

Planning (Regulatory) Committee

Report title:	C/7/2015/7018: Kirby Cane Quarry, Yarmouth Road, Kirby Cane, Bungay, Norfolk NR35 2HJ
Date of meeting:	26 October 2018
Responsible Chief Officer:	Tom McCabe – Executive Director, Community and Environmental Services
Proposal and applicant: Variation of conditions 2, 3, 8, 16 & 18 of planning permission C/7/2013/7010 to extend duration of extraction and restoration until 31/12/25, allow for revised plans and plant details (part retrospective) and increase in quantity of imported aggregates, with increased depth of working and revised restoration: LP Pallett Quarry	

Executive summary

Planning permission is sought to vary five No. conditions of planning permission C/7/2013/7010 in order to extend the duration of extraction and restoration until 31/12/2025, allow for revised plans and plant details (part retrospective) and increase the quantity of imported aggregates, together with an increased depth of working and revised restoration. This application is to be considered concurrently with application reference C/7/2015/7019 as the two are inherently linked.

Objection is raised by Kirby Cane and Ellingham Parish Council as well as local residents. Their concerns relate primarily to the length of time that the quarry has been in operation, traffic and impacts on residential amenity. 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, impacts of the development on the highway network, residential amenity, visual amenity, geodiversity and, progressive working and restoration. The environmental impacts of the proposal have been carefully considered. It is considered that the proposal is in accordance with the policies contained within the development plan and national planning guidance, and therefore conditional planning permission is recommended.

Recommendation:

It is recommended that the Executive Director of Community and Environmental Services be authorised to:

- i. **Grant planning permission subject to the conditions outlined in section 12.**
- ii. **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.**
- iii. **Delegate powers to officers to deal with any non-material amendments to the application that may be submitted.**

1. The Proposal

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| 1.1 | Location | : | Kirby Cane Quarry, Yarmouth Road, Kirby Cane, Bungay, Norfolk NR35 2HJ |
| 1.2 | Type of development | : | Extended time period for extraction and restoration of site;
Increased depth of working;
Provision of 'wet' processing plant/water management facility, crushing of gravel by mobile crushing unit and, provision of bagging hopper
Revised restoration;
Increased quantity of imported aggregates |
| 1.3 | Total tonnage | : | Estimated 300,000 tonnes (site as a whole) |
| 1.4 | Annual tonnage | : | Estimated 50,000 tonnes |
| 1.5 | Market served | : | 40km (25 miles) radius of quarry |
| 1.6 | Duration | : | Until 31 December 2025 (six years for extraction together with additional year for restoration). |
| 1.7 | Plant | : | Modular processing plant;
Mobile crushing unit;
Bagging hopper;
Mobile plant. |
| 1.8 | Hours of working | : | 07:00-17:00 Monday-Friday
07:00-13:00 Saturday
No working on Sundays or public holidays |
| 1.9 | Vehicle movements and numbers | : | Estimated 28 HGV movements daily, (14 in, 14 out). |
| 1.10 | Access | : | HGVs to exit site via existing access onto Yarmouth Road/Church Road which link the site to the A143. |
| 1.11 | Landscaping | : | No additional landscaping proposed: existing landscaping and surrounding soil bunds largely conceal site from wider public views. |
| 1.12 | Restoration and after-use | : | Restoration to acid grassland and small water body. |

2. Constraints

2.1 The following constraints apply to the application site:

- Kirby Cane Bridleway 5 follows part of the southwest boundary of the working.
- The site is located some 0.88km from Geldeston Conservation Area
- The boundary of the Broads Authority area is some 0.9km to the south.
- The site is located within Groundwater Protection Zone 2.

- The site is located within a geological SSSI (Leet Hill, Kirby Cane), and some 1.5km from Geldeston Meadows SSSI.
- The site is located within 5km of the Broadland SPA, The Broads SAC and Broadland Ramsar.

3. Planning History

- 3.1 Kirby Cane Quarry has been an active site for the production of sand and gravel since the first planning permission was issued in the early 1960's. Since then a number of further planning permissions, including physical extensions to the quarry, have been granted. As regards the site under consideration, the following applications are relevant:
- 3.2 **C/7/2013/7010** - Retention of ancillary buildings; Importation of aggregates, crushed rock, recycled aggregates and soils for re-sale; Extraction and processing of sand and gravel on previously worked land – Approved 2013.
- 3.3 **C/7/2013/7008** - Variation of conditions 1 and 2 of PP C/7/2009/7009 to extend the duration of extraction and restoration until 30/09/2018, and to revise phasing details - Approved 2013
- 3.4 **C/7/2009/7009** - Variation of condition 1 of PP C/7/2004/7018 to extend the duration of extraction and restoration until 30/3/2013 - Approved 2012
- 3.5 **C/7/2004/7018** - Extraction of sand and gravel to enable restoration to shallow slopes, wood and acidic grassland with an open geological face - Approved 2005
- 3.6 **C/7/2003/7020** - Variation of C1 of PP C/7/00/7024 to extend permission period until 24.10.04 - Approved 2003
- 3.7 **C/7/2000/7024** - Continuation of PP C/7/1993/7007 to extract remaining sand and gravel reserves - Approved 2000
- 3.8 **C/7/1993/7007** - Renewal for extraction of sand and gravel, together with limited northerly extension - Approved 1994

4. Planning Policy

- 4.1 Norfolk Minerals and Waste Local Development Framework Core Strategy and Minerals and Waste Development Management Policies Development Plan Document 2010-2026 (2011)
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| : | CS1 | Minerals Extraction |
| | CS2 | General locations for mineral extraction and associated facilities |
| | 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 character
			DM10	Transport
			DM12	Amenity
			DM13	Air quality
			DM14	Progressive working, restoration and after-use
			DM15	Cumulative impacts
			DM16	Soils
4.2	Norfolk Minerals and Waste Local Plan: Initial Consultation: Emerging Policies (2018)	:		Emerging policies currently being consulted under Local Plan Review – however, afforded little weight at this time.
4.3	Joint Core Strategy for Broadland, Norwich and South Norfolk (2011/2014)	:	Policy 1: Addressing climate change and protecting environmental assets Policy 2: Promoting good design Policy 18: The Broads	
4.4	South Norfolk Local Plan DM Policies Document (2015)	:	DM 1.1 Ensuring development management contributes to achieving sustainable development in South Norfolk DM 1.4 Environmental quality and local distinctiveness DM 3.8 Design principles applying to all development DM 3.11 Road safety and free flow of traffic DM 3.13 Amenity, noise and quality of life DM 3.14 Pollution, health and safety DM 4.5 Landscape Character and River Valleys DM 4.9 Incorporating landscape into design DM 4.10 Heritage Assets	
4.5	Neighbourhood Plan	:		The area in which the planning application is located does not have an adopted Neighbourhood Development Plan or Neighbourhood Plan in progress.
4.6	The National Planning Policy Framework (2018)	:	Ch 9 Ch 12 Ch 14 Ch 15 Ch 16 Ch 17	Promoting sustainable transport Achieving well-designed places Meeting the challenge of climate change, flooding and coastal change Conserving and enhancing the natural environment Conserving and enhancing the historic environment Facilitating the sustainable use of minerals
4.7	Planning Practice Guidance (2016)	:		Minerals

5. Consultations

- 5.1 South Norfolk Council : No objections
- 5.2 The Broads Authority : No objection
- 5.3 Suffolk County Council : No response received at time of writing this report
- 5.4 Kirby Cane and Ellingham Parish Council : Original submission:
Request that there should be no extra traffic and no extra noise as a result of the application
Additional Information:
Raise objection due to conflict with the following policies of the Norfolk Minerals and Waste LDF:-
Policy DM10 – Transport :
Concerned that the increased vehicle movements will adversely impact on local residents due to noise and light pollution, as well as their health and safety on narrow local roads which already struggle to accommodate large aggregate lorries and even smaller vehicles towing trailers;
Policy DM12 – Amenity :
Not convinced that local amenity will not be affected by noise made by the machinery;
Policy DM14 – Progressive working :
Concerned that there appears to have been no ongoing restoration carried out at the site.
Express concern that successive applications have been made to extend the use of the site, continuing the operation well beyond that which had originally been anticipated by local residents.
- 5.5 Stockton Parish Council : No response received at time of writing this report
- 5.6 Highway Authority (NCC) : No objection subject to:
- all other highway related conditions on PP C/7/2013/7010 being included on any consent notice issued;
 - importation of material should cease at the same time as cessation of quarry operations;
 - condition in relation to lorry management plan

- 5.7 EHO - South Norfolk DC : Does not consider there to be sustainable grounds to object to this application;
Considers that existing noise limits imposed by permission C/7/2013/7010, set at boundary of Leet Hill Cottages, comply with current Government Guidance, thus there will not be a lowering of protection afforded to residents of Leet Hill Cottages;
Comments that there are no noise limits imposed by permission C/7/2013/7010 which directly relate to protecting Leet Hill Farm;
Suggests conditions in relation to review of approved scheme for management of dust and imposition of noise limits as measured on boundary of Leet Hill Farm
- 5.8 Environment Agency : No objection. Provide advisory comments in relation to requirement for Environmental Permit.
- 5.9 Lead Local Flood Authority : Original submission:
No comments to make
Revised Timescale:
No comments to make
- 5.10 Natural England : Original submission:
No objection, subject to conditions in relation to geological conservation, as follows:-
- Submission and approval of revised restoration plan;
 - Outline landscaping and aftercare scheme;
 - Review of approved scheme for geological monitoring and recording;
- Additional information:
Comment that information provided in relation to Restoration Plan and aftercare is insufficient to ensure sustainable geo-conservation of features for which SSSI is notified;
Advises that a comprehensive Restoration Management Plan must be produced for approval;
NE agrees that wherever possible a gentler gradient would be preferable for successful colonisation of vegetation;
NE welcomes planting of native tree species on western side of quarry;
Comment that tree planting shall be undertaken

away from edges or tops of faces to minimise potential for windthrow and Restoration Management Plan should incorporate regular arboreal checks and management of woodland, in order to minimise windthrow etc.

Revised Restoration:

No objection, subject to conditions to secure a Comprehensive Restoration Management Plan and accompanying after-care scheme

5.11 County Ecologist

: Original submission:

Raises concern in relation to proposed restoration and aftercare of the site, including proposed restoration profile, vegetation management and tree mix.

Provides advisory comments in relation to nesting birds.

Additional information:

Holding objection;

Remains concerned with proposed restoration scheme, particularly with proposed steep slopes; Considers that proposed water body, will be too deep and steep sided to be of value to biodiversity;

Considers that proposal fails to meet requirements of relevant planning policies in relation to biodiversity.

Revised Restoration:

No objection, subject to conditions in relation to restoration and aftercare.

5.12 Senior Green
Infrastructure Officer
(NCC)

: Original submission:

Raises concern in relation to proposed restoration and aftercare of the site, including proposed restoration profile, vegetation establishment / management, depth of woodland planting and tree mix.

Additional information:

Holding objection;

Remains concerned in relation to proposed restoration and aftercare of site, including proposed restoration profile, vegetation management and depth of woodland planting;

Considers that proposed restoration profile does not sufficiently reflect the surrounding landscape context;

Considers that proposal fails to meet requirements of relevant planning policies in relation to landscape.

Revised Restoration:

No objection subject to conditions in relation to restoration and aftercare

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| 5.13 | Anglian Water | : | No response received at time of writing this report |
| 5.14 | Public Rights of Way (NCC) | : | No objections |
| 5.15 | Ramblers Association | : | No response received at time of writing this report |
| 5.16 | Norfolk Geodiversity Partnership | : | No response received |
| 5.17 | Local residents | : | Representations have been received from six local residents (in the form of five written representations). Objections and concerns are raised on the following grounds: |

Traffic / highways

- Concern over increased traffic, increased vehicle size, highway width and highway safety;
- Concern with lack of footpath and passing places between Church Road and site entrance;
- Concern that proposed traffic movements equate to one 20 tonne vehicle travelling along Yarmouth Road every 15-20 minutes;
- Concern that amount of lorries going to and from the quarry far exceeds the 12 lorries per day stated in the original application;
- Concern with lack of wheel wash system to prevent vehicles depositing material onto the highway;
- Concern with lack of weighbridge and possible break-up of road surface;
- The corner of Church Road and Yarmouth Road is constantly being repaired

Amenity

- Concern with increased noise;
- Comment that lorries have gone past our house for several years between the hours

- of 06.30 and midnight;
- we are constantly woken up by lorries;
- Continuation of working has been to the detriment of people living on the route of traffic to and from the quarry;
- Would not object as much if opening hours were reduced so the quarry did not open until 8am;
- Noise from repair works to the corner of Church Road and Yarmouth Road
- The noise and dirt have gone on long enough

Timescale

- The quarry was supposed to close many years ago and the site restored;
- What is the point of imposing restoration dates and conditions on permissions?
- At a parish council meeting last year the quarry owner stated that he would not be seeking further planning permission; he has reneged on that statement

Other concerns

- Can see no benefit to the local community;
- Suggest that this aggregate can be obtained elsewhere;
- Comment that no notification of the application under consideration was received

Other (non-material) concerns:

- the value of our property will reduce

The response of this authority to these comments is discussed in the 'Issues' section of this report.

5.18 County Councillor (Mrs Margaret Stone) : No response received at time of writing this report

6. Assessment

Proposal

6.1 The statement submitted in support of the application states that the applicant company are experiencing a strong increase in local demand for the products they can supply. Permission is sought for variation of conditions 2, 3, 8, 16 & 18

of permission reference C/7/2013/7010 to extend timescales for completion of extraction and restoration, allow for revised plans and plant details and, increase in quantity of imported aggregates, with increased depth of working and revised restoration. The specific changes proposed are as follows:-

- 6.2 Condition 2 requires cessation of development and restoration of the site by 30 September 2018. Based upon current / forecast annual output and additional reserves yielded by the proposed increase in depth of excavation (condition 16 refers), permission is sought to extend the timescale for cessation of development and completion of restoration for a further seven years (until 31 December 2025).
- 6.3 Condition 3 relates to the development details, including processing plant: currently, as-raised mineral is 'dry' screened on site prior to stockpiling. The development details would be revised to include the following:-
- Provision of modular 'wet' processing plant and water management facility (series of small, shallow settlement ponds) (part retrospective);
 - Allow for crushing of gravel by mobile crushing unit on a campaign basis;
 - Provision of bagging hopper to provide bagged aggregates for sale (retrospective);
 - Provision for parking of mobile plant and two/three lorries.
- 6.4 Condition 8 restricts the total amount of aggregates, crushed rock, recycled aggregates and soils brought onto the site for resale to 5,000 tonnes per annum. The applicant seeks permission to increase the quantity of imported aggregates to 10,000 tonnes.
- 6.5 Condition 16 restricts the depth of excavation to 5m A.O.D. The supporting statement advises that, trial pits have proved that some 100,000 tonnes of good quality sand and gravel (circa 50% gravel content) remain beneath the floor of the working and that the groundwater level is some 1-2 metres below floor level (i.e. around 3m AOD). Permission is sought to increase the depth of excavation to 0m A.O.D. and to work the mineral 'wet' without dewatering.
- 6.6 Condition 18 relates to the restoration details; the current approved restoration scheme would be revised to include the following:-
- Revised final restoration levels – internal sand faces graded to slopes between 1:2 and 1:4
 - Replacement of agricultural land in base of quarry with small water body with underwater marginal ledge to allow establishment of reed and other emergent plants
 - Seeding of quarry slopes and floor to acid grassland
 - Reduced woodland planting on western outer face of site/replacement of agricultural land on north west margins, and substitution with acid grassland
 - Retention of currently regenerated benches / face and existing trees in south west corner
 - Retention of menage (horse exercise/schooling yard) in south west corner

- 6.7 Prior to purchase of Kirby Cane quarry in 2011 by the current owner, the quarry had been mothballed by the previous owner, in 2007. As at 2011, the southern central area of the quarry void had been restored to agricultural use. In 2015 soils were stripped from this restored area to facilitate the proposed use of this area for wet processing and stockpiling of mineral. A Breach of Condition Notice was issued in 2015 which requires removal of the processing plant. The application under consideration seeks to address the amendments needed to regularise the present position as well as address the future requirements.

Site

- 6.8 The application site relates to Kirby Cane Quarry, which is being progressively worked for sand and gravel, and restored at lower level. The quarry occupies a position within undulating agricultural land at the northern fringe of the Waveney Valley, and is bounded to the southwest by Yarmouth Road, to the west by a woodland belt and by agricultural land on all other sides. The site lies some 0.7km north east of the village of Kirby Cane.
- 6.9 The application site comprises of the central and south eastern area of the quarry which comprises of previously worked land, part used for screening and stockpiling of excavated sand and gravel, and part formerly restored to agriculture. The closest residential properties are a number of properties located at Leet Hill, between 90m and 114m west of the proposed western limit of extraction and a number of properties located opposite the south west boundary of the quarry beyond Yarmouth Road, the closest of which is some 96m from the quarry's southern boundary. The site is accessed via Yarmouth Road which joins Church Road some 0.9km to the west which in turn links the site to the A143 some 150m to the north.

Environmental Impact Assessment (EIA)

- 6.10 The application under consideration was screened upon receipt in respect of any requirement for an EIA in accordance with the EIA Regulations, when it was concluded that the application is not EIA development.
- 6.11 Having assessed the application and taken into account the consultation responses received, the proposal has been re-screened for EIA and the CPA remain of the view that the development is not EIA development.

Principle of development

- 6.12 The underlying principle in respect of 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”.

- 6.13 In terms of the development plan, the County Planning Authority considers the relevant documents in relation to this application are the: policies in the adopted NMWLDF: Core Strategy (2011), the adopted Joint Core Strategy (2011/2014), and the South Norfolk Local Plan DM Policies Document (2015). Given that the review of the Norfolk Minerals and Waste Local Plan is at an early stage, the

emerging Plan is apportioned little weight. In addition, the guidance within the NPPF and Planning Practice Guidance is material to the consideration of the application.

- 6.14 The application relates to a previously permitted mineral working: the principle of development which this application seeks to vary was most recently considered acceptable in 2013, subject to conditions (ref. C/7/2013/7010). Access arrangements would remain unchanged.
- 6.15 Policy CS2 of the NMWLDF Core Strategy sets out the principles for the locations for mineral extraction, and places a preference for sites which are “close and/or well-related via appropriate transport infrastructure,” to the major urban areas. Whilst the site is some 20km (12.5 miles) from the Norwich Policy Area and Great Yarmouth urban area, the site is well connected to the strategic road network, with a site access onto Yarmouth Road, Kirby Cane some 0.9km from its junction with Church Road, a road classified by the NCC Route Hierarchy as a HGV Access Route, which in turn links with the A143, a principal Primary Route which has the highest category on the hierarchy. Therefore, it is considered that the location of the proposed site is broadly compliant with the requirements of policy CS2 of the NMWLDF.
- 6.16 Para. 205 of the NPPF requires LPAs to give great weight to the benefits of mineral extraction, including to the economy. The application includes a proposed increase in the depth of excavation at the site: the full recovery of the mineral would make the most efficient use of the mineral resource. As regards the proposed increase in import of recycled aggregates, para. 204 of the NPPF requires planning to take account of the contribution that recycled materials would make to the supply of materials, and to safeguard existing, planned and potential sites for handling and distribution of recycled aggregate material. It is therefore considered that the proposal would be in general accordance with the aims of the NPPF.
- 6.17 Notwithstanding all other material considerations it is considered that the principle of this development could be acceptable at this location and would not be out of character for the immediate area.

Mineral Supply / Need

- 6.18 NMWLDF CS policy CS1 and Section 17 of the NPPF apply.
- 6.19 As at the end of September 2018, the estimated sand and gravel landbank for Norfolk, calculated in accordance with the National Planning Practice Guidance (based on the past 10 years average sales), stood at 9.62 years. This includes the existing permitted reserves remaining at Kirby Cane (approximately 200,000 tonnes as at September 2018). The application includes a proposed increase in the permitted depth of excavation at the site which is expected to yield some additional 100,000 tonnes of sand and gravel. If approved, the proposal would increase the landbank, as at the end of October 2018, from 9.53 years’ worth of supply to 9.61 years’ worth of supply.
- 6.20 Overall, given the above and the relatively small volume of additional mineral to be recovered, the proposal is not considered to be contrary to the requirements of the relevant development plan policy and NPPF.

Amenity (noise, dust, light pollution, air quality)

- 6.21 NMWLDF CS Policies DM12 and DM13, South Norfolk Local Plan DM

Policies Document Policies DM 3.13 and DM 3.14, and Section 15 of the NPPF apply.

- 6.22 The nearest sensitive receptors are a number of properties located at Leet Hill, at least 40m from the quarry boundary/between 90m and 114m west of the proposed western limit of extraction and a number of properties located opposite the south west boundary of the site beyond Yarmouth Road, at least some 96m from the quarry's southern boundary. The impact of the development on neighbouring occupiers was considered acceptable when permission was most recently granted in 2013. A number of changes to the existing working arrangements at the site are proposed comprising of a proposed increase in the permitted depth of excavation at the site, additional time for working and restoration of the site, and processing of mineral.
- 6.23 Kirby Cane Parish Council raises objection on the grounds that local amenity will be impacted by noise from proposed plant and, by noise and light pollution arising from increased vehicle movements. Concern has also been raised by local residents in relation to increased noise from the development. The supporting statement concludes that, the proposed development is all in the base of the quarry so has no additional impact on local amenity and there will be no material change to air quality in the locality.
- 6.24 Concern is expressed by local residents that, lorries have travelled past their house for several years between the hours of 06.30 and midnight and, they are constantly woken up by lorries. The current permitted hours of working are 0700 - 1800 hours Monday to Friday and 0700 - 1300 hours on Saturday. The movement of HGVs on the highway network to/from the site outside these hours is not subject to planning control. Whilst this issue is partly related to site management and is not considered to merit refusal of the application, this issue has been drawn to the attention of the applicant in the interest of encouraging good management of the site and of traffic visiting it.
- 6.25 South Norfolk EHO has been consulted on the application and raises no objection on amenity grounds. As regards noise, the EHO comments that existing noise limits imposed by permission C/7/13/7010, set at the boundary of Leet Hill Cottages, comply with current Government Guidance, and considers that there will not be a lowering of protection afforded to residents of these cottages. The EHO further comments that there are no noise limits imposed by permission C/7/13/7010 which directly relate to protecting Leet Hill Farm, (located opposite the south west boundary of the site). The EHO suggests conditions in relation to noise limits as measured on the boundary of Leet Hill Farm; it is considered reasonable to condition this matter as part of any consent granted in order to safeguard residential amenity.
- 6.26 As regards dust, the EHO suggests a condition in relation to review of the approved scheme for dust management; it is considered reasonable to condition this matter as part of any consent granted in order to safeguard local amenity.
- 6.27 Representation is made by a local resident such that, they would not object as much if opening hours were reduced. As detailed above, the current permitted hours of working are 0700 - 1800 hours Monday to Friday and 0700 - 1300 hours on Saturday; these fall within the parameters of 'normal working hours' for mineral workings as recognised by National Planning Practice Guidance and there are relatively few properties close to the site in this case. The proposal

does not provide for any amendment to current permitted hours of working. South Norfolk Council EHO has been consulted on the application and does not raise objection. Taking this into account, it is not considered that there will be undue disturbance from the proposed working hours.

- 6.28 Taking the above into account, it is not considered that the proposal would cause impacts significantly greater than those that already take place. There are a number of conditions on the existing permission which are aimed at protecting the amenity of neighbours and it is recommended that these are retained should permission be granted.
- 6.29 To conclude on the amenity issues, mineral extraction and associated development is likely to give rise to local impacts. However, given the advice of the EHO it would be difficult to sustain an objection to the proposal on amenity/air quality grounds. It is therefore not considered that the development will cause unacceptable impact to the amenities of neighbouring occupiers or the local area. On balance, subject to the aforementioned conditions, the development is considered to be acceptable in terms of the relevant planning policies and NPPF.

Landscape / Design

- 6.30 NMWLDF CS Policies CS14 and DM8, Joint Core Strategy Policy 2, South Norfolk Local Plan Development Management Policies Document policies DM 1.4, DM 3.8, DM 4.5 and DM 4.9 and, Sections 12 and 15 of the NPPF apply.
- 6.31 Whilst the site in itself has no landscape designation, the site lies some 0.9km north of the boundary of the Broads Authority Area, a nationally designated landscape. In the South Norfolk Landscape Assessment (2001), the site is identified as lying within the C2; Thurlton Tributary Farmland with Parkland landscape character area. This comprises land which rises gently from the low-lying Waveney valley with areas of flatter plateau cut by narrow tributaries which create local undulations in the landform.
- 6.32 A combination of topography, landscaping and surrounding soil bunds results in the existing site being largely concealed from wider public views. The application under consideration does not seek to make any alterations to existing screening arrangements at the site. The development proposals are within previously worked land and would not result in further encroachment into surrounding land: the processing and stockpiling of excavated and imported material, and lorry parking would take place on the floor of the application site. Prior to bringing this application before the committee negotiations have taken place and improvements made in relation to the proposed restoration profile. This resulted in submission of a revised restoration scheme which would introduce: an increase in exposed internal sand faces with slopes between 1:2 and 1:4; restoration of the quarry slopes and floor to acid grassland; replacement of agricultural land with a small waterbody and acid grassland; and, woodland planting.
- 6.33 It is not considered that the proposed extension of time for completion of extraction and restoration, increased depth of working and revisions to restoration would cause landscape impacts significantly greater than those that already take place.
- 6.34 The proposed processing plant and bagging hopper subject of the application under consideration are of a functional design and whilst they cannot be

considered 'good design', are reflective of this form of development and the development is only for a temporary period. It is therefore considered that the design of the plant is acceptable in the context of the site and there will be no material harm caused to the character and quality of the local area. Therefore, it is considered these are material considerations that outweigh the conflict with policy DM8 of the NMWLDF CS.

6.35 The Council's Green Infrastructure Officer has been consulted on the application and raises no objection on landscape grounds, subject to conditions in relation to restoration and aftercare.

6.36 Subject to the aforementioned conditions, it is considered that the proposal would result in no unacceptable adverse impacts on the landscape or visual amenity. The development is therefore considered to be acceptable and compliant with the landscape principles set out in the relevant planning policies, and objectives of the NPPF.

Biodiversity and geodiversity

6.37 NMWLDF CS Policies CS14 and DM14, South Norfolk Local Plan DM Policies Document policy DM 1.4, and Section 15 of the NPPF apply.

Biodiversity

6.38 As regards biodiversity, the application site carries no particular nature conservation designation: the site is located some 1.5km from Geldeston Meadows SSSI.

6.39 As detailed elsewhere in this report, prior to bringing this application before the committee negotiations have taken place and improvements made in relation to the proposed restoration profile and contours of the water body. This resulted in submission of a revised restoration scheme which would introduce: an increase in exposed internal sand faces with slopes between 1:2 and 1:4; restoration of the quarry slopes and floor to acid grassland; replacement of agricultural land with a small, reed-edged water body and acid grassland and, woodland planting.

6.40 The proposed restoration scheme has conservation potential. The Council's Ecologist has been consulted on the application and raises no objection on ecological grounds, subject to conditions in relation to restoration and aftercare; this would seem to be a reasonable request.

Geodiversity

6.41 The application site is within a geological Site of Special Scientific Interest (Leet Hill, Kirby Cane SSSI). Prior to bringing this application before the committee negotiations have taken place in relation to the proposed restoration and management of features of geological interest. This resulted in submission of a revised restoration scheme which would introduce internal sand faces with slopes between 1:2 and 1:4, seeded to acid grassland, and provision of an exposed geological face along the eastern / north eastern margins.

6.42 Natural England has been consulted on this application and raises no objection to the proposal in relation to the impact upon the geological SSSI, subject to conditions to secure a Comprehensive Restoration Management Plan and accompanying after-care scheme. These conditions are recommended to ensure that the development would not damage or destroy the interest features for which this SSSI is notified.

6.43 Given the above, it is considered that the proposal will not have any unacceptable adverse impacts on biodiversity and geodiversity. Subject to the aforementioned conditions, the development is considered to be acceptable and compliant with the relevant planning policies, and objectives

of the NPPF.

6.44 Habitats Regulations

The application site is located within 5km of the Broadland SPA, The Broads SAC and Broadland RAMSAR which are internationally protected habitats. The application has been assessed in accordance with Regulation 63 of the Conservation of Habitats and Species Regulations 2017. It is considered that the development does not have a significant impact on the integrity of any protected habitat, accordingly, there is no requirement for the CPA to undertake an Appropriate Assessment of the development.

Historic Environment

6.45 The Planning (Listed Buildings and Conservations Areas) Act 1990, NMWLDF CS policies CS14 and DM8, South Norfolk Local Plan Development Management Policies Document policy DM 4.10, and Section 16 of the NPPF apply.

6.46 Geldeston Conservation Area is located some 0.9km south east of the site, separated by agricultural land and residential development.

6.47 As detailed elsewhere in this report, a combination of topography, landscaping and surrounding soil bunds results in the existing site being largely concealed from wider public views. The application under consideration does not seek to make any alterations to existing screening arrangements at the site. The development proposals are within previously worked land and would not result in further encroachment into surrounding land: processing and stockpiling of excavated material would take place on the floor of the site. It is not considered that the proposed extension of time for completion of extraction and restoration, increased depth of working and revisions to restoration would cause impacts significantly greater than those that already take place. It is therefore considered that the proposal would not have a detrimental impact on the character, appearance, setting or views into or out of the conservation area.

6.48 Given the above, it is therefore concluded that the proposal will not have a detrimental impact upon or cause any harm to 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.

Transport

6.49 NMWLDF CS policies CS15 and DM10, South Norfolk Local Plan DM Policies Document Policy DM 3.11, and Section 9 of the NPPF apply.

6.50 Based upon an assumed annual output of 50,000 tonnes and 'back load' delivery of 5,000 tonnes of imported aggregates, the existing permission (reference C/7/2013/7010) estimated that 10 x 20 tonnes loads would leave the site daily (20 movements). The application under consideration provides for an increase in annual volume of imported aggregates to 10,000 tonnes. With exception of delivery of bulk aggregates, which will be delivered by articulated vehicles, materials will be carried by rigid 4-axle 'tipper' wagons. Whilst the target for sales is 50,000 tonnes per annum (tpa), in order to provide a robust traffic calculation this has been increased to 70,000 tpa: based upon an estimated annual output of 70,000 tonnes (including imported aggregates), the application estimates 28 HGV movements daily, (14 in, 14 out). Spread over the permitted weekday working hours this equates to one vehicle movement approximately every 23 minutes. The existing access arrangements at the site would remain unchanged: HGVs would exit the site via the existing access onto Yarmouth Road/Church

Road, to the A143.

- 6.51 Kirby Cane Parish Council raises objection on the grounds that increased vehicle movements will adversely impact on local amenity, and is also concerned with resident's health and safety arising from passage of aggregate wagons on narrow local roads. Representation is made by a local resident that continuation of working has been to the detriment of people living on the route of traffic to and from the quarry, whilst representations from local residents also indicate that there is a perceived high level of danger and perceived impact on amenity arising from increased vehicle traffic and vehicle size.
- 6.52 The Highway Authority has been consulted on the application and raises no objection, subject to: (i) all highway related conditions on permission C/7/2013/7010 being re-imposed; (ii) condition restricting the importation of material to a temporary period lasting until the cessation date for the mineral operation; (iii) a condition in relation to lorry management plan. Given the rural nature of the area and rural road network, this would seem to be a reasonable request.
- 6.53 Whilst the parish council's and residents' concerns in relation to traffic movements are appreciated, in practice the traffic figures provided in the application are an estimate of the average daily flow. The activity of a site will depend on market forces and there is clearly scope for fluctuation in the amount of vehicle movements. The number of movements associated with the current permission is not subject to planning condition. Given that the surrounding highway network is considered adequate for the development, it would be difficult to justify a condition placing a specific limit on daily traffic flows.
- 6.54 Concern is expressed by a local resident in relation to lack of a wheel wash system at the site to prevent vehicles depositing material onto the highway. Permission reference C/7/2013/7010 provided for installation of a wheel cleaner / wash down area, subject to condition requiring details of any wheel cleaning / wash down facilities to be submitted for approval prior to installation of any such facility. To date, no such details have been submitted for approval and, from discussion with this authority's monitoring team it is understood that such a facility has not been installed. It is recommended that this condition is retained should permission be granted. Notwithstanding the current absence of such wheel cleaning facilities at the site, a further condition on the existing permission requires that vehicles shall not be in a condition whereby they would deposit mud or other loose material on the public highway and it is recommended that this is retained should permission be granted.
- 6.55 Concern is also expressed by local residents in relation to lack of a weighbridge at the site and break-up of the local road surface. Application reference C/7/2013/7010 also provided for installation of a weighbridge at the site. From discussion with this authority's monitoring team it is understood that a weighbridge has since been installed. In terms of planning considerations, damage to the road surface is not considered sufficient to merit refusal.
- 6.56 To conclude on the highway issues, mineral extraction and associated development is likely to give rise to local impacts. However, it is considered that the extension of timescales and increased vehicle movements will not cause any unacceptable impacts in highway terms. On balance, subject to the

aforementioned conditions, the development is considered to be acceptable and compliant with the relevant planning policies and NPPF.

Flood risk / surface water management

6.57 NMWLDF CS policies CS13 and DM4, JCS Policy 1, and Section 14 of the NPPF apply.

6.58 The site lies within Flood Zone 1, which is an area at low risk of flooding. The application provides for revised restoration contours and levels, and provision of a small water body, which would result in creation of additional flood storage volume. As regards the flood zone constraint, sand and gravel workings are identified as 'water-compatible development' in the table of Flood Risk Vulnerability Classification as set out in Planning Practice Guidance (PPG). PPG further advises that 'water-compatible development' is appropriate in Flood Zone 1. On this basis, the proposal is considered acceptable in terms of development within flood zone 1.

6.59 The development lies within the flow path of the Environment Agency Updated Flood Map for Surface Water (1 in 30yr and 1 in 100yr events). As regards surface water management, PPG (Flood Risk and Coastal Change – opportunities for reducing flood risk overall, paragraph 050), requires opportunities be sought to reduce the overall level of flood risk in the area and beyond, for instance, through layout and form of development, and the appropriate application of sustainable drainage systems. PPG, Paragraph 079 further states that consideration of devising a sustainable drainage system depends on the proposed development and its location. Specifically it states that sustainable drainage systems may not be practicable for mineral extraction.

6.60 As detailed above, the proposals are considered to be water compatible and the proposed development will result in creation of additional flood storage volume. Based on the information provided, the Lead Local Flood Authority has raised no objection on flood risk grounds.

6.61 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.

Groundwater and surface water

6.62 NMWLDF CS policy DM3 and Section 15 of the NPPF apply.

6.63 The site is located within Groundwater Protection Zone 2 and in close proximity to a public water supply abstraction. The application provides for revised restoration levels and introduction of a small water body. Whilst the proposal includes excavation of mineral from below the groundwater, the supporting statement advises that no dewatering is proposed. The Environment Agency has been consulted and raises no objection in relation to groundwater protection. No response has been received from the consultation with Anglian Water. Given the above, it is therefore considered that the proposal would not be in conflict with the relevant planning policy or NPPF.

Protection of best and most versatile agricultural land

6.64 NMWLDF CS policy DM16 and Section 15 of the NPPF apply.

6.65 The whole of the quarry site, which covers an area of some 8.5 hectares, was formerly agricultural land grade 3. The current approved restoration scheme for the site includes low level agriculture, woodland and acid grassland. As at 2011, the southern central area of the quarry void had been restored to agriculture:

soils have subsequently been stripped from this restored area to facilitate the proposed use for processing and stockpiling of mineral. The proposed restoration scheme provides for replacement of formerly proposed agricultural land with a small water body and acid grassland. Natural England has been consulted on the application and raises no objection on soil resource grounds.

- 6.66 Whilst the proposal would result in the loss of a relatively small area of grade 3 agricultural land beyond that currently approved (i.e. on those areas to be restored to open water and acid grassland), given that the loss of agricultural land is not so significant as to raise a soils objection and biodiversity enhancements are proposed, it is concluded that the proposal will cause no material harm to soil resources and is not in conflict with the relevant planning policy and NPPF.

Progressive working, restoration and after-use

- 6.67 NMWLDF CS policy DM14 and Section 17 of the NPPF apply.
- 6.68 The proposal involves an extension of the time period for working and restoration of the site, together with a revised restoration.
- 6.69 The Parish Council and local residents express concern that successive applications have been made to extend the use of the site, continuing the operation well beyond that which had originally been anticipated by local residents.
- 6.70 Planning Practice Guidance recognises that working of minerals is a temporary use of land, although it often takes place over a long period of time. Part I of Schedule 5 to the 1990 Act requires all planning permissions for mineral working to be subject to a time limit condition.
- 6.71 When permission for that part of the site under consideration was originally granted, the permitted timescale was based upon the previous owner's estimated timescale for completion of extraction, which would have been based upon historic and predicted sales from the site. Prior to purchase of Kirby Cane quarry in 2011 by the current owner, the quarry had been mothballed by the previous owner, in 2007. It is understood that this was due to the economic downturn and lack of demand for the remaining mineral. For the purposes of the permission that this application seeks to vary (ref: C/7/2013/7010), the current owner therefore had to revise the proposed timescales for completion of mineral extraction and restoration, accordingly.
- 6.72 As regards the proposed timescales, based upon forecast annual output and additional reserves yielded by the proposed increase in depth of excavation / revised restoration contours, the application as originally submitted provided for extension of timescale for working and completion of restoration for a further three years (until 30 September 2021). Whilst sand and gravel production for Norfolk as a whole has shown a recent upward trend during the period from 2014 to 31 December 2016, since applications C/7/2015/7018 and C/7/2015/7019 were submitted the output from the quarry has been limited. During the determination process the applicant took the decision to amend the proposed timescale so as to provide for a further six years for cessation of extraction together with an additional year for completion of restoration (i.e. until 31 December 2025). As regards justification for the amended timescale, the applicant states that the principal market is for processed sand and gravel and, in the event that the plant is approved, the target for sales will be some 50,000 tonnes per annum: current activity at the site has been heavily constrained due

to the 'as dug' quality of the sand and gravel. The proposed amendments have been the subject of further consultation and notification.

- 6.73 Para 203 of the NPPF recognises that minerals can only be worked where they are found and best use needs to be made of them to secure their long-term conservation. The full recovery of the mineral would make the most efficient use of the mineral resource.
- 6.74 The proposed extension of time will allow working and restoration of the site to be completed. Although the extension of time would prolong any impacts on nearby residents, the impacts are limited and are considered to be outweighed by the benefits of restoration of the site.
- 6.75 During the determination process additional details relating to phased and progressive working and restoration were requested. This resulted in further detailed plans being provided by the applicant to indicate that the proposed extraction area of the site would be divided into four phases in total, which will be worked and restored consecutively. Working would commence in the north east corner and progress in an anti-clockwise direction (the direction of working is similar to that approved pursuant to original permission C/7/04/7018). The final phase involves shaping of the floor of the void and removal of plant and buildings.
- 6.76 The approved restoration scheme for the site is to low level agriculture, woodland and acid grassland with retention of benched geological faces. Kirby Cane Parish Council raises objection on the grounds that there appears to have been no ongoing restoration carried out at the site. Prior to purchase of Kirby Cane quarry in 2011 by the current owner, the quarry had been mothballed by the previous owner, in 2007. As at 2011, the eastern margins and the southern central area of the quarry void had been restored. Soils have subsequently been stripped from the restored southern central area to facilitate the proposed use for wet processing and stockpiling of mineral. As detailed elsewhere in this report, the application under consideration seeks to address the amendments needed to regularise the present position.
- 6.77 The application provides for changes to the approved restoration, including revised restoration contours, replacement of agricultural land with a small water body and acid grassland, reduced woodland planting and, retention of a horse exercise/schooling yard (menage).
- 6.78 The proposal includes provision of biodiversity and landscape enhancements and the restoration is considered acceptable by the Council's Ecologist and Landscape Officer, subject to conditions.
- 6.79 The application site is within a geological SSSI. The application proposes that the sand faces of the void will be graded to between 1:2 and 1:4, and seeded to acid grassland. As detailed elsewhere in this report, Natural England has considered the application and raises no objection, subject to conditions to secure a Comprehensive Restoration Management Plan and accompanying after-care scheme.
- 6.80 As regards retention of the menage, this comprises of a sand surfaced, all-weather yard, part enclosed with post and rail fencing and with gated access from Kirby Cane Bridleway 5, adjoining the south western margins of the existing void. It would appear from examination of our records that this yard is located within the area subject of planning permission reference C/7/2013/7008. Given that the current use of this area of land would appear to be for horse related purposes for non-agricultural purposes, it is considered that a material change of

use of the land has occurred for which planning permission is required. The applicant's agent advises that the menage was in place / use before the quarry was sold to the applicant (2011). Given that this form of development is not a County matter, this matter has been referred to South Norfolk Council Planning Enforcement team for consideration.

- 6.81 The proposal includes provision of biodiversity and landscape enhancements and the restoration is considered acceptable. Given the above, subject to conditions, it is concluded that the proposal accords with the relevant planning policies and the requirements of the NPPF in this respect.

Sustainability

- 6.82 NMWLDF CS policies CS13 and DM11, and Section 14 of the NPPF apply.
- 6.83 The application includes installation of an aggregates processing plant which, subject to maintenance, will not be in need of regular replacement. It is therefore considered that there would be no conflict with policy DM11 which requires applications to demonstrate consideration of sustainable construction.
- 6.84 The application advises that the proposed processing plant will run on electrical power supplied by a generator unit fuelled by biodiesel (a renewable energy source). Given the relatively short timescale of the proposed extension period, the proposed measure is considered sufficient to ensure compliance with the relevant planning policy and NPPF.

Intentional Unauthorised Development

- 6.85 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 from 31 August 2015. In making unauthorised development a material consideration, the Government was particularly concerned about harm that is caused by intentional unauthorised development in the Green Belt. 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 part 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.

Responses to the representations received

- 6.86 The application was advertised by means of neighbour notification letters, site notice, and an advertisement in the Eastern Daily Press newspaper.
- 6.87 A number of concerns/objections were raised, which are summarised in the first section of this report. With exception of the issues detailed below, the response of this authority to those comments is discussed above in the 'Assessment' section of this report.
- 6.88 Representation is made that the proposal offers no benefit to the local community. Para 203 of the NPPF underlines that, it is essential that there is a sufficient supply of minerals to provide the infrastructure, buildings, energy and goods that the country needs.
- 6.89 Representation is made that this aggregate can be obtained elsewhere. Para. 203 of the NPPF recognises that minerals can only be worked where they are found, whilst para. 207 underlines that MPA's should plan for a steady and adequate supply of aggregates by: ensuring that large landbanks bound up in very few sites do not stifle competition.
- 6.90 Concern is raised by two local residents that a letter of notification in relation to the planning application was not received. In accordance with the requirements

- of The Town and Country Planning (Development Management Procedure)(England) Order 2015, notification of the application was undertaken using the methods detailed in the 'Representations' section of this report, including neighbour notification letters addressed to the property concerned.
- 6.91 Concern has been expressed by local residents in relation to depreciation of property value, however, devaluation of property is not a material planning consideration.
- The Community Infrastructure Levy (CIL)**
- 6.92 No additional floorspace would be created by the development hence the development is not CIL liable.
- Local Finance Considerations**
- 6.93 In accordance with Section 70(2) of the Town and Country Planning Act 1990 (as amended) the County Planning Authority must have regard to a local finance consideration as far as it is material. Section 74 of the 1990 Act defines a local finance consideration as a grant or other financial assistance that has been, that will or that could be provided to a relevant authority by a Minister of the Crown, or sums that a relevant authority has received, or will or could receive, in payment of the Community Infrastructure Levy.
- 6.94 In this instance it is not considered that there are local finance considerations material to this decision.

7. Resource Implications

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

8. Other Implications

- 8.1 **Human rights**
- 8.2 The requirements of the Human Rights Act 1998 must be considered and the European Convention on Human Rights on which the Act is based. There is a human right provided by the First Article to the First Protocol which is the peaceful enjoyment of property. This right applies to companies as well as natural persons. Should the committee be minded to refuse planning permission it would be interfering with the human right relating to the peaceful enjoyment of property. However, if the committee refused planning permission it would do so based on sound planning reasons, based on the need to protect the environment and the amenities of nearby residents and these reasons would justify the interference and would therefore be regarded as a proportionate interference to the right, balancing the public good with the private right.
- 8.3 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.

- 8.4 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 or conditional 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.

8.5 **Equality Impact Assessment (EqIA)**

- 8.6 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.

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

- 8.8 **Communications:** There are no communication issues from a planning perspective.

- 8.9 **Health and Safety Implications:** There are no health and safety implications from a planning perspective.

- 8.10 **Any other implications:** Officers have considered all the implications which members should be aware of. Apart from those listed in the report (above), there are no other implications to take into account.

9. Section 17 – Crime and Disorder Act

- 9.1 It is not considered that the implementation of the proposal would generate any issues of crime and disorder, and there have been no such matters raised during the consideration of the application.

10. Risk Implications/Assessment

- 10.1 There are no risk issues from a planning perspective.

11. Conclusion and Reasons for Grant of Planning Permission

- 11.1 Planning permission is sought to vary five no. conditions of planning permission C/7/2013/7010 in order to extend the duration of extraction and restoration until 31/12/25, allow for revised plans and plant details (part retrospective) and increase the quantity of imported aggregates, together with an increased depth of working and revised restoration. No changes are proposed to the existing access arrangements.

- 11.2 Objection has been raised by Kirby Cane and Ellingham Parish Council as well as local residents. Their concerns relate primarily to the length of time that the quarry has been in operation, traffic and impacts on residential amenity.

- 11.3 The environmental impacts of the proposal under consideration have been carefully considered. The extension of time sought is considered acceptable in order to allow sufficient time for the completion of extraction and restoration of

- the site. No objections have been raised by statutory consultees subject to suitably worded conditions being imposed on any grant of planning permission.
- 11.4 For the reasons detailed in this report, subject to approval of application reference C/7/2015/7019, the proposal is considered to accord with all relevant development plan policies and national planning and minerals guidance and the development is considered acceptable.
- 11.5 The proposed development is therefore considered to be acceptable and there are no other material considerations which indicate that planning permission should be refused. Accordingly, full conditional planning permission is recommended subject to appropriate planning conditions.

12. Conditions

- 12.1 The development to which this permission relates shall cease and the site shall be restored in accordance with condition 21 of this permission by 31 December 2025.

Reason:

- To ensure the proper and expeditious restoration of the site, in accordance with Policy DM14 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.
- 12.2 Except as modified by the contents of the application forms, plans, drawings and other documents, as detailed below:

- Application 2 - Site Plan showing Application Area; Plan No. 1125/A2 v2; dated 25-02-2013
- Site Plan; Plan No. 1125/S/1 v5; dated 05-02-2018; received 3 August 2018
- Illustrative Restoration Plan; Plan No. 1125/R/1 v4; dated 12-06-2017; received 21 June 2017

- Document entitled Kirby Cane Quarry – Section 73 Application; unreferenced; prepared by D.K. Symes Associates; dated October 2015, as modified by the provisions of:

- the contents of the e-mail from D.K. Symes Associates to Norfolk County Council dated 15 August 2016 17:05 hours;
- the contents of the letter, reference DKS/ab/1125, from D.K. Symes Associates to Norfolk County Council dated 19th June 2017;
- Document entitled Kirby Cane Quarry Leet Hill Norfolk – Further Information; unreferenced; prepared by D.K. Symes Associates; dated August 2018; received 3 August 2018;
- the contents of the e-mail from D.K. Symes Associates to Norfolk County Council dated 26 September 2018 15:39 hours;

as modified by the provisions of details to be approved pursuant to condition nos. 3, 4, 5, 6, 7, 8, 9, 10 and 11 below,

the development must be carried out in strict accordance with the application form, plans, drawings and other documents and details approved pursuant to planning application reference C/7/2013/7010.

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

- 12.3 Within three months of the date of this permission, a Lorry Management Plan for the routing of HGVs to and from the site shall be submitted to the County Planning Authority for its approval in writing. The Plan shall make provision for:
- a) Monitoring of the approved arrangements during the life of the site;
 - b) Ensuring that all drivers of vehicles under the control of the applicant are made aware of the approved arrangements, and;
 - c) The disciplinary steps that will be exercised in the event of a default.

The approved scheme shall thereafter be implemented in full for the duration of the development hereby permitted.

Reason:

In the interests of highway safety, in accordance with Policies DM10 and CS15 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.

- 12.4 Within three months of the date of this permission, details of a sign(s) advising drivers of vehicle routes to be taken to and from the site, shall be submitted to the County Planning Authority for its approval in writing, in consultation with the Highway Authority. The development shall thereafter only be carried out in accordance with the approved details with the sign(s) being erected and thereafter maintained at the site exit for the duration of the development hereby permitted.

Reason:

In the interests of highway safety and safeguarding local amenity, in accordance with Policies CS15, DM10 and DM12 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.

- 12.5 Notwithstanding the provisions of the scheme for the management of dust emanating from the site approved under discharge application reference C/7/2014/7029 and held on that file, within three months of the date of this permission, a revised scheme for the management of dust emanating from the site shall be submitted to the County Planning Authority for its approval in writing. The development shall thereafter only be carried out in accordance with the approved scheme.

Reason:

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

- 12.6 Notwithstanding the approved documents and, provisions of the Scheme for Geological Monitoring and Study submitted under the cover of Cemex's letter dated 20 December 2005 pursuant to condition 13 of planning permission reference C/7/2004/7018 and held on that file, within three months of the date of this permission, a revised Scheme for Geological Monitoring and Study shall be submitted to the County Planning Authority for its approval in writing. The Scheme shall include details of:

- i) the maintenance of a watching brief to allow early identification of geological features exposed during excavation or other operations;

ii) arrangements to be made for consultation with the County Planning Authority should such features (including any significant finds or major changes to the distribution of the strata) be detected, and;

iii) access to the site to allow geological study and research.

The development shall thereafter only be carried out in accordance with the approved scheme.

Reason:

In the interests of protecting sites of geological interest in accordance with Policy CS14 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026

- 12.7 Notwithstanding the provisions of the scheme for parking, turning, loading and unloading of vehicles submitted pursuant to condition no. 8 of planning permission C/7/2004/7018 and held on that file reference, within three months of the date of this permission, a revised scheme for parking, turning, loading and unloading of vehicles shall be submitted to the County Planning Authority for its approval in writing. The development shall thereafter only be carried out in accordance with the approved scheme.

Reason:

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

- 12.8 Notwithstanding the provisions of Illustrative Restoration Plan - Plan No. 1125/R/1 v4, and except as modified by details to be approved pursuant to condition no. 10 below, within three months of the date of this permission, a Restoration Management Plan shall to be submitted to the County Planning Authority for its approval in writing. The scheme shall include details of the following:

- the widths of the shallow ledges that will be created in the water body;
- sourcing of reeds and timing of reed planting;
- final soil preparation
- seeding, including rate and timing of seeding;
- grassland seed mixture/species;
- size and species of trees, planting and arrangements for their protection and maintenance;
- boundary treatments
- post-restoration management strategies, including those responsible for undertaking management and aftercare, frequency of management, and the funding of management provisions
- provision for restoration of those faces found to contain the special features of geological interest to 1:2 or 1:3 slopes
- post-restoration access to the site and quarry faces, including provision of space between the faces and the edge of the water body for access and operation of a mechanical excavator, including performing turning circles and movements, and for temporary storage of material cleared from the face to allow geological study and research.
- the seasonal variation in water levels of the water body and an assessment as

to whether it could restrict post-restoration access to the faces for geological researchers and machinery

- the maximum water level of the water in the water body and duration
- the appropriate process for researchers to gain access to the site for geological field work
- provision for vegetation management (scrub control) on the quarry faces and access route to the base of the faces
- provision for regular arboreal checks and suitable management of the woodland planting, in order to minimise windthrow and the potential for falling trees to disturb and destabilise the unconsolidated geology, avoid colonisation by species with wind-blown seed dispersal, and include seedling pulling to reduce scrub encroachment on any faces
- inclusion of the Geotechnical Assessment Kirby Cane Quarry prepared by Key GeoSolutions Ltd dated February 2016, as referenced in the letter from D.K. Symes Associates to Norfolk County Council, reference DKS/yw/1125, dated 15th August 2016.

The Restoration Management Plan as may be so approved, shall be implemented over a period of five years following the completion of restoration.

Reason:

- 12.9 To ensure the proper and expeditious restoration of the site, in accordance with Policy DM14 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026. An aftercare scheme specifying such steps as may be necessary to bring the land to the required standard for biodiversity shall be submitted for the written approval of the County Planning Authority not later than six months from the date of this permission. The scheme shall include:

- Details of the maintenance regime for the acid grassland;
- provision for the creation and management of suitable habitat for Sandy Stiltball fungi in accordance with the principles shown on Illustrative Restoration Plan – Plan No. 1125/R/1 v4 dated 12-06-2017.

The aftercare scheme as may be so approved, shall be implemented over a period of five years following the completion of restoration, or in the case of phased restoration, in stages of five years duration dating from each completed restoration phase.

Reason:

- 12.10 To ensure the proper and expeditious restoration of the site, in accordance with Policy DM14 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026. Notwithstanding the provisions of Illustrative Restoration Plan - Plan No. 1125/R/1 v4, in the event that prior to completion of winning and working of mineral geological features are found, which in the opinion of the County Planning Authority in consultation with Natural England constitute special features of geological interest which need to be retained intact and in-situ, post-working, a revised scheme of restoration shall be submitted to the County Planning Authority for its approval in writing, in consultation with Natural England. Such scheme shall include provision for restoration of those faces found to contain the special features of geological interest.

The scheme shall be implemented as approved.

Reason:

- 12.11 To ensure the proper and expeditious restoration of the site, in accordance with Policy DM14 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026. Notwithstanding the provisions of Plan No. 1125/O/1 and paragraph 4.4.2 of the document entitled Kirby Cane Quarry Bungay, Norfolk - Application for Retention of ancillary buildings (retrospective); Importation in bulk of aggregates, crushed rock, recycled aggregates and soils for re-sale (retrospective); Extraction and processing of sand and gravel on previously worked land with restoration to shallow slopes, wood and acidic grassland with an open geological face – Revised, submitted pursuant to application reference C/7/2013/7010 and held on that file, prior to installation of any wheel cleaning / wash down facilities, details of such facilities shall be submitted to the County Planning Authority for its approval in writing.

Reason:

- 12.12 In the interests of highway safety, in accordance with Policy DM10 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any Order revoking, re-enacting or modifying this Order, no further buildings, plant or machinery, nor structures of the nature of plant or machinery, other than that permitted under this planning permission, shall be erected on the site, except with permission granted on an application under Part III of the Town and Country Planning Act 1990.

Reason: To control possible future development which would otherwise be permitted but which may have a detrimental effect on amenity or the landscape, in accordance with Policy DM12 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.

- 12.13 The total amount of aggregates, crushed rock, recycled aggregates and soils brought onto the site shall not exceed 10,000 tonnes per annum. From the date of this permission the operator shall maintain records of the monthly input of material into the site and shall make the records available to the County Planning Authority at any time upon request. All records shall be kept for at least 12 months.

Reason:

- 12.14 In the interests of highway safety, in accordance with Policy DM10 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026. With the exception of noise emitted from the site during soil stripping operations, bund formation and the final restoration processes, noise emitted from the site shall not exceed 45dB expressed as LAeq, 1 hour (freefield), as measured on the boundaries of Leet Hill Cottages and Leet Hill Farm at the locations shown on the plans attached to this decision notice

Reason:

To protect the amenities of residential properties, in accordance with Policy

DM12 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.

- 12.15 Noise levels caused by soil stripping operations, bund formation and the final restoration processes shall not exceed 45dB expressed as LAeq, 1 hour (free field) as measured on the boundaries of Leet Hill Cottages and Leet Hill Farm at the locations shown on the plans attached to this decision notice, other than for a period of eight weeks in any 12 month period at which times the noise level at the locations shall not exceed 70 dB LAeq (1 hour) free field.

Reason:

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

- 12.16 No reversing beepers or other means of audible warning of reversing vehicles shall be fixed to, or used on, any site vehicles or mobile plant, other than those which use white noise or equivalent.

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

- 12.17 No plant or machinery shall be used on the site unless it is maintained in a condition whereby it is efficiently silenced in accordance with the manufacturer's specification.

Reason:

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

- 12.18 No operation authorised or required under this permission or under Part 17 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015, including the movement of vehicles and operation of any plant, shall take place on Sundays or public holidays, or other than during the following periods:
07.00 - 18.00 Mondays to Fridays
07.00 - 13.00 Saturdays.

Reason:

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

- 12.19 No excavations shall be carried out at a depth greater than 0 metres above ordnance datum (A.O.D.)

Reason:

To safeguard hydrological interests, in accordance with Policy DM3 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.

- 12.20 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.
- 12.21 The restoration of the site shall be carried out in accordance with the submitted scheme shown on Illustrative Restoration Plan - Plan No. 1125/R/1 v4 - dated 12-06-2017, as amended by the requirements of the schemes to be approved pursuant to conditions 8 and 10 of this permission.
- Reason:
To ensure the proper and expeditious restoration of the site, in accordance with Policy DM14 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.
- 12.22 No topsoil storage bunds shall exceed three metres in height and no subsoil or overburden storage bunds shall exceed five metres in height. Any heap which is to stay in position for more than six months shall be seeded with grass, weed-killed and adequately maintained.
- Reason:
To ensure the proper and expeditious restoration of the site, in accordance with Policy DM14 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.
- 12.23 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 beforehand by the County Planning Authority.)
- Reason:
To ensure the proper and expeditious restoration of the site, in accordance with Policy DM14 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.

Background Papers

Norfolk Minerals and Waste Local Development Framework Core Strategy and Minerals and Waste Development Management Policies Development Plan Document 2010-2026 (2011)

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

Joint Core Strategy for Broadland, Norwich and South Norfolk (2011/2014)

https://www.south-norfolk.gov.uk/sites/default/files/JCS_Adopted_Version_Jan_2014.pdf

South Norfolk Local Plan DM Policies Document (2015)

https://www.south-norfolk.gov.uk/sites/default/files/Development_Management_Policies_Document_0.pdf

The National Planning Policy Framework (NPPF) (2018)

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

Planning Practice Guidance (2014)

<https://www.gov.uk/government/collections/planning-practice-guidance>

Officer Contact

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

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If you need this report in large print, audio, Braille, alternative format or in a different language please contact 0344 800 8020 and ask for Andrew Harriss or textphone 0344 800 8011 and we will do our best to help.