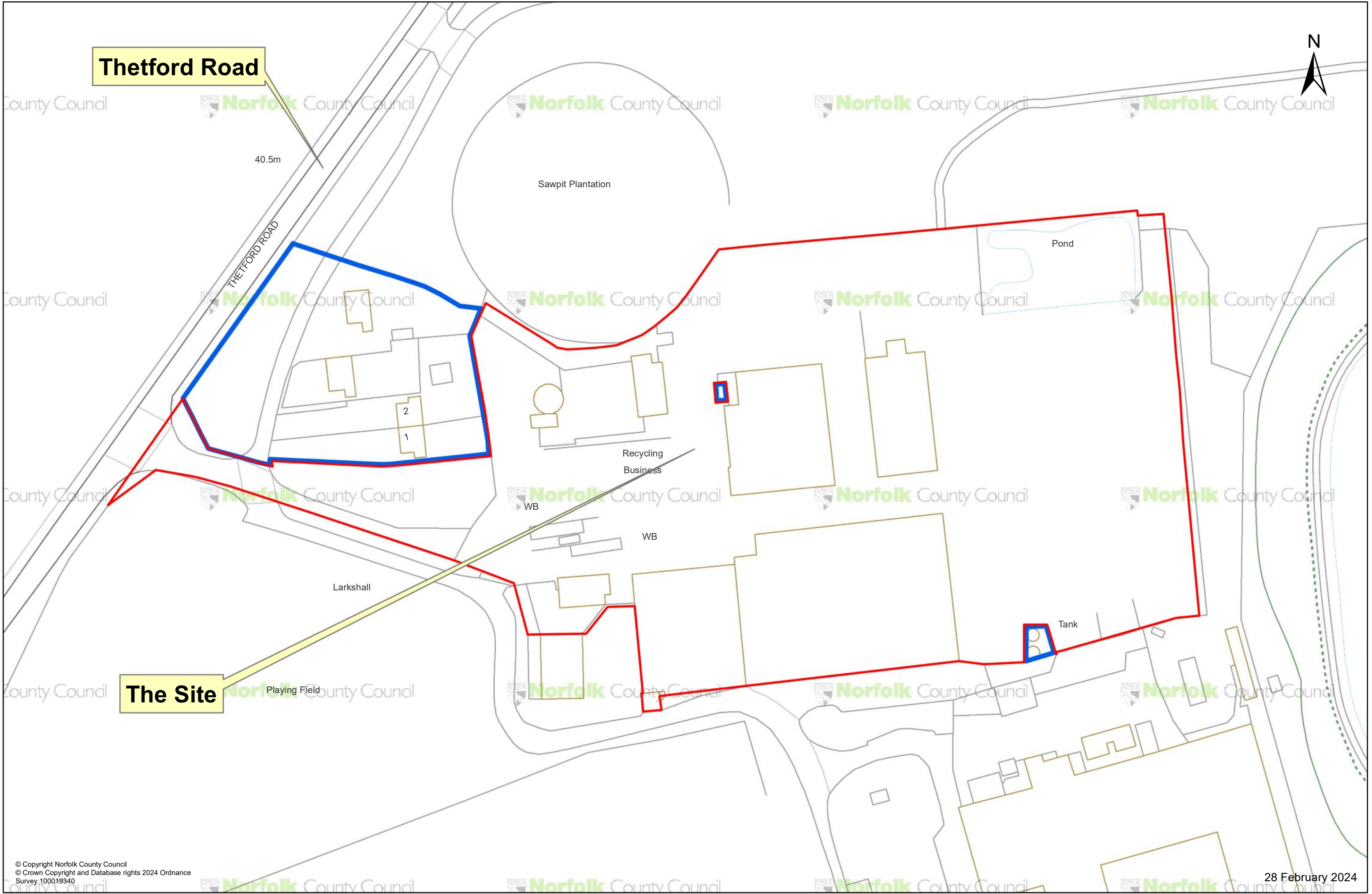
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**Larkshall Mill
Location Plan**



28 February 2024



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Survey 100019340

28 February 2024

Larkshall Mill Site Plan



Planning (Regulatory) Committee

Item No: 7

Report Title: FUL/2023/0039: Quarry, Ipswich Road, Dunston

Date of Meeting: 22 March 2024

Responsible Cabinet Member: N/A

Responsible Director: Grahame Bygrave, Interim Executive Director of Community and Environmental Services

Proposal & Applicant: Non-compliance with conditions 2 and 29 of permission reference C/7/2016/7013 to extend deadline for restoration of the site until 31 December 2027 (Tarmac Trading Limited)

Is this a Key Decision? No

Executive Summary

Planning permission is sought under section 73 of the Town and Country Planning Act 1990 to amend conditions 2 and 29 of permission reference C/7/2016/7013, to extend the period to restore the quarry until 31 December 2027.

The key issues relate to the impact of the delayed restoration on the landscape, heritage assets, ecology, the highway network, and amenity.

The application is being reported to this committee in accordance with the constitution on the basis that it was submitted with an Environmental Statement. No objections have however been received from consultees or third parties.

It is considered that the proposal is in accordance with the policies contained within adopted NMWDF Core Strategy.

Full details of the application, FUL/2023/0039, and consultation responses, can be found online here: eplanning.norfolk.gov.uk/Planning/Display/FUL/2023/0039

Recommendations:

That the Interim Executive Director of Community and Environmental Services (or equivalent) be authorized to:

1. **Grant planning permission subject to the conditions outlined in section 11 and the signing of a Deed of Variation for the existing S106 Agreement;**
2. **Discharge conditions where those detailed above require the submission and implementation of a scheme, or further details,**

either before development commences, or within a specified date of planning permission being granted;

- 3. Delegate powers to officers to deal with any non-material amendments to the application that may be submitted.**

1. Background

- 1.1 The proposal relates to an existing quarry that was first permitted under permission reference C/7/2004/7017 in December 2005. In February 2015 the quarry was extended southwards in a permission, reference C/7/2014/7030 that consolidated the proposed new area with the existing one with working and restoration due to cease by October 2023. That permission was then also varied under reference C/7/2016/7013 to allow amendments to the approved restoration scheme to allow for effective drainage in the post restoration landform.
- 1.2 In addition, various ancillary and other operations have been permitted within the quarry including an aggregate bagging plant. The most recent of those was for the establishment of a recycling facility and highways depot under reference FUL/2020/0078. That activity was also due to cease in October 2023 but is the subject of a separate current application, reference FUL/2023/0027, which currently seeks to extend operations until December 2033.
- 1.3 The quarry falls predominantly in two parishes, Swardeston and Stoke Holy Cross Parish Councils with a small part of the northwestern corner of the quarry falling also within Caister St Edmund and Bixley Parish.
- 1.4 Following the developer's request for a Scoping Opinion in accordance with Regulation 6 of the Town and Country Planning (Environmental Impact Assessment Regulations 2017 (the EIA Regulations) the County Planning advised the applicant in August 2023 on the scope of the Environmental Statement that would need to accompany this application. Therefore, the application has been submitted with an Environmental Statement, and all Environmental Information has been considered in reaching this recommendation.

2. Proposal

2.1 SITE

- 2.2 The site is an existing operational quarry currently undergoing restoration following the extraction of sand and gravel. The permitted quarry extends to 41.5 hectares with some 18 hectares of this being the southern extension authorised in 2015.
- 2.3 The quarry lies adjacent to the A140 Ipswich Road which is to the east to site and provides access/egress from the public highway. The site is otherwise bound by agricultural land. The quarry is truncated by Mangreen Lane which

separates the south of quarry (phases 6-8) from the rest of the site. Some 125 metres to the south of the site is the National Grid's Norwich Main substation. To the west of the site are the nearest residential properties and four listed buildings which include the Grade II* Mangreen Hall. The Venta Icenorum: Roman town and associated prehistoric, Anglo Saxon and medieval remains Scheduled Ancient Monument also lies only some 140 metres to the east of the site on the other side of the A140.

PROPOSAL

- 2.4 Planning permission is sought, under section 73 of the Town and Country Planning Act 1990, as amended, to extend the period to restore the quarry until 31 December 2027. Whilst all extractive operations have ceased, restoration of a number of phases 1, 2, 5 (part), 6, 7 and 8) has not, and this extended timeframe will allow the restoration and landscaping works to take place.
- 2.5 The applicant has advised that it has experienced delays in securing an Environmental Permit from the Environment Agency required to allow importation of inert waste to the site to bring the landform to the required levels. The applicant anticipates up to 936,000 tonnes or 520,000 metre² of material is still required to restore the site.
- 2.6 The two conditions, numbers 2 and 29, of the most recent permission that the applicant seeks to amend relate to the date that the site must be restored, and the date by which the highway works for Mangreen Lane must be removed (which provided the haul road crossing point), and the land reinstated. Both of the dates that the developer wishes to amend were 2 October 2023 with both seeking to be replaced by the new end date of 31 December 2027.
- 2.7 There would be no changes to the restoration scheme itself which will see the land reinstated to a combination of productive agricultural use and nature conservation which would include woodland scrub, open water and ponds with aquatic margins, and lowland meadow grassland and wet grassland.

2.7 ENVIRONMENTAL IMPACT ASSESSMENT

In accordance with the Town and Country Planning Environmental (Impact Assessment) Regulations 2017 an Environmental Statement has been submitted. The assessment of the matters in the statement is set out below under the appropriate headings.

3. Impact of the Proposal

3.1 DEVELOPMENT PLAN POLICIES

The following policies of the Norfolk Minerals and Waste Development Framework (adopted 2011) (NMWDF), Joint Core Strategy for Broadland

Norwich and South Norfolk (adopted 2014) (JCS), and the South Norfolk Development Management Policies (2015) provide the development plan framework for this planning application. The following policies are of relevance to this application:

Norfolk Minerals and Waste Development Framework

CS1: Minerals Extraction;
CS2: General Locations for Mineral Extraction and Associated Facilities;
CS5: General location of waste management facilities
CS6: General waste management considerations
CS13: Climate change and renewable energy generation
CS14: Environmental protection
CS15: Transport
DM3: Groundwater and surface water
DM4: Flood Risk
DM7: Safeguarding Aerodromes
DM8: Design, Local landscape and townscape character
DM10: Transport
DM12: Amenity
DM14: Progressive working, restoration and afteruse
DM15: Cumulative impact
DM16: Soils

Joint Core Strategy for Broadland, Norwich and South Norfolk

Policy 1: Addressing climate change and protecting environmental assets.
Policy 2: Promoting Good Design

South Norfolk Development Management Policies (2015)

DM 1.4 Environmental Quality and local distinctiveness
DM 3.8: Design Principles applying to all development
DM 3.11: Road Safety and the free flow of traffic
DM 3.13: Amenity, noise and quality of life
DM 3.14: Pollution, health and safety
DM 4.2: Sustainable drainage and water management
DM 4.5 Landscape Character and River Valleys
DM4.8: Protection of Trees and Hedgerows
DM4.9: Incorporating landscape into design
DM4.10: Heritage Assets

Adopted Neighbourhood Plan

None of the parishes in which the application site is located have adopted a Neighbourhood Plan, or have notified the district council that they have commenced work on an emerging one.

3.2 OTHER MATERIAL CONSIDERATIONS

The Revised National Planning Policy Framework (NPPF) was published in December 2023 and sets out the Government's planning policies for England and how these should be applied. Whilst not part of the development plan, policies within the NPPF are also a further material consideration capable of

carrying significant weight. The NPPF places a presumption in favour of sustainable development. Paragraph 47 states that planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

- 3.3 Planning policy with respect to waste is set out in the National Planning Policy for Waste (NPPW published on 16 October 2014). Additionally, the National Waste Management Plan for England (NWMPE) is the overarching National Plan for Waste Management and is a further material consideration in planning decisions.
- 3.4 Paragraph 48 of the NPPF states, in summary, that local planning authorities may give weight to relevant policies in emerging plans according to the stage of preparation of the emerging plan; the extent to which there are unresolved objections to relevant policies and the degree of consistency of the relevant policies in the emerging plan to the NPPF.

3.5 Emerging Development Plan Policy

Policies within emerging plans are capable of being material considerations.

Norfolk Minerals and Waste Local Plan

The County Council is currently preparing a Minerals and Waste Local Plan to extend the plan period to the end of 2038. The pre-submission version of the Minerals and Waste Local Plan, relevant background documents and the representations received have now all been submitted to the Secretary of State for public examination by a Planning Inspector in 2024. So whilst at an advanced stage, it is not yet formally part of the development plan for the area and therefore the following policies can be given some weight in the planning balance.

Policy MW1: Development Management Criteria

Policy MW2: Transport

Policy MP6: Cumulative impacts and phasing of workings

Policy MP7: Progressive working, restoration and after-use

Greater Norwich Local Plan

The GNLP has been found sound by an Independent Inspector and can be adopted as part of the local plans for Broadland, Norwich and South Norfolk, subject to the inclusion of the recommended main modifications. So whilst at an advanced stage, it is not yet formally part of the development plan for the area and therefore the following policies have been given significant weight in the planning balance.

Policy 2: Sustainable Communities

Policy 3: Environmental Protection and Enhancement

Policy 6: The Economy

- 3.6 Furthermore, because this is a planning application for the County Council's own development, whilst not itself a planning policy, Norfolk County Council's Environmental Policy adopted in November 2019 is also material to the decision.

3.7 CONSULTATIONS

South Norfolk District Council: No response received.

District Council Environmental Health Officer: No objection.

Environment Agency: No objection – have no concerns with the development.

Natural England: No response received.

Historic England: Is not offering advice.

Highway Authority: No objection – the application purely spreads the previously approved traffic over a longer period.

Norwich International Airport: No further comments to raise.

UK Power Networks: No response received.

Cadent Gas: No response received.

The Ramblers: No response received.

The Open Spaces Society: No response received.

Lead Local Flood Authority: No comments to make.

County Council Ecologist: No objection subject to condition.

County Council Landscape Architect: No objection provided the restoration is undertaken by the proposed date of 31 December 2027.

County Council Public Rights of Way Officer (PROW): no objection but highlight that Swardeston Bridleway 9 bridleway (PROW) is aligned adjacent to the Western boundary of the site. and must remain open and accessible for the duration of the development.

County Council Historic Environmental Officer (Archaeology): No comments to make.

National Planning Casework Unit (DCLG): No response received.

Swardeston Parish Council: No response received.

Stoke Holy Cross Parish Council: No response received.

Caister St. Edmund & Bixley Parish Council: No response received.

Cllr Daniel Elmer (Forehoe Electoral Division): No response received.

Cllr Victor Thomson (Henstead Electoral Division): No response received.

3.8 REPRESENTATIONS

The application was advertised by means of neighbour notification letters, site notices, and an advertisement in the Eastern Daily Press newspaper. No letters of correspondence were received from the public.

3.9 APPRAISAL

The key issues for consideration are:

- A. Principle of Development
- B. Landscape & Visual Impact
- C. Amenity
- D. Ecology
- E. Impact of Heritage Assets
- F. Transport
- G. Sustainability
- H. Flood Risk
- I. Groundwater/surface water
- J. Loss of Agricultural Land

3.10 A – Principle of Development

A basic principle when assessing planning applications is outlined in Section 38(6) of the Town and Country Planning Compulsory Purchase Act 2004 which states:

“if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise”.

3.11 The application relates to a quarry originally permitted in 2005 and then latterly extended both in duration and in land take in 2016. Whilst all extraction activities have now ceased, the principle of the land use at this location has already been established acceptable, and the proposal accords with adopted NMWDF policies CS1 and CS2.

3.12 Although the proposal will delay the restoration of the land which was required to be delivered by October 2023, this has been due to the delay the operator has had in being able to secure an environmental permit from the Environment Agency to infill the void with inert waste. Furthermore, the

applicant has also shortened the period that is the subject of the application from a potential ten years to now only four years following advice from the County Planning Authority following the submission of a Scoping Opinion in 2023. Restoring the final phases of the quarry is still considered achievable in this timescale and on this basis the proposal is also in accordance with NMWDF policy DM14. With regards to the principle of inert waste disposal to achieve the desired restoration levels and profile, this has already been established through the original planning permissions. Although disposal falls at the bottom of the waste hierarchy, it is considered acceptable as a means of restoring the site so it can be returned predominantly to agriculture.

3.12 B - Landscape & Visual Impact

The quarry is not within any statutory landscape designations nor is it within one of the County's core river valleys which are afforded a higher level of protection within the development plan. No changes are proposed to the site's restoration scheme itself which will see the land reinstated to a combination of productive agricultural use, and nature conservation, which would include woodland scrub, open water and ponds with aquatic margins, lowland meadow grassland and wet grassland.

- 3.13 Although the delay is regrettable it is a short term one, and once delivered the restoration will be of a high quality. The County Landscape Architect raises no objection to the proposals provided that restoration is undertaken by the proposed date of 31 December 2027, and the proposal accords with NMWDF policies CS14 and DM8, JCS Policy 2 and SNLP policy DM4.5.

3.14 C – Amenity

Whilst extraction and processing operations at the quarry have now ceased, restoration activities still have the propensity to have an impact on amenity from the tipping of waste itself, and from the HGVs delivering the infill material.

- 3.15 The site is in close proximity to a number of receptors including both residential properties being with Mangreen Hall Farm some 135 metres from the edge of phase 6 which is still to be restored, and the PROW Swardeston BR9 some 400 metres away from this phase.
- 3.16 As stated above the delay in restoration has come about due to the applicant obtaining an Environmental Permit to be able to infill the southern part of the site (phases 6-8). With regards to the actual regulation of an operation such as this, in accordance with paragraph 194 of the NPPF and the National Planning Policy for Waste, the County Planning Authority needs to focus on whether proposed development is an acceptable use of land, rather than the control of processes or emissions, and the CPA needs be satisfied that the facility can in principle operate without causing an unacceptable impact on amenity by taking advice from the relevant regulation authority (the Environment Agency). However, it is the role of the Environmental Permit (which the facility would also require before it can operate) as issued by the

Environment Agency (EA) to actually control emissions/pollutants such as noise and dust through conditions, and Planning Authorities should assume this regime will operate effectively.

- 3.17 In commenting on the application the EA advised that it has no concerns about the development and the South Norfolk's Environmental Health Officer also raised no objection. The site does not have a history of complaints from local residents. The modest extension to allow the land to be restored is not expected to have unacceptable impacts on local residents or users of the PROW, and the proposal is compliant with NMWDF policies CS14 and DM12 and SNLP Policy DM 3.13.

3.18 **D – Ecology**

The proposal does not seek to make any changes to the restoration scheme itself, only the timeframe over which it is delivered. The Environmental Statement and accompanying Ecological Appraisal did however note the presence of a Sand Martin colony with over 50 nesting in a sand bank within phase 1 of the quarry which would be removed as part of the restoration proposals. The County Ecologist's advice therefore was not only that the applicant be advised that the nesting features should not be removed whilst the nest is in use or being built, in order to comply with the Wildlife & Countryside Act 1981 (as amended), but also that the loss of this nesting feature is compensated for by the provision of an artificial Sand Martin nesting feature elsewhere within the application site, and that this be secured by condition. It is therefore recommended a scheme be requested by a new condition, within three months of the date of permission, setting out an alternative location for the provision of the Sand Martin nesting feature.

- 3.19 The original permission which extended the site southwards, reference C/7/2014/7030, bound that application to a S106 Legal Agreement which amongst other issues has a long-term wildlife management for the site, once it has been restored. In the event permission is granted, those obligations including the management plan, will continue to apply once the site is restored, by virtue of a further Deed of Variation.

3.20 **Biodiversity Net Gain**

The Environment Act 2021 introduced Schedule 7A of the Town and Country Planning Act 1990 and for major planning applications lodged after 12 February 2024 applicants now have to provide mandatory Biodiversity Net Gain (BNG). This application is not subject to BNG on the basis that applications submitted under section 73 of the Town and Country Planning Act are not caught by the BNG legislation.

3.21 **Appropriate Assessment**

The site is situated within 8.9 kilometres of the Yare and Broads Marshes which form part of the Broads Special Area of Conservation (SAC), and also the Broadland Special Protection Area (SPA). The application has

been assessed in accordance with Regulation 63 of The Conservation of Habitats and Species Regulations 2017, and based on the information submitted to the County Planning Authority (CPA), it is considered that, due to both the nature of the development and the distance from the European Sites, the proposal would not have a significant impact on these or any other protected habitat. Accordingly, no Appropriate Assessment of the development is required.

- 3.22 With regards to Natural England's letter of 16 March 2022 concerning nutrient neutrality, the proposed extension of time would not result in a discharge to the catchment of the River Wensum SAC or any of the SSSIs notified by NE that comprise the Broads SAC/Ramsar. The proposal would therefore not result in an addition to the nutrient load of the designated sites. The application is compliant with NMWDF Core Strategy policies CS14 and DM1 which seek to ensure there are no adverse impacts on biodiversity including nationally and internationally designated sites and species.

3.23 E – Impact on Heritage Assets

As stated at 2.3, the site is in close proximity of a number of Listed Buildings including the Grade II* Mangreen Hall and is some 140 metres west of The Venta Icenorum: Roman town and associated prehistoric, Anglo Saxon and medieval remains Scheduled Ancient Monument. Although Listed Buildings are afforded protection by the requirements of the Planning (Listed Buildings and Conservation Areas Act 1990, Scheduled Monuments are not. However both are protected by the development plan policy and the NPPF. Whilst Historic England was consulted, it advised it did not wish to comment on the planning application.

- 3.24 The proposal would not encroach on the heritage assets, however it would prolong the operation of the quarry which is within the setting of the Listed Buildings. In accordance with the Planning (Listed Buildings and Conservation Areas) Act 1990 and paragraph 208 of the NPPF, it is considered that the delay in restoration would result in less than substantial harm to the Listed Buildings but at the lower end of the scale particularly given the area where the soil storage bunds are located is adjacent to the heritage assets. However, there are public benefits that weigh against this harm namely that it will allow further time for the approved restoration to be delivered, which is of a high quality and will assimilate with the surrounding topography (rather than the land being left unrestored and/or left at a lower level).

- 3.25 All extraction operations have been completed and it is only infilling and restoration of the land that is proposed to take place in the extended period. Therefore the County Archaeologist had no comments to make on the planning application. On this basis the proposal is compliant with NMWDF policies CS14, DM8 and section 16 of the NPPF.

3.26 F – Transport

The application was submitted with an updated Transport Statement setting out the HGV movements that would be generated to import the inert waste required to bring the site to the approved ground levels. It is envisaged that the inert waste would be imported at a rate of 200,000 tonnes per annum with this creating 80 two-way movements (i.e. 40 HGVs) per day. Although HGV movements associated with quarrying operations (extraction, recycling and other ancillary operations) will reduce as those activities wind down, the total for the whole quarry would be 180 two-way movements (i.e. 90 HGVs) should permission also be granted for the continuation of the operator's highway depot which is the subject of application reference FUL/2023/0027.

3.27 For phases 6-8 (the area which now has the benefit of an Environmental Permit) the material would be imported via the main quarry access on the A140 and transported to these phases to the south of Mangreen Lane via the existing authorised crossing point. The crossing point is the subject of condition 29 of the extant permission which requires its removal and reinstatement of the land to its previous condition on the cessation of quarrying activities. This application seeks to extend that period until 31 December 2027. In addition, the current activities are bound by a S106 Legal Agreement, which amongst other issues requires the removal of the right hand turn lane and associated highway works on the A140 once the site has been restored. In the event permission is granted, those obligations would be secured through a further Deed of Variation to the current Agreement. As proposed by this application, The Transport Statement concluded that there would not be a severe impact on the capacity or safety of the local highway network.

3.28 The Highway Authority commented that there are no objections to the application on the basis the application purely spreads the previously approved traffic associated with the site's restoration over a longer period of time. Accordingly, the proposal is considered compliant with NMWDF policies CS15 and DM10.

3.29 G – Sustainability

Policy CS13 of the NMWDF seeks to promote the use of on-site renewable energy at existing minerals and waste sites, however in this instance it would not be viable to install PV panels for example for such a short period of time.

3.30 Whilst not part of the development plan or even a planning policy per se, County Council's Environmental Policy is a material consideration in determination of this application. The County Council has made a commitment to use the policy to guide all the Council's future decision-making and therefore it has some, albeit very limited, weight in considering this proposal. The Policy refers to both conserving and enhancing natural beauty, and approval of this application would not undermine this objective as it would

simply allow further time for the land to be restored to agriculture and nature conservation.

3.31 H – Flood Risk

The application only seeks to delay the timeframe of the delivery of the approved restoration scheme and not the final landform, which will be similar to the previous pre-extraction ground levels. No issues have been raised either by the Environment Agency or the Lead Local Flood Authority and it is not expected that the extended period for completion of restoration of the site would give rise to an increased risk of flooding on or off site. Accordingly, the proposal is compliant with NMWDF policy DM4.

3.32 I – GROUNDWATER AND SURFACE WATER

The justification for the extension of time, the subject of the application, has been due to the applicant's delay in securing the required Environmental Permit to infill the southern part of the site with inert waste. The applicant has now obtained this from the Environment Agency which has advised that it has no concerns with the development.

3.33 The Environmental Permit will, inter alia, regulate the risk of pollution to groundwater which is significant given the quarry is located within the EA's groundwater protection zone 1. The operator is only authorised to use inert waste to infill the void created from the mineral extraction (the principle of which has already been established). Given that the EA is content with the proposal, which only seeks to extend the timeframe for restoring the land, it is considered that it would not pose an unacceptable risk to groundwater or surface water and is compliant with NMWDF policy DM3.

3.34 J – LOSS OF AGRICULTURAL LAND

The approved restoration scheme will result in much of the site being returned to agricultural land once infilling has taken place so it is not lost in perpetuity. Topsoil previously stripped from the land and currently stored in the south west corner of the site would be reinstated and management of the land will then enter a five period of aftercare so it is brought back to the best standard possible for agricultural use. Whilst it is regrettable that the delivery of the restoration and agricultural land will now be delayed by some four years, the proposal is compliant with NMWDF policy DM16 given that there are no proposals to change the restoration scheme, only the timeframe that it will come to fruition.

3.35 RESPONSES TO REPRESENTATIONS RECEIVED

The application was advertised by means of neighbour notification letters, site notices, and an advertisement in the Eastern Daily Press newspaper in accordance with statutory requirements.

3.36 No representations were received from third parties.

4. Conclusion, Reasons for Decision and Planning Balance

- 4.1 Planning permission is sought under section 73 of the Town and Country Planning Act 1990 to amend conditions 2 and 29 of permission reference C/7/2016/7013, to extend the period to restore the quarry until 31 December 2027.
- 4.2 The application has been submitted with an Environmental Statement and all Environmental Information has been examined and considered in assessing the application in accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.
- 4.3 Significant weight is given in the planning balance to the need for the developer to meet its obligation to restore the quarry to the approved landform and planting schedule etc. Therefore, a short-term extension to allow sufficient inert waste to be imported to facilitate this restoration is considered acceptable. This is also significantly less than the proposed ten-year extension to restore the quarry that was set out in the applicant's Scoping Opinion which preceded this planning application.
- 4.4 There would not be unacceptable impacts on the local landscape, heritage, ecology, the local highway network or groundwater resources as a result of the proposed extended duration of restoration, subject to the conditions set out in section 12 below. The proposal contributes to the achievement of sustainable development in accordance with the NPPF on that basis.
- 4.5 On this basis the proposal is considered to accord with the development plan. There are not sufficient material considerations that warrant determining the application otherwise than in accordance with the development plan and therefore the application is recommended for approval subject to conditions. In accordance with Regulation 26 of the EIA Regulations the reasoned conclusion of the CPA is that there would not be significant impacts on the environment subject to the conditions set out in section 12 below.

5. Alternative Options

- 5.1 Members of the Planning (Regulatory) Committee can only resolve to make a decision on the planning application before them whether this is to approve, refuse or defer the decision.

6. Financial Implications

- 6.1 The development has no financial implications from the Planning Regulatory perspective.

7. Resource Implications

- 7.1 **Staff:** The development has no staffing implications from the Planning Regulatory perspective.
- 7.2 **Property:** The development has no property implication from the Planning Regulatory perspective.
- 7.3 **IT:** The development has no IT implications from the Planning Regulatory perspective.

8. Other Implications

- 8.1 **Legal Implications:** There are no legal implications from the Planning Regulatory perspective.

8.2 **Human Rights Implications:**

The requirements of the Human Rights Act 1998 must be considered. Should permission not be granted Human Rights are not likely to apply on behalf of the applicant.

The human rights of the adjoining residents are engaged under Article 8, the right to respect for private and family life and Article 1 of the First Protocol, the right of enjoyment of property. A grant of planning permission may infringe those rights but they are qualified rights, that is that they can be balanced against the economic interests of the community as a whole and the human rights of other individuals. In making that balance it may also be taken into account that the amenity of local residents could be adequately safeguarded by conditions albeit with the exception of visual amenity. However, in this instance it is not considered that the human rights of adjoining residents would be infringed.

The human rights of the owners of the application site may be engaged under the First Protocol Article 1, that is the right to make use of their land. An approval of planning permission may infringe that right but the right is a qualified right and may be balanced against the need to protect the environment and the amenity of adjoining residents.

8.3 **Equality Impact Assessment (EqIA) (this must be included):**

The Council's planning functions are subject to equality impact assessments, including the process for identifying issues such as building accessibility. None have been identified in this case.

8.4 Data Protection Impact Assessments (DPIA): There are no data protection implications.

8.5 Health and Safety implications (where appropriate):

There are no health and safety implications from a planning perspective.

8.6 Sustainability implications (where appropriate):

This has been addressed in the sustainability section of the report above.

8.7 Any Other Implications:

There are no other implications from a planning perspective.

9. Risk Implications / Assessment

9.1 There are no risk issues from a planning perspective.

10. Select Committee Comments

10.1 Not applicable.

11. Recommendations

11.1 That the Interim Executive Director of Community and Environmental Services (or equivalent) be authorised to:

- 1. Grant planning permission subject to the conditions outlined below and the signing of a Deed of Variation for the existing S106 Agreement;**
- 2. Discharge conditions where those detailed above require the submission and implementation of a scheme, or further details, either before development commences, or within a specified date of planning permission being granted.**
- 3. Delegate powers to officers to deal with any non-material amendments to the application that may be submitted.**

11.2 **CONDITIONS:**

1. The development shall be carried out in strict accordance with condition 2 of planning permission ref. C/7/2016/7013, except where amended by the following sections of the submitted Environmental Statement (Revision A) dated 23 October 2023:

- Section 3: The Application
- Section 4: Planning Statement
- Section 5.4: Highways & Traffic & Appendix 7: Transport Statement, reference SJT/ NS 25256-01, dated 26 September 2023
- Section 7: Mitigation Recommendations of the Preliminary Ecological Appraisal, reference KD.MANG.ER.001V2, dated September 2023.

2. The development hereby permitted shall cease and all restoration shall be completed by 31 December 2027.
3. No development shall take place within the areas indicated in Figure 2 of the approved Archaeological Written Scheme of Investigation, other than in accordance with the approved Archaeological Written Scheme of Investigation held on file ref. C/7/2016/7013.
4. No operation authorised under this permission or under the Town and Country Planning (General Permitted Development) Order 2015, including the movement of vehicles and operation of any plant, shall take place on Sundays or Bank Holidays or other than during the following period:
0700 – 1800 Mondays to Fridays
0700 – 1300 Saturdays
5. With the exception of soil-stripping, the construction and removal of baffle mounds, soil storage mounds and spoil heaps, construction of new permanent landforms, the free field Equivalent Continuous Noise Level [LAeq, 1 hr] at any noise sensitive property adjoining the site shall not exceed 55 dB LAeq 1hr. Measurements shall be made no closer than 3.5 metres from the façade of properties or other reflective surface and shall be corrected for extraneous noise.
6. In the case of soil-stripping, the construction and removal of baffle mounds, soil storage mounds and spoil heaps, construction of new permanent landforms, the free field Equivalent Continuous Noise Level [LAeq, 1 hr] at any noise sensitive property adjoining the site shall not exceed 70 dB LAeq 1hr. Measurements shall be made no closer than 3.5 metres from the façade of properties or other reflective surface and shall be corrected for extraneous noise.
7. No vehicle, plant, equipment and/or machinery shall be operated at the site unless it has been fitted with and uses an effective silencer. All vehicles, plant and/or machinery shall be maintained in accordance with the manufacturer's specification at all times.
8. No vehicles and/or mobile plant used exclusively on site shall be operated unless they have been fitted with white noise / non-tonal reversing alarms to ensure that, when reversing, they do not emit a warning noise that would have an adverse impact on residential or rural amenity.
9. The development should be carried out in accordance with Dust Management Plan approved under planning permission C/7/2015/7016 which includes a scheme to minimise dust emissions from the approved development. The approved dust suppression measures shall be retained, implemented and maintained for the duration of the development hereby permitted.
10. Any access gate(s), bollard, chain or other means of obstruction shall be retained for the duration of the development and be hung to open inwards, set

back, and thereafter retained a minimum distance of 15 metres from the near channel edge of the adjacent carriageway.

11. The visibility splay measuring 4.5 x 70 metres provided to each side of the access (es) (as shown on drawing no. 12223-06 on file reference C/7/2004/7017) where it meets the highway and such splays shall thereafter be maintained at all times free from any obstruction exceeding 0.225 metres above the level of the adjacent highway carriageway.
12. The signage indicating drivers of the movement of heavy plant crossing the road shall be erected on the 78023 Mangreen Lane as shown on plan Proposed Access Road Lining and Signage; C1128-102 rev A. The signage shall be retained for the duration of this permission.
13. Vehicles accessing and egressing the site via the main entrance and at the crossing point on Mangreen lane shall not be in a condition whereby they would deposit mud or other loose material on the public highway.
14. No external lighting shall be installed on the site unless it is maintained such that it will not cause glare beyond the site boundaries.
15. Handling, movement and re-spreading of topsoil and subsoil shall not take place except when the soils are in a suitably dry and friable condition and in such a way and with such equipment as to ensure minimum compaction. (No handling of topsoil and subsoil shall take place except between 1st April and 31st October unless otherwise agreed in writing by the County Planning Authority.)
16. Before the topsoil is replaced a layer of at least 600mm of subsoil substitute shall be created through the use of soils, sand, overburden and/or excavation spoil derived from the site. This layer shall be cross-ripped to a depth of at least 500mm to relieve compaction.
17. An even layer of topsoil shall be re-spread on the subsoil layer to an even depth of at least 300mm.
18. Measures including ripping and/or subsoiling shall be carried out after soil replacement so that the compacted layers and pans are broken up to assist free drainage.
19. All stones and deleterious materials in excess of 15cm which arise from the ripping of the subsoil and topsoil shall be removed from the site.
20. No dewatering of excavations shall be carried out.
21. No material other than inert wastes (as defined within Schedule 1 of the Landfill Regulations 2002) shall be brought onto the site.
22. Prior to commencement of Phase 8 workings, as identified on plan S375/PL13/03 Rev A Oct 2014, details of visual mitigation measures to be

implemented for the duration of Phase 8 works shall be submitted and agreed in writing with the County Planning Authority.

23. The highway works for Mangreen Lane shall be removed and the land reinstated to its previous condition by 31 December 2027.
24. Within three months of the date of this permission, an updated restoration scheme shall be submitted which makes provision for artificial Sand Martin nesting feature. The scheme shall ensure the new nesting feature is in situ prior to the removal of the sand bund currently utilised by sand martins.

12. Background Papers

- 12.1 Planning Application reference: FUL/2023/0039:
eplanning.norfolk.gov.uk/Planning/Display/FUL/2023/0039

Norfolk Minerals and Waste Local Development Framework Core Strategy and Minerals and Waste Development Management Policies Development Plan Document 2010-2016 (2011):

<https://www.norfolk.gov.uk/-/media/norfolk/downloads/what-we-do-and-how-we-work/policy-performance-and-partnerships/policies-and-strategies/minerals-and-waste-planning/core-strategy-and-minerals-and-waste-development-management-policies-development-20102026.pdf>

Norfolk Minerals and Waste Local Plan Review:

<https://www.norfolk.gov.uk/what-we-do-and-how-we-work/policy-performance-and-partnerships/policies-and-strategies/environment-and-planning-policies/minerals-and-waste-planning-policies/norfolk-minerals-and-waste-local-plan-review>

The Joint Core Strategy for Broadland, Norwich and South Norfolk (2014):

<https://www.greaternorwichgrowth.org.uk/planning/joint-core-strategy/>

South Norfolk Development Management Policies Document (2015):

<https://www.southnorfolkandbroadland.gov.uk/current-local-plan/adopted-south-norfolk-local-plan>

Greater Norwich Local Plan Main Modifications (2023):

<https://www.gnlp.org.uk/>

The National Planning Policy Framework (NPPF) (2023):

<https://www.gov.uk/government/publications/national-planning-policy-framework--2>

National Planning Practice Guidance:

<http://planningguidance.planningportal.gov.uk/>

National Planning Policy for Waste (2014):

<https://www.gov.uk/government/publications/national-planning-policy-for-waste>

Norfolk County Council's Environment Policy (2018):

[Environmental policy - Norfolk County Council](#)

Officer Contact

If you have any questions about matters contained within this paper, please get in touch with:

Officer name: Ralph Cox
Telephone no.: 01603 223318
Email: ralph.cox@norfolk.gov.uk



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