

# Planning (Regulatory) Committee

Date: **Friday 24 November 2023**

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](mailto: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. Further information about how to do this is given [below](#). 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 Mark Kiddle-Morris

Cllr Martin Storey

Cllr Paul Neale

Cllr Tony White

Cllr Matt Reilly

## **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](mailto: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 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](mailto: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](mailto: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 29 September 2023

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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/2023/0007, Land at A47 bypass waste recycling site, C489  
Main Road, North Tuddenham, Dereham, NR20 3DE**

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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: 21 September 2023



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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 29 September 2023  
at 11am in the Council Chamber, County Hall**

**Present:**

Cllr Brian Long (Chair)

Cllr Graham Carpenter (Vice-Chair)

Cllr Chris Dawson

Cllr Paul Neale

Cllr William Richmond

Cllr Tony White

**Substitute Members Present:**

Cllr Lesley Bambridge for Cllr Martin Storey

Cllr Robert Savage for Cllr Stephen Askew

**Also Present**

Hollie Adams

Richard Bridgman

Chris Burgess

David Carr

Charles Collings

Ralph Cox

Jon Hanner

Committee Officer

Public Speaker

Subject Lead, NPLaw

Public Speaker

Planning Officer

Principal Planner

Highways Officer

**1 Apologies and Substitutions**

- 1.1 Apologies were received from Cllr Stephen Askew (Cllr Robert Savage substituting), Cllr Rob Colwell, Cllr Mike Sands, Cllr Martin Storey (Cllr Lesley Bambridge substituting) and Cllr Matt Reilly. Cllr Mark Kiddle-Morris was also absent.

**2 Minutes**

- 2.1 The minutes from the Planning (Regulatory) Committee meeting held on 21 July 2023 were agreed as an accurate record and signed by the Chair following the following amendment being made:
- To amend paragraph 5.4 to show that more than one committee member made reference to the appearance and aesthetics of the building.
- 2.2 Cllr Neale asked for an update on the priority for pedestrians past the doctor's surgery raised at paragraph 5.1. The Principal Planner **agreed** to follow up on this.

### **3 Declarations of Interest**

3.1 No declarations were made.

### **4 Urgent Business**

There was no urgent business.

4.1 **Applications referred to the Committee for determination.**

### **5 FUL/2022/0042: Land at Brickfields Way, Thetford, Norfolk, IP24 1HX**

5.1 The Committee received the report detailing a proposal seeking planning permission for a Liquid Waste Transfer Station accepting up to 400m<sup>3</sup> of liquid waste-water from food and drink manufacturers per day. The development would require a waste processing building, control room building, 3no. external storage vessels and a yard/parking area for tanker manoeuvring and carparking. The land subject to this application is allocated as a general employment area on Brickfields Way, Thetford.

5.2.1 The planning officer gave a presentation to the Committee:

- maps of the application site, a detailed site plan and aerial photograph of the site were shown; it was northwest of Thetford and 900m south of A11.
- Layout plans and landscaping plans of the proposed site were shown.
- An internal wall in the building would mean processing would take place on one side of the building. External to the building would be 3 storage vessels.
- Treated liquid would be gravity fed to the Anglian Water sewer.
- The west side of the site would be left as a landscape buffer and was proposed to have additional planting on the east side of the site and hedging on the southern boundary.
- Photographs of the existing site were shown.
- There had been a request from the highways officer to place an H bar marking to prevent parking in the access to the site prior to the first use of the development.
- The Environment Agency and Environmental Health Officer had not raised objections; the Environment Agency would be responsible for regulating odour emissions from the site.
- Third party objections had been addressed and no objections raised by statutory consultees.

5.2.2 Committee Members asked questions to the planning officer:

- Officers were asked about odour control in the main building where tanks were unloaded; the Planning Officer confirmed that the building would be kept under negative pressure with extractor fans under the rolling doors. Odour would be monitored through the environmental permit.
- The Planning Officer confirmed that sludge would be removed from site in sealed containers. A Committee Member was concerned about displacement

of foul air during loading of sludge; the Chair noted that any issues arising would be covered under the environmental permit.

- The Planning Officer was asked about the size of screening measures proposed in the application. It was confirmed that the landscaping officer was happy with the size and species proposed in the application but if members were concerned a condition could be put in place specifying the size of planting.
- A Committee Member queried the release of treated liquid into the Anglian Water sewer, raising concerns about further discharges of nitrates given the existing issues with nutrient neutrality. The Planning Officer replied that liquid would have to be treated until it met the required levels for release. Consent would be needed through Anglian Water and the environmental permit would regulate this.
- Comments were included in the application from the District Council about the stacks. The Planning Officer replied that attenuators would reduce noise from the stacks; this was part of the proposal and there was not a condition in place requiring their installation. The environmental permit would regulate noise from the site.
- A concern was noted in the report about a possible future increase in tankers. The Planning Officer noted that the member update included a condition to limit annual throughput on the site. Tanker numbers would be linked to this. There was a maximum of 400m<sup>3</sup> per day through the Anglian water agreement for the site's discharge so this should be self-regulating. If an increase was required, then a revised application would be needed.
- The Planning Officer confirmed that waste brought to the site would be mostly from the food and drink industry with part of the waste coming from Norfolk Poultry. A Committee Member felt that it was important to know what specific area of the food industry the source was in such applications, to have insight on the possible impact of odour.
- A Committee Member asked if anything else could be put in place to mitigate against odours which were already being experienced by local residents and businesses. The Planning Officer replied that assessments had been provided with the application and the Environment Agency would regulate this at the site. The Environmental Health Officer was satisfied that odour would not have an unacceptable impact on adjacent businesses and properties. Existing issues with odour from the site was from parking of tankers and HGVs on the site; the application presented did not include any external parking meaning all odour should be within the building and pass through filters being installed in the building. The Chair asked if there was a condition to stop vehicles parking outside; the Planning Officer replied there was no condition for this.
- A Committee Member noted paragraph 3.35 of the report which stated: "Biodiversity Protection and Enhancement refer that development should demonstrate how net gains for biodiversity are secured as part of the development, proportionate to the scale of development and potential impacts (if any)". The Planning Officer replied that this was mostly through biodiversity buffers proposed in the application and bat and bird boxes.

### 5.3 The committee heard from registered speakers:



5.3.1 Richard Bridgman spoke in objection to the application:

- Mr Bridgman stated that he had approached the applicant, Whites, to discuss plans and received no response. He stated that he had emailed the Council's planning department to meet them on site and received no response.
- Mr Bridgman had sent a detailed email in November 2022 setting out his concerns about how the planning application would affect his business with photographs of the access issues to the site and how BMR shared the same access as the application site.
- Mr Bridgman informed the Committee that Planning Officers had been wrongly informed that BMR rentals were moving; as this was not the case, and he therefore felt there would be access issues on the road.
- The building for the cleaning process in the application was double the size originally planned. Mr Bridgman wondered if the sections in the building were independent for each other and was concerned that the access doors may allow air to escape.
- Objections had been given to the application about smells in the surrounding area.
- Mr Bridgman queried why there had been a buffer installed in the location indicated but not elsewhere on the site; he reported that when it was windy foul air blew into his factory. He felt that a high fence should be installed along the edge of the site next to his factory.
- Mr Bridgman reported that currently, around 20 vehicles parked overnight on the site. Mr Bridgman wondered where the remainder of vehicles would park when waiting to enter the building, and where they would be washed before entering the site.
- Mr Bridgman reported there had been issues with lorries travelling up and down Brickfields Way.

5.3.2 David Carr spoke as applicant:

- Whites Recycling was a waste management and recycling business providing services in the anaerobic digestion, manufacturing and food and drink sector
- In 2018 new legislation was passed introducing farming rules for water which highlighted a shortage in waste water treatment capacity in East Anglia.
- Many food businesses in Norfolk relied on Whites for recycling their organic waste to agricultural land.
- This proposed development of liquid transfer would allow a significant volume of matter to be diverted to treatment to help provide certainty to businesses and reduce road miles to transport material.
- No objections were received from technical consultees and the application went above the requirements of the technical consultees to address concerns raised. For example, odour management had been over-managed and over-specified to meet the environmental permit. There permit would require no odour to be detected outside of the site boundary. If there was, this would result in enforcement by the Environment Agency or the environment permit being revoked.

- Material would be brought on site in sealed containers and unloaded in a sealed building. Advice of the Environment Agency had been followed to choose the use of carbon filters.
- The noise impact assessment confirmed that there would be no adverse impact on local residential or commercial buildings and no objections received from the environmental officer.
- Most activity would take place inside of the building; the external stack was outside the building and the dominant source of noise was mitigated by an inline attenuator.
- There was no requirement to assess noise on other commercial uses this was assessed and showed no adverse impacts.
- There would be 21 HGV movements in and 21 out per day on the site.
- External tanker parking on the site had been removed to reduce odour concerns at a cost to the business. The building design had been re-ordered to allow space for four HGVs instead of two as a contingency. All deliveries to the site would be pre-booked and no unscheduled deliveries would be accepted.

#### 5.4 The Committee asked questions to the registered speakers:

- A Committee Member asked for more information on the sources of waste. Mr Carr replied that the wastes handled by the business were organic waste recycled to agricultural land. Since the new legislation passed in 2018 the time that waste could be applied to land was restricted to certain months of the year and was stored in lagoons on agricultural land the rest of the time, resulting in double handling of waste. The facility in the application would allow waste to be handled once by treating it and disposing in the Anglian Water network.
- A Committee Member asked about the handling of expelled foul air during loading of tankers. Mr Carr replied that odour handled in the building would be taken through ducting above the shutter doors and the carbon filters due to negative pressure in the building. All loading of sludge would take place in the building.
- The space for four vehicles in the building was queried and where vehicles would wait outside. Mr Carr replied that the additional 2 spaces in the building was for contingency only and so only two spaces would be used ordinarily for loading and unloading. No stacking would be required outside of the building and all vehicle movements would be planned in and out of the site and scheduled in advance.
- The concerns of Mr Bridgman about noise and odour from the site were noted and a Committee Member asked him about this. Mr Bridgman felt that a high fence would be a better buffer for both of these issues. The Chair noted that the Committee had to deal with the application as presented to them; if they felt so minded they could add a condition. The Chair also noted that the Environment Agency and Environmental Health Officer had not noted noise and odour as concerns.

#### 5.5 The Committee debated the application:

- A Committee Member noted the significant investment proposed on the site was clear, and there were no objections from statutory consultees or comments from

elected consultees, however noted the concerns raised about the highways' issues.

- A Committee Member noted the objection which raised concerns about the site being located near to residential buildings; he recognised difficulties for applicants in finding sites in more remote areas and so suggested it would be helpful for policy to be developed to support applicants to develop such sites away from residential areas.
- A Committee Member was concerned about odour from the site since issues had already been raised about odour at the site. The Chair noted that the situation at the site should improve as vehicles would not be parked outside moving forward. He noted that local residents or businesses could make a complaint to the local council for the environment officer to make an inspection if they continued to have concerns.
- A Committee Member was pleased to note the highways control and odour control measures set out in the application.
- A Committee Member noted paragraph 3.25 of the report which stated there was no unacceptable impacts.

5.6 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.
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 11:55

**Chairman**



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# **Planning (Regulatory) Committee**

**Item No: 5**

**Report Title: FUL/2023/0007, Land at A47 bypass waste recycling site, C489 Main Road, North Tuddenham, Dereham, NR20 3DE**

**Date of Meeting: Friday 24 November 2023**

**Responsible Cabinet Member: N/A**

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

**Is this a Key Decision? No**

## **Executive Summary**

The application is part-retrospective in nature with the bunding proposed with the application currently being demarcated by bare mounds of inert material/soil and there being evidence of some storage of material/equipment.

One third party representation has been received in support of the proposal with no objections from public and statutory consultees following re-consultation. The application is being reported to the Planning (Regulatory) Committee as it is considered a departure from the development plan as the development is situated on greenfield land within the open countryside.

However, there are material considerations to justify approval in relation to the impact of the development being situated within the open countryside on greenfield land which are set out below:

- The Soil Survey demonstrates that the soil in the location of the extension area is of poor quality being considered Grade 4 at best.
- The planting to the part retrospective bunding would provide significant biodiversity net gain through the planting of 858 hedgerow plants of mixed native species and 21 trees.
- The Site Selection Assessment demonstrates there are no other suitable available sites and there is a particular requirement for the development to be situated in this location in order to expand the site of the existing business without having to operate from two separate locations with associated inter-site vehicle journeys.

- It has been demonstrated that the application area once formed part of a construction compound during the creation of the A47 in the 1990's meaning that it has had a temporary operational use in the past. Although it cannot be considered previously developed land in relation to the definition in the NPPF (2023) this does hold limited weight in the planning balance.
- No objections have been received from members of the public or statutory consultees.

Full details of the application, FUL/2023/0007, and consultation responses, can be found online here:

<https://eplanning.norfolk.gov.uk/Planning/Display/FUL/2023/0007>

## **Recommendations:**

That the Interim Executive Director of Community and Environmental Services be authorized 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 The application site and the site of the adjacent facility has been shown to have formed part of a compound during the construction of the A47 in the early 1990's as shown by the submitted Aerial Photographs from 1992. However, it was the intention that these were returned to agricultural use following their temporary use as a compound and as such the land is considered a greenfield site in the open countryside.
- 1.2 The adjacent site currently operates under planning permissions C/3/2016/3027 and 3026 by the same operator that has submitted this application and is also regulated by the Environment Agency (EA) through an Environmental Permit. However, since commencement the required landscaping has not been fully maintained on the site which the applicant has stated is down to difficulty in access from the A47 verge controlled by National Highways and the site becoming increasingly constrained, which the applicant has acknowledged stating that it has become untidy.
- 1.3 It is understood the site received 7,629 tonnes of Inert/C&D waste in 2019, 7,035 tonnes in 2020, 8,216 tonnes in 2021 and 12,158 tonnes in 2022. This demonstrates the site has been operating within its currently approved throughput of 9,500 tonnes per annum until 2022 when the throughput

increased to levels being applied for under this application outlining the retrospective nature of the application and partial formation of the bunding.

- 1.4 A proposal for development of the same description as the current application has been submitted previously on three previous occasions (FUL/2021/0017, FUL/2021/0061, FUL/2022/0035) with the previous two applications being withdrawn as further information was required to demonstrate that the proposal was acceptable and amendments to the red line and blue line boundary in relation to highways land.

## **2. Proposal**

### **2.1 SITE**

- 2.2 The application site is situated immediately adjacent to the A47 just east of the Mill Road overbridge. It is accessed off the Main Road (C489) from the A47 slip road of the northern carriageway to the direct access off Main Road (C489) which the proposed site shares with the existing waste facility run by the same operator. The site is currently situated within the open countryside, and it has been demonstrated that the site is located on Grade 4 agricultural land.

- 2.3 The site is bound to the north by Main Road (C489), to the east by an existing waste site (owned by the applicant of this application), to the south by the A47 and to the west by agricultural fields with residential properties beyond along with North Tuddenham Footpath 9 which follows the boundary of the agricultural field.

- 2.4 The site is in an elevated position of the A47 with partially constructed bunding/soil mounds demarcating the site with some existing materials and items stored already within its boundary underlining the part-retrospective nature of the development.

- 2.5 The nearest sensitive residential receptor is located roughly 100m to the west of the site boundary which is located on Low Road in a cluster of several residential properties. Immediately south over the A47 lies Bluebell Barn, Mistlethrush Barn and The Cartshed roughly 110m south of the proposed site. Roughly 110m north-west of the site lies Mill Farm accessed directly off the Main Road (C489).

### **2.6 PROPOSAL**

- 2.7 The application seeks partially retrospective planning permission to extend the adjacent waste facility including the erection of 4-metre-high bunds to the perimeter of the site along with the allowance to store 9,500 tonnes per annum (tpa) of recycled aggregate that has been processed on the adjacent site along with the importation of 3,000 tpa of virgin aggregates. These are required to

ensure the operator has a consistent supply of material required by the market at any given time. No material is to be sold directly from the site and the importation of virgin aggregates will be facilitated by the operator themselves using their own vehicles as outlined below.

- 2.8 The proposed bunding is to be planted at the base with a native hedgerow mix including Hawthorn, Hazel, Field Maple, Blackthorn, Guelder Rose, Spindle and Dogwood with intermittent tree planting of English Oak, Wild Crab and Hornbeam totalling 858 hedgerow plants.
- 2.9 The proposed development would result in the extension area handling up to 12,500tpa. Which would potentially cater for storage of the 9,500tpa of processed Construction Demolition and Excavation (CDE) waste from the adjacent site and 3,000tpa of virgin primary aggregates made up of natural sand, gravel and Type 1 from elsewhere. The stockpiles would not exceed 3m in height and a dust management plan has been submitted detailing the measures of control, but this would be controlled by the Environment Agency.
- 2.10 The operating hours would be consistent with those on the adjacent site of Monday to Friday 0730-1700 but no additional staff will be employed with the proposal.
- 2.11 The intention is that there would be 10 HGV movements per day (5 in and 5 out) which would amount to the total for both the already permitted site and the current application. It has been noted that this is a reduction from the originally permitted amount as material brought in is using 20 tonne loads which has reduced the number of associated HGV movements.

## **2.12 ENVIRONMENTAL IMPACT ASSESSMENT**

In accordance with the Town and Country Planning Environmental (Impact Assessment) Regulations 2017 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. No Environmental Impact Assessment is therefore required.

## **3. Impact of the Proposal**

### **3.1 DEVELOPMENT PLAN POLICIES**

The following policies of the Norfolk Minerals and Waste Development Framework (adopted 2011) (NMWDF) and Breckland Local Plan (2019) (BLP) provide the development plan framework for this planning application. The following policies are of relevance to this application:

Norfolk Minerals and Waste Development Framework (2011) (NMWLDF)

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  
DM3: Groundwater and surface water  
DM4: Flood Risk  
DM8: Design, Local landscape and townscape character  
DM10: Transport  
DM12: Amenity  
DM15: Cumulative impact

Breckland Local Plan (2019) (BLP)

GEN01: Sustainable Development in Breckland  
GEN02: Promoting High Quality Design  
TR01: Sustainable Transport Network  
TR02: Transport Requirements  
ENV02: Biodiversity Protection and Enhancement  
ENV05: Protection and Enhancement of the Landscape  
ENV09: Flood Risk & Surface Water Drainage  
EC01: Economic Development  
EC04: Employment Development Outside General Employment Areas  
COM01: Design  
COM03: Protection of Amenity

Breckland Landscape Character Assessment (2007) (BLCA)

### 3.2 **OTHER MATERIAL CONSIDERATIONS**

The Revised National Planning Policy Framework (NPPF) was published in September 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
- 8. Promoting healthy and safe communities
- 9. Promoting sustainable transport
- 11. Making effective use of land
- 15. Conserving and enhancing the natural 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, 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. 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 Publication period, under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012, ended in December 2022 and therefore the following policies have been given increasing weight in the planning balance.

Norfolk Minerals and Waste Local Plan

Policy MW2: Development Management Criteria

Policy MW3: Transport

Policy MW6: Agricultural Soils

Policy WP1: Waste management capacity to be provided

Policy WP2: Spatial strategy for waste management facilities

Policy WP3: Land potentially suitable for waste management facilities

Policy WP4: Recycling or transfer of inert construction, demolition and excavation waste

- 3.6 Chief Planner's Letter of 31 August 2015 is another material consideration in regard to the retrospective nature of development whereby it was clarified that the impact of retrospective development is a material consideration in all planning applications.

3.7 **CONSULTATIONS**

**Breckland District Council**

No objection. Subject to satisfactory resolution of any landscape impact (inc. maintenance and bunding), mitigation for noise and dust and highways matters.

**District Council Environmental Health Officer**

No objection. Subject to implementation of section 7.6 of the Noise Assessment and proposed bunding to be a minimum of 4m in height. Subsequently agreed that this could not be conditioned and agreed bunding condition wording.

**Environment Agency**

(Refer to FUL/2021/0061 response) No objection. Consideration should be given to the intensification of the site operations and impact on amenity. Comments on processing area remaining in existing site, possibility of updating dust management plan and deposit of mud on the highway with no breaches.

**National Highways**

No objection. Refer to Department for Transport (DfT) Circular 01/2022 for applicants' attention.

**Highway Authority**

No objection. Applicant has demonstrated the information previously required relating to visibility splay, highway boundary, vegetation maintenance, site access wear, site parking and HGV turning, HGV routing and lorry management plan. Conditions requested on visibility splays, HGV turning area and parking and HGV management plan.

**Lead Local Flood Authority**

No comments to make to date.

**County Council Ecologist**

No objection. Content no Ecological Assessment required and advised development is implemented in accordance with Dust Management Plan. The Biodiversity Net Gain Statement has addressed the previous comments in relation to the hedge and tree planting mixes. Subsequently agreed the Dust Assessment could not be conditioned as this is controlled by the Environment Agency.

**County Council Arboriculturist**

No objection. The proposed planting mix has been improved with a greater diversity of species providing greater biodiversity value and resilience.

**Public Rights of Way**

No response received to date.

**Open Spaces Society**

No response received to date.

**North Tuddenham Parish Council**

No objection. Comments regarding importance of screening, dust being reduced by planting, no complaints regarding Sunday working and need for management of planting. Additional comments of weekday working times to be conditioned and no Sunday working, screening of original site not up to standard and should be completed within 6 months.

### **Natural England**

No objection. The development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.

### **Local Member (Elmham and Mattishall): Cllr Bill Borrett**

No response received to date.

## **3.8 REPRESENTATIONS**

The application was advertised by means of neighbour notification letters, site notices, and an advertisement in the Eastern Daily Press newspaper. 1 letter of correspondence was received from the public with 0 of these explicitly objecting to the planning application with 1 response in support. The grounds of support raised are summarised as follows:

- The land has been degraded from the previous use as a site compound for the construction of the A47 and is difficult to farm.
- Recycling and storage are an appropriate use of the land.

## **3.9 APPRAISAL**

The key issues for consideration are:

- A. Principle of Development (& Need)
- B. Landscape & Visual Impact / Design
- C. Amenity
- D. Ecology
- E. Transport
- F. Sustainability
- G. 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 land is not allocated in either the BLP (2019) or the NMWLDF (2011) and does not amount to previously developed land in terms of the NPPF (2023) definition and is considered to be undeveloped agricultural land situated within the open countryside in policy terms. The fact that the applicant has demonstrated the application area was used as a temporary construction compound during the construction of the A47, which likely degraded the agricultural classification to Grade 4 as seen in the Land Classification

Assessment does not change this. Therefore, in principle the application is considered contrary to NMWLDF (2011) policy CS6 General Waste Management Considerations and a departure from the NMWLDF (2011) development plan. The proposal would also not be in accordance with emerging policy WP3 of the NMWLP (2022).

- 3.12 The materials proposed to be stored have been processed to a level that they cease to be waste if they meet the requirements of the Quality Protocol: aggregate from inert waste but it is as a result of the waste recycling that the extension is required, and the proposed site has a direct association to the processing of the initial waste material. A site that deals with the importation of inert waste for aggregate recycling would not be separated into areas that deal with waste and those that do not with regard to Environment Agency Permitting and therefore it is considered the entire site, including this extension area, should be considered as part of the operator's waste site.
- 3.13 In terms of NMWLDF (2011) policy CS5 the existing site including the proposed extension area is considered to be a waste site in planning policy terms given the extension area is noted as being required to allow the existing waste site to operate effectively, with more space required for stockpiling. Therefore, given the site will now have a throughput of 12,500tpa it is considered a "major" waste site given that the primary use of the entire site is for material recovery from construction, demolition, and excavation (CDE) waste. The site is well related to the Norwich Policy Area and the major road network being located adjacent to the A47 and as such compliant with this policy. It is also the case that the spatial location of the proposed development aligns with emerging policy WP2 of the NMWLP (2022) given the site is within 5 miles of Dereham.
- 3.14 However, BLP (2019) policy EC04 Employment Development Outside General Employment Areas allows employment development to be located outside of designated employment areas if it can be demonstrated there are no other suitable sites available. In this instance a Site Selection Assessment has been carried out and demonstrated no other suitable sites are available making the proposal compliant with this policy. The National Planning Policy for Waste (NPPW) states that need is required to be demonstrated for waste facilities if they are not in accordance with the development plan, which this application has demonstrated by situating the development adjacent to the existing business which will help in moving the management of waste up the hierarchy as set out in the NPPW (2014).
- 3.15 Overall, under section 38(5) of the Planning Compulsory Purchase Act 2004 given that both the NMWLDF (2011) and BLP (2019) make up the development plan for the proposed development and there is a conflict between policy CS6 of the NMWLDF (2011) which weighs against approval and EC04 of the BLP (2019) which supports the proposal. The correct approach to such conflicts is to resolve the matter in favour of the policy in the last document to be adopted. However, in this instance as the proposed

development is for an extension to an existing waste facility of a sui generis use and not considered a standalone B8 storage use, the NMWLDF (2011) should be the primary policy consideration.

- 3.16 Therefore, the proposal is not considered compliant with policy CS6 of the NMWLDF (2011) or emerging policy WP3 of the NMWLP (2022). And should therefore be considered as a departure.

**3.17 B - Landscape & Visual Impact**

- 3.18 In landscape terms the relevant policy that must be considered relates to the NMWLDF (2011) and policy DM8 Design, local landscape, and townscape character where the proposal should not harm the conservation of or prevent the enhancement of the landscape. In terms of the BLP (2019) the relevant policy is ENV05 Protection and Enhancement of the Landscape, which seeks proposals to recognise the intrinsic character and beauty of the countryside.
- 3.19 The proposed development would be located within the open countryside on land that is not considered to be previously developed land when considering the definition found in the NPPF (2023) meaning the application is a departure from policy CS6 of the NMWLDF (2011) as set out in section A of this report. However, it is considered that the mitigation planting proposed to the extended area and part-retrospective bunding is considered to provide sufficient screening of the extension area from both the A47 and from views across the agricultural landscape, as demonstrated in the Landscape Visual Appraisal (LVIA) and the comments received from the Landscape Officer.
- 3.20 Whilst the extension area and existing site are located in the River Wensum and Tudd Settled Tributary Farmland, the Landscape Character Assessment (2007) seeks opportunities to improve biodiversity through field boundary hedgerow planting, which the proposed development would provide in the planting proposed to the bunding. This is made up of a native hedgerow mix with interspersed trees of 858 specimens. It is also the case that the location of the development is noted as being heavily influenced by the A47 corridor in the submitted LVIA and the Landscape Officer agrees with the conclusions of the assessment that the proposal would have no material impact on landscape character with the introduction of proposed hedgerow planting and bunding.
- 3.21 However, the County Planning Authority are of the opinion that for the extension area to be mitigated effectively that improvements are required to the landscaping and bunding to the existing site as it has been noted from previous site monitoring that the bunding and planting is not fully in accordance with the approved scheme of planning permissions C/3/2016/3027 and 3026, resulting in a negative impact on the landscape. This is particularly the case given the fact that the proposed planting to the extension area has a greater range of hedgerow and tree species than the existing site and that this should be made consistent across the whole site to

ensure a satisfactory landscape appearance, which can be achieved through condition. Given the fact we have an application in to extend the site area it is considered an appropriate time to improve the landscaping of the existing site bunding to ensure the site is screened in a consistent manner and to a certain standard.

- 3.22 Therefore, the proposal is compliant with policy DM8 of the NMWLDF (2011), policy ENV 05 of the BLP (2019) and the objectives of section 15 of the NPPF (2023) subject to a condition being imposed on the land edged in blue to ensure a consistent landscaping scheme between the existing and proposed site is achieved.

### 3.23 **C – Amenity**

- 3.24 The relevant policy considerations regarding the NMWLDF (2011) are policy DM12 Amenity, which seeks to protect people in proximity of waste development where buffer zones are a key consideration, along with planting, screening and mitigation measures. In terms of the BLP (2019) policy COM03 Amenity seeks to protect against unacceptable effects of development for both future and current users.
- 3.25 In terms of amenity, given that the proposed development is considered an extension of an existing waste site because it has been demonstrated to be required to ensure the efficient operation of the existing site with sufficient stockpile storage areas, the extension area should be considered with the existing site as a sui generis use and not a B8 use for open air storage.
- 3.26 As such, with regards to the actual regulation of an operation such as this, in accordance with paragraph 188 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 to 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 to control emissions/pollutants such as noise, odour and dust through conditions, and Planning Authorities should assume this regime will operate effectively.
- 3.27 Therefore, when considering the Environment Agency's consultation response suggestion for an updated Dust Assessment for the wider site this would be a requirement of the Environmental Permit that may be required for the extension area and is not a matter for control through planning. This is because the existing site holds a current Standard Rules Permit covering the treatment of waste to produce soil, soil substitutes and aggregate and the EA have confirmed they agree the site is required to extend to increase capacity

to accommodate more imported and processed material dealt with by the existing site.

- 3.28 When considering the impact of noise from the development in land use terms the District Environmental Health Officer (EHO) has noted they are content with the findings of the submitted Noise Assessment, but the CPA would not be able to condition the section of the Noise Assessment regarding noise levels from the site, but are in a position to condition the requirement of 4m bunding and stockpile heights to not exceed 3m as requested. This has been confirmed and agreed with the EHO. Although the loss of the existing sizeable buffer zone of agricultural land to the west would result in both the proposal's intrusion on agricultural land and also on the privacy of the residential properties off Low Road and North Tuddenham Footpath 9, it is not deemed to be unacceptable having considered the EA consultation response against the EHO comments and the submitted documentation.
- 3.29 In terms of visual amenity, it is considered that as no objections have been received from members of the public and there is the provision of bunding with hedge and tree planting at a height above that of the 3m stockpiles, the impact of the site on visual amenity from the nearest residential properties located some 100m west would sufficiently mitigate against the impact of the development on these properties. This will result in the waste land use moving closer to residential properties, but it would not have an unacceptable impact on amenity if implemented as proposed.
- 3.30 Therefore, the proposal is considered compliant with policy DM12 of the NMWLDF (2011), policy COM03 of the BLP (2019) and the objectives set out in sections 8 of the NPPF (2023).

### 3.31 **D – Ecology**

- 3.32 In regard to ecology the relevant policy of the NMWLDF (2011) is DM1: Nature conservation which states that development will only be permitted if it can be demonstrated that sufficient measures can be implemented to mitigate harm. Regarding the BLP (2019) ENV02: Biodiversity Protection and Enhancement which seeks to ensure a step wise approach to protecting biodiversity is taken and proportionate net gains are secured for all developments.
- 3.33 In this case, the proposal has allowed for the creation of native hedge planting with interspersed tree planting consisting of a mix of 7 different hedgerow plants and 3 different hedgerow trees, which would provide a significant enhancement to the biodiversity of the existing agricultural field that is of low distinctiveness value. This is consistent with the view of the County Ecologist who initially requested that the hedgerow planting mix was improved from the

original mix of 2 hedgerow and 2 tree species to allow for a greater species mix and enhance the site for biodiversity. The Ecologist also accepted there was unlikely to be an impact to protected species and habitats given the arable nature of the site.

- 3.34 However, BLP (2019) policy ENV02 requires proposals to consider biodiversity net gain proportionate to the scale of the proposal and any potential impacts. The application site is considered to be of low distinctiveness due to being an arable field and whilst the site has some limited biodiversity value, the proposed planting is clearly providing a net gain. No objection has been received from the County Ecologist on biodiversity grounds and there is no requirement for additional ecological assessments to be carried out to demonstrate otherwise. Natural England were consulted on the proposal as it falls within a SSSI Impact risk zone for waste, and have confirmed that there would not be significant adverse impacts to statutorily protected nature conservation sites or landscapes.
- 3.35 Therefore, as there is limited availability to provide biodiversity enhancements other than those seen through the provision of the bunding planting and management strategy, the proposal is considered compliant with policies DM1 of the NMWLDF (2011), policy ENV02 of the BLP (2019) and the objectives of section 15 of the NPPF (2023).
- 3.36 Appropriate Assessment
- 3.37 The site is situated within roughly 7.9km kilometres of Foxley Wood National Nature Reserve, 3.5km of River Wensum SAC, 3.5km of Bradley Moor Norfolk Valley Fens SAC, 6.5km of Potter & Scarning Fens Norfolk Valley Fens SAC and 7.1km of Coston Fen Norfolk Valley Fens 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 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.
- 3.38 With regards to Natural England's letter of 16 March 2022 concerning nutrient neutrality, the proposed extension to an existing waste facility 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.
- 3.39 **E – Transport**



- 3.40 In regard to transport the relevant policies of the NMWLDF (2011) are CS15 Transport and DM10 Transport which seek to ensure safe use of the highway by all road users in relation to a development. Regarding BLP (2019) the relevant policies are TR01: Sustainable Transport Network and TR02: Transport Requirements, which seeks to ensure a safe, efficient, and sustainable transport system.
- 3.41 The proposal has been demonstrated by the applicant to reduce the vehicle movements associated with the existing site, which was based on 14 tonne loads and resulted in 12 HGV Movements per day. However, it has been proposed that 20 tonne HGVs are being used, which would mean that even with the additional 3,000tpa of virgin aggregate importation the worst-case HGV movement calculation would be 10 HGV movements per day (5 in and out).
- 3.42 The Highway Authority were consulted and originally raised a holding objection to the proposal requiring additional information on visibility splays, confirmation of the highway boundary area, vegetation maintenance of splay, site access, site layout for HGV movement and HGV routing, but noted that the site was well located to the A47. On re-consultation following a Highway Note and supplementary plans provided by the applicant the holding objection was removed subject to conditions of the visibility splay, HGV turning and HGV management plan.
- 3.43 The County Planning Authority also consider that the throughput of the site should be conditioned to ensure the HGV movements as stated do not increase to unacceptable levels that would have an impact on the highway network or highway safety. This is to control the highways impact due to the site increasing in size by around 150% and thus having available space for a much higher throughput. Therefore, a condition should be imposed restricting the throughput of the existing site and extension to 12,500tpa.
- 3.44 National Highways raised no concern to the proposal regarding the proximity of the A47. Therefore, it is acceptable in regard to safety of the national highway's infrastructure subject to being carried out in accordance with the submitted documentation.
- 3.45 Therefore, the proposal is considered compliant with policies CS15 and DM10 of the NMWLDF (2011), policies TR01 and TR02 of the BLP (2019) and the objectives of section 9 of the NPPF (2023).
- 3.46 **F – Sustainability**
- 3.47 The proposal does not include for the provisions of energy generation from renewable and low carbon sources in line with the NMWLDF (2011) policy

CS13. However, it is regrettable that due to the nature of the development this would not be achievable and as the policy is aspirational it does not mean that it is not in accordance with the development plan as the requirements must be proportionate.

3.48 In regard to the BLP (2019) policy EC04 and employment it requires that it is justified as to why there are no suitable sites on general employment land, but also notes that reasons for development not to be on established or allocated employment sites would be an expansion of an existing business. In the case of the proposed development, it has been sufficiently demonstrated that it would be more sustainable to locate the extension to the business as an extension to the existing site rather than a standalone new site to reduce inter site transport requirements which would have an emissions impact.

3.49 Therefore, the proposal is considered compliant with policies CS13 of the NMWLDF (2011), policy GEN01 and EC04 of the BLP (2019) and the objectives of section 2 of the NPPF (2023).

### 3.50 **G – Loss of Agricultural Land**

3.51 In regard to the loss of agricultural land the relevant policy of the NMWLDF (2011) is DM16 Soils which has a clear preference of locating development on agricultural land grades 3b, 4, and 5 regarding waste development, where it cannot be located on brownfield land.

3.52 The applicant has carried out a Land Classification Assessment, which has demonstrated that the land in the location of the proposed development is Grade 4 with severe limitations for growing arable crops. The report has also found in the trial pits elements of concrete, brick and asphalt suggesting the historic use as a compound has impacted the quality of the soil. This is further supported by the evidence submitted by the applicant in the form of an aerial photograph of the site from 1992 demonstrating the application area and the existing waste site being used as a compound for the A47 works.

3.54 It is therefore clear that the site is not situated on Best and Most Versatile (BMV) Agricultural Land and whilst the land could potentially be used for grazing this means the development would not be contrary to policy DM16 of the NMWLDF (2011) or emerging policy MW5 of the NMWLP (2022).

### 3.55 **RESPONSES TO REPRESENTATIONS RECEIVED**

3.56 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.

3.57 There are no further comments to be made on the letter of support for the application.

### **3.58 INTENTIONAL UNAUTHORISED DEVELOPMENT**

3.59 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.

3.60 In this instance it is considered that the application for the erection of the bunding is retrospective in nature and has impacted on the landscape character of the area in relation to the large to medium agricultural fields and hedgerow margins that provide the character of the area.

3.61 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 no weight is given to this in the planning balance.

## **4. Conclusion, Reasons for Decision and Planning Balance**

4.1 To conclude, the proposed extension to the existing waste site is a clear departure from policy CS6 of the NMWLDF (2011) and it is considered that this amounts to a departure from the development plan, given that the location of the development in the open countryside fundamentally goes against acceptable locations for waste development in the current Local Plan. The proposal is also contrary to the emerging minerals and waste development plan in terms of policy WP3 of the NMWLDP (2022).

4.2 The material considerations to justify approval are as follows:

- The Soil Survey demonstrates that the soil in the location of the extension area is of poor quality being considered Grade 4 at best. Therefore, the extension area is not situated on Best and Most Versatile (BMV) agricultural land and is in accordance with the NMWLDF (2011) policy DM16.
- The planting to the part retrospective bunding would provide significant biodiversity net gain through the planting of 858 hedgerow plants of mixed native species and 21 trees. However, the existing landscaping of the operational waste site should be improved to the standard of that submitted with this application. This is to ensure consistent boundary treatments in the landscape and appearance of the site to ensure the proposal is in accordance with BLP (2019) policy ENV02.

- The Site Selection Assessment demonstrates there are no other suitable available sites. There is a particular requirement for the development to be situated in this location to expand the site of the existing business. This would mean there was no need to operate from two separate locations with associated inter-site vehicle journeys and is in accordance with policy EC04 of the BLP (2019).
  - It has been demonstrated that the application area once formed part of a construction compound during the creation of the A47 in the 1990's. Therefore, the site has had a temporary operational use in the past but cannot be considered previously developed land in relation to the definition in the NPPF (2023). However, this has degraded the quality of the land as demonstrated by the material found in the Soil Survey and should be given limited weight in the planning balance.
- 4.3 The proposal contributes to the achievement of sustainable development in accordance with the NPPF on the basis that the proposed extension is located immediately adjacent to the existing waste site, allowing expansion of an existing business, and is afforded direct access to the A47 meaning the site is located within 5 miles of Dereham. This ensures the proposal is in accordance with emerging policy WP2 of the NMWLP (2022), which should be afforded increasing weight given the stage of the plan. The fact the site is also continuing to move waste up the waste hierarchy in accordance with the NPPW (2014) by allowing the site to operate more effectively with a wider array of products should be given some weight in the planning balance.
- 4.4 The proposed development has been demonstrated in the LVIA to be viewed in relation to the A47 corridor and with the proposed mitigation planting to the extension and improvements to the existing site bunding and planting the site will be well screened and only visible from the footbridge over the A47 and Footpath 9, which is considered acceptable given the site is immediately adjacent to the A47 which impacts the quality of views on the landscape.
- 4.5 There is concern that the site is expanding by roughly 150%, with only a moderate increase in throughput of 3,000tpa through the importation of virgin aggregate. However, the expansion is considered acceptable in both landscape and amenity terms given that there is still a roughly 100m buffer of agricultural field between the waste development and nearest residential properties on Low Road. The site will likely require an updated Environmental Permit from the Environment Agency for the expanded waste site, which should suitably control the emissions of the site that has been demonstrated to be an appropriate use of land when considering the material considerations that justify the departure from the development plan.
- 4.6 The proposed development is considered acceptable, and we have received no representations from members of the public or statutory consultees to question our assessment and there are no material considerations to suggest 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. In which case they would not be able to rely on the officers advice and would need to provide and document the reasons for doing so.

## **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 impacts from a planning perspective.

### **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:**

None.

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

### Plans/Drawings

- a) Site Layout Plan; prepared for Martyn J Green Ltd; dated February 2023;
- b) Site Location Plan; prepared for Martyn J Green Ltd; dated January 2023;
- c) Site Access Strategy and Site Layout - Without Highway Boundary Overlaid; prepared by Doyle Transport Planning; P441/15/001 - Plan 1; Rev A; dated 17 August 2023;
- d) Site Access Strategy and Site Layout - With Highway Boundary Overlaid; prepared by Doyle Transport Planning; P441/15/001 - Plan 2; Rev A; dated 17 August 2023;

### Documents

- e) Planning Statement; prepared by Collective Community Planning Ltd; dated March 2023;
- f) Landscape and Visual Appraisal; prepared by Luke Broom-Lynne; dated May 2023; received on 30 August 2023;
- g) Highway Technical Note; prepared by Doyle Transport Planning; dated 30 August 2023;

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

2. No more than 9,500 tonnes of waste per annum and 3,000 tonnes of virgin aggregate per annum shall be brought onto the site including the land controlled by permissions C/3/2016/3026 and C/3/2016/3027.

Reason: To protect the amenities of the surrounding area, in accordance with Policy DM12 and the highway network in accordance with Policies CS15 and DM10 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.

3. No operation authorised or required under this permission, 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:

07.30 - 17.00 Mondays to Fridays

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.

4. No materials shall be stacked or deposited on the site such that its height exceeds 3 metres above the base level as measured from inside the site, or such that it would be visible from outside the site when viewed from ground level.

Reason: To protect the amenities and appearance of the proposal on the surrounding area, in accordance with Policy DM12 and DM8 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.

5. Within 6 months of the date of the permission, and prior to any further operational development on the land the subject of this permission an updated landscaping scheme and 5-year management plan is to be submitted to and agreed by the County Planning Authority for the land controlled by permissions C/3/2016/3026 and C/3/2016/3027 to align the scheme with that submitted under this permission.

The approved landscaping scheme shall be implemented in the first planting season (October to March) following the discharge of this condition and maintained for the lifetime of the development.

Reason: To protect the amenities and appearance of the proposal on the surrounding area, in accordance with Policy DM12 and DM8 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026 and provide biodiversity net gain in accordance with Policy ENV02 Biodiversity Protection and Enhancement of the Breckland Local Plan (2019).

6. No material shall be tipped onto the bunding screening the site or the bunding screening the land controlled by permissions C/3/2016/3026 and C/3/2016/3027 following the implementation of the landscaping scheme required under condition 5 and 7 of this permission.

Reason: To protect the amenities and appearance of the proposal on the surrounding area, in accordance with Policy DM12 and DM8 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.

7. Notwithstanding condition 2 and 5 of this permission, the Landscaping Scheme and 5-year Management Plan for the bunding planting set out in the Landscape Visual Appraisal; prepared by Luke Broom-Lynne; Section 12 (pages 22-23); Landscape Mitigation; dated May 2023; received 30 August 2023; shall be implemented within the first planting season (October to March) following the date of this permission and maintained for the lifetime of the development.

Reason: To protect the amenities and appearance of the proposal on the surrounding area, in accordance with Policy DM12 and DM8 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026 and provide biodiversity



net gain in accordance with Policy ENV02 Biodiversity Protection and Enhancement of the Breckland Local Plan (2019).

8. The bunding proposed as set out on drawing Site Layout Plan; prepared for Martyn J Green Ltd; dated February 2023; and that permitted under C/3/2016/3026 and C/3/2016/3027 shall be constructed to a height of 4m above the base level as measured from inside the site.

Reason: To protect the amenities and appearance of the proposal on the surrounding area, in accordance with Policy DM12 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.

9. All plant shall be operated at ground level on the site for the perpetuity of this permission and not visible from outside the site when viewed at ground level.

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.

10. The processing of waste material shall solely take place in the area marked as Area 1 on the Site Layout Plan; prepared for Martyn J Green Ltd; dated February 2023.

Reason: To protect the amenities of residential properties and/or in the interests of highway safety, in accordance with Policies DM10 and DM12 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.

11. No machinery or equipment shall be stored on any part of the stockpiles or bunding for the perpetuity of this permission.

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. Prior to the first occupation/use of the development hereby permitted visibility plays shall be provided in full accordance with the details indicated on the approved plan within the Highway Technical Note; prepared by Doyle Transport Planning; dated 30 August 2023.

The plays shall thereafter be always maintained free from any obstruction exceeding 1.05 metres above the level of the adjacent highway carriageway.

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

13. Prior to any further operations commencing on the site the Applicant shall implement the HGV Management Plan for the routing of HGVs to and from the site as detailed by the Highway Technical Note; prepared by Doyle Transport Planning; dated 30 August 2023. The Plan shall thereafter be implemented as approved and 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.
  - c. The disciplinary steps that will be exercised in the event of a default.
  - d. Appropriate signage within the site advising drivers to turn right only.
  - e. Wheel cleaning facilities and their use/retention.

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

14. Subject to the change of use hereby permitted the proposed on-site HGV turning area and car parking area shall be laid out, demarcated, levelled, surfaced and drained in accordance with the Site Access Strategy and Site Layout - With Highway Boundary Overlaid; prepared by Doyle Transport Planning; P441/15/001 - Plan 2; Rev A; dated 17 August 2023; 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 in accordance with Policies CS15: Transport and DM10: Transport of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.

15. 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: Transport of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.

## **12. Background Papers**

- 12.1 **Planning Application reference: FUL/2023/0007 available here:**  
<https://eplanning.norfolk.gov.uk/Planning/Display/FUL/2023/0007>

- 12.2 **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/what-we-do-and-how-we-work/policy-performance-and-partnerships/policies-and-strategies/minerals-and-waste-planning-policies/adopted-policy-documents>

**12.3 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/minerals-and-waste-planning-policies/norfolk-minerals-and-waste-local-plan-review>

**12.4 Breckland Local Plan (2019):** <https://www.breckland.gov.uk/adoption>

**12.5 Breckland Landscape Character Assessment (2007):**

[https://www.breckland.gov.uk/media/2069/Landscape-Character-Assessment/pdf/Landscape Character Assessment - May 2007 Final2.pdf](https://www.breckland.gov.uk/media/2069/Landscape-Character-Assessment/pdf/Landscape%20Character%20Assessment%20-%20May%202007%20Final2.pdf)

**Officer Contact**

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

**Officer name: Michael Zieja**

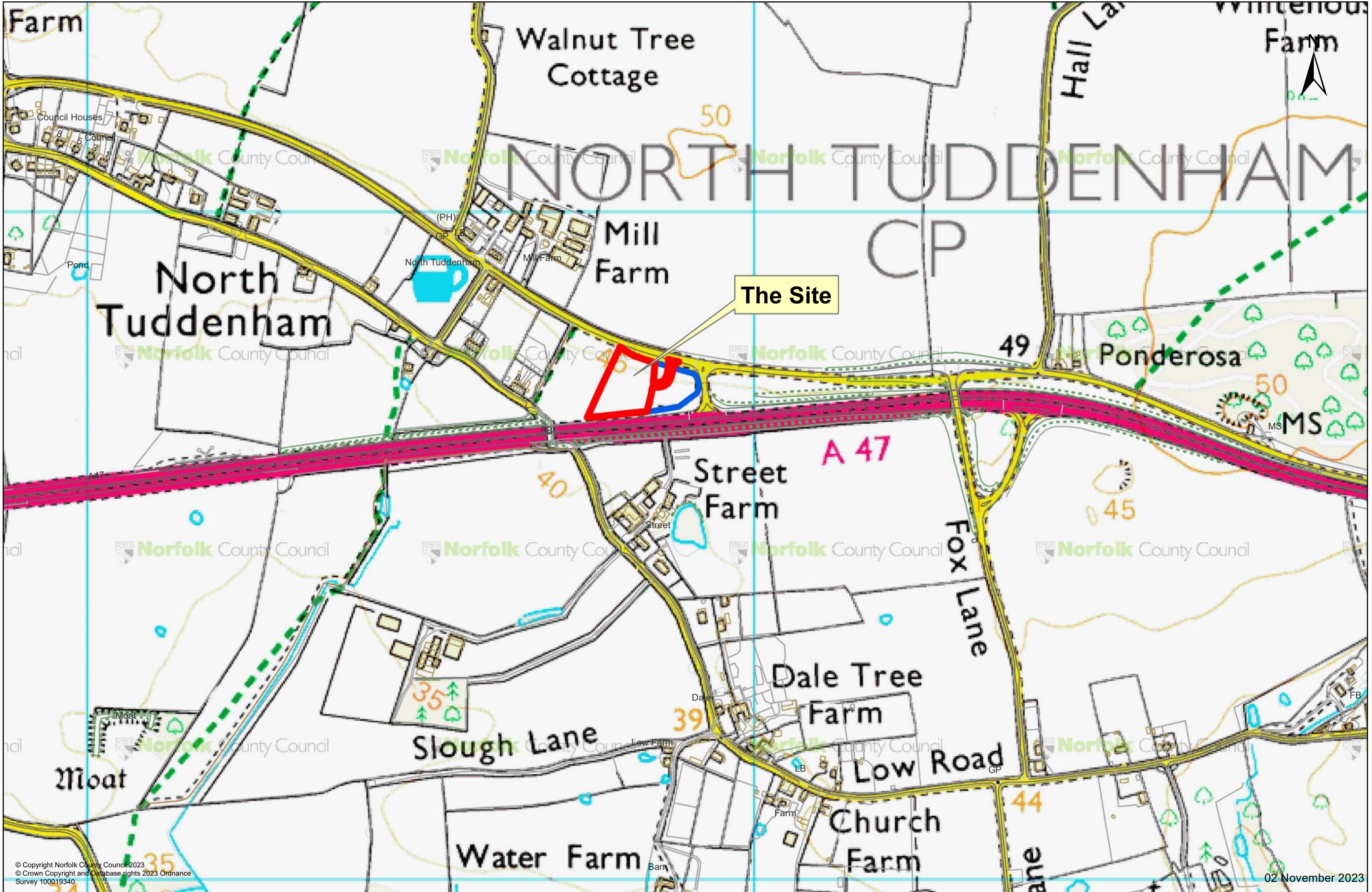
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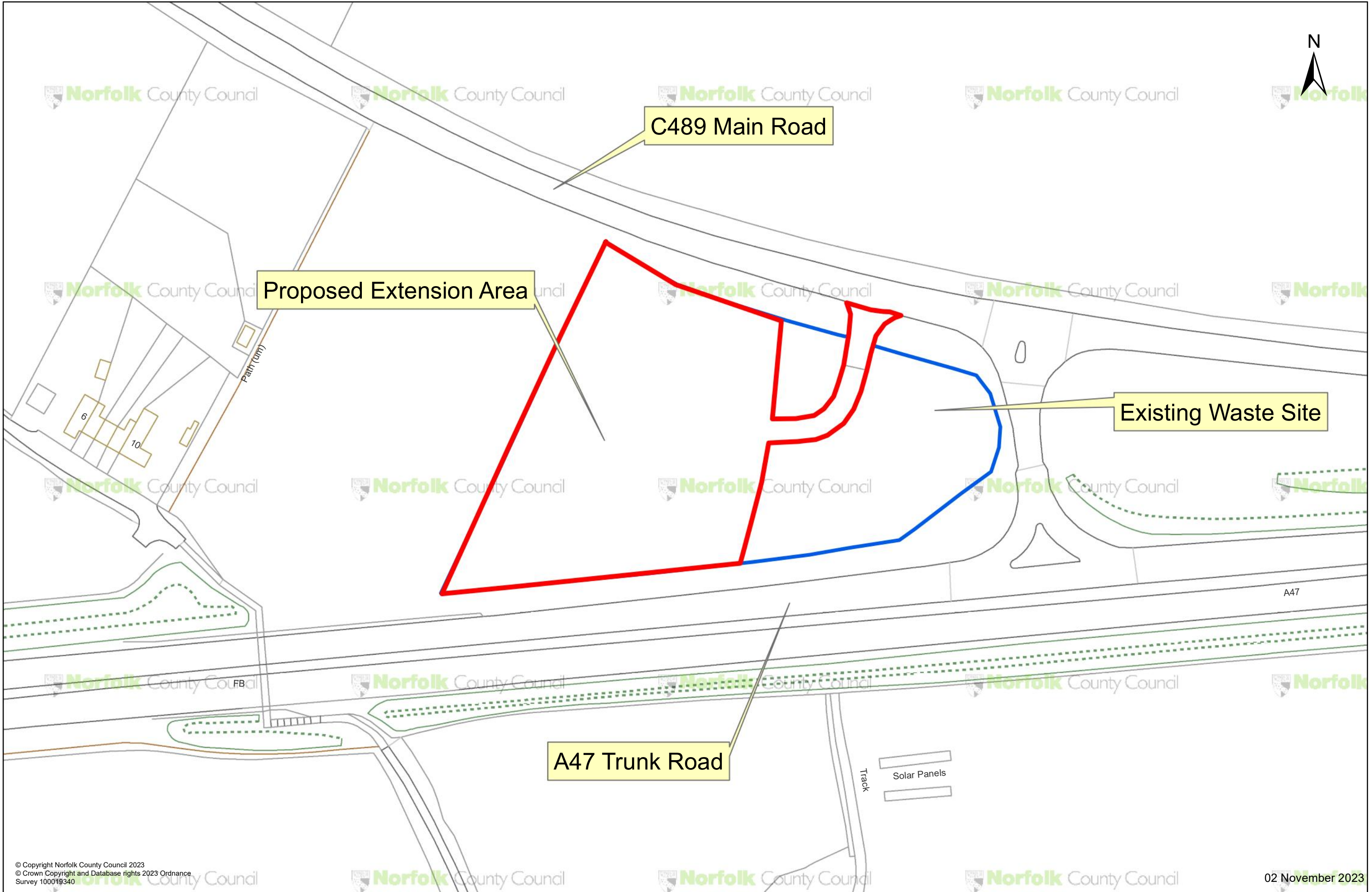




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**Land off A47 Bypass FUL/2023/0007**  
**Site Plan**

