

Planning (Regulatory) Committee

Date: **Friday 30 July 2021**

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, in view of Covid-19 guidelines, we would encourage members of the public to watch remotely by clicking on the following link:

<https://youtu.be/Xnq7WIMb78Y>

However, if you wish to attend in person it would be most helpful if, on this occasion, you could indicate in advance that it is your intention to do so. This can be done by emailing committees@norfolk.gov.uk where we will ask you to provide your name, address and details of how we can contact you (in the event of a Covid-19 outbreak). Please note that public seating will be limited.

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 Eric Vardy (Vice-Chair)

Cllr Stephen Askew

Cllr Graham Carpenter

Cllr Christopher Dawson

Cllr Barry Duffin

Cllr Paul Neale

Cllr Matt Reilly

Cllr William Richmond

Cllr Steve Riley

Cllr Mike Sands

Cllr Martin Storey

Cllr Tony White

Registering to speak:

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

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

Anyone wishing to speak regarding one of the items going to the Committee must give written notice to the Committee Officer (committees@norfolk.gov.uk) at least 48 hours before the start of the meeting. The Committee Officer will ask which item you would like to speak about and in what respect you will be speaking. Further information can be found in [Appendix 28 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

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

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

A g e n d a

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

2. **Minutes**

To confirm the minutes from the Planning (Regulatory) Committee meetings held on 18 June 2021

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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/2020/0085: Stanninghall Quarry, Norwich Road, Horstead
Report by the Executive Director of Community and Environmental Services | Page 11 |
| 6. | FUL/2020/0044 - Land at Mill Drove, Mill Drove, Blackborough End, PE32 1SW
Report by the Executive Director of Community and Environmental Services | Page 42 |
| 7. | FUL/2020/0021 - Land East and West of Station Road, Leziate, King's Lynn, Norfolk, PE32 1EJ
Report by the Executive Director of Community and Environmental Services | Page 73 |

Tom McCabe
Head of Paid Service
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Date Agenda Published: 22 July 2021



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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 18 June 2021
at 11am at the Norfolk Showground**

Present:

Cllr Brian Long (Chair)
Cllr Eric Vardy (Vice Chair)

Cllr Stephen Askew
Cllr Graham Carpenter
Cllr Christopher Dawson
Cllr Barry Duffin

Cllr William Richmond
Cllr Martin Storey
Cllr Tony White

Substitute Members present

Cllr Ben Price for Cllr Paul Neale

Also Present

Hollie Adams
Charles Colling
Penny Barratt
Ralph Cox
Jon Hanner
Isabel Horner
Nick Johnson
Angelina Lambert
Andrew Sierakowski
Caroline Whatling

Committee Officer
Senior Planning Officer
Public Speaker
Principal Planner
Principal Engineer (Developer Services)
Public Speaker
Head of Planning
Principal Planner
Consultant Planner
Senior Lawyer (Planning & Environment)

1. Apologies and Substitutions

- 1.1 Apologies were received from Cllr Mike Sands, Cllr Steve Riley and Cllr Paul Neale (Cllr Ben Price substituting). Cllr Matthew Reilly was also absent.

2. Minutes

- 2.1 The minutes from the Planning (Regulatory) Committee meeting held on 23 April 2021 were agreed as an accurate record.

3. Declarations of Interest

- 3.1 No declarations of interest were made.

4. Urgent Business

- 4.1 There was no urgent business.

Applications referred to the Committee for determination.

5. FUL/2020/0110 - Land to the East of Easton Gymnastics Club, Deer Park House, Bawburgh Road, Easton, Norfolk, NR9 5EA

- 5.1.1 The Committee received the report setting out an application for the erection of a new Special Education Needs and Disabilities (SEND) School with 170 places and for children aged between 4-19 years old, together with associated hard/soft landscaping including Multi-Use Games Area (MUGA); car/cycle parking; secure line fence/boundary enclosures; formation of new vehicular means of access from Bawburgh Road, including construction of electricity substation enclosure; and part-widening of northbound carriageway of Bawburgh Road to also incorporate pedestrian footway, at land to the East of Easton Gymnastics Club, Deer Park House, Bawburgh Road, Easton.
- 5.1.2 The Senior Planning Officer gave a presentation to the Committee; [see appendix A](#):
- The application was a departure from the development plan however South Norfolk District Council did not object to the application.
 - Most of the teaching area was proposed to be at ground floor level with some teaching areas and staff areas at the first-floor level.
 - National England had made representation since the report was published to say that they had no comments to the application.
 - No objections had been received from third parties or statutory consultees.
- 5.2 Members asked questions about the presentation:
- A Committee Member asked whether there would be enough disabled parking and parking for buses on the site. The Senior Planning Officer confirmed that provision for disabled parking had been reviewed by the highways officer who had no objections. Minibus parking and a drop off area for students was proposed.
 - The Vice-Chair noted reference to retaining trees around the site and asked whether there would be an opportunity to enhance the provision of trees, referring to the County Council's one million tree planting scheme. The Senior Planning Officer replied that the landscaping plan had been submitted and agreed by the Council's landscaping team. The applicant would need to demonstrate they could accommodate any additional planting alongside the sports pitches.
 - The proposal for flat roofing was queried; officers replied that the design had been put forward to the Council by the applicant and a recommendation put forward based on this. The Chair reminded the Committee that it was not in their remit to suggest changes to the design of the building, and that they must make their determination based on the application as presented to them in the report.
 - The Senior Planning Officer confirmed that the PV (photovoltaic) panels would provide a minimum of 10% of the energy requirements of the proposed school.

- Portakabin were the designers and manufacturers of the building; the Senior Planning Officer explained that building off-site was more efficient and timelier than traditional construction methods. The planning statement set out the energy efficiency of the modular building and detail of construction methods.
- The Senior Planning Officer confirmed that there were no trees with Tree Protection Orders (TPOs) on or within the site.
- The Senior Planning Officer clarified that all planning applications were screened by the Planning Team on receipt; if an application met a certain set of requirements then an environmental impact assessment would be required. This application did not meet the requirements and therefore was not required, as in this case.

5.3 The Committee heard from registered speakers.

5.3.1 Isabel Horner from Children Services spoke on behalf of the applicant.

- Children's Services welcomed the scheme in partnership with the Department for Education to provide 170 place complex needs school in this area
- Acceptance of an original bid from NCC to the DfE showed the need for places in the area, and the need had increased since this time
- Design was dictated by DfE as part of national programme to maximise investment in complex needs and SEND provision across the country
- Felt the design reflected the local landscape and this view was reflected by the local Council.
- Ms Horner confirmed that the applicant had looked into whether more trees could be planted on the site however it was not possible to do so due to the need to accommodate the building and outdoor facilities.
- The modular building was being built and transported to the site from Portakabin's site in York.

5.3.2 Isabel Horner was asked if the number of parking spaces, at 141, was too high. Ms Horner confirmed that the number of spaces would be higher than for a mainstream school to provide parking for health professionals and visitors who would visit the school to work with the children without impacting on the highway. The number of parking spaces had been consulted with the Highways Authority who agreed this was appropriate provision.

5.3.3 Penny Barratt, Chief Executive of the Bridge Trust, spoke on behalf of the applicant:

- The Bridge Trust ran three special schools and one mainstream school; two of their special schools had received an outstanding rating and one was awaiting inspection.
- Ms Barratt recognised there was a need for places for pupils with complex needs in Norfolk.
- The building had been carefully designed to DfE standards and the Trust had worked closely with Portakabin to ensure the needs of pupils with complex needs would be met both in and outside of the proposed building. For example, the building had been designed with a number of different, colour coded entrances for different age groups. These colours would run throughout the school to support students.

- 5.3.4 A Committee Member asked what garden facilities would be provided for students. Ms Barratt confirmed that as part of the tender process she had spoken with and visited Easton college and was thinking about how the proposed school and Easton College could work together. The school grounds had been carefully designed with segmented areas included a sensory garden and area to be developed as a forest school.
- 5.4 The Committee moved to debate on the application:
- A Committee Member noted the fantastic work that special needs schools did for children with complex needs in Norfolk.
 - The positive approach of and comments received by the Parish Council towards this application were noted.
- 5.4 The Committee unanimously **RESOLVED** to **APPROVE** that the Executive Director of Community and Environmental Services be authorised to:
- I. Grant planning permission subject to the conditions outlined in section 11.
 - 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.

6 FUL/2019/0043 - Mayton Wood Quarry, Little Hautbois, Coltishall, NR12 7JX

- 6.1.1 The Committee received the report setting out an application for an extension to the existing Mayton Wood Quarry to allow for the extraction of approximately 1.45 million tonnes of sand and gravel, including a new access on to the Coltishall to Buxton Road. The site would be worked sequentially over an envisaged fifteen-year period with phased restoration using 0.9 million m³ of imported inert material for restoration to agriculture and habitat creation
- 6.1.2 The Consultant Planner gave a presentation to the Committee; [see appendix B](#):
- The scheme would be split into three phases A, B and C.
 - A diversion would be needed for the existing footpath during the works on site and the footpath would be restored to its original route after the work was completed.
 - Access to the household waste recycling centre would be retained during the work.
 - There was little existing landscape screening around the site so advanced landscape screening was proposed as part of the application.
 - No objection had been received from the two Parish Councils where the site was located, or from Horstead with Stanninghall Parish Council where vehicles to and from the site would be routed.
 - One representation had been reserved from a third party; this was from the Ramblers Association about the change to the footpath.
- 6.2 Members asked questions about the presentation:
- It was intended that the site would mostly serve the area in and around Norwich. A routing agreement would be in place for the site indicating the route vehicles should take to and from the site; a degree of allowance had been built into this to

facilitate deliveries to local markets when needed.

- The Consultant Planner confirmed that checking the levels of gas released from the closed landfill site did not come under the remit of the application; Norfolk County Council's landfill team would monitor this and work on the site would not impact on this team's ongoing management of the closed landfill site.

6.4 The Committee moved to debate on the application:

- The Consultant Planner clarified that the site was not in immediate proximity to the Site of Special Scientific Interest but fell within the impact risk zone around it. There was a requirement for Natural England to therefore be consulted on the application and they had not raised any issues.
- A Committee Member was concerned about the proposals to fell a category A oak tree and some category B hedgerows. The Consultant Planner confirmed that before the oak tree was felled it would be re-surveyed for bat roosts so that mitigations could be identified and put in place.
- The Chair referred to paragraph 3.44 of the report which stated that there would be a net gain in habitat and hedgerow and that before tree T4 was felled, survey work and mitigations would be carried out.
- The archaeological sensitivity of the site was raised. The Consultant Planner confirmed that the applicant had submitted a written scheme of investigation to the County Archaeologist for work to be carried out on the site; information on what was found would be published and retained in the public arena.

6.5 The Committee with 9 votes for and 1 abstention **RESOLVED** to **APPROVE** that the Executive Director of Community and Environmental Services be authorised to:

- I. Grant planning permission subject to the conditions outlined in section 11.
- 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.

The meeting ended at 12:05

Chair



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Planning (Regulatory) Committee

Item No: 5

Decision making report title:	FUL/2020/0085: Stanninghall Quarry, Norwich Road, Horstead
Date of meeting:	30 July 2021
Responsible Cabinet Member:	N/A
Responsible Director:	Tom McCabe, Executive Director of Community and Environmental Services
Is this a key decision?	No
Proposal & Applicant:	Proposed northern extension of Stanninghall Quarry, and consolidation of working and restoration scheme (to agriculture, species rich grassland and woodland) incorporating existing quarry (Tarmac Limited)

Executive Summary

Planning permission is sought by Tarmac Limited to extend the existing Stanninghall Quarry northwards in order to extract a further 3.75 million tonnes of sand and gravel and extend the working life of the site by 17 years.

By virtue of the total site area (including the 53 hectare extension) being 106 hectares, in accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 ('the EIA Regs') an Environmental Statement has been submitted (on the basis the site area exceeds the 25 hectare threshold in Schedule 1). In accordance with the Council's constitution the application therefore needs to be reported to this committee.

Whilst the extension area is not currently allocated in a Development Plan Document, it is proposed to be in the County Council's emerging Mineral and Waste Local Plan as site MIN 65. However, this is only an emerging policy yet to go through formal examination.

No objections have been received from consultees, and only one third party representation has been received expressing concern about the impact of the proposal on groundwater and a neighbouring wind turbine.

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

Recommendation:

That the Executive Director of Community and Environmental Services be authorised to:

- I. **Grant planning permission subject to the conditions outlined in section 11.**
- 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. Background

- 1.1. The application seeks to extend the existing quarry and in doing so, consolidate the current operational area that was granted planning permission on appeal in 2006 under reference APP/X2600/A/04/1166832. This followed a refusal by this committee in July 2005 of application reference C/5/2005/5004. In February 2016 the County Council authorised a variation to this consent under reference C/5/2015/5017 to amend the plant site layout and bund design and it is that consent that is now the extant one, and which currently requires restoration by January 2023.
- 1.2. By virtue that the application site is 106.8 hectares in size (the extension is 53.2 hectares), the project falls into schedule 1 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. Therefore an Environmental Impact Assessment (EIA) was mandatorily required to be carried out with this documented in the submitted Environmental Statement (ES).

2. Proposals

2.1. SITE

- 2.2. The application site comprises both the existing operational quarry together with the proposed 53-hectare extension to the north of the current site. In terms of the northern extension area, this is currently agricultural land in arable use subdivided into 6 fields by hedgerows. No public rights of way cross the site. The existing quarry provides access to the site via Quarry Road which itself links to the B1150.
- 2.3. The site abuts Horstead Lane/Frettenham Road along its western boundary where both the nearest residential dwellings are located, The Hollies and Hill Farm. Standoff areas are proposed to both properties which are a minimum of 50 metres and 80 metres respectively and both would be screened with temporary soil storage bunds during operations. Part of the site also adjoins the B1150 / Norwich Road to the east before the proposed boundary moves inwards. Also to the north and east of the site is another residential property Beverley and further north an Anglian Water water tower.
- 2.4. The application site falls wholly within the Horstead with Stanninghall Parish albeit part of the north western boundary borders Frettenham parish. The closest properties within Horstead village itself are some 175 metres away from the north eastern corner of the proposed extension.
- 2.5. The site comprises both Grade 2 and Grade 3 agricultural Land with 69 hectares of the total 106 hectare site being best and most versatile (BMV) land. A Scheduled Ancient Monument (SAM), the 'Roman Camp and settlement site of W Horstead' lies some 110 metres to the north of the application site. Nineteen Grade II and II* Listed Buildings lie within 1 kilometre of the site including the Parish Church of All Saints and Horstead and the Church of St Swithin, Frettenham.

2.6. PROPOSAL

- 2.7. The application proposes to extend the existing quarry northwards adding a further 53 hectares to the currently permitted site and enabling an additional 3,748,900 tonnes of sand and gravel to be extracted. The proposal seeks to consolidate the existing working including the current plant site where the mineral is processed into a sole permission. According to the applicant this would give an overall remaining reserve of 4,972,200 tonnes. This figure is slightly reduced from the original submitted documentation which stated that the overall yield would be 5,053,300 tonnes, due to the need to amend the application and reduce the area of extraction in order to safeguard a number of veteran trees.
- 2.8. The mineral would continue to be extracted at current rates of some 300,000 tonnes per annum (tpa). Therefore the application would prolong the life of the entire quarry for approximately a further 17 years (until 2038) with the 53 hectare extension taking 12 years to work, in addition to five years to extract the remaining permitted mineral where the current plant site is situated (as the final phase), and restore the land thereafter.
- 2.9. The extension to the site would be worked in a further four phases (phases 5 -8) before phase 9 is extracted where the current plant site is sited. After each phase is extracted the land would be progressively restored principally back to an agricultural use but which would include native woodland, species hedgerow planting and species rich grassland within the agricultural landscape. No material would be imported to assist in restoration of the site with only in situ soils and overburden used to achieve the desired landform which would therefore be to a lower level than the land is at currently (typically 5 – 6 metres).
- 2.10. The sand and gravel would be worked to a maximum depth of 11.7 metres with all mineral extracted from above the water table. Operation of the quarry would continue as existing with it operating between 07.00 and 18.00 hours Monday to Friday and 07.00 and 13.00 on Saturdays.

3. Impact of the Proposal

3.1. DEVELOPMENT PLAN POLICIES

The following policies of the Norfolk Minerals and Waste Development Framework (adopted 2011) (NMWDF), Joint Core Strategy for Broadland Norwich and South Norfolk (adopted 2014) (JCS), Broadland Development Management Plan Document (DPD) (2015) provide the development plan framework for this planning application. Neighbourhood Plans also form part of the development plan however there is not one currently in place for Horstead with Stanninghall parish.

Norfolk Core Strategy and Minerals and Waste Development Management Policies DPD

CS1: Minerals Extraction

CS2: General Locations for mineral extraction and associated facilities

CS13: Climate change and renewable energy generation

CS14: Environmental protection

CS15: Transport

DM3: Groundwater and surface water
DM4: Flood Risk
DM7: Safeguarding Aerodromes
DM8: Design, Local landscape and townscape character
DM10: Transport
DM12: Amenity
DM14: Progressive working, restoration and afteruse
DM15: Cumulative impact
DM16: Soils

Norfolk Mineral Site Specific Allocations DPD

SD1: Presumption in Favour of sustainable development

Joint Core Strategy for Broadland, Norwich and South Norfolk

Policy 1: Addressing climate change and protecting environmental assets.

Policy 2: Promoting Good Design

Broadland Development Management Development Plan Document (DPD)

GC1: Presumption in favour of sustainable development

GC4: Design

GC5: Renewable Energy

EN1: Biodiversity and Habitats

EN2: Landscape

EN3: Green Infrastructure

EN4: Pollution

3.2. OTHER MATERIAL CONSIDERATIONS

The Revised National Planning Policy Framework (NPPF) was published in February 2019 and sets out the Government's planning policies for England and how these should be applied. Whilst not part of the development plan, policies within the NPPF are also a further material consideration capable of carrying significant weight. The NPPF places a presumption in favour of sustainable development. Paragraph 47 states that planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

- 3.3. 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. The emerging Norfolk Minerals and Waste Local Plan and Greater Norwich Local Plan policies below can also be therefore afforded some limited weight.

3.4. Norfolk Minerals and Waste Local Plan: Preferred Options (2019)

Policy MW2: Development Management Criteria

Policy MW3: Transport

Policy MP1: Provisions for minerals extraction
Policy MP2: Spatial Strategy for mineral extraction
Policy MP6: Cumulative impacts and phasing of workings
Policy MP7: Progressive working, restoration and after-use
Policy MP8: Aftercare

Site Specific Allocation Policy MIN 65

Greater Norwich Local Plan (Regulation 19 Publication)
Policy 3: Environmental Protection & Enhancement

- 3.5. The National Planning Policy is also material consideration of significant weight.

National Planning Policy Framework (2019)

6. Building a strong, competitive economy
9. Promoting sustainable transport
14. Meeting the challenge of climate change, flooding and coastal change
15. Conserving and enhancing the natural environment
16. Conserving and enhancing the historic environment
17. Facilitating the sustainable use of minerals

- 3.6. Furthermore, whilst not itself a planning policy, Norfolk County Council's Environmental Policy, adopted in November 2019, is also material to the decision albeit one of very limited weight.

3.7. **CONSULTATIONS**

BROADLAND DISTRICT COUNCIL – No response received.

BROADLAND DISTRICT COUNCIL ENVIRONMENTAL HEALTH OFFICER (EHO) – No objection. The noise report recommends a revised scheme of noise monitoring be submitted for approval. EHO also recommends conditions relating to hours of operation and plant and machinery as per the existing consent. Also request that prior to commencement of development a dust management scheme is submitted for written approval.

NATURAL ENGLAND – No objection. Considers that the proposal would not have significant impacts on statutorily protected nature conservation sites.

ENVIRONMENT AGENCY – No objection. The site would be worked dry and is reportedly to be consistently above the water table, meaning there is very little scope for significant groundwater impact. As such, it has no major concerns.

HIGHWAY AUTHORITY – No objection subject to the inclusion of all previous highway related conditions.

HISTORIC ENGLAND – No objection, the application meets the requirements of the NPPF.

NORWICH INTERNATIONAL AIRPORT – No aerodrome safeguarding objection.

HEALTH & SAFETY EXECUTIVE – The proposed development site does not currently lie within the consultation distance (CD) of a major hazard site or major accident hazard pipeline therefore HSE does not need to be consulted.

UK POWER NETWORKS – No response received.

ANGLIAN WATER – No response received.

NATIONAL PLANNING CASEWORK UNIT - No response received.

LEAD LOCAL FLOOD AUTHORITY – No comments to make.

COUNTY COUNCIL'S ECOLOGIST – No objection. Recommends that a Ecological Mitigation Plan is submitted to inform each stage of the quarry working. Initial concerns/objection about the loss of veteran trees (now resolved).

COUNTY COUNCIL'S ARBORICULTURIST – No objection subject to a condition requiring a 15m protection stand off for all trees to be retained. Initial concerns/objection about the loss of veteran trees (now resolved).

COUNTY COUNCIL'S LANDSCAPE & GREEN INFRASTRUCTURE OFFICER
Advised that the Landscape and Visual Impact Assessment (LVIA) is fit for purpose and uses suitable methodology for the scale of the site. Underlined that the proposed advance Planting Plan lacks detail in what the proposed planting is, and inclusion of a specification of species and size of the proposed hedge and tree planting. Initial concerns about the loss of veteran trees and stand off distances to trees that are to be retained.

COUNTY COUNCIL'S HISTORIC ENVIRONMENT OFFICER – No objection subject to conditions relating to the submission and extraction of the site in accordance with an archaeological written scheme of investigation (WSI) including publication and dissemination of the results.

HORSTEAD WITH STANNINGHALL PARISH COUNCIL – No objection. The applicant has kept the parish well informed throughout the planning process.

LOCAL MEMBER (WROXHAM) (Cllr Whymark) – To be reported.

LOCAL MEMBER HEVINGHAM & SPIXWORTH) (Cllr Roper) – To be reported.
(neighbouring Electoral Division)

3.8. **REPRESENTATIONS**

The application was advertised by means of neighbour notification letters, site notices, and an advertisement in the Eastern Daily Press newspaper. One letter of correspondence was received from the public raising concerns about the planning application. Whist not explicitly objecting, the concerns raised are as follows:

- extension would have a material impact on the operation of the Wind turbine at Horstead Lodge due to increased wind shadow from the prevailing wind direction;
- Excavation on the neighbouring fields lowers the water retention further on Horstead Lodge farm marginalising the productive capacity of the land.

3.9. **APPRAISAL**

The key issues for consideration are:

- A. Principle of Development (including Need)
- B. Landscape & Visual Impact / Design
- C. Amenity
- D. Ecology
- E. Impact of Heritage Assets
- F. Transport
- G. Sustainability
- H. Flood Risk
- I. Groundwater/surface water
- J. Loss of Agricultural Land
- K. Progressive working, restoration and afteruse
- L. Cumulative Impacts
- M. Safeguarding Aerodromes

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. NMWDF policy CS1: *Minerals Extraction* sets out that the sand and gravel landbank will be maintained at between 7 and 10 years in order in order to plan for a steady and adequate supply of minerals required for infrastructure, buildings, energy and goods. As set out in the NPPF, the landbank should be calculated based on a rolling average of 10 years' sales data. NMWDF *Minerals Extraction* and CS2: *General Location of Minerals Extraction* sets out the principles for the locations for mineral extraction in the County and places a preference for sites which are “close and/or well related” to the main settlements of the county. “Close” is defined in the Core Strategy as a distance of 10 miles or less.

- 3.12. At the end of July 2021 Norfolk's landbank will stand at 11.55 years' supply based on the 10-year average sales figures. This revised proposal seeks to extract 3.75 million tonnes of sand and gravel over a period of 12.5 years at a rate of 300,000 tonnes per annum (the total mineral to be extracted including the remaining permitted reserve would therefore be 4.97 million tonnes). As a result, this would add a further 2.74 years and increase Norfolk's landbank to 14.29 years' supply. Whilst this would exceed the 10-year ceiling referred to in Policy CS1, the upper limit was originally envisaged in order to ensure an excessive reserve of sand and gravel was not permitted at any one time in order to provide satisfactory confidence that there would not be delays in the cessation of extraction and restoration at mineral workings. In this instance, the current site is near to exhausting all existing mineral reserves and progressive restoration has historically been carried out without delay. The proposal would thus not conflict with CS1 and, and furthermore, the NPPF now refers only to maintaining a minimum landbank (there is no upper limit). On this basis the proposal is considered consistent with NMWDF policy CS1.
- 3.13. Although the site is outside the Norwich Policy Area, it is some 3 miles from the outskirts of the city itself and only 10 miles from the market town of Aylsham. Because of its location on the B1150 which adjoins the A1270 Broadland Northway, the site is considered to be well related to Norwich as well as Aylsham too. Furthermore in tandem with the NPPF the policy recognizes that minerals can only be worked where they are found. Although policy CS2 also expresses a preference for extensions to existing sites over new sites, the current NPPF does not support the development plan preference for extensions and states that 'the suitability of each proposed site, whether an extension to an existing site or a new site, must be considered on its individual merits...'. In principle the location of the site is considered acceptable in relation to the requirements of Policy CS2.
- 3.14. The Minerals Site Specific Allocations Development Plan Document (DPD) adopted in 2013 is also part of the development plan. Whilst the land that forms the extension was put forward by the developer to be included in that plan, it was not allocated at that time as it was not considered to be deliverable within the plan period. However, the fact the site is not within the adopted DPD does not make the current extension application a departure because there is not a policy in the current Core Strategy that states that new sites need to be allocated within the plan.
- 3.15. In 2017 the County Council commenced a planned review of the Minerals and Waste Local Plan (MWLPR), to extend the Plan Period to the end of 2036. The MWLPR has completed the Initial Consultation (Issues and Options), and the Preferred Options Consultation stages (Regulation 18), and the emerging Plan is due to go out for the Pre-submission publication representations stage (Regulation 19) early next year.
- 3.16. The applicant (Tarmac Limited) submitted this site as a potential allocation for future extraction. This area has been given the site reference MIN 65 in the Preferred Options document which has been subject to public consultation, and proposed that this site is suitable as an Allocation for mineral extraction subject to the planning application (i.e. this application) meeting a series of requirements to

ensure that no unacceptable impacts occur as a result as discussed in detail in the report below. Whilst this is not an adopted development plan document, the inclusion of the site is however a material consideration to which it is appropriate to give some weight in the planning balance.

3.17. B - LANDSCAPE & VISUAL IMPACT

Adopted NMWDF Policy CS14: *Environmental Protection* require that there are no unacceptable impacts and ideally improvements to the character and quality of the landscape, and NMWDF Policy DM8: *Design, Local Landscape and Townscape character* requires that developers show how their proposals will address impacts on the local landscape. In addition, JCS Policy 2 requires proposals to respect local distinctiveness including landscape character. Policy EN2 of the Broadland Development Management DPD states proposals should have regard to the Broadland Landscape Character Assessment SPD and enhance where appropriate, inter alia, green spaces including natural features, and Scheduled Ancient Monuments.

3.18. The application site comprises both the existing operational quarry together with the proposed 53-hectare extension to the north of the current site. In terms of the northern extension area, this is currently agricultural land in arable use subdivided into 6 fields by hedgerows.

3.19. As part of the Environmental Statement, a Landscape and Visual Impact Assessment (LVIA) was submitted assessing the potential landscape and visual implications of the development. This identified the site as wholly falling within the E2: Marsham and Hainford Wooded Estate lands landscape character within Broadland District Council's adopted Landscape Character Assessment Supplementary Planning Document (SPD) (2013). The SPD states that the character area comprises gently rising slopes and that the majority of the landscape is in arable cultivation. It also recognizes that numerous hedgerows provide structure gently filtering views. The Landscape Planning Guidelines for this area seek to conserve and enhance the landscape structure within the area including intact hedgerows.

3.20. During the period of operation, landscape mitigation would be carried out in the form of temporary soil screen bunds including around nearby residential properties. The extension area also benefits from existing established hedgerows and these would be strengthened with additional advanced planting proposed along the western, northern and eastern boundaries. The LVIA concluded that the impact on the landscape character during the operational period of the quarry would be a slight adverse one and therefore not a significant one.

3.21. As set out in 2.9 the site would be progressively restored following each phase of extraction principally back to an agricultural use but which would include native woodland, species hedgerow planting and species rich grassland within the agricultural landscape. Because no waste material is proposed to be imported,

the final landform would be at a lower level than surrounding land (typically 5-6 metres), but due to the size of the site it would be large enough to allow for topographical and gradient changes allowing assimilation into the wider landscape setting. Post restoration, the LVIA assessed the level of significance to be 'slight beneficial'.

- 3.22. The County Green Infrastructure and Landscape Officer advised that the LVIA is fit for purpose and uses suitable methodology for the scale of the site. They did however underline that the proposed advance Planting Plan lacks detail in what the proposed planting is, and inclusion of a specification of species and size of the proposed hedge and tree planting. In the light of this, should Members be minded to grant permission, this information will be required to be submitted in a comprehensive landscaping scheme requested by condition.
- 3.23. As part of the application, an Arboricultural Survey Report was submitted to assess the trees within the application site including those proposed to be removed. The Report identified that there were four veteran trees at the northern end of the site within the proposed phase 6.
- 3.24. Although one of these trees fell outside the proposed extraction area, three of them, Trees 10, 11 and 12 fell within it. Paragraph 175 of the NPPF states that development resulting in the loss of veteran trees should be refused unless there are wholly exceptional circumstances. Extraction of sand and gravel on this or any site would not be considered an exceptional circumstance and on this basis, the developer was asked to review the proposed extraction area. Consequently the extraction area was reduced to safeguard veteran trees 11 and 12 along with trees 13 and 14. Whilst the latter two are not veteran, they form part of a historic hedgerow and landscape feature, and their removal would have been at odds with the aims of the Landscape Character Assessment in terms of conserving intact hedgerows. The applicant was able to do this and only reduce their expected yield of the site by approximately 80,000 tonnes. Although, tree 10 would still be lost, on inspection of this tree on site, this Ash tree was found to have already suffered a degree of dieback and its loss compensated by the safeguarding of trees 11 – 14.
- 3.25. No objection has been raised from the County Green Infrastructure and Landscape Officer or The Senior Arboriculture and Woodland Officer subject to the amended working area, and the proposals therefore are considered consistent with the development plan policies outlined above and the NPPF.
- 3.26. C – AMENITY
Policy DM12: *Amenity* of the adopted NMWDF states that development will only be permitted where it can be demonstrated that the scale, siting and design of a proposal is appropriate and that unacceptable impacts to local amenity would not arise from the construction and/or operation of a facility. This echoes policy

NMWDF CS14: *Environmental protection* which also seeks to avoid unacceptable impacts on amenity.

- 3.27. Broadland Development Management DPD policies GC4 and EN4 also give regard to the protection of existing residential amenity and permitting development that would not have significant impact on human health. NMWDF policy DM13: *Air Quality* seeks to only permit development where development would not impact negatively on Air Quality Management Areas (AQMA), or lead to the designation of new ones. Furthermore, NPPF paragraph 170 requires that new and existing development should be prevented from contributing to unacceptable levels of air pollution.
- 3.28. As highlighted above, a number of residential properties lie in close proximity of the proposed extension to the quarry. Specifically, along its western boundary both The Hollies and Hill Farm are located some 50 metres and 80 metres respectively from the limit of extraction. Both would be screened with temporary soil storage bunds during operations. Also to the north and east of the site is another residential property, Beverley. No public rights of way run through or abut the site.
- 3.29. Noise
The impact of noise from the extended development was dealt with in Chapter 10 of the Environmental Statement (ES). As well as detailing the noise surveys carried out to inform the ES for the extended area, it also emphasised that since the quarry became operational noise monitoring had been undertaken with approximately 100 measurements at eight locations.
- 3.30. The Noise chapter of the ES calculated that the noise levels for routine operations (extraction and processing of mineral) in the extended site would comply with existing / suggested noise limits taking into account separation distances with no allowance for bund / barrier attenuation due to intervening ground. The exception for this was The Hollies and Hill Farm where in order to achieve noise limits of 48 dB LAeq, 1 hour free field, this could only be achieved with 3 metre high topsoil screen bunds, as proposed in the planning application.
- 3.31. It also recommended in its conclusion that a Scheme of Noise Monitoring be prepared for the extension to include additional receiver locations near to Horstead (to the north of the site) with appropriate limits set. This was something the EHO noted and requested in their consultation response and subsequently requested by officers. It has now been submitted by the developer albeit comments are awaited from the EHO and will be reported orally to this committee. The Scheme of Noise Monitoring will form a condition of the planning consent should Members be minded to grant permission, and in the event it is not acceptable, a revised version will be requested from the developer.
- 3.32. Dust & Air Quality

An Air Quality chapter also examined the potential significance of effects on local air quality, dust and amenity of the proposed extension area with the scope of this considering the impacts of dust deposition on both amenity and ecological receptors as well assessing traffic emissions from operations.

- 3.33. The Air Quality Assessment concluded that the proposal would be unlikely to cause adverse effects with correct mitigation measures in place, and all potential dust impacts considered to be reversible. The effect on amenity and ecology would not be significant and emissions from vehicles associated with the quarry are considered to be negligible. These conclusions were on the basis of the continuation of operational mitigation and environmental design measures throughout the development. The site is not within an AQMA nor would it be likely to lead to the designation of one.
- 3.34. The EHO raised no objection on the basis of impact of dust but recommended that prior to commencement of development a dust management scheme is submitted for written approval. A Dust Management Plan has subsequently been submitted by the developer to discharge this requirement and sets out in detail proposed dust control measures for extraction, processing and transport of material. This includes the use of water suppression where necessary (particularly during windy or dry periods), boarding of conveyors to prevent wind whipping, the sheeting of vehicles moving material, and the seeding of all soil bunds in situ for 6 months or more.
- 3.35. Although final comments are still awaited from the EHO, the submitted scheme is a comprehensive one and subject to it being adhered to, as proposed in the conditions in section 11 of the report, dust is not expected to cause unacceptable impacts on amenity.
- 3.36. With regards to amenity generally, no objections have been received from third parties and the County Planning Authority has not received any complaints about the current operation for over four years. Prior to the Covid-19 outbreak, a liaison group also met on a periodic basis involving the operator, parish council and local member to address any issues that may arise. Subject to the above conditions and those on the extant permission carried over to any new consent, it is not considered that the proposal would have an unacceptable impact on amenity and the application accords with development plan policy.
- 3.37. D – ECOLOGY
NMWDF Core Strategy policies CS14 and DM1 both seek to protect adverse impacts on biodiversity including nationally and internationally designated sites and species.
- 3.38. The extension to the existing quarry is currently agricultural land in arable use subdivided into 6 fields by hedgerows. An Ecological Impacts Assessment (EclA) of the proposal was undertaken to inform the Ecology section of the

Environmental Statement. This concluded that there are no grounds to predict that the development proposed would result in significant negative residual effects upon on or off-site Important Ecological Features (IEF), nor are there grounds to suggest potential cumulative negative effects in combination with concurrent developments. Furthermore it stated that the restoration scheme, mitigation and enhancement measures proposed will result in a net increase in habitat extent.

- 3.39. The County Ecologist advised that the submitted EcIA is comprehensive, informed by adequate ecological surveys and including an up to date check of the Norfolk biological records, and local Important Ecological Features (IEF). They also however highlighted concerns about the initial proposal to remove 'Hedgerow 4' at the north of the site containing the veteran trees referred to in section 3.24 (above) stating that they are important biodiversity features on site providing extensive ecological richness that cannot be compensated for by replacement planting. The line of trees has potential as a feature in the landscape for bats to utilise for foraging and may have potential roosting features and therefore if the trees can be retained bird and bat boxes could be attached as an enhancement.
- 3.40. As set out in 3.24, Paragraph 175 of the NPPF states that development resulting in the loss of veteran trees should be refused unless there are wholly exceptional circumstances. The applicant was able to amend their working area to safeguard this hedgerow containing three of the veteran trees within the application site. Although one would be lost, this is not part of the same hedgerow and has already suffered from some dieback.
- 3.41. The County Ecologist also requested that the Ecological Mitigation Strategy referred to in the ES should be submitted which would be a valuable working document to inform every stage of the quarry including, mitigation strategies, habitat creation, monitoring and aftercare. This is proposed to be requested prior to the commencement of any works on the extended site taking place. Subject to this condition and one requesting bird and bat boxes be installed on the remaining veteran trees, the proposal is considered compliant with these development plan policies.
- 3.42. Appropriate Assessment
The site is situated approximately 1 kilometre north of Crostwick Marsh Site of Special Scientific Interest (SSSI). Crostwick Marsh is part of the Broads Special Area of Conservation (SAC), and also the Broadland Special Protection Area (SPA). The application has been assessed in accordance with Regulation 63 of The Conservation of Habitats and Species Regulations 2017, and based on the information submitted to the County Planning Authority (CPA), it is considered that, the proposal would not have a significant impact on this protected habitat.
- 3.43. Although the site is within the impact risk zone for Crostwick March SSSI, the site is in a different hydrogeological catchment to the SSSI. The site would also be worked dry (above the water table) and therefore would not adversely

affect the hydrology of the SSSI. Due to the distance of the site from the SSSI there would be no adverse impacts from dust suppression.

- 3.44. This was underlined by the response from Natural England which stated that the proposal will not have significant impacts on statutorily protected nature conservation sites. Accordingly, no Appropriate Assessment of the development is required.

3.45. E – IMPACT ON HERITAGE ASSETS

NMWDF Policy DM8: *Design, local landscape and townscape character* states development will only be permitted where it could affect the setting of, inter alia, Listed Buildings where the applicant can demonstrate the development would not adversely impact on the historic form, character and or setting of these locations. As stated above, Policy EN2 of the Broadland Development Management DPD states proposals should have regard to the Broadland Landscape Character Assessment SPD and enhance where appropriate inter alia Scheduled Ancient Monuments. In addition to the above development plan policy, Listed Buildings are afforded additional protection by both the requirements of the Planning (Listed Buildings and Conservation Areas) Act 1990, and by section 16 of the NPPF: *Conserving and enhancing the historic environment*.

3.46. Scheduled Ancient Monument

As confirmed by Historic England in their consultation response, the application area is 110 metres to the south of the 'Roman Camp and settlement site W of Horstead' scheduled monument which is known for cropmark evidence. Scheduled monuments are not afforded additional protection by the requirements of the Planning (*Listed Buildings and Conservation Areas*) Act 1990 but are nonetheless protected by the above development plan policy referred to in 3.17 above, and by Chapter 16 of the NPPF: *Conserving and enhancing the historic environment*.

- 3.47. Historic England commented that the proposed quarry extension would result in a change to the landscape context and setting of the scheduled monument. It added that although the applicant's Environmental Statement indicated that, with mitigation planting in place, the proposed quarry extension would not be visible from the scheduled monument, the proposals to restore the quarry site to a level 6m below the current ground surface would result in a permanent change to the landscape surrounding the scheduled monument and alter its setting. Given that the landscape setting of the Roman camp contributes to its significance, this permanent change would cause some harm to the significance of the monument. However, in raising no objection to the application Historic England advised that the level of harm to the significance of this designated heritage asset is likely to be towards the lower end of less than substantial harm, and the proposal meets the requirements of NPPF paragraphs 189, 190, 194 and 196 of the NPPF. In the context of policy EN2 of the Broadland Development Management DPD, whilst the development

would not enhance the scheduled monument, the impact would not be an unacceptable one.

3.48. Conservation Areas & Listed Buildings

The application site also lies within some 380 metres of the Coltishall and Horstead Conservation Area and within 1 kilometre of 17 Grade II listed buildings, and two Grade II* medieval churches: the Parish Church of All Saints and Horstead and the Church of St Swithin, Frettenham. The impact on these listed buildings was also borne out in the Cultural Heritage chapter of the ES which concluded that the development would have no significant adverse effects upon known assets of cultural heritage.

3.49. Historic England advises that the level of harm to the significance of this designated heritage asset is likely to be towards the lower end of less than substantial harm as set out in the NPPF. In terms of section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, given this less than substantial harm, the public benefits that would weigh in favour of the development would be the economic one in ensuring a steady and adequate supply of aggregates to support local economic growth in terms of housing and associated infrastructure.

3.50. Archaeology

NMWDF Policy DM9: *Archaeological Sites* also states applicants whose proposals could potentially affect heritage assets, or which are in areas with high potential for archaeological interest, will be required to prepare and submit an appropriate desk-based assessment.

3.51. The County Council's Historic Environment Officer (HEO) commented that there is potential that heritage assets with archaeological interest (buried archaeological remains) will be present as the proposed site lies within an area rich in cropmarks of field-systems and possible settlement enclosures, as well as possible prehistoric burial mounds or other ritual features.

3.52. Accordingly the Historic Environment Officer recommended that the application (if permitted) be subject to conditions requiring the submission of an archaeological written scheme of investigation (WSI) which will include an assessment of significance, that the development shall not take place except in accordance with the submitted scheme, and that the extension to the quarry should not be operated until the site investigation and post investigation has been completed in accordance with the programme in the submitted WSI. Subject to this condition the proposal is in accordance with Policy DM9.

3.53. The HEO also highlighted that there is a Royal Observer Corp post (dating from 1957 and consisting of underground structures) located just north of the Horstead water tower and asked that this be preserved. Officers were able to confirm that this asset would be at least 75m from the limit of the working and this would also be the subject of a planning condition.

3.54. F – TRANSPORT

NMWDF Policies CS15: *Transport* and DM10: *Transport* states that new minerals development must not result in unacceptable risks to road users and pedestrians or unacceptable impacts on the capacity or efficiency of the highway network.

- 3.55. As stated in the Transportation section of the Environmental Statement, the existing quarry and proposed extension would continue to be served by the purpose built access from the B1150 which was constructed as a requirement of the original permission. The route comprises a short section of road (approximately 90 metres) which is adopted highway called Quarry Road and which also provides a bellmouth junction with Stanninghall Road some 50 metres from the junction with the B1150. This original line of Stanninghall Road (which this carriageway effectively replaces) remains but is limited to cyclists and pedestrians only, and an existing 7.5 tonne weight restriction Traffic Regulation Order prevents HGV access onto Stanninghall Road.
- 3.56. Therefore all vehicles associated with the development would continue to be required to leave the site from Quarry Road onto the B1150 with the applicant advising 90% would go southwards in the direction of the Broadland Northway (around 2.5 miles to the south), and 10% heading northwards for markets in that direction.
- 3.57. The application expects that extraction would remain at around 300,000 tonnes of mineral per annum. In terms of vehicle movements this would equate to 134 HGV movements (67 in and 67 out) over a 5-day week comprising of 54 HGV loads of sand and gravel and 13 HGV loads of concrete that would be produced in the current plant site. Averaged over their 11 hour working day (7am – 6pm), this result in around 12 HGV movements (6 in and 6 out) per hour.
- 3.58. The Highway Authority raise no objection to the proposals subject to the inclusion of all previous highway related conditions, and the application is consistent with development plan policy
- 3.59. G – SUSTAINABILITY
- NMWDF policy CS13: *Climate change and renewable energy* encourages developers to generate renewable energy on site and policy DM11: *sustainable construction and operations* require sustainable development to be promoted in mineral extraction.
- 3.60. As underlined in paragraph 8 of the NPPF, achieving sustainable development means that the planning system has three overarching objectives, i.e. economic objective, social objective and environmental objective.
- 3.61. Socio-economic
- The application states that subject to gaining planning permission the quarrying operations would continue to safeguard the existing employment the quarry creates (whilst not stating how many jobs these are). Paragraph 205 of the NPPF emphasises that great weight should be given to the benefits of mineral extraction

including to the economy and this is therefore given weight in the planning balance.

3.62. Environmental

Adopted NMWDF policy CS13 seeks to secure at least 10% of a site's energy requirements should be renewable energy created on site from micro-renewables (such as PV panels). This policy applies to extensions to existing sites as well as new ones. Nothing has been proposed for this application and although the plant site that would serve the extension is already operational, micro-renewables could have been fitted retrospectively for the proposed remaining lifetime of the quarry (17 years). Although this is regrettable, it is not on its own a ground to withhold permission given that the 10% referred to in policy CS13 is an aspiration rather than a requirement.

3.63. Notwithstanding this the proposed restoration itself is one that is of a high standard and would result in extensive tree and shrub planting following extraction of the mineral. The EclA also states that the mitigation and enhancement measures proposed will result in a net increase in habitat extent.

3.64. Whilst not part of the development plan or even a planning policy per se, Norfolk County Council's Environmental Policy is a material consideration in determination of this application. The County Council has made a commitment to use the policy to guide all the Council's future decision-making and therefore it has some, albeit very limited, weight in considering this proposal.

3.65. The Policy takes as its starting point the Government's own 25-year Plan published in 2018 and is structured to reflect key environmental concerns embodied in that plan. It is considered the proposals would not undermine the Goals of the plan with particular reference to Encouraging a thriving plant and wildlife community, Using resources from nature more sustainably and efficiently, and Enhancing beauty, heritage and engagement with the natural environment.

3.66. H – Flood Risk

NMWDF policies CS13: *Environmental Protection* and DM4: *Flood Risk* requires developers to demonstrate mineral sites can be worked without unacceptable flood risk to both the site itself and also that flood risk is not increased as a result of mineral extraction.

3.67. Although the entirety of the proposed extension is located in Flood Zone 1 (the lowest risk of flooding) Flood Risk Assessment (FRA) was submitted with the application as an appendix to the Hydrology and Hydrogeology chapter of the ES in accordance with the NPPF and PPG on the basis the site area exceeds 1 hectare.

3.68. 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), whilst minerals processing is identified as 'less

vulnerable'. The PPG further advises that 'water-compatible' development and 'less vulnerable' development are appropriate in Flood Zone 1. On this basis, the proposals are considered acceptable in terms of development within flood zone 1.

- 3.69. The FRA concluded that there is considered to be negligible potential for significant flooding of the proposal site from other sources. Furthermore, there is not considered to be an unacceptable flood risk posed by the quarry either during its operation or once restored elsewhere within the catchment of the development.
- 3.70. Neither the Lead Local Flood Authority (which has responsibility for managing surface water flooding) nor the EA has raised any concerns with regards to flooding of the proposed extension. The proposal therefore accords with development plan policy and the NPPF with regards to flood risk.
- 3.71. I – Groundwater and Surface water
- NMWDF policy DM3: *Groundwater and surface water* seeks to ensure that developments do not adversely impact on ground water quality or resources, or surface water quality or resources. This policy underlines NMWDF policy CS13: *Environmental Protection* which to ensure there are no unacceptable impacts on natural resources, including water.
- 3.72. The Hydrology and Hydrogeology section of the ES confirms that there would be no need for any dewatering within the extension area to extract the sand and gravel, which would be worked dry, above the water table, which is consistent with the current operations.
- 3.73. Although the site is within groundwater source protection zone 3, there are no proposals to import waste to restore the site and the Environment Agency commented that there is very little scope for groundwater impact.
- 3.74. The proposals would not pose a risk to surface or ground water resources and the proposal accords with NMWDF policy DM3.
- 3.75. J – Loss of Agricultural Land
- Of the total 106 hectare site (including the existing mineral plant site that would be consolidated into a single consent), 69 hectares of this has been surveyed to be best and most versatile land (BMV) using the criteria for Agricultural Land Classification (ALC). The 69 hectares comprises 24 hectares of grade 2 land (largely on the west of the site) with the remaining 45 hectare being grade 3a land. The site is made up with another 36 hectares of grade 3b land and 1 hectare of woodland.
- 3.76. The planning application through its restoration scheme to a predominantly agricultural use with native woodland, species hedgerow planting and species rich grassland, seeks to reinstate 69 hectares of BMV land so that none of it is lost. This would require a high standard of management of the soils in terms of how they are stripped, stored and reinstated after mineral has been

extracted to ensure the soils are returned in a condition as least as good as the previous agricultural quality.

- 3.77. Natural England was consulted however no bespoke advice was provided relating to the land classification or the merits of the agricultural land being worked for mineral. The proposal is considered to be in accordance with policy DM16: *Soils* subject to a number planning conditions to ensure the aforementioned high standards of soil management.

- 3.78. K – Progressive Working, restoration and afteruse

As required by NMWDF policy DM14: *Progressive working, restoration and afteruse*, the application has been accompanied by a detailed scheme that sets out the progressive working and restoration of the site. Following each phase of extraction the restored land will then be managed during a five year period of aftercare to ensure the land is able to be returned to agriculture and the proposed planting is successful.

- 3.79. L - Cumulative Impact

There are not any other mineral extraction sites operating or permitted in the immediate area and the nearest operational quarry is 1 kilometre to the north on Buxton Road. The existing operation does not have a history of complaints lodged to the County Planning Authority. Furthermore, no objections have been received to this application in relation to this issue. It is therefore concluded that the proposal would not give rise to unacceptable cumulative impacts and is acceptable in that respect.

- 3.80. M – Safeguarding Aerodromes

On the basis the site is within the Norwich International Airport (NIA) Safeguarding Area, both the Airport and the Civil Aviation Authority were consulted to ensure compliance with NMWDF Policy DM7: Safeguarding Aerodromes. NIA raised to safeguarding objection to the proposal and accordingly it is compliant with this policy.

- 3.81. **ENVIRONMENTAL IMPACT ASSESSMENT**

In accordance with the Town and Country Planning Environmental (Impact Assessment) Regulations 2017 an Environmental Statement has been submitted by virtue that the site area exceeds the 25 hectare threshold of Schedule 1 of the Regulations. The results of this have been discussed under headings A – M above.

- 3.82. **RESPONSES TO REPRESENTATIONS RECEIVED**

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

- 3.83. One representation was received and whilst it was not an objection it raised two concerns as set out in section 3.8 of this report.

- 3.84. With regards to the impact on the wind turbine at Horstead Lodge, this is situated some 275 metres east of the site beyond the B1150, and no further evidence was submitted to support this claim in terms of how the wind turbine would be impacted. Wind shadow describes the disturbed airflow of downward wind obstructions such as trees and buildings. The proposed extension would be worked below ground level and whilst 3-metre-high soil bunds would be used to screen some of the site, these are mainly proposed to be located on the western boundary of the site, the side opposite to Horstead Lodge. Although the existing plant site would be retained for the duration of the permission that has infrastructure several metres in height, this is some 900 metres southwest of Horstead Lodge. On this basis it is considered that the development would cause wind shadow and minimal weight is given to this in the planning balance.
- 3.85. In relation to the claim that the proposal would lower the water retention further on Horstead Lodge farm marginalising the productive capacity of the land, this is considered very unlikely on the basis that the developer proposes to extract mineral only above the water table (with no de-watering proposed). This is also given very limited weight in the planning balance.
- 3.86. **LOCAL FINANCE CONSIDERATIONS**
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.
- 3.87. In this instance it is not considered that there are local finance considerations material to this decision.

4. Conclusion & Reasons for Decision

- 4.1. The proposal seeks to extend Stanninghall Quarry northwards by some 53 hectares with the mineral extracted over the next 17 years. The proposed extension area is proposed to be allocated in the County Council's Local Plan Review. Some, albeit limited, weight is given to this in the planning balance on the basis these are only emerging policies that have not been approved through full examination. Ideally the application would be lodged once the new Local Plan was adopted, however the applicant has stressed the need for this extension on the basis that their permitted stocks of mineral will shortly run out.
- 4.2. Substantial weight is given in the planning balance to the proposed delivery of 3.75 million tonnes of sand and gravel that would continue to ensure a steady and adequate supply of mineral without significant environmental impact as demonstrated by the Environmental Statement, or objection from statutory consultees.

- 4.3. Although one of four existing veteran trees on site would be lost as a result of the development, this has already suffered from dieback. The other three trees are now proposed to be retained following an amendment to the working area. These three trees are part of an existing hedgerow and not only form an important biodiversity habitat, but also an important feature in the landscape.
- 4.4. The proposal is not strictly compliant with NMWDF policy CS13 in that no renewable energy would be produced on site to meet the site's energy requirements. Whilst this is given weight in the planning balance, it is limited due to the policy only being an aspiration rather than a requirement, and this alone is not considered sufficient to justify refusal of the planning application.
- 4.5. The proposed development is considered acceptable and there are no other material considerations why it should not be permitted. Accordingly, full conditional planning permission is recommended.

5. Alternative Options

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

6. Financial Implications

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

7. Resource Implications

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

8. Other Implications

8.1. Legal Implications

There are no legal implications from the Planning Regulatory perspective.

8.2. Human Rights implications

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

The human rights of the adjoining residents are engaged under Article 8, the right to respect for private and family life and Article 1 of the First Protocol, the right of enjoyment of property. A grant of planning permission may infringe those rights but they are qualified rights, that is that they can be balanced against the

economic interests of the community as a whole and the human rights of other individuals. In making that balance it may also be taken into account that the amenity of local residents could be adequately safeguarded by conditions albeit with the exception of visual amenity. However, in this instance it is not considered that the human rights of adjoining residents would be infringed.

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

8.3. Equality Impact Assessment (EqIA) (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. Health and Safety implications (where appropriate)

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

8.5. Sustainability implications

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

8.6. Any other implications

9. Risk Implications/Assessment

9.1. There are no risk issues from a planning perspective.

10. Select Committee comments

10.1. Not applicable.

11. Recommendations

11.1. That the Executive Director of Community and Environmental Services be authorised to:

- I. **Grant planning permission subject to the conditions outlined below.**
- 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.**

11.2. The extended development hereby permitted shall commence not later than three years from the date of this permission.

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

- 11.3. The development must be carried out in strict accordance with the application form, planning statement and the following drawings:
- (i) Planning Application Statement dated October 2020 except where updated by SLR's letter of 1 July 2021, reference 407.05731.00052;
 - (ii) Application Site Plan, Ref. KD.SH.D.107, dated September 2020;
 - (iii) Current Situation; KD.SH.D.006 REV B, dated July 2021;
 - (iv) Block Phasing Proposals; KD.SH.D.008 REV C; dated July 2021;
 - (v) Phase 4B Working & Restoration; KD.SH.D.009 REV B, dated July 2021;
 - (vi) Phase 5B – Working & Restoration, KD.SH.D.010 REV B; dated July 2021;
 - (vii) Phase 6 – Working & Restoration, KD.SH.D.011 REV C; dated July 2021;
 - (viii) Phase 7 – Working & Restoration, KD.SH.D.012 REV B; dated July 2021;
 - (ix) Phase 8 – Working & Restoration, KD.SH.D.013 REV B; dated July 2021;
 - (x) Phase 9, KD.SH.D.014 REV B; dated July 2021;
 - (xi) Concept Restoration; KD.SH.D.015 REV C; dated June 2021;
 - (xii) Technical Sections; KD.SH.D.016, dated September 2020.

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

- 11.4. No development shall take place in the extended site (phase 5 onwards), until an Ecological Mitigation Strategy, as referenced in the Environmental Statement, has been submitted for the written approval of the County Planning Authority. The strategy shall include provision for the erection of bird and bat boxes on trees T011 to T016 as detailed on the Tree Protection Plan. The site shall not be operated except in accordance with the approved strategy.

Reason: To protect biodiversity including any protected birds and bats that may be present on site in accordance with Policy DM1 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.

- 11.5. No development shall take place in the extended site (phase 5 onwards) until an updated Tree Protection Plan has been submitted for the written approval of the County Planning Authority illustrating a 15 metre stand-off in all directions for all trees to be retained on site. The site shall not be operated except in accordance with the approved plan.

Reason: To protect the existing trees and biodiversity in accordance with Policy DM1 and DM8 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.

- 11.6. No development shall take place in the extended site (phase 5 onwards) until a scheme of landscaping has been submitted to and agreed in writing by the County Planning Authority. This shall outline all proposed advanced planting proposed including an updated version of drawing number KD.SH.D.025. The scheme shall include details of size, species and spacing of trees, hedges and

shrubs, arrangements for their protection and maintenance, and details of the construction and maintenance of the soil bunds. It shall be implemented in the first planting season following approval of the scheme and shall make provision for:

- (a) the screening of the operations by trees, hedges and soil bunds;
- (b) the protection and maintenance of existing trees and hedges which are to be retained on the site;
- (c) re-seeding and re-planting where failures or damage occur within a period of five years from the date of planting; and,
- (d) the replacement of any damaged or dead trees with trees of similar size and species at the next appropriate season.

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

- 11.7. No development shall take place in the extended site (phase 5 onwards) until a revised Scheme of Noise Monitoring has been submitted for the written approval of the County Planning Authority in consultation with the Environmental Health Officer (EHO). No development shall take place except in accordance with the approved scheme.

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

- 11.8. No development shall take place in the current site approved under Appeal Ref: APP/X2600/A/04/1166832 except in accordance with the noise monitoring scheme approved under discharge application C/5/2009/5008 and held on that file. Records shall be kept by the operator and made available for inspection by the County Planning Authority at any reasonable time.

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.

- 11.9. For temporary operations including site preparation, soil and overburden stripping, screening bund formation and removal and final restoration, the noise level due to work at the nearest point to each dwelling shall not exceed 70 dB LAeq, 15 min, free field expressed in the same manner as for condition 6. Temporary operations shall not exceed a total of 8 weeks in any calendar year.

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

- 11.10. Except for temporary operations referred to in 11.9, the noise level due to operations at the site shall not exceed the noise limits specified below at each dwelling. Measurements taken to verify compliance shall have regard to the effects of extraneous noise and shall be corrected for such effects.

Hill Farm, Frettenham Road: 45 dB LAeq, 15min, free field
The Hollies, Frettenham Road: 45 dB LAeq, 15min, free field

Common Farm, Frettenham: 45 dB LAeq, 15min, free field
 New Farm Cottages: 48 dB LAeq, 15min, free field
 Stanninghall Farm: 48 dB LAeq, 15min, free field
 Caius Hill Farm House: 52 dB LAeq, 15min, free field
 Beverley Farm House: 55 dB LAeq, 15min, free field
 Horstead Lodge: 55 dB LAeq, 15min, free field
 Frettenham Road: 45dB 15min, free field
 Frettenham Road Horstead: 48dB 15min, free field
 Norwich Road Horstead: 48dB 15min, free field

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.

- 11.11. 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.

- 11.12. No development shall take place except in accordance with the Dust Mitigation Plan, dated July 2021, reference 407.05731.00052.

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

- 11.13. No development shall take place in the extended site (phase 5 onwards) until an archaeological written scheme of investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and
- 1) The programme and methodology of site investigation and recording;
 - 2) The programme for post investigation assessment;
 - 3) Provision to be made for analysis of the site investigation and recording;
 - 4) Provision to be made for publication and dissemination of the analysis and records of the site investigation;
 - 5) Provision to be made for archive deposition of the analysis and records of the site investigation;
 - 6) Nomination of a competent person or persons/organization to undertake the works set out within the written scheme of investigation and 7) any further project designs as addenda to the approved WSI covering subsequent phases of mitigation as required.

Reason: To ensure adequate time is available to investigate any features of archaeological interest, in accordance with NMWDF Policy DM9.

- 11.14. No quarrying activities shall take place other than in accordance with the written scheme of investigation approved under condition 11.13 and any addenda to that WSI covering subsequent phases of mitigation.

Reason: To ensure adequate time is available to investigate any features of archaeological interest, in accordance with NMWDF Policy DM9.

- 11.15. Each phase of mineral in the extension (phase 5 onwards) shall not be extracted until the site investigation and post investigation and post investigation assessment has been completed in accordance with the programme set out in the archaeological written scheme of investigation approved under condition 11.13 and the provision to be made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason: To ensure adequate time is available to investigate any features of archaeological interest, in accordance with NMWDF Policy DM9.

- 11.16. No quarrying activities shall take place in the extended site (phase 5 onwards) until the site investigation and post investigation assessment has been completed for the existing quarry in accordance with the programme set out in the archaeological written scheme of investigation approved under condition 11 of permission C/5/2015/5017 and the provision to be made for analysis, publication and dissemination of results and archive deposition has been secured

Reason: To ensure adequate time is available to investigate any features of archaeological interest, in accordance with NMWDF Policy DM9.

- 11.17. No development shall take place except in strict accordance with the Updated Arboricultural Survey dated July 2021 and Tree Constraints Plan.

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

- 11.18. No operations 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, or any Order revoking, re-enacting or modifying this Order, 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 hours Mondays to Fridays
07.00 - 13.00 hours Saturdays.

There shall be no preparatory works on 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.

- 11.19. The extraction of sand and gravel to which this permission relates shall cease by 31 December 2037 and all buildings, plant and machinery and stockpiles shall be removed by and the site restored in accordance with condition 2 by 31 December 2038.

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.

- 11.20. A detailed aftercare scheme specifying such steps as may be necessary to bring the land to the required standard for use for agriculture shall be submitted for the written approval of the County Planning Authority in writing not later than 12 months from the date of this permission. 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: 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.

- 11.21. The topsoil layer of each phase shall be separately stripped to its full depth, and so far as is possible, shall be immediately re-spread on the refilled and subsoiled area of the preceding phase as specified in the approved restoration scheme.

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.

- 11.22. 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.

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.

- 11.23. The development shall only be carried out in accordance with the scheme of mitigation of bird strike risk approved pursuant to condition no. 23 of Appeal Ref: APP/X2600/A/04/1166832 and held on that file.

Reason: To safeguard the operation of Norwich International Airport, in accordance with Policy DM7 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.

- 11.24. No dewatering of excavations shall be carried out.

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

- 11.25. No waste or other material shall be brought onto or deposited on site and no mineral shall be imported into the site for processing or sale.

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

- 11.26. There shall be no vehicular access to the site except via the means of access constructed pursuant to condition no. 14 of Appeal Ref: APP/X2600/A/04/1166832.

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

- 11.27. 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.

- 11.28. Within 1 year of the expiration of operations (31 December 2038), a scheme shall be submitted detailing the de-engineering of the industrial access onto Quarry Road (for one fit for agricultural purposes) for the approval of the County Planning Authority, in consultation with the Highway Authority. The approved works shall be carried out within 1 year of the cessation of mineral extraction to the reasonable satisfactions of the Highway Authority.

Reason: To ensure the Highway is reinstated in the interests of highway safety, and to protect the amenities of the surrounding area, in accordance with policies DM8, DM10 and DM12 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.

12. Background Papers

- 12.1. Planning Application reference: FUL/2020/0085 available here:

<http://eplanning.norfolk.gov.uk/PlanAppDisp.aspx?AppNo=FUL/2020/0085>

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>

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>

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

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

The emerging Greater Norwich Local Plan:

<https://www.gnlp.org.uk/regulation-19-publication>

The National Planning Policy Framework (NPPF) (2019):

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

Planning Practice Guidance (2014):

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

Broadland Development Management DPD:

<https://www.southnorfolkandbroadland.gov.uk/downloads/download/70/broadland-development-management-dpd>

Broadland District Council Landscape Character Assessment:

<https://www.southnorfolkandbroadland.gov.uk/supplementary-planning-documents/supplementary-planning-documents-broadland-1>

Norfolk County Council's Environment Policy:

<https://www.norfolk.gov.uk/what-we-do-and-how-we-work/policy-performance-and-partnerships/policies-and-strategies/natural-environment-policies/environmental-policy>

Officer Contact

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

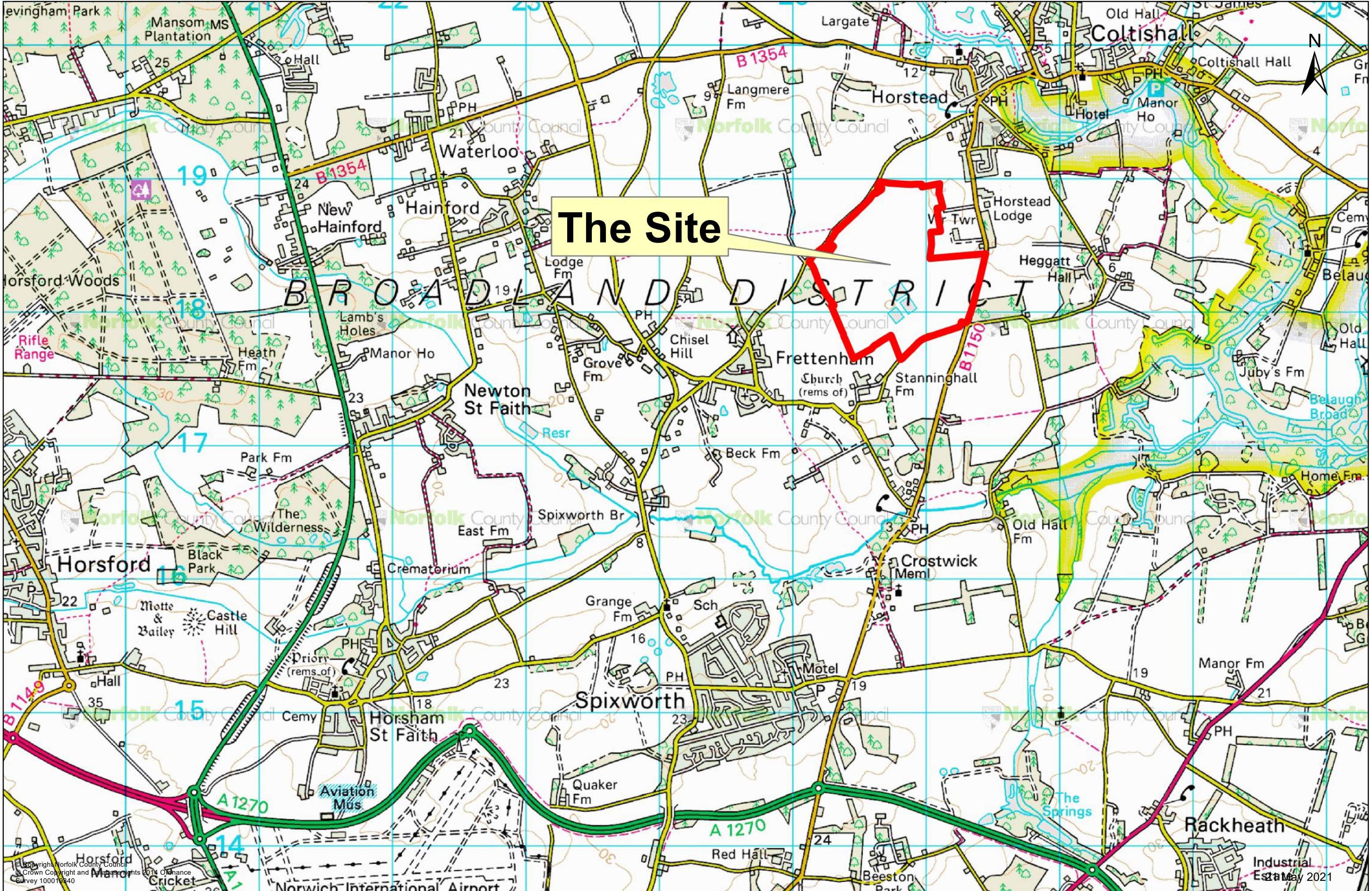
Officer name: Ralph Cox

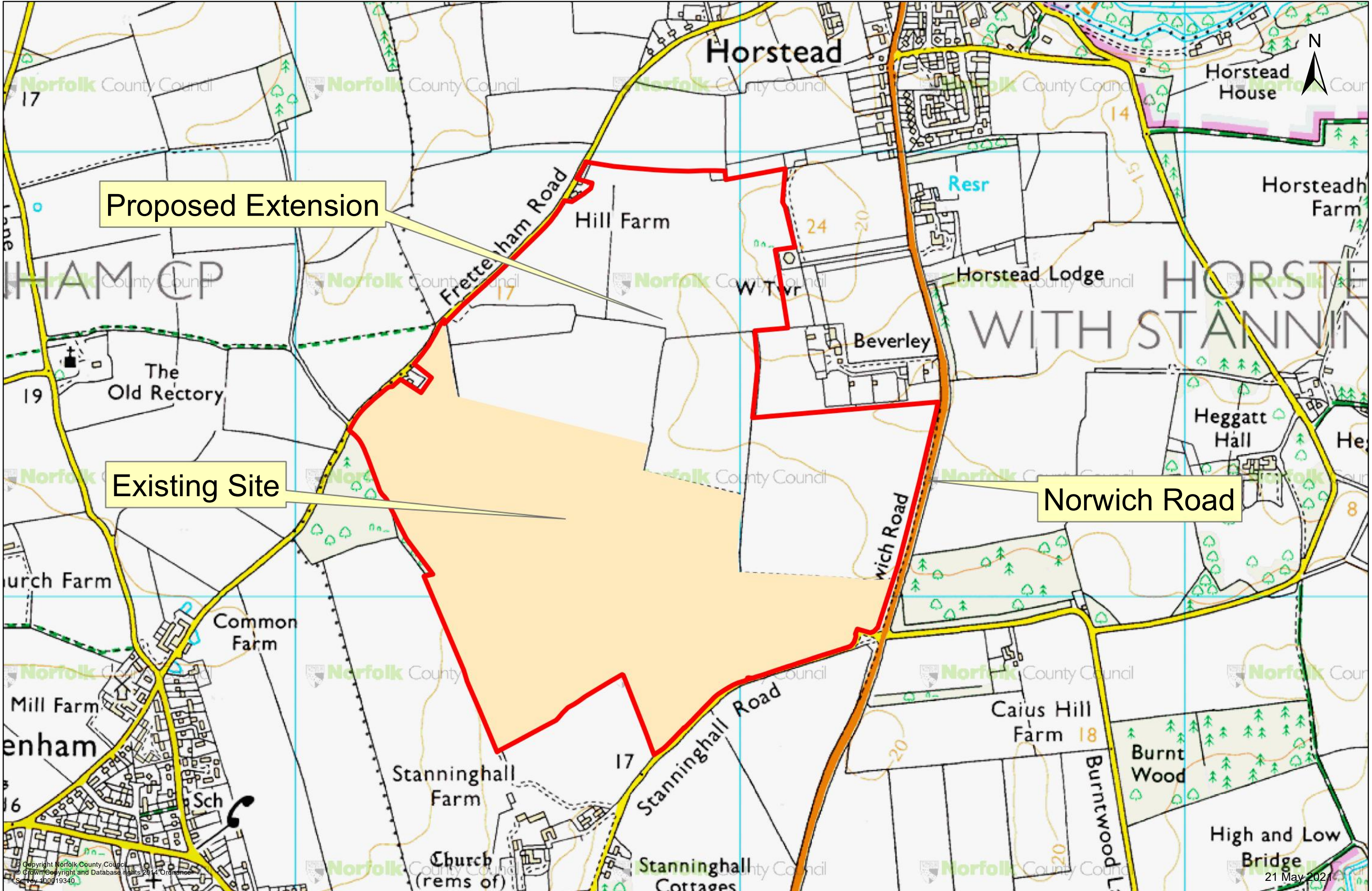
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Planning (Regulatory) Committee

Item No: 6

Decision making report title:	FUL/2020/0044 - Land at Mill Drove, Mill Drove, Blackborough End, PE32 1SW
Date of meeting:	30th July 2021
Responsible Cabinet Member:	N/A
Responsible Director:	Tom McCabe, Executive Director of Community and Environmental Services
Is this a key decision?	No
Proposal & Applicant	Proposed change of use of former quarry to proposed inert waste recycling facility with associated access and ancillary infrastructure including a workshop, hardstanding, car parking, storage areas, an office, weighbridge and access (NB Construction UK Limited)
<p>Executive Summary</p> <p>This is an application for a change of use of a former quarry to an inert waste recycling facility with associated access and ancillary infrastructure including a workshop, hardstanding, car parking, storage areas, office, and weighbridge, within the area of a restored former mineral extraction site at Mill Drove, Blackborough End.</p> <p>There has been an objection from Middleton Parish Council on the basis that the facility would be located on a restored former mineral extraction site, would have adverse highway safety and amenity impacts and would be contrary to development plan policy. There have been 94 third-party representations mainly from local residents, all but one of which object to the application, raising similar concerns to Middleton Parish Council.</p> <p>There has been an objection from the Highway Authority on highway safety and accessibility grounds, and the Borough of King's Lynn and West Norfolk's , Community Safety and Neighbourhood Nuisance Officer and the County Council's Ecologist, have advised that the information submitted with the application does not adequately demonstrate that the proposal is acceptable in terms of its impacts on amenity and ecology.</p>	

In accordance with the Council's Constitution, the application is being reported to the Planning (Regulatory) Committee because of the number third party representations which exceeds the threshold for referring applications for determination to the Committee.

The key issues to be assessed in the determination of the application are, the principle of the development, traffic, highway safety and accessibility, the amenity impacts, the impacts on landscape, trees and hedgerows, and the impacts on ecology, and biodiversity and soils; Other issues to be considered include Public Rights of Way (PRoW), surface water and flood risk, sustainability and cumulative impacts.

It is considered that the proposal would be contrary to the development plan, the National Planning Policy Framework (NPPF) and National Planning Policy for Waste (NPPW). Refusal of planning permission is therefore recommended.

Recommendation:

That the Executive Director of Community and Environmental Services be authorised to:

- I. Refuse planning permission for the reasons set out in section 11.

1. Background

- 1.1. The site is an historic Carstone mineral extraction site that was last consented for extraction of soft sand under Planning Permission Ref. C/2/2006/2022 in March 2007. That permission included a restoration requirement for the site to be restored by September 2010. Following the end of working the base of the pit was levelled and restored heathland and grass and has not been worked since, although the Borough of King's Lynn and West Norfolk granted planning permission for a new access into the site on 11th June 2014. The access was approved on the basis that it was required to enable agricultural machinery to gain access to it. The proposal that is now the subject of this application is unrelated to the previous quarrying activity and would involve clearance of the site and the construction of a new permanent inert recycling facility. The applicant has commenced works on the site in advance of the determination of the current application through the import and use of inert materials to construct an access ramp from the gate down into the base of the former mineral extraction area.

2. Proposal

2.1. SITE

- 2.2. The site is located off Mill Drove in eastern Blackborough End, approximately 7 km to the south-east of King's Lynn town centre. It comprises a former Carstone quarry.
- 2.3. The site extends to approximately 3.1ha, which the application states is defined on its western side by an area of bracken with a track and scattered scrub beyond this. There is an earth bank on the northern boundary with undeveloped land located further to the north, and to the south of the Site. The eastern boundary comprises a hedgerow with trees, with the public highway at Mill Drove running adjacent to this boundary. There are sand and gravel pits, and warehouses operated by Middleton

Aggregates Ltd located opposite the site on the east side of Mill Drove to the east of the site. The access into the site would be via the existing access gate with a concrete apron from Mill Drove. There have been substantial recent earthworks undertaken within the site to construct an access ramp down into the main part of the site from Mill Drove, as there is a significant difference in levels at the entrance from Mill Drove being constructed at approximately 38.8m above ordnance datum (AOD) whilst the levels along the western boundary are approximately 28.8m.

- 2.4. As detailed above the site formed part of a previously consented Carstone quarry, which has been subject to low level restoration leaving a bowl-shaped area with the site sloping down from the north to south and east to west, given rising to extensive open views to the south and west, to and from Blackborough End. The last consent required restoration by September 2010 and following this the land was returned to countryside status.
- 2.5. The recent planning history comprises the following planning applications:
- NCC Planning Permission Ref. C/2/2006/2022 for the Extraction of Soft Sand - Approved 7th March 2007;
 - BKL&WN Planning Permission Ref. 14/00383/F - Creation of a new access from the highway to former quarry - Approved 14th June 2014;

2.6. **PROPOSAL**

- 2.7. The application is for a change of use of a former quarry to an inert waste recycling facility with associated access and ancillary infrastructure including a workshop, hardstanding, car parking, storage areas, office, and weighbridge, within the area of restored former mineral extraction site at Mill Drove, Blackborough End.
- 2.8. The main workshop building would be a standard portal framed structure clad in profiled metal sheeting that would measure approximately 31m x 24m and which the drawings show to be 8m high at the roof ridge (although the application states the height would be approximately 7m), extending to 740sqm. It would include two 4m high roller shutter doors on the east elevation (incorrectly stated in the application as being on the south elevation). The office/weighbridge building would comprise a two-story 6m high prefabricated portacabin type structure with an external staircase, providing 63sqm of floor space (although again there are discrepancies in the submitted documents with the Planning Statement stating that only 42sqm of floor space is to be provided). A weighbridge would be located along the access road, adjacent to the office.
- 2.9. It is understood the hardstanding yard and access road would cover a footprint approximately 2850m² with an open storage area of approximately 133m² for the storage of sand, gravel, ballast and metals, along with a water tank. The submitted drawings also refer to storage for soils, hardcore, brick rubble, gravel and a spoil heap. No figure has been provided for their annual expected throughput of waste.
- 2.10. The submitted site plan shows the new buildings and working area covering approximately a third of the former quarry site adjacent to its north-west corner and

peripheral landscaping. This comprises a 1.5m high landscaped bund. No landscaping details are included with the application.

- 2.11. The application otherwise includes limited details, which comprise the following.

Transport, Access and Parking

- 2.12. It states that the access will be via the existing access onto Mill Drove and that there will be provision for eight parking spaces.
- 2.13. It is expected that there would be five eight-wheeler tipper trucks operating from the site with each bringing in six loads per day, so that in total there would be 30 HGV movements per day in each direction (i.e. 60 movements in total). The application assumes that the HGV movements will be equally spread throughout the working day over a twelve hour period, equating to eight two-way HGV movements per hour or one HGV movement every 7.5 minutes (although this too indicates a discrepancy in the information submitted with the stated figures indicating five two-way HGV movements per hour or one HGV movement every 12 minutes)
- 2.14. It is expected there would be a maximum of 10 staff with working hours extending from 06:00 to 18:00 weekdays, and 06:00 to 13:00 Saturdays with no Sunday or bank holiday working. It is therefore anticipated that would be 10 arrival car movements prior 06:00, with ten departure car movements after 18:00.
- 2.15. The application does not provide any details of the waste types or quantities or where this would be sourced from, other than stating that the wastes to be recycled would be inert. Based on 30 loads per day this would equate to 600 tonnes per day or 160,000 to 170,000 tonnes per annum over a 280 day working year.
- 2.16. The Transport Statement submitted with the application, sets out details of the route that HGVs would take to access the site from the Strategic Road Network from the A47, approximately 1.8km north-east of the site.
- 2.17. HGVs would turn left out of the site access and travel north along Mill Drove.
- 2.18. At the East Winch Road/Mill Drove T-junction HGVs would turn right and travel eastbound along East Winch Road. A 7.5 tonne vehicle weight restriction is in place to the west of the East Winch Road/Mill Drove junction along Winch Road.
- 2.19. The Transport Statement states that the East Winch Road is approximately 5.4m in width and is therefore of suitable width for two vehicles to safely pass.
- 2.20. HGVs would gain access to the A47 via the A47/East Winch Road ghost island junction which the application states, provides suitable visibility for traffic on the East Winch Road approach.
- 2.21. For HGV arrivals to the site from the A47, drivers would follow the same route in reverse with the left turn from East Winch Road to Mill Drove providing a large entry radius suitable for large vehicles.

Decommissioning

- 2.22. The application states that if the site was to be decommissioned in the future, all the above ground building and installations would be removed and below ground utility connections capped off.

Application Documents

- 2.23. The application is supported by; a Flood Risk Assessment, Drainage Strategy, Preliminary Ecological Appraisal, Arboricultural Survey, Lighting Impact Assessment, Transport Assessment; Air Quality and Dust Assessment, Acoustic Impact Assessment, Sustainability Statement, Preliminary Risk Assessment (of Ground Conditions), a Design and Access Statement and a Statement of Community Involvement.
- 2.24. The proposal was the subject of the formal pre-application enquiry, the response to which was issued on 7th December 2019 and has been subject to an EIA Screening Opinion Ref. C/5/2019/0009 issued on 13th March 2020 (see below) which confirmed that EIA is not required.

3. Impact of the Proposal

3.1. DEVELOPMENT PLAN POLICIES

- 3.2. Relevant development plan policies for the purposes of the application comprise the following:

Norfolk Minerals and Waste Development Framework (NM&WDF), Core Strategy and Minerals and Waste Development Management Policies Development Plan Document 2010-2026 (Adopted September 2011)

- Policy CS3: Waste Management Capacity to be Provided;
- Policy CS4: New Waste Management Capacity to be Provided;
- Policy CS6: General Waste Management Considerations;
- Policy CS7: Recycling, Composting, Anaerobic Digestion and Waste Transfer Stations;
- Policy CS13: Climate Change and Renewable Energy Generation;
- Policy CS14: Environmental Protection;
- Policy CS15: Transport;
- Policy CS17: Use of Secondary and Recycled Aggregates;
- Policy DM1: Nature Conservation;
- Policy DM3: Groundwater and Surface Water;
- Policy DM4: Flood Risk;
- Policy DM8: Design, Local Landscape and Townscape Character;
- Policy DM9: Archaeological Sites;
- Policy DM10: Transport;
- Policy DM11: Sustainable Construction and Operations;
- Policy DM12: Amenity;
- Policy DM13: Air Quality;
- Policy DM15: Cumulative Impacts; and
- Policy DM16: Soils.

Norfolk Minerals and Waste Development Framework (NM&WDF) Waste Site Specific Allocations Development Plan Document (Adopted October 2013)

- Policy SD1: The Presumption in Favour of Sustainable Development

King's Lynn & West Norfolk Borough Council Local Development Framework - Core Strategy (Adopted Version July 2011)

- Policy CS01: Spatial Strategy;
- Policy CS02: The Settlement Hierarchy;
- Policy CS06: Development in Rural Areas;
- Policy CS08: Sustainable Development;
- Policy CS10: The Economy;
- Policy CS11: Transport; and
- Policy CS12: Environmental Assets.

Borough of King's Lynn & West Norfolk Site Allocations and Development Management Policies Plan (Adopted September 2016)

- Policy DM1: Presumption in Favour of Sustainable Development;
- Policy DM2: Development Boundaries;
- Policy DM3: Development in the Smaller Villages and Hamlets;
- Policy DM12: Strategic Road Network;
- Policy DM15: Environment, Design and Amenity;
- Policy DM19: Green Infrastructure/Habitats Monitoring and Mitigation

Neighbourhood Plan

The site is located in the area Middleton Parish which currently does not have an adopted Neighbourhood Plan.

3.3. OTHER MATERIAL CONSIDERATIONS

National Planning Policy Framework (NPPF) (2019)

- Chapter 2. Achieving Sustainable Development;
- Chapter 6. Building a strong, competitive economy;
- Chapter 9. Promoting sustainable transport;
- Chapter 12. Achieving well-designed places;
- Chapter 14. Meeting the challenge of climate change, flooding and coastal change;
- Chapter 15. Conserving and enhancing the natural environment; and Chapter 16. Conserving and enhancing the historic environment.

National Planning Policy for Waste (NPPW) (2014)

- Paragraphs 1, 5 and 7;
Appendix A: The Waste Hierarchy; and
Appendix B: Locational Criteria

National Waste Management Plan for England

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. EMERGING DEVELOPMENT PLAN POLICY

- 3.5. Paragraph 48 of the NPPF states that Local Planning Authorities may give weight to relevant emerging policies in certain circumstances.

The Norfolk Minerals and Waste Local Plan Review

The Norfolk Minerals and Waste Local Plan Review is currently on-going. A Preferred Options Consultation took place in September and October 2019. The Pre-Submission Draft of the Plan is due for publication and consultation towards the end of 2021. At this stage only limited weight can be attributed to the policies in the emerging plan. Draft policies relevant to this application include the following:

- Policy MW2 Development Management Criteria;
- Policy MW3 Transport;
- Policy MW4 Climate Change Mitigation and Adaption;
- 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
- WP16 Design of Waste Management Facilities

King's Lynn & West Norfolk Local Plan Review 2016-2032 (Draft Cabinet version Local Plan Review 2021

King's Lynn & West Norfolk Local Plan Review is also currently on-going with a Pre-Submission consultation stage due to take place in August and September 2021. At this stage only limited weight can be attributed to the policies in the emerging plan. Draft policies relevant to this application include the following:

- Policy LP01: Spatial Strategy
- Policy LP02: Settlement Hierarchy
- Policy LP03: Presumption in Favour of Sustainable Development
- Policy LP04: Development Boundaries
- Policy LP06: Climate Change
- Policy LP07: The Economy
- Policy LP13: Transportation
- Policy LP18: Design and Sustainable Development
- Policy LP20: Historic Environment
- Policy LP21: Environment, Design and Amenity

3.6. Constraints

3.7. There are a number of constraints affecting the site including the following:

- There are number of Listed Buildings to the west of the site in Blackborough End and to the north in Middleton, with the nearest being the Mitre Farm Cottage and Attached Oak Cottage in Blackborough End, which are Grade II listed and located approximately 650m west of the site. The setting of none of these buildings is likely to be affected by the development.
- There are number of Scheduled Monuments within 2km of the site of which the nearest is the Remains of Blackborough Priory (which is also Grade II listed) situated approximately 725m south of the site;
- The Blackborough End Pit Site of Special Scientific Interest (SSSI) lies immediately adjacent to the western boundary of the site and the River Nar SSSI lies approximately 1.2km to the south;
- There are two County Wildlife Sites approximately 800m south-east of the site, (Carstone Quarry, Blackborough and Disused Pits); and
- The site lies in Flood Zone 1 on the Environment Agency's (EA) Flood Map for Planning.

3.8. CONSULTATIONS

BOROUGH OF KING'S LYNN AND WEST NORFOLK PLANNING – Advise that they have a holding objection, pending receipt of additional information requested by the Borough Council's Community Safety & Neighbourhood Nuisance (CSNN) and Environmental Quality teams (see below).

BOROUGH OF KING'S LYNN AND WEST NORFOLK COMMUNITY SAFETY AND NEIGHBOURHOOD NUISANCE (CSNN). In summary they raise a number of issues. They advise that where new development generates noise this should not exceed 5dB above background levels at the boundary with residential dwellings, and that where 5dB would be exceeded, mitigation is required to reduce noise levels to within the criteria. They advise that the Noise Impact Assessment submitted with the application is based on noise modelling to predict operational sound levels during key operational periods at nearby noise sensitive receptors. However, they also advise that the separation distances from the primary operational area of the site to the nearest receptors is at variance with their own measurements, and that this could in consequence impact on the results. They also advise that the background noise monitoring has not been undertaken for a minimum of a full 24-hour period and therefore that the average/background noise levels for the daytime operational period may differ from those used in the modelling. Additionally, they advise that there is an anomaly in the decibel levels, which at night-time are 7dB higher than during the daytime. They therefore advise that additional background noise monitoring should be undertaken to gain a fuller picture of average daytime noise levels (i.e. a minimum of 24 hours), and that the modelling is repeated using accurate receptor distances.

They also comment that no elevational plans, specifications or other details have been submitted to show the size and scale of the proposed plant and that it would

be beneficial for the sectional plans to show these in relation to the site levels (and surroundings) and also that confirmation should be provided of the height of the proposed bunding to the northern and southern site boundaries and the maximum heights of the spoil heap, and the soil, hardcore, rubble and gravel heaps.

They also advise that the Preliminary Geo-Environmental Risk Assessment submitted with the application recommends an intrusive ground investigation to assess ground conditions to inform foundation design for the proposed workshop buildings. They advise that because of the former quarrying activities on the site, ground conditions may not be stable, and it may therefore be that piling is required for the building foundations. They therefore request that the technique used is auger/bored rather than driven/hammered, and that piling does not commence until a full piling impact assessment has been undertaken and mitigation measures identified and put in place to control noise, dust and vibration in order to ensure that there are no adverse impacts on nearby residents.

If planning permission is granted they advise the inclusion of conditions in relation to the following matters:

- The setting of operational noise limits with noise levels not exceeding 5dB above background levels at the boundary with residential dwellings, with a requirement to undertake a further full noise survey to obtain robust pre-development background noise levels (over more than 24 hours) and that these are then used to undertake an assessment against actual operational site noise levels to inform a noise management scheme and appropriate site noise mitigation measures;
- The submission of a Construction Environmental Management Plan (CEMP) and a Dust Management Plan, that include details of dust mitigation measure;
- The maximum number of permitted HGV movements, to ensure that the development does not give rise to any unacceptable noise impacts;
- The submission of details of the lighting to be installed;
- The submission of details of the proposed foul and surface water drainage, including percolation test results;
- The submission of details of where waste and recycling bins will be located to store waste and recycling generated by staff and the buildings on the site;
- The hours of operation, which they advise should not start before 8am to limit the noise impacts of the operation of plant on the site;
- Requiring mobile plant and HGVs to be fitted with broad band reversing alarms to minimise their audibility beyond the site boundary;
- Limiting the height of any the storage mounds of materials to 5 metres to minimise visual impact;
- The submission of details of the technique used for any piling and that piling does not commence until a full piling impact assessment has been undertaken and mitigation measures identified and put in place to control noise, dust and vibrations and ensure there are no adverse impacts on residents; and
- The submission of a earthworks specification and soils/materials import strategy.

BOROUGH OF KING'S LYNN AND WEST NORFOLK ENVIRONMENTAL QUALITY – Advise that they have no comments with regard to contaminated land.

In relation to air quality impacts, they advise that operational traffic from the development would result in a negligible impact upon air quality, and that it would not give rise to a significant effect on nearby receptors.

In relation to operational air quality impacts from the site they comment that a qualitative assessment has been undertaken as part of the application based on a screening approach using the criteria contained within the Institute of Air Quality Management (IAQM) "Guidance on the Assessment of Mineral Dust Impacts for Planning (2016)". This identifies the magnitude of operational dust effects, as being negligible.

Regarding the construction phase, they comment that an assessment has been undertaken using IAQM methodology, which considers dust from PM10 sources, demolition, earthworks, general construction activities and track out. The assessment identifies that there is a negligible to low risk of an increase in particulate matter impacting upon human health due to unmitigated activities during construction. However, through implementation of mitigation measures, the risk of PM10 emissions would be in any event be reduced, resulting in the residential effects of dust and PM10 generated by construction being considered insignificant.

The submitted Air Quality Assessment (AQA) details recommended mitigation measures for both the construction and operation phases of the development. A qualitative assessment on impacts on air quality has been undertaken considering current local air quality, the proximity of sensitive receptors to the roads likely to be used by construction vehicles, and the likely numbers of construction vehicles and plant that will be used. The residual air quality impacts of construction vehicles are considered to be negligible according to the assessment significance criteria.

The Environmental Quality team therefore has no objections to the proposed development, based on the findings of the AQA with regards to air quality impacts during the construction phase. They recommend that a Construction Environmental Management Plan (CEMP) be required by condition, which should include details of the mitigation measures detailed in the AQA.

ENVIRONMENT AGENCY – Has been consulted but has not commented on the application.

HIGHWAY AUTHORITY – Advise that as the site is former mineral extraction site that has been restored, it is considered to be a green field site and would therefore generate no daily traffic movements. They comment as follows:

Highway Safety

The site is positioned approximately 2 km off the Strategic Network with the towns of King's Lynn and Swaffham approximately 10 km & 18 km to the west and east respectively. It is located directly off the C822 Mill Drove which is a rural road typically

5.2m in width, with access back to the A47 gained via Mill Drove and then the East Winch Road to the north-east.

The proposals would lead to 60 two-way daily HGV movements to and from the site and all such movements would travel to/from the site via Mill Drove and the East Winch Road to the A4.

Whilst it is accepted that the applicant has identified that a suitable site access can be provided (in terms of width (7.3 m width with 15 m kerb radii), visibility and surface), the Highway Authority has concerns about the route that all traffic would use to the north (via Mill Drove) and the east (via the East Winch Road) to access the A47.

It advises that the route is below the minimum width of 5.5m identified within the Design Manual for Roads & Bridges (DMRB) for two large vehicles to pass, with road widths which are typically 5.2m. From visiting the site, it confirms that there is substantial overrun of the highway verges demonstrating the substandard widths.

In addition, visibility at the junction of Mill Drove and the East Winch Road is restricted. This is particularly apparent towards the west, where an achievable splay under 20 m is available due to the nearside vegetation and the geometry of the road.

Whilst HGV's have a lower accident rate than most other types of road vehicle, where they are involved in an accident the severity of the accident tends to be greater. HGV's intimidate pedestrians and other highway users, particularly, as is the case here, where there are no footways.

It is accepted that there are a number of lawful activities in the area, which have a routing agreement in place to ensure that all vehicles entering/leaving the area do so via Mill Drove and the East Winch Road directly onto the A47 (at East Winch). However, this does not justify further development on what is a green field site. Consequently, despite being the most appropriate of the available routes for HGVs to access the other existing developments, the Highway Authority advises that the access route is still substandard in nature primarily due to its narrow width, limited junction visibility and its lack of footways.

The proposal would lead to 60 additional two-way daily HGV movements to the site, all of which would have to use a substandard road network which would be to the detriment of highway safety.

Transport Accessibility

It is acknowledged that the site has previously been used as a quarry and that other such uses exist within the area. However, the difference compared with quarrying activities is that they can only be located where mineral exists and by its nature it is for a temporary period. The expectation is that quarries are restored (as has been the case in relation to the current application site) and therefore that the associated traffic would revert back to that and its previous use as agricultural land or similar.

The current proposals are entirely different with the proposal involving the siting of a permanent waste recycling facility in the countryside; where the input material is

transported to the site from an urban area (away from its point of origin) and then after being processed the material is then transported back again. In this situation the closest market towns of King's Lynn and Swaffham are a considerable distance from the site.

Conclusions

All traffic movements associated with this proposal will be additional on the network. The Highway Authority considers that in its current form, the highway network is not suitable to cater for an additional traffic over and above the current lawful uses and if permitted the application would be to the detriment of highway safety.

In addition, the site is not suitably located to serve as a waste recycling facility; it is positioned remotely from the main distributor road network and is contrary to sustainable transport principles which seek to minimise the distance minerals and waste have to travel.

It is the view of the Highway Authority that the site should be located in a more appropriate location close to the strategic road network and urban settlements with adequate highway links to cater for the traffic generated.

On the basis of the information it is recommended that the application be refused for the following reasons:-

- The proposal is remote from the main distributor road network and the market it is intended to serve conflicting with the aims of sustainable development and the need to minimise travel, as set out in national and local planning policy; and
- The public highway serving the site is considered to be inadequate to serve the development, by reason of its poor alignment/restricted width/lack of passing provision/lack of pedestrian footways. The proposal, if permitted, would be likely to give rise to conditions detrimental to highway safety and would be contrary to development plan policies

LEAD LOCAL FLOOD AUTHORITY – Has no comments on the application.

COUNTY COUNCIL'S ARBORICULTURIST – Advises that it appears from the submitted application drawings that there is scope to retain the majority of the trees along the eastern edge of the site and to increase its overall biodiversity by infilling with additional planting of tree and hedgerow species as part of a site landscape plan.

The submitted Tree and Hedgerow Survey together with the submitted Tree Constraints Plan is fit for purpose. It appears there will be a need to remove several small trees to facilitate the development.

Protection will be required for the retained trees, particularly those close to the access road. It needs to be established whether any trees or hedgerow will require pruning or removal to achieve the desired visibility splay on Mill Drove. There also needs to be consideration of the bunding to ensure that it is not situated within the Root Protection Areas (RPAs) of any retained trees and that measures are taken

when constructing the bunds to ensure that there is no compaction damage within the RPAs.

They advise that they have no objection to this application from an arboricultural perspective, provided that a Tree Protection Plan (TPP) is submitted to ensure the comments set out above are addressed. Although a 'Method Statement for Protection of Trees on Site During Construction' has been included as part of the submitted drawings, an updated Arboricultural Method Statement as part of the TPP that goes into more detail is required. A landscape plan will also be required, showing the mitigation planting and demonstrating biodiversity net gain for the site. These requirements can be addressed by condition.

COUNTY COUNCIL'S ECOLOGIST – Comments that the site was surveyed by the applicant's ecological adviser in August 2019 and that the results of the survey have been presented within the Preliminary Ecological Appraisal (PEA) submitted with the application. The PEA identifies that the site has potential to support reptiles and recommends that reptile surveys are undertaken. In addition, it recommends that lighting is designed to minimise impacts on bats, and that measures are taken to protect nesting birds, badgers and hedgehogs.

It is identified that the terrestrial habitats on the site may support great crested newts but that they are assumed to be absent, because the two ponds at the adjacent Blackborough End Pit Site of Special Scientific Interest (SSSI) contain carp, although it is not known if these ponds are currently stocked or fished. The County Ecologist advises that the western edge of the site is located within the habitat zone where Natural England modelling indicates great crested newts are likely to be present and they advise that they disagree with the distances quoted in the PEA identifying the closest pond as being around 73m from the site boundary (rather than 150m). They advise that not all species of fish affect great crested newts in the same way, so the presence of a fishing lake does not necessarily mean that great crested newts are not present.

They advise in this case that the presence or otherwise of protected species, and the extent to which they might be affected by the proposed development, must be established before planning permission is granted. They comment that the PEA indicates that the site will be cleared, and therefore there is a reasonable likelihood of protected species being present and affected by the development. Surveys should be completed and any necessary measures to protect the species should be in place before the permission is granted. It is recommended that reptile surveys are undertaken, and the results submitted in support of the application (along with a mitigation/enhancement strategy and Reasonable Avoidance Method Statement (or equivalent)). They also comment that it is not clear why the site needs to be completely cleared even though only part of the site is to be developed.

The County Ecologist additionally comments that the application site is located adjacent to Blackborough Pit Site of Special Scientific Interest (SSSI) (designated for its geological interest) and that the PEA submitted with the application incorrectly identifies it as being located 100m west of the site.

The SSSI is also a candidate County Geodiversity Site. There is also a Candidate Geodiversity Site located to the north (KLW58) although it is not clear where this candidate geological site is located in relation to the proposed development, which should be clarified.

If planning permission is granted, they advise that although an outline lighting strategy has been submitted with the application, a detailed lighting strategy will need to be conditioned, that should comply with the Bat Conservation Trust (BCT) and Institution of Lighting Professionals (ILP) guidance for mitigating the impacts of lighting on bats.

COUNTY COUNCIL'S LANDSCAPE & GREEN INFRASTRUCTURE OFFICER – Advises that that they broadly agree with the conclusions drawn in the submitted Landscape and Visual Impact Assessment that because of the topography of the site in relation to the surrounding area, along with the retention of the boundary planting, the proposal will give rise to minimal landscape and visual impacts.

They further advise that the proposed mitigation landscaping, including bunding and planting will go some way towards alleviating any residual adverse impacts as the planting matures.

They advise that a landscaping plan will be required that shows mitigation planting, screening planting and demonstrates biodiversity net gain. This should include details of all species, size and numbers of any soft landscaping proposals and where they will be located and be accompanied by a planting and maintenance specification. Any boundary treatments will also need to be submitted. This should be submitted prior to determination but could if necessary be reserved by condition.

COUNTY COUNCIL'S PUBLIC RIGHTS OF WAY OFFICER – Advises that they have no objection on Public Rights of Way grounds but would highlight that Middleton Restricted Byway 5 is coincident with Mill Drove. The full legal extent of this PRoW must remain open and accessible for the duration of the development and subsequent occupation.

COUNTY COUNCIL'S HISTORIC ENVIRONMENT OFFICER – Advises that they have no comments to make on the application.

ANGLIAN WATER - Advises that it has no comment to make on the application.

NATURAL ENGLAND - Advises that the site is situated within close proximity to the River Nar Site of Special Scientific Interest (SSSI) and the Blackborough End Pit SSSI and that the potential impacts to these sites should be fully considered and mitigated where appropriate.

Blackborough End Pit SSSI is designated for features of geological interest and is currently in favourable condition. In the context of this geological site, favourable condition means that the exposures for geological data collection and research are accessible.

The proposal has the potential to impact features of interest and works may require consent from Natural England's consent.

The River Nar which is an SSSI is a spring fed river and combines characteristics of a southern chalk stream and an East Anglian fen river. Together with the adjacent terrestrial habitats, the Nar is an outstanding river system of its type. The proposal is situated within a catchment risk zone and an impact risk zone for the River Nar SSSI and has the potential to impact river water quality through the discharge of industrial and domestic effluent. Potential impacts to water quality resulting from the proposal should be carefully considered, including surface water discharges and ground water leachate.

Natural England advises compliance with industry good practice and environmental protection legislation during both site establishment works and operation. Impacts on the environment arising from pollution is likely unless appropriate avoidance or mitigation measures are in place. Measures will need to be put in place to ensure that no pollution enters the River Nar and this should be clearly demonstrated in the drainage strategy.

Natural England otherwise refers to its standing advice in relation biodiversity net gain, protected species and public rights of way.

MIDDLETON PARISH COUNCIL – Objects to the application for the following reasons:

- Because the site is an undeveloped site and the proposal involves the re-opening of a closed quarry site;
- The site is not a preferred site for waste management facilities in the Norfolk Minerals and Waste Development Framework (NM&WDF) Mineral Site-Specific Allocations Development Plan Document;
- The proposal is contrary to Core Strategy Policies CS5, CS6 and CS13 with the local roads being unsuitable for HGV traffic;
- The impact on the amenity and wellbeing of residents;
- The proposal is contrary to Core Strategy Policy CS13 which seeks to ensure that new waste facilities minimise carbon footprint and capture energy from thermal treatment;
- Because there should be a transport and travel plan showing how traffic will be managed and routed to and from the site;

WEST WINCH PARISH COUNCIL – Has no objection to the planning application, but requests, if planning permission is granted, that a condition be imposed to ensure that access to and from the site is via the A47 only and to prevent HGVs turning towards the A10. They comment that the road from the site to the A10 is very narrow and unsuitable for large vehicles.

LOCAL MEMBER (COUNTY ELECTORAL DIVISION – GAYTON AND NAR VALLEY) (COUNTY COUNCILLOR JIM MORIARTY) – Has not submitted any comments at the time of writing this report.

3.9. REPRESENTATIONS

3.10. The application has been advertised by means of neighbour notification letters, site notices, and an advertisement in the Eastern Daily Press newspaper. In response, there have been 94 third-party representations mainly from local residents, all but one of which object to the application. In summary the objecting representations make the following points:

- The proposal would give rise to additional HGV traffic on the local road network which is used for recreational purposes by local people. The additional traffic would be a danger to pedestrian, cyclists and other local users as route to and from the A47 is not wide enough or suitable for two HGVs to safely pass, includes a number of narrow bends, is in poor condition and is prone to flooding;
- There is likely to be an increase in HGVs travelling on alternative routes through surrounding villages on roads that were not meant for such heavy vehicles, causing wear and tear and damage to the structure of the roads. These villages may be potentially used as a 'short cuts' for access to this site causing disruption and danger;
- The location of the site is inappropriate in terms of its isolated geographic location and because the proximity to residential properties in Blackborough End and on the East Winch road that would be disturbed by the additional HGV traffic;
- The proposal is contrary to Core Strategy Policies CS5, CS6 and CS13 in that the local roads are unsuitable for HGV traffic;
- The development and operation of the site would give rise to noise, vibration, dust (including silica dust from the proposed crushing operations), odours, light pollution and spillages of foul effluent affecting nearby residential properties and will adversely impact on the quality of life and health of local residents;
- The site is a former quarry site that has been restored as natural habitat and its development would destroy this and adversely affect wildlife. Further development on the site should not now be considered to be acceptable;
- Works have commenced in the site in advance of the determination of the planning application, with tipping already having been undertaken including waste soils, vegetation, brick, paper and other materials. This appears to be used to construct an access ramp within the site and has caused considerable amounts mud to be deposited on Mill Drove;
- There are already existing adjacent and nearby quarry operations that generate considerable HGV traffic and development of the site will add to this traffic;
- The new building and the operational part of the site including the location of the proposed crushing and screening plant would be on the west side of the site closest to the nearby residential properties at Blackborough End;
- It is proposed that operations at the site would start from very early in the morning (6am) and last for twelve hours a day, causing disturbance to local residents;

- There has been insufficient public consultation on the planning application;
- The proposal is contrary to development plan policy in that it seeks to redevelop a closed and restored former mineral extraction site;
- There are already other similar existing facilities in the area, so that another one is not required, i.e. there is no need for such a facility;
- The submitted noise assessment is inaccurate and the proposed 1.5m bunds will do little if anything to mitigate any noise impacts;
- There are ground stability issues on the adjacent land that makes use of the site as proposed unacceptable as a result of the likely vibration impacts;
- There is buried archaeological in close proximity to the site that has not been taken into account;
- The assessments submitted with the application are generic, inadequate and not include adequate mitigation;
- The development and operation of the site will adversely affect the peace and tranquillity of the area;
- There is a risk of smell from foul water and drainage from operations on the site and there is no available water supply;
- The site is close to a school;
- The use of crushers on the site will cause high demand for electricity;
- Development of the site would be contrary to Core Strategy Policy CS6 because it would cause industrialisation of the countryside and DM14 because it would involve development of a restored former quarry site;
- The Borough of King's Lynn and West Norfolk have stated in their "Core Strategy" that any former quarry which has ceased trading should not be re-developed;
- This site is not a preferred or allocated for waste management facilities in the Norfolk Minerals and Waste Development Framework (NM&WDF) Mineral Site-Specific Allocations Development Plan Document, and is an undeveloped site;
- Core strategy Policy CS13 seeks to ensure new waste facilities minimise their carbon footprint and capture energy from thermal treatment;
- Planning permission for a horse paddock has already been granted by the Borough of King's Lynn and West Norfolk, on land next to the site, which is used for horse grazing and the grazing of other animals, that would be alarmed and distressed by the disturbance caused by heavy machinery;
- Borough of King's Lynn and West Norfolk Community Safety And Neighbourhood Nuisance officer (whose comments are set out above) has identified a number of shortcomings with the submitted assessments included with the application;
- There is a risk that material brought into the site will include asbestos containing materials, causing a potential risk to the health of local residents;
- The site is immediately adjacent to the Blackborough End Pit SSSI which is designated for its features of geological interest; and

- A number of objections have also been submitted stating that the proposal is contrary to development plan policy and that if the application is approved the objectors will refer the determination to the Local Government Ombudsman;
- 3.11. The one third-party representation submitted in support the proposal states that the concerns about noise expressed by objectors are not justified because the area is affected by the noise from aircraft from RAF Marham.
- 3.12. **APPRAISAL**
- 3.13. The key issues for consideration are:
- A. Principle of the Development and Need
 - B. Traffic, Highway Safety and Accessibility
 - C. Amenity Impacts
 - D. Impacts on Landscape, Trees and Hedgerows
 - E. Impacts on Ecology, Biodiversity and Soils;
 - F. Public Rights of Way;
 - G. Surface Water and Flood Risk;
 - H. Sustainability; and
 - I. Cumulative Impacts.
- 3.14. A. PRINCIPLE OF THE DEVELOPMENT
- 3.15. The 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”.*
- 3.16. Relevant development plan policy is, as detailed above, is set out in the Norfolk Minerals and Waste Development Framework (NM&WDF) Core Strategy, the Norfolk Minerals and Waste Development Framework (NM&WDF) Waste Site Specific Allocations Development Plan, the King’s Lynn & West Norfolk Borough Council Local Development Framework - Core Strategy and the Borough of King’s Lynn & West Norfolk Site Allocations and Development Management Policies Plan.
- 3.17. In terms of the principle of the development, the relevant issues are whether there is a need for the waste management capacity proposed, and if there is whether the siting of the facility is in an acceptable location. In relation to the acceptability of the proposed site location the key considerations are that the site is not an allocated site for the development of a waste management facility and is a restored former mineral extraction site. Furthermore, in accordance with the National Planning Policy for Waste a developer needs to demonstrate need for a facility where it is not in accordance with the development plan.
- 3.18. First, in relation to need, although the application does not provide any details of the waste types or quantities or where this would be sourced from, other than stating that the wastes to be recycled would be inert, it is estimated (as set out in paragraph 2.15 above) that it would process approximately 160,000 to 170,000 tonnes per

annum of Construction, Demolition and Excavation (CD&E) wastes for recycling. There is no requirement identified in the Core Strategy for additional capacity for the recycling of inert or construction and demolition waste. However, paragraphs 3.38 and 3.39 of the Core Strategy state that “Additional inert waste recycling infrastructure is likely to be needed over the period of the Core Strategy, in line with the expected growth in inert waste arisings”. Policy CS17 supports the use of secondary and recycled aggregates and although it states that whilst a target cannot be set for the production of secondary and recycled aggregates, the aim will be to achieve a year-on-year increase in the percentage of inert and construction and demolition waste that is recycled in Norfolk. The latest NM&WDF Local Aggregate Assessment for 2019, published in December 2020, identifies that annual inert and Construction and Demolition waste recycling was approximately 494,000 tonnes in the 2018/19 financial year which was approximately 18% up on production in 2017/18 of 418,000 tonnes. However, it also identified that the 10-year rolling average was approximately 0.5% down on the 2017 figure of 413,900 tonnes so that the objective of achieving year on year increase in the percentage of inert and construction and demolition waste that is recycled in Norfolk, has not continued (when measured as a 10-year rolling average). This casts doubt on whether there continues to be need for additional capacity, but in any event the applicant has not submitted any information demonstrating that any such need exists in relation to the proposed location of the Site.

- 3.19. Second there is the issue of whether the siting of the facility is in an acceptable location. As set out above, the application site is not an allocated site, and therefore falls to be assessed against the location criteria set out in Core Strategy Policy CS5 which is concerned with the general location of waste management facilities and Policy CS6 which refers to general waste management considerations. The main underlying objective of policy is to ensure that new waste management facilities are located in a sustainable location in close proximity to sources of waste arising. In this instance this means that the facility should be located within 10 miles of King’s Lynn as one of Norfolk’s four main centres of population.
- 3.20. The proposal in this case would be located approximately 7km (4.5 miles) south-east of King’s Lynn town centre but is only accessible from the north-east from the A47 at East Winch via the East Winch Road and Mill Drove, so that distance by road would be greater but still within the 10 miles required by Policy CS5.
- 3.21. However, as a restored former quarry, the application does not fall within the definition of brownfield land (as set out in the NPPF) and therefore is treated as open countryside. Policy CS6 makes clear that development of waste management facilities at mineral workings is only acceptable at existing mineral workings and that permissions should be temporary lasting only until the cessation date for the mineral operation; in other words that restored mineral extraction sites are not acceptable locations for permanent built waste management facilities.
- 3.22. In accordance with the NPPW no site selection evidence has been put forward by the applicant examining other brownfield or previously developed land in the surrounding area and whether it is available or not.

- 3.23. More generally, the King's Lynn & West Norfolk Borough Council Local Development Framework - Core Strategy across a number of policies including Policies CS1, CS2, CS6, CS8 and CS12 sets out a settlement hierarchy that seeks to ensure that new investment is located in the most sustainable places and protects environmental assets. The development of the site would also therefore not be considered to be consistent or compliant with the objectives of the Borough Council development plan policies in relation to principle of the development.
- 3.24. The application cannot therefore be considered to be acceptable in terms of the principle of the development and would accordingly be contrary to NM&WDF Core Strategy Policy CS6, King's Lynn & West Norfolk Borough Council Local Development Framework - Core Strategy across a number of policies including Policies CS1, CS2, CS6, CS8 and CS12, and paragraph 103 the National Planning Policy Framework (NPPF). The application is also not in accordance with the NPPW on the basis that need has not been demonstrated for the facility at this location.
- 3.25. B. TRAFFIC, HIGHWAY SAFETY AND ACCESSIBILITY
- 3.26. As set out above, the Highway Authority has raised a significant objection on highways grounds, because of the sub-standard nature of the proposed access route from the A47 and because the application site cannot in terms of accessibility (as detail in the previous section on the principle of the development), be considered to be in an accessible location.
- 3.27. It advises that all traffic movements associated with the proposal will be additional on the network and that the access route along the highway network is not suitable to cater for an additional traffic over and above the current lawful uses and that if permitted the proposal would be to the detriment of highway safety.
- 3.28. The site cannot therefore be considered to be suitably located to serve as a waste recycling facility; it is positioned remotely from the main distributor road network and is contrary to sustainable transport principles which seek to minimise the distance that minerals and waste have to travel. It therefore recommended that the application be refused. For these reasons (and as set out above in comments of the Highway Authority), the application has to be considered contrary to NM&WDF Core Strategy Policies CS7 and CS15 which is concerned with acceptable transport impacts of new waste related development and DM10 which seeks to ensure that any proposals are acceptable in terms of highway safety and accessibility, the Borough of King's Lynn & West Norfolk Site Allocations and Development Management Policies Plan (Adopted September 2016) Policy DM12, relating to the strategic road network, paragraphs 108-110 of the National Planning Policy Framework (NPPF) and paragraph 7 and Annex B of the National Planning Policy for Waste (NPPW).
- 3.29. C. AMENITY IMPACTS
- 3.30. As detailed above, the Borough of King's Lynn and West Norfolk Community Safety and Neighbourhood Nuisance Officer has raised a significant number of concerns particularly in relation to the potential noise impact of the development and identifies that there are deficiencies with the submitted Noise Impact Assessment, including concerns about the accuracy of the identified separation distances to the nearest

noise sensitive receptors, inadequate noise monitoring and anomalies in the assessed decibel levels. They have also raised a number of other points as set out in Section 3.8 above which give rise to further uncertainties and ambiguities regarding the submitted Noise Impact Assessment, together with concerns about the need for piling and how this would be undertaken. Whilst they have recommended the inclusion of a number of conditions related, particularly to the noise impacts of the development, it is clear that the submitted information is not sufficient to confirm that the development is acceptable and therefore it would not be appropriate to approve the application subject to the conditions recommended.

- 3.31. Although one of the conditions recommended by the EHO is one requiring a noise limit 5dB above background noise level, in the event permission is granted, in accordance with the NPPF this would be a matter that would be controlled through the Environmental Permitting regime, and rather than through planning.
- 3.32. As set out above there have also been concerns raised by a significant number of third-party objectors in relation to the amenity impacts. The applicant has been invited to respond to the comments of the Community Safety and Neighbourhood Nuisance Officer but the request for the submission of an updated Noise Impact Assessment has not responded to. Accordingly, at this stage it is not possible to conclude on the basis of the information submitted with the application, that the proposal would be acceptable in terms of the amenity impacts, particularly in relation to noise. Paragraph 43 of the NPPF stresses the importance of the right information to enable good decision-making, particularly where formal assessments are required. In this case this requirement cannot be considered to have been met. On this basis, it has to be concluded that insufficient information has been submitted with the application to determine that it is acceptable in terms of its amenity impacts and therefore also whether it is compliant with the NM&WDF Core Strategy Policies CS7, CS14, CS15 and DM12, Borough of King's Lynn & West Norfolk Site Allocations and Development Management Policies Plan (Adopted September 2016) Policy DM15, paragraphs 170 & 180 of the National Planning Policy Framework (NPPF) and paragraph 7 and Annex B of the National Planning Policy for Waste (NPPW).
- 3.33. D. IMPACTS ON LANDSCAPE, TREES AND HEDGEROWS
- 3.34. In terms of the impact on landscape trees and hedgerows, there are no significant issues raised by the consultees. The comments of the Council's Natural Environment Team are set out in Section 3.8 above. These identify, because of the topography of the site in relation to the surrounding area and the retention of the boundary planting, that the proposal will give rise to minimal landscape and visual impacts. They further advise that the proposed mitigation landscaping, including bunding and tree planting will acceptably alleviate any residual adverse impacts. They advise that a landscaping plan will be required, which can be conditioned, that shows the details of the mitigation planting, screening planting and demonstrates biodiversity net gain. This they advise, should include details of all species, size and numbers of any soft landscaping proposals, where they will be located and that it should be accompanied by a planting and maintenance specification. Details of boundary treatments also

need to be submitted as do details of the tree protection proposed, although the advice is that this can also be dealt with by condition.

- 3.35. Notwithstanding that this may be the case however, as detailed in the discussion of the principle of the development set out above, there is a policy presumption against allowing the development of permanent waste management facilities on restored mineral extraction sites. Insofar as it is proposed to clear the site, destroying much of the completed restoration work that has been undertaken, the proposal would be contrary to this. Consequently, even if the proposed mitigation works can be considered to be acceptable in terms of the impacts on landscape, trees and hedgerows, the policy presumption is that that the existing restoration works including the existing landscape components comprising trees and hedgerows should be retained. In that respect, and notwithstanding the comments of the County Council's Arboriculturist and its Landscape & Green Infrastructure Officer, the proposal must still be considered to be contrary to the NM&WDF Core Strategy Policies CS7, CS14 and DM8.
- 3.36. E. IMPACTS ON ECOLOGY, BIODIVERSITY AND SOILS
- 3.37. As detailed above in Section 3.8 above the County Council's Ecologist has submitted a holding objection advising that the presence or otherwise of protected species, and the extent to which they might be affected by the proposed development, must be established before planning permission is granted, because it is proposed that the site be cleared. They advise that the surveys should be completed and any necessary measures to protect the species should be in place before the permission is granted including the submission of a mitigation/enhancement strategy and Reasonable Avoidance Method Statement (or equivalent).
- 3.38. As is the case in relation to the amenity impacts the applicant has been invited to respond to the comments of the County Council's Ecologist and advised of the need for further survey work and the submission of a mitigation/enhancement strategy and Reasonable Avoidance Method Statement. They have not responded to this request. Again, and accordingly, it is not possible to conclude the proposal is acceptable in terms of relevant development plan policy and national planning policy.
- 3.39. Notwithstanding that this is the case, the impacts on ecology, biodiversity and soils raise the same issue as the impact on landscape, trees and hedgerows, in that there is a policy presumption against allowing the development of permanent waste management facilities on restored mineral extraction sites. Just as it is proposed to clear the site, destroying much of the completed restoration work and its value in terms of providing habitat and supporting biodiversity, as detailed above the policy presumption is that the existing restoration works including the existing habitat once established, should be retained. In that respect, and notwithstanding the comments of the County Council's Ecologist, the proposal has in relation to the impacts on ecology, biodiversity and soils, to be considered to be contrary to the NM&WDF Core Strategy Policies CS7, CS14 and DM1.
- 3.40. Appropriate Assessment

- 3.41. It should be noted that the application site is within 6km of the Norfolk Valley Fens Special Area of Conservation (SAC) at East Walton and with 7km of the Roydon Common & Dersingham Bog SAC, which are European protected habitats. The application has been assessed in accordance with Regulation 63 of the Conservation of Habitats and Species Regulations 2017. Due the size and scale of the development, and this distance from the European sites, it is considered there is not a requirement for the CPA to undertake an Appropriate Assessment of the development.
- 3.42. E. PUBLIC RIGHTS OF WAY
- 3.43. The application does not raise any substantive issues in terms of the impacts on Public Rights of Way and the Public Rights of Way Officer has not advised of any concerns arising from the proposal in relation to Public Rights of Way.
- 3.44. It should be noted that Middleton Restricted Byway 5 runs along Mill Drove. The potential impacts of the increase in HGV traffic on pedestrians is addressed above under the heading of Traffic, Access and Highway Safety.
- 3.45. The application can accordingly be considered to be compliant with relevant development plan policy, the NPPF and the NPPW in relation to Public Rights of Way.
- 3.46. H. SURFACE WATER AND FLOOD RISK;
- 3.47. The application is supported by a Flood Risk Assessment and Drainage Strategy. These have not identified any significant issues in relation to surface water management and flood risk. There have been no objections from the Lead Local Flood Authority or the Environment Agency.
- 3.48. There are no significant issues in terms of relevant development plan policy or policy set out in the NPPF or NPPW.
- 3.49. H. SUSTAINABILITY
- 3.50. The application is supported by a Sustainability Statement which although largely a statement of policy related sustainability requirements. It states that the development of the site for the recycling of inert waste facility will support sustainability through anticipated reductions in energy consumption and carbon impact associated with the production of materials such as primary aggregates and that due to an increase in the availability of recycled aggregate, demand for the energy intensive processes of raw aggregate extraction and production should decrease. It further states that the development of the facility will promote sustainability across a number of themes including health and wellbeing, energy, transport, water use, waste management, built heritage and archaeology, land use and ecology, and pollution. It includes reference to the possible use of solar PV panels on the roof to meet at least 10% of total energy consumption on-site but does not include any specific proposals. It also includes reference to the utilisation of water efficiency measures.
- 3.51. The assessment does not however identify what the throughput of the site would be and therefore what the level of production of recycled aggregate would be and does

not identify where incoming materials would be derived from. It also does not quantify the other sustainability benefits under the various themes it refers to and does not accurately or adequately address the sustainability concerns set out above, that the site is not in a sustainable location, is not well related to the highway network and that the development of a site on a restored mineral extraction site can only be achieved by destroying much of the completed restoration work that has been undertaken. To the extent that the proposal is not acceptable in terms of the principle of the development, the traffic, highway safety and accessibility impacts, the impacts on landscape, trees and hedgerows and impacts on ecology, biodiversity and soils as detailed above, it cannot also be considered to be sustainable development or in accordance with the presumption in favour of sustainable development set out in the NM&WDF Waste Site Specific Allocations Development Plan Document Policy SD1 or the Borough of King's Lynn & West Norfolk Site Allocations and Development Management Policies Plan Policy DM1, King's Lynn & West Norfolk Borough Council Local Development Framework - Core Strategy Policy CS8 or Chapter 2 and in particular paragraph 10 of the NPPF.

3.52. I. CUMULATIVE IMPACTS

3.53. No separate or discreet assessment of the cumulative impacts of the development has been submitted with the application. The key impacts are those set out above, with traffic and access, the impacts on landscape, trees and hedgerows, the impacts on ecology and biodiversity, and amenity impacts being the main considerations. The Highway Authority in particular has raised concerns about the cumulative impacts of the development given other existing HGV traffic in the local highway network and on the access route to and from the site to the A47 along the East Winch East Winch Road and Mill Drove. As such the proposal additionally cannot be considered to be acceptable in terms of the cumulative impacts on the Highway safety and therefore also cannot be considered to be compliant with Core Strategy Policy DM15, or paragraph 5 of the NPPW which also refers to the need to consider cumulative impacts.

3.54. ENVIRONMENTAL IMPACT ASSESSMENT

3.55. Screening Opinion Ref. C/5/2019/0009 was issued on 13th March 2020, for the proposal. The Screening Opinion was negative and indicated that EIA would not be required.

3.56. RESPONSES TO REPRESENTATIONS RECEIVED

3.57. 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.

3.58. The responses to the representations from objectors are set out under each of the relevant headings in Paragraphs 3.10 and 3.11 above.

3.59. LOCAL FINANCE CONSIDERATIONS

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.

- 3.60. In this instance is not considered that there are local finance considerations material to this decision.

4. Conclusion & Reasons for Decision

- 4.1. This is an application for a change of use of a former quarry to an inert waste recycling facility with associated access and ancillary infrastructure including a workshop, hardstanding, car parking, storage areas, office, and weighbridge, within the area of a restored former mineral extraction site at Mill Drove, Blackborough End.
- 4.2. There has been an objection from Middleton Parish Council on the basis that the facility would be located on a restored former mineral extraction site, would have adverse highway safety and amenity impacts and would be contrary to development plan policy. There have been 94 third-party representations mainly from local residents, all but one of which object to the application, raising similar concerns to Middleton Parish Council.
- 4.3. There has been an objection from the Highway Authority on highway safety and accessibility grounds. The Borough of King's Lynn and West Norfolk's Community Safety and Neighbourhood Nuisance Officer and the County Council's Ecologist have advised that the information submitted with the application does not adequately demonstrate that the proposal is acceptable in terms of its impacts on amenity and ecology.
- 4.4. Although the Site is located within ten miles of major development in accordance with NM&WDF Core Strategy Policy CS5 it cannot be considered to be in a sustainable location because it is not well-related to the major road network and is only accessible by minor and potentially unsuitable roads. As a restored former mineral extraction site, it is not brownfield land or any of the other types of suitable land listed for waste management within NM&WDF Core Strategy Policy CS6 and its development for a permanent waste management facility would therefore be contrary to Policy CS6. Furthermore, in accordance with the National Planning Policy for Waste (NPPW), and on this basis that the proposal is a departure from the development plan, need for the proposal has not been demonstrated.
- 4.5. It is therefore considered that the proposal would be contrary to the development plan and the National Planning Policy Framework (NPPF) and National Planning Policy for Waste (NPPW). Refusal of planning permission is therefore recommended.

5. Alternative Options

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

6. Financial Implications

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

7. Resource Implications

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

8. Other Implications

8.1. Legal Implications

There are no legal implications from the Planning Regulatory perspective.

8.2. Human Rights implications

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

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

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

8.3. Equality Impact Assessment (EqIA)

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

8.4. Health and Safety implications

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

8.5. Sustainability implications

There are no sustainability implications from a planning perspective.

8.6. Any other implications

There are no other implications from a planning perspective.

9. Risk Implications/Assessment

9.1. There are no risk issues from a planning perspective.

10. Select Committee comments

10.1. Not applicable.

11. Recommendations

11.1. That the Executive Director of Community and Environmental Services be authorised to:

I. Refuse planning permission for the reasons set out below.

Reasons for Refusal

1. As a restored former quarry the site now holds countryside status and therefore it is not brownfield land or any of the other types of suitable land listed for waste management within Norfolk Minerals and Waste Development Framework (NM&WDF) Core Strategy Policy CS6 and its development for a permanent waste management facility would consequently be contrary to Policy CS6. Furthermore the applicant has not demonstrated the need for the site at this location and the proposal would therefore this reason additionally be contrary to the National Waste Planning Policy for Waste (NPPW 2014).
2. The proposal is remote from the main distributor road network and the market it is intended to serve conflicting with the aims of sustainable development and the need to minimise travel, as represented in national and local policy. The application is therefore contrary to Norfolk Minerals and Waste Development Framework (NM&WDF) Core Strategy Policy DM10: Transport and King's Lynn & West Norfolk Borough Council Local Development Framework - Core Strategy Policies CS01, CS02, CS06 and CS11.
3. The public highway serving the site is considered to be inadequate to serve the development proposed, by reason of its poor alignment/restricted width/lack of

passing provision/lack of pedestrian footways. The proposal, if permitted, would be likely to give rise to conditions detrimental to highway safety, contrary to Norfolk Minerals and Waste Development Framework (NM&WDF) Core Strategy Policies CS15, DM10 and DM15, and also King's Lynn & West Norfolk Borough Council Local Development Framework - Core Strategy Policy CS11, Borough of King's Lynn & West Norfolk Site Allocations and Development Management Policies Plan (Adopted September 2016) Policy DM12, paragraphs 108-110 of the National Planning Policy Framework (NPPF) and paragraph 7 and Annex B of the National Planning Policy for Waste (NPPW).

4. Insufficient information has been submitted with the application to determine that it is acceptable in terms of its amenity impacts, and particularly its noise impacts and therefore that it is compliant with the Norfolk Minerals and Waste Development Framework (NM&WDF) Core Strategy Policies CS7, CS14, CS15 and DM12, Borough of King's Lynn & West Norfolk Site Allocations and Development Management Policies Plan (Adopted September 2016) Policy DM15, paragraphs 170 & 180 of the National Planning Policy Framework (NPPF) and paragraph 7 and Annex B of the National Planning Policy for Waste (NPPW).

12. Background Papers

- 12.1. Norfolk Minerals and Waste Development Framework, Core Strategy and Minerals and Waste Development Management Policies Development Plan Document 2010-2026 (Adopted September 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>

- 12.2. Norfolk Minerals and Waste Development Framework Waste Site Specific Allocations Development Plan Document (Adopted October 2013)

<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. King's Lynn & West Norfolk Borough Council Local Development Framework - Core Strategy (Adopted Version July 2011)

https://www.west-norfolk.gov.uk/downloads/download/68/core_strategy_document

- 12.4. Borough of King's Lynn & West Norfolk Site Allocations and Development Management Policies Plan (Adopted September 2016)

https://www.west-norfolk.gov.uk/info/20220/site_allocations_and_development_management_policies_plan/514/adopted_plan

- 12.5. The National Planning Policy Framework (NPPF) (2019)

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/810197/NPPF_Feb_2019_revised.pdf? ga=2.81687703.1498971390.166921834-1965140127.1559835065

12.6. National Planning Policy for Waste (NPPW) (2014)

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

12.7. Planning Practice Guidance (2014)

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

Officer Contact

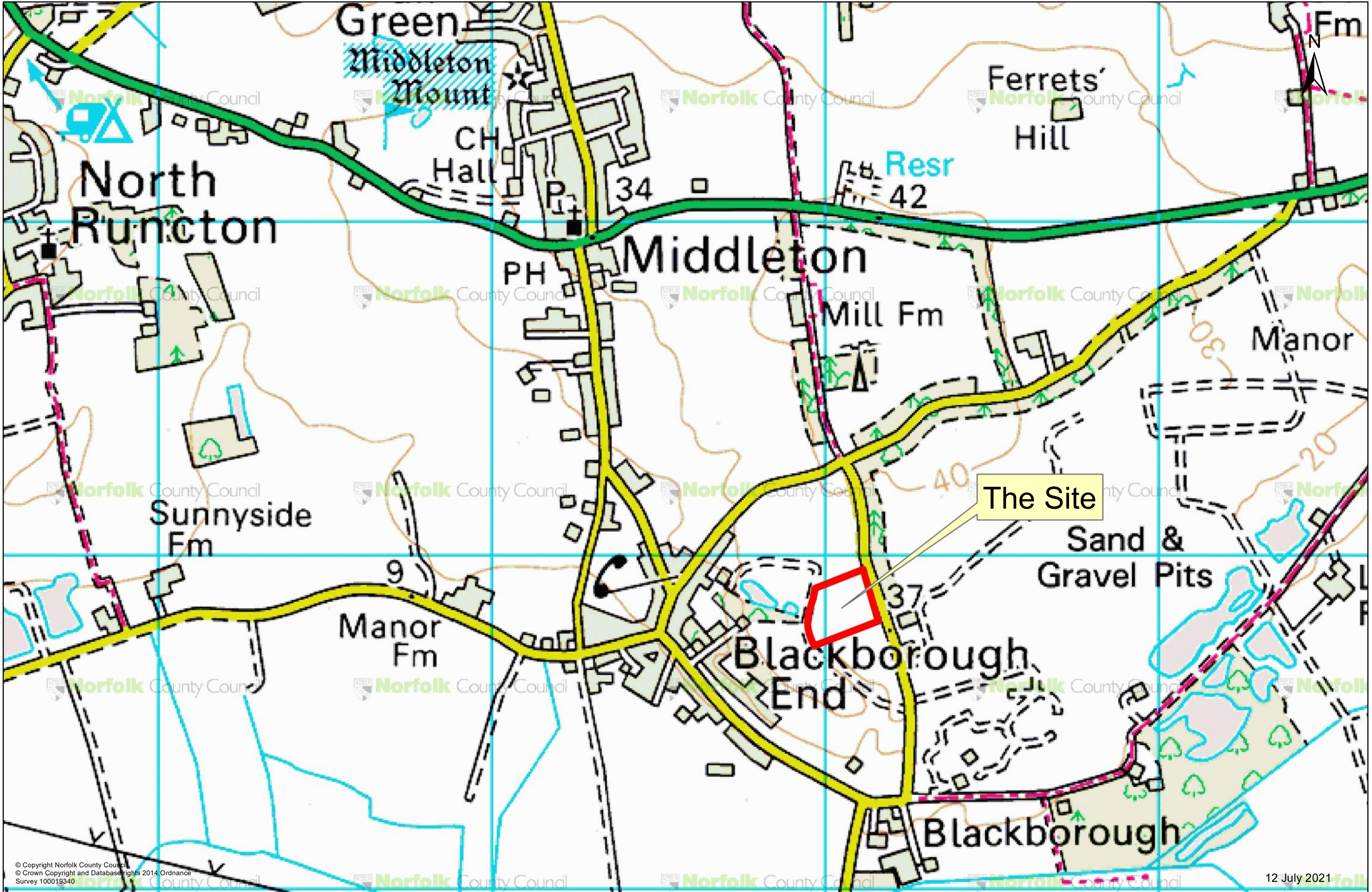
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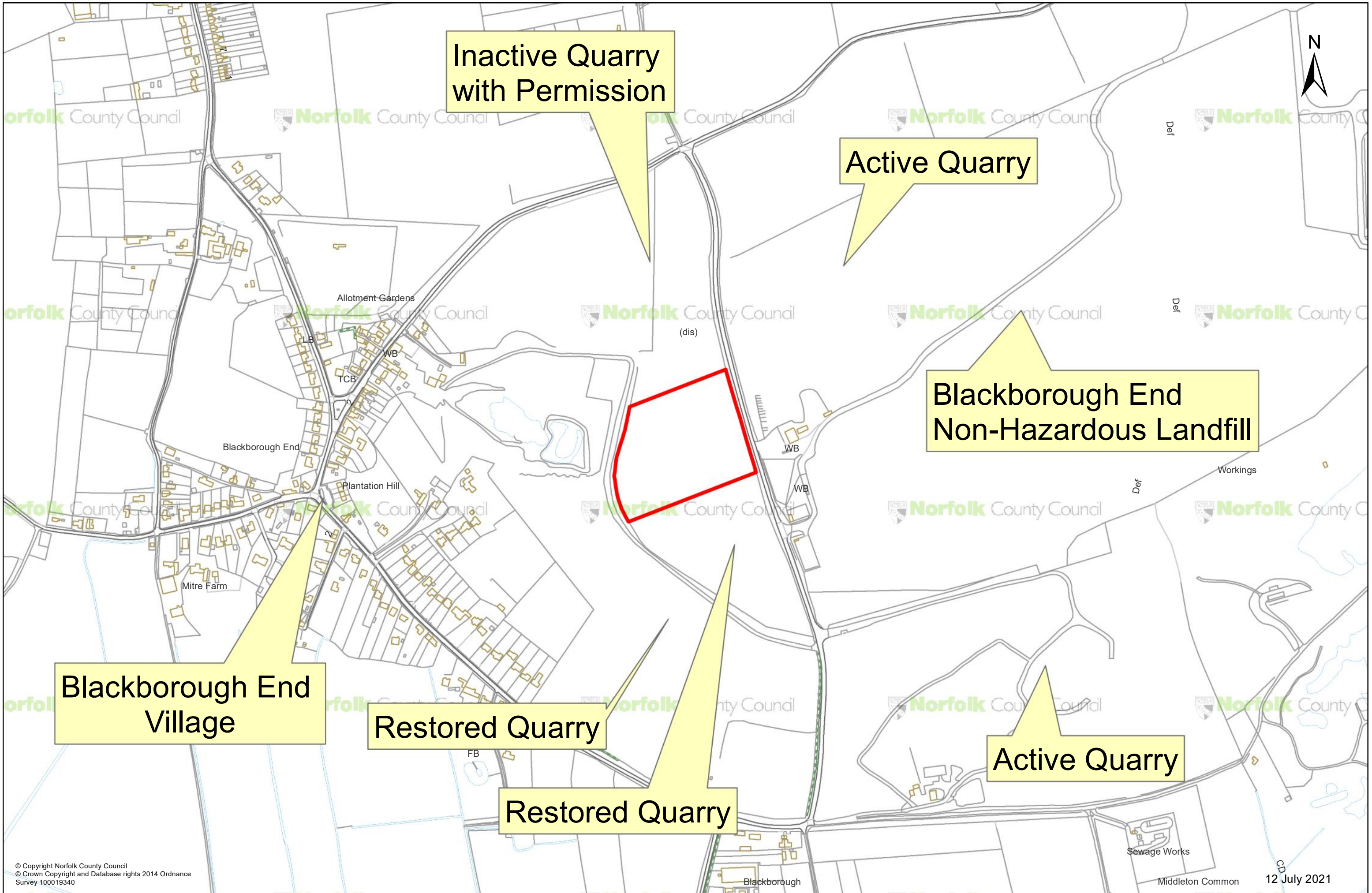


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NB Construction Blackborough End
Location Plan





NB Construction Blackborough End
Location Plan



Planning (Regulatory) Committee

Item No: 7

Decision making report title:	FUL/2020/0021 - Land East and West of Station Road, Leziate, King's Lynn, Norfolk, PE32 1EJ
Date of meeting:	30th July 2021
Responsible Cabinet Member:	N/A
Responsible Director:	Tom McCabe, Executive Director of Community and Environmental Services
Is this a key decision?	No
Proposal & Applicant:	The extraction of industrial sand and associated works with progressive restoration to wildlife habitat, geological exposures and a lake at Mintlyn South Quarry (Sibelco UK)

Executive Summary

This is an application for the extraction of industrial sand and associated works with progressive restoration to wildlife habitat, geological exposures and a lake on Land East and West of Station Road, Leziate, King's Lynn. The site has an estimated mineral resource 1.1 million tonnes of silica sand. Silica sand is white sand with a higher silica content than normal sand and is predominantly used in industrial processes, notably the production of glass, rather than construction. The planning application boundary totals 56.1 hectares of which the proposed extraction area extends across approximately 15.3 hectares on the western side of the site.

There has been an objection from Leziate Parish Council and also six objecting third-party representations, expressing concern about the long-term aftercare and management of the site following restoration.

In accordance with the Council's Constitution, the application is being reported to the Planning (Regulatory) Committee because it is for EIA development and is accompanied by an Environmental Statement.

The key issues to be assessed in the determination of the application are, the principle of the development, traffic and access, surface water, groundwater and flood risk, the impacts on landscape, trees and hedgerows, the impacts on ecology, biodiversity and soils; the

impacts on heritage; public rights of way and the amenity impacts. Other issues to be considered include sustainability and the cumulative impacts.

It is considered that the proposal would be in accordance with the policies contained within the development plan and with the National Planning Policy Framework (NPPF). Conditional full planning permission is therefore recommended.

Recommendation:

That the Executive Director of Community and Environmental Services be authorised to:

- I. Grant planning permission subject to the conditions outlined in section 11.**
- 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. Background

- 1.1. Sibelco currently operates two quarries at Leziate - Holt House Quarry and Grandcourt Quarry. Planning permission for the working of Grandcourt Quarry was granted in 2007 (Planning Permission Ref. C/2/2004/2034) and it is currently the subject of two further applications – one for an extension to the quarry (Application Ref. C/2/2018/2016) and one to allow the existing quarry to be worked until the end of 2025 (Application Ref. C/2/2018/2017).
- 1.2. Holt House Quarry is currently operated in accordance with Planning Permission Ref. C/2/2014/2004 which was granted on 14th May 2018 and which extended the end date for extraction until 21st December 2022.
- 1.3. The two quarries form part of a larger landholding at Leziate that includes two other quarries, Wicken South Quarry and Mintlyn South Quarry. The whole complex of operational and restored quarries in Leziate and the Leziate Plant Site, is known as the King's Lynn Complex.
- 1.4. Extraction at Wicken South Quarry has now been completed and the site has been restored, although some of the areas on the south side of the site remain in formal aftercare.
- 1.5. Working at Mintlyn South Quarry was last worked in the 1980s but extraction suspended due to difficulties in processing the extracted sand to the required grade (a technical processing problem which has now been overcome). Mintlyn South Quarry is now the subject of this application.
- 1.6. The Application Area is allocated for silica sand extraction (site reference SIL01) in Norfolk County Council's Minerals Site Specific Allocations Development Plan Document (SSAP) - originally adopted in October 2013 and subsequently amended in December 2017.

2. Proposal

2.1. SITE

- 2.2. The application site is in Bawsey approximately 2.5 km south-east of the centre of King's Lynn, approximately 2.5 km north-west of the centre of East Winch, and approximately 2.1 km to the north of Middleton. It extends either side of Station Road, to encompass the proposed extraction area to the west and the Leziate Plant Site to the east.
- 2.3. The planning application boundary totals 56.1 hectares of which the proposed extraction area extends across approximately 15.3 hectares on the western side of the site.
- 2.4. The northern and central areas of the proposed extraction area together with other sections within the application boundary have been previously worked for sand extraction. For the most part these areas have been left to re-colonise naturally without formal restoration, with the exception of some small areas of tree planting. The land within the south-western part of the proposed extraction area where extraction is now proposed is currently in agricultural (grazing) use. The application area accordingly comprises the following:
- areas of woodland (including semi-natural woodland and plantation), grassland heathland and former sand extraction areas that have been left to naturally regenerate. These include a lake, known as the Blue Lagoon which is located approximately in the centre area of the western half of the site;
 - bare ground, trackways and areas historically used for stockpiling of extracted material, with localised mothballed infrastructure and remnant stockpiles;
 - elements of the Leziate Plant Site, already operated by Sibelco;
 - a former conveyor route, running beneath Station Road via an underpass, currently stopped-up and overgrown; and
 - existing agricultural land used for grazing, with associated outbuildings/storage areas;
- 2.5. In relation to the wider setting of the site, it is located in a semi-rural area characterised by large tracts of agricultural land to the south and south-west, and extensive tracts of plantation woodland to the east, west and within the application area itself. There are also large waterbodies to the north as well as within the current application boundary that have been created by past mineral extraction over the wider area.
- 2.6. The site is bisected by Station Road running north-south with the Leziate Plant Site located to the east of Station Road. There are two residential properties to the immediate north of the Leziate Plant Site with access from Station Road and there is a further property located to the south where Station Road intersects the railway. There are several residential properties and outbuildings to the north of the Leziate Plant Site along Holt House Lane. There are also further residential properties on an unnamed access track to the south of Holt House Lane, the majority of which are

owned by Sibelco and leased to tenants. The nearest residential properties to the application area are:

- White House Farm – 125m to the south of the application area and 250m to the south-west of the extraction area;
- Forestry Cottage – 405m to the north of the application area and 595m metres to the north of the extraction area;
- Fir Cottage and Gomo Re Gumbo – 150m to the east of the application area (at the closest point) and 410m to the east of the extraction area;
- Properties along Station Road - immediately adjacent to the application area and the proposed route of the conveyor (at the location of the existing tunnel beneath Station Road); and
- Holt House – 30m to the north of the application area and 95m to the north-east of the proposed route of the conveyor

- 2.7. There is also understood to be a caravan located in the south-western most corner of the application area. This is occupied on an occasional basis during the daytime only and that it does not serve as a residential property.
- 2.8. There are two Public Rights of Way (PRoW) - Restricted Byways (RB) which pass through the application site; Bawsey RB8 runs east/west along the northern edge of the application site and Bawsey RB9 runs north/south from Station Road and adjoins Bawsey RB8 to the north of Blue Lagoon. The nearest off-site Public Footpath is Bawsey FP11 which is located c. 730 metres to the north-east of the site.
- 2.9. The proposed extraction on the western side of the site, lies within a larger area of historical and operational quarries, which have left behind a number of water-restored quarry workings to the north and east, and much of the site particularly on its south-east has previously been worked, albeit that this has largely been revegetated.
- 2.10. Most of the site is identified as non-agricultural land on the Regional Agricultural Land Classification maps for the East Region (published by Natural England). A survey of the proposed extraction area was undertaken in May 2019 and all of the agricultural land (predominantly at the southern end of the proposed extraction area) has been found to be of Subgrade 3b quality, i.e. not the top grade of agricultural land known as Best and Most Versatile Agricultural Land.
- 2.11. The site is allocated for silica sand extraction (Site Ref. SIL01) in the Norfolk Minerals and Waste Development Framework (NM&WDF) Minerals Site Specific Allocations Development Plan Document (Adopted October 2013, amendments adopted December 2017)
- 2.12. **Proposal**
- 2.13. The application is for the extraction of industrial sand and associated works with progressive restoration to wildlife habitat, geological exposures and a lake. The site has an estimated mineral resource 1.1 million tonnes of silica sand. Silica sand is

white sand with a higher silica content than normal sand and is predominantly used in industrial processes, notably the production of glass, rather than construction.

The application states that the extraction is required to ensure continuity of industrial sand supply in accordance with the Development Plan and the National Planning Policy Framework (NPPF), and that there is a demonstrable and overriding need for it, in order to maintain the supply of a nationally important industrial mineral.

Site Establishment Works

2.14. The initial site establishment works would comprise:

- Vegetation clearance works where required;
- The installation of 1.8 metre anti-climb fencing around the boundary of the works area (extraction area plus any other land required for operational purposes within the application area i.e. the internal haul route and haul roads, the conveyor route and any the area where any ancillary equipment would be located);
- The installation of a controlled crossing where the proposed haul route between the extraction area and the intermediate stockpile crosses Bawsey RB9;
- The installation of the conveyor and associated ancillary equipment (including a new switch house measuring 3 x 3 x 2 metres high) from the proposed location of the intermediate stockpile (on land to the west of Station Road) to the proposed location of the radial stockpile at the Leziate Plant Site (on land to the east of Station Road);
- The planting of a approximately 420m of new native hedgerow along the southern boundary of the application area; and
- The installation of a range of ecological enhancement features (including reptile hibernacula, bat boxes and bird boxes) within the application area.

The duration of the site establishment works would be approximately 6 months and would commence shortly after all the required consents have been obtained.

Method of Working and Phasing

- 2.15. Following the initial site establishment, working will begin, which will be undertaken in three phases at the western side of the site. The soils and overburden stripping, soils and overburden storage and sand extraction will progress broadly from south to north with concurrent progressive restoration following behind this.
- 2.16. The initial soils to be stripped from Phase 1 will be stored in a bund (a maximum of 2m in height) to the immediate south of the extraction area to provide screening between the extraction area and White House Farm to the south-west. Once the bund is complete further soils will be stored in a central soil storage mound within the footprint of the extraction area to a height of around 5m.
- 2.17. The soil storage mounds will be grass seeded at the first suitable opportunity following formation and will be progressively reused in forming the restoration contours of the lake. Soil and overburden will be handled by mobile plant (comprising

a back actor, a bulldozer and four dump trucks) with works undertaken mainly in the autumn. Soils within Phase 3 will be stripped and placed directly onto the western slopes to the restoration contours.

- 2.18. The majority of the economic sand seam to be extracted lies above the water table and can be extracted without any requirement for dewatering. A small proportion of the mineral, generally less than 2m, lies below the water table. This will be excavated using a long reach excavator. Some limited groundwater dewatering may need to be undertaken in order to work the very deepest mineral below the water table in some areas. It is proposed that dewatering may occur to up to ~1.5 metres below mean groundwater levels depending on the active phase with any dewatering water being transferred to the Leziate Plant Site water management system.
- 2.19. The maximum depth of excavation within the extraction area will be circa 8.5m Above Ordnance Datum (AOD) in the north-eastern corner.
- 2.20. It is proposed that the sand will be extracted on a campaign basis with approximately 37,500 tonnes of sand extracted during each campaign, up to a total of approximately 150,000 tonnes per year (i.e. 4-5 campaigns per year). Each campaign will last would last approximately 5 weeks.
- 2.21. The sand will be extracted from the quarry face by a back actor before depositing it into dumper trucks for transfer, via the internal haul route, to the intermediate stockpile. Sand will be loaded from the intermediate stockpile into the conveyor feed hopper by a front-end loading shovel. From there the conveyor will transport the sand to the radial stockpile at the Leziate Plant Site via the existing conveyor tunnel under Station Road.
- 2.22. Outside of campaigns the radial stockpile will require regular replenishment as the sand extracted from Mintlyn South Quarry is consumed by the Leziate Plant Site. Therefore, around once a week, a front-end loader and the conveyor will be in operation.
- 2.23. Final restoration of the extraction area and the removal of the associated conveyor and ancillary equipment/features will all be achieved within two years of the end of sand extraction.
- 2.24. Processing and dispatch of products to customers will continue to take place from the Leziate Plant Site (to the east of Station Road) in accordance with existing operational and management practices/protocols.

The Mineral Resource

- 2.25. The sand resource present in the proposed extraction area has been investigated by drilling and the samples obtained have been analysed. A Mineral Resource Assessment is included with the application. This confirms that the amount of sand to be extracted, processed and sold is likely to be in the region of 1.1 million tonnes.

Leziate Plant Site

- 2.26. The Leziate Plant Site currently processes sand supplied by Holt House Quarry and Grandcourt Quarry (respectively located to the east and south-east of the Leziate Plant Site) via private, off-highway haul roads as well as some sand supplied through importation. The part of the application area that extends into the Leziate Plant Site to the east of Station Road is to accommodate the addition of the new conveyor and a radial stockpile. Once the works at Mintlyn are complete the conveyor will be removed. No other development is proposed at the Leziate Plant Site to facilitate the proposed development and it is not proposed that there would be any increase in the export of processed sand from the Plant Site.

Duration

- 2.27. It is anticipated, once site establishment works have been completed, that sand extraction will be undertaken over a period of 8 years with a further 2 years to complete the final phase of restoration.

Access and Traffic

- 2.28. Access to and from the proposed extraction area by mobile plant will be via the existing access point off Station Road. Plant will cross Station Road from the Leziate Plant Site at the start and end of each day during campaigns.
- 2.29. Apart from the occasional movement of mobile plant at the beginning and end of each working day during the extraction campaigns, the proposed sand extraction at Mintlyn South Quarry will not directly generate any vehicle movements on the local highway network.
- 2.30. The Leziate Plant Site currently produces around 750,000 tonnes of sand per annum of which around 70% is dispatched by rail from the rail head to the immediate south of the Plant Site. The balance is transported by road via Station Road/Hill Road and the A47. This level of traffic generation will not be increased by the working of Mintlyn South Quarry.
- 2.31. The movement of mobile plant to and from the extraction area at the beginning and end of each working day during campaigns will require mobile plant to cross Restricted Byway 9 (RB9). In order to ensure the safety of users of RB9 it is proposed that gating and signing be put in place to manage this. The arrangement will consist of traffic lights activated by pedestrians to alert mobile plant to their presence. When the lights go red, the mobile plant will stop and the gates raised to allow pedestrians to pass.

Lighting

- 2.32. It is not proposed locate any static lighting within the extraction area. Any lighting required (i.e. at the start and end of the day during winter months) will be attached to the mobile plant. There will be a requirement for one downlight at the intermediate stockpile and two downlights on the radial stockpile within the Leziate Plant Site. Any downlights would be installed with Passive Infrared (PIR) sensors so that they will

only be used when activated. In practice, it is likely that the conveyor would only be loaded in daylight hours which would further limit the use of any lighting.

Restoration

- 2.33. A Restoration Masterplan has been submitted with the application. This together with the Phasing Plans, shows that the slopes of the mineral extraction area will be progressively re-profiled using the mobile plant on-site through a combination of material movement and soils placement.
- 2.34. Following cessation of mineral extraction in each phase, the extraction area will be restored to a landscaped lake for nature conservation use. All associated infrastructure (including the conveyor and stockpiles) will be removed during the final restoration period. The restoration scheme will also include an area of geological exposure left to allow views of the cross-bedding which is a feature of the sand.
- 2.35. The restored extraction area will comprise:
- 6.16 hectares of acid grassland/heath/inland dune;
 - 0.16 hectares of retained geological exposure; and
 - 8.94 hectares of water in the form of a lake.
- 2.36. The new lake depth will range from shallow (0m to 1m) to areas of deeper water (greater than 1m) and will feature marginal wetland. An area of heathland, dune and acid grassland on land to the west of the lake will be created within the footprint of the restored extraction area and on the other restored quarry faces. This will be achieved through re-instatement of original soils stripped from Phase 3 and passive recolonisation from adjacent retained habitats. Passive restoration would be rapid (some colonisation would be expected within 12 months of the facilitating earth works) given the proximity of retained heathland/dune grassland habitats, and because the relevant community dominants are wind dispersed. Use of natural processes is also consistent with the origin of the existing habitats.

Aftercare and After-uses

- 2.37. The application area will be managed for nature conservation and will be managed for 5 years following restoration, to ensure successful establishment. The 5-year aftercare period for each Phase will begin once each restoration Phase is complete. It is not proposed that any additional public access be provided within the application area following restoration.

Hours of Operation

- 2.38. The proposed hours of mineral extraction and use of the conveyor are 07:00 – 18:00 Monday to Friday; and 07:00 – 13:00 Saturdays (with no working on Sunday, Bank Holidays and Public Holidays).

Employment

- 2.39. The whole King's Lynn Complex directly employs 45 people locally with approximately 80 more employed in contracted related roles (earthworks, land management, road transport and rail transport).

Application Documents

- 2.40. The application is supported by an Environmental Statement and a Non-Technical Summary with a number supporting assessments including, a Mineral Resource Assessment, Arboricultural Report, Ecology Report, Landscape and Visual Impact Assessment (LVIA), Land Stability Assessment, Heritage Impact Assessment, Noise Assessment, Air Quality Assessment, Hydrogeological Impact Assessment, Flood Risk Assessment and a Soils Assessment.

3. Impact of the Proposal

3.1. DEVELOPMENT PLAN POLICIES

- 3.2. Relevant development plan policies for the purposes of the application comprise the following:

Norfolk Minerals and Waste Development Framework (NM&WDF), Core Strategy and Minerals and Waste Development Management Policies Development Plan Document 2010-2026 (Adopted September 2011)

- Policy CS1: Minerals Extraction;
- Policy CS2: General Locations for Mineral Extraction and Associated Facilities;
- Policy CS13: Climate Change and Renewable Energy Generation;
- Policy CS14: Environmental Protection;
- Policy CS15: Transport;
- Policy DM1: Nature Conservation;
- Policy DM3: Groundwater and Surface Water;
- Policy DM4: Flood Risk;
- Policy DM8: Design, Local Landscape and Townscape Character;
- Policy DM9: Archaeological Sites;
- Policy DM10: Transport;
- Policy DM11: Sustainable Construction and Operations;
- Policy DM12: Amenity;
- Policy DM13: Air Quality;
- Policy DM14: Progressive Working, Restoration and Afteruse;
- Policy DM15: Cumulative Impacts; and
- Policy DM16: Soils.

Norfolk Minerals and Waste Development Framework (NM&WDF) Minerals Site Specific Allocations Development Plan Document (Adopted October 2013, amendments adopted December 2017)

- Policy SD1: The Presumption in Favour of Sustainable Development
- Policy SIL01: Land at Mintlyn South

King's Lynn & West Norfolk Borough Council Local Development Framework – Core Strategy (Adopted July 2011)

- Policy CS01: Spatial Strategy;
- Policy CS06: Development in Rural Areas
- Policy CS08: Sustainable Development;
- Policy CS10: The Economy;
- Policy CS11: Transport; and
- Policy CS12: Environmental Assets.

King's Lynn & West Norfolk Borough Council Site Allocations and Development Management Policies Plan (Adopted September 2016)

- Policy DM1: Presumption in Favour of Sustainable Development;
- Policy DM12: Strategic Road Network;
- Policy DM12: Strategic Road Network;
- Policy DM15: Environment, Design and Amenity;
- Policy DM19: Green Infrastructure/Habitats Monitoring and Mitigation; and
- Policy DM21: Sites in Areas of Flood Risk.

Neighbourhood Plan

The site is located in the areas of Bawsey Parish Council and Leziate Parish Council. Neither Parish currently has an adopted Neighbourhood Plan.

3.3. OTHER MATERIAL CONSIDERATIONS

3.4. National Planning Policy Framework (NPPF) (2019)

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

3.5. EMERGING DEVELOPMENT PLAN POLICY

- 3.6. Paragraph 48 of the NPPF states that Local Planning Authorities may give weight to relevant emerging policies in certain circumstances.

3.7. The Norfolk Minerals and Waste Local Plan Review

- 3.8. The Norfolk Minerals and Waste Local Plan Review is currently on-going. A Preferred Options Consultation took place in September and October 2019. The Pre-submission Draft of the Plan is due for publication and consultation early next year. At this stage only limited weight can be attributed to the policies in the emerging plan. Draft policies relevant to this application include the following:

- Policy MW2: Development Management Criteria;
- Policy MW3: Transport;
- Policy MW4: Climate Change Mitigation and Adaption;
- Policy MW6: Agricultural Soils;
- Policy SIL01: Land at Mintlyn South, Bawsey;
- Policy MP1 Provision for Minerals Extraction;
- Policy MP2 Spatial Strategy for Mineral Extraction;
- Policy MP6 Cumulative Impacts and Phasing of Workings;
- Policy MP7 Progressive Working, Restoration and After-Use; and
- Policy MP8 Aftercare.

3.9. **King's Lynn & West Norfolk Local Plan Review 2016-2032 (Draft Cabinet version Local Plan Review 2021**

The King's Lynn and West Norfolk Local Plan Review is currently ongoing. A consultation on the draft plan took place in 2019. The Pre-Submission version of the Plan is due for Publication and consultation later this year. At this stage only limited weight can be attributed to the policies in the emerging plan. Policies relevant to this application include the following:

- Policy LP01: Spatial Strategy
- Policy LP03: Presumption in Favour of Sustainable Development
- Policy LP06: Climate Change
- Policy LP07: The Economy
- Policy LP13: Transportation
- Policy LP18: Design and Sustainable Development
- Policy LP20: Historic Environment
- Policy LP21: Environment, Design and Amenity

3.10. **Constraints**

3.11. There are a number of constraints affecting the site including the following:

- There are number of Listed Buildings and Scheduled Monuments to the north and west of the site. The nearest include: the Font against the south facade of Whitehouse Farmhouse, which is Grade II Listed and lies approximately 150m south-west of the site; the Ruins of the Church of St Michael, which are Grade II* Listed and lie approximately 620m north-west of the site; Church Farmhouse, which is Grade II Listed and lies approximately 980m north-west of the site, the Moated site in Crow's Wood, which is a Scheduled Monument located 1.2km north west of the site, and the Remains of St James' Church and surrounding Saxon and medieval settlement, which is Grade I Listed and a Scheduled Monument, located 1.3km north-west of the site;
- There are number of nearby designated nature conservation sites including the following:
 - Leziate, Sugar and Derby Fens Site of Special Scientific Interest (SSSI) (2.3km north-east);
 - Bawsey SSSI (740m to the north-east);

- Roydon Common and Dersingham Bog Special Area of Conservation (SAC) (2.6km north-east);
- Roydon Common SSSI (2.6km north-east);
- Roydon Common Ramsar (2.6km north-east);
- Norfolk Valley Fens SAC (5.57km south-east);
- East Winch Common SSSI (3.5km south-east);
- River Nar SSSI (4.1km west);
- East Walton & Adcock's Common SSSI (5.9km south-east);
- The Wash Ramsar Site (8.1km north-west);
- The Wash SAC (8.1km north-west); and
- The Wash and North Norfolk Coast Special Protection Area (SPA) (8.1km north-west); and
- There is a County Wildlife Site (CWS) partially within the application area and within the south-eastern most extent of the extraction area the '70 & 100 Plantations'. There is also a CWS immediately to the south of the application site adjacent to Station Road 'The Holt', and a further CWS to the immediate west of the application site at the 'Haverlesse Manor Plantation'.
- The Norfolk Coast Area of Outstanding Natural Beauty (AONB) is situated approximately 3.4km north of the site; and
- The site lies in Flood Zone 1 on the Environment Agency's (EA) Flood Map for Planning.

3.12. **CONSULTATIONS**

BOROUGH OF KING'S LYNN AND WEST NORFOLK PLANNING – Advise that they have no objection subject to the imposition of conditions relating to proposed mitigation measures for air quality and dust, the provision of lighting, hours of working and noise detailed by the Community Safety and Neighbourhood Nuisance (CSNN team (see below).

BOROUGH OF KING'S LYNN AND WEST NORFOLK ENVIRONMENTAL HEALTH & HOUSING – ENVIRONMENTAL QUALITY – Have no objection.

BOROUGH OF KING'S LYNN AND WEST NORFOLK COMMUNITY SAFETY AND NEIGHBOURHOOD NUISANCE (CSNN). Advise that they have no objection subject to the imposition of conditions relating to proposed mitigation measures for air quality and dust, the provision of lighting, hours of working and noise.

ENVIRONMENT AGENCY – Advises that it has no objection, subject to the imposition of a condition stating that there shall be no de-watering on the site below 13m AOD. This would allow de-watering to a depth of 2m above the proposed maximum excavation depth in the northern part of the site and is similar to average groundwater levels for that part of the site, so that de-watering would only be necessary in wet conditions. This would mean that de-watering could not take place in Phase 3 unless groundwater levels are over 1m above highest recorded, but the maximum recorded groundwater level is only just over 2m above the base of the excavations.

It comments that it is in fact unclear whether any de-watering would actually be required, if the deepest 0.5m or so of the economic mineral is potentially left in the ground. It is stated in the application that the majority of mineral extraction would be above the water table, but that the first 2m beneath the water table can be extracted wet (i.e. without the need for de-watering) which is welcomed.

It comments that from the submitted water level data and base of excavation contours, it would appear that on the northern part of the site the maximum depth of excavation proposed is approximately 10m Above Ordnance Datum (AOD), with a maximum recorded groundwater level of 12.1mAOD, so that the saturated depth extends to only just over 2m at a time of high groundwater level. Thus, in Phase 3 it may be that no de-watering is needed. Elsewhere the site maximum depth of working is approximately 11.25mAOD, with a maximum groundwater level of approximately 14mAOD and minimum groundwater level of 13.0mAOD. Therefore in Phase 1 (and potentially Phase 2) it may be that de-watering would be required.

The proposed condition it advises would be a way to regulate the way of working, which would be to dig the vast majority of mineral under the water table wet, by excavator without needing to de-watering.

It further advises that in Phase 3 where no dewatering should be necessary but otherwise that any pumping out of the excavations should be limited to the estimated green field run-off rate, but that limiting dewatering to a maximum depth of 13mAOD across the site would mean that in Phase 3 there is likely to be some rainfall/run-off storage capacity within the limit imposed by a maximum de-watering depth of 13mAOD, with maximum groundwater levels to date of only approximately 12mAOD.

It also observes that water pumped out of the excavation is not returned locally to the aquifer, or nearest water courses, but transferred to the existing Leziate Plant Site water management system. Consequently, it advises that the amount water pumped should be the bare minimum and that this would be controlled through the abstraction licence.

HIGHWAY AUTHORITY – Observes that the application seeks to extend the existing quarry operations with the extracted mineral processed at the existing Leziate Plant Site. The land will be worked in a phased manner with the continuation of current extraction rates with no increase in HGV movements over and above current levels. At present approximately 70% of material is exported from the site by rail with the remaining 30% transported by road. In light of the above, it confirms that it has no objection to the application.

LEAD LOCAL FLOOD AUTHORITY – Have no comments on the application.

COUNTY COUNCIL'S ARBORICULTURIST – Advises that the Arboricultural Report submitted with the application is thorough and fit for purpose and that the proposed tree protection measures are acceptable. They advise that an Arboricultural Method Statement (AMS) in relation to planned tree removals should be submitted but that this can be dealt with by condition. They otherwise have no objection.

COUNTY COUNCIL'S LANDSCAPE & GREEN INFRASTRUCTURE OFFICER – Advises that that they agree with the conclusions the Landscape and Visual Impact

Assessment submitted with the application and comment that whilst a development of the nature and magnitude of that proposed cannot have no impact on the landscape, the site is well situated for these impacts to have minimal negative consequences on both the visual amenity and landscape of the area. They advise that they consider that there are suitable provisions in place to minimise impacts during the operational phase of the quarry and that the restoration plan has been well developed with ecology in mind and the creation of habitats and mosaic of land types that has the potential to offer an overall beneficial outcome to the landscape. Consequently, they have no objection.

COUNTY COUNCIL'S ECOLOGY OFFICER – Advises that with the recommended mitigation in place and agreed restoration plan, it is unlikely that there will any significant long-term adverse effects on biodiversity.

They comment that mitigation measures have been embedded within the planning proposal and that no medium to long-term significant ecological effects are predicted as a result of the site establishment works, operational phases and restoration works. This is based on consideration of the relevant baseline ecological features, proposed methods of working, the relatively small scale and limited duration of the proposed quarry activities, and the options available to mitigate and compensate potential adverse effects.

They also comment that the working of the site will provide opportunities for habitat creation/management that will result in a net gain for biodiversity, which is supported by a Biodiversity Net Gain Calculation.

The proposed restoration of the site will be to a mixture of nature conservation after use as outlined in Restoration Masterplan, which they advise is acceptable in terms of the impacts on ecology, but that an area of geological exposure will also be left to allow views of the crossbedding which is a feature of the sand (which also has benefits for invertebrates, reptiles and some bird species).

There are currently no confirmed bat roosts within the proposed development, but the applicant has proposed mitigation and enhancements for bats within the planning application and further assessment would be undertaken prior to commencing any works.

Any mature trees within the proposed development with low suitability (or higher) for bat roosts would be re-checked for bat roosts as a precaution prior to felling as well as further checks prior to clearance of future mineral extraction phases. Where roosts are present these would be avoided. In the unlikely event they cannot be avoided, roost characterisation would be undertaken, and a European Protected Species Mitigation Licence (EPSML) would be applied for to mitigate for the loss of the roost(s).

COUNTY COUNCIL'S PUBLIC RIGHTS OF WAY OFFICER – Has not commented on the application.

COUNTY COUNCIL'S HISTORIC ENVIRONMENT OFFICER – Advises that the application is acceptable subject to the inclusion of a condition requiring the

development to be undertaken in accordance with the submitted archaeological Written Scheme of Investigation (WSI).

ANGLIAN WATER - Advises that it has no objection.

NATURAL ENGLAND – Has no objection. It advises that the site is situated within multiple Site of Special Scientific (SSSI) Impact Risk Zones, but that the submitted Environmental Statement scopes out all sites because they are not within the zone of influence of the proposed development. Further information is presented in the Hydrological Assessment which explains that Bawsey SSSI can be screened out because it is designated for geological interest and not water dependent. Natural England agrees within this conclusion.

Roydon Common, Leziate, Sugar and Derby Fens SSSIs it advises are water dependent and located in the Gaywood River catchment but upstream of the river itself and more than 2 km from the extraction area. Therefore, it is concluded in the assessment that the distance between the development footprint and sites of interest are sufficient to avoid impacts of dewatering. Natural England acknowledge the conclusion of the Hydrological Assessment but recommend a precautionary approach and suggest that there should be appropriate monitoring of groundwater movement and quality to mitigate potential impacts, and appropriate remedial measures deployed if needed.

To prevent impacts to designated sites they advise that the following avoidance and mitigation measures should be implemented and secured:

- Compliance with industry good practice and environmental protection legislation during both site establishment works and operation e.g. prevention of surface and ground water pollution, and fugitive dust management, noise prevention or amelioration, should be applied to minimise the potential for environmental pollution; and
- Implementation of the recommended mitigation measures set out in the submitted Hydrological Impact Assessment and Environmental Statement.

It also comments that during operation water discharge will be processed at Leziate Plant Site water management system and that any discharge off-site will be performed under the appropriate discharge consent and/or abstraction licence which would need to be applied for, if required. This it advises is of particular significance should the applicant seek to discharge water to the Gaywood River which runs through Leziate and Sugar Derby Fen SSSI.

Overall, Natural England advises that it is satisfied that the mitigation outlined in the application will limit the impacts to designated sites, although it advises that a Habitats Regulations Assessment should be undertaken for completeness and in accordance with Policy SIL01.

Natural England welcomes the biodiversity net gain and habitat compensation offered by the proposal but advises that the management of the site should be detailed within a s.106 legal agreement, along with a commuted sum or

investment type mechanism to be provided a suitably experienced management body. It otherwise makes a number of detail observations in relation to protected species including birds, reptiles, bats and also County Wildlife sites and has provided its standing advice in relation to the statutory designated nature conservation sites. It advises that the County Council must in determining the application be mindful of the of the legal obligation under s.40 of the NERC Act 2006 (the biodiversity duty).

HISTORIC ENGLAND – Advises that it does not object to the application in principle provided that the landscaping on the western side of the proposed development is satisfactory, if necessary, by way of an appropriate condition.

It advises that there are several historic sites set in the landscape around the site, including the ruins of the former parish church of St Michael, Mintlyn, which located approximately 675m to the west of the site, and that the development could result in harm to the significance of the church. It advises that developing a quarry near the church has the potential to detract from these surroundings and affect the experience of approaching the site, especially from the east. The plans depicting the three phases of excavation and restoration show that excavation would begin in the south-western corner of the site, closest to the church. An area with mixed trees and grassland would remain unexcavated, but the edge of the excavation would come very close the western side of the site at certain points, leaving little room for a significant planted screen at a point where vegetation on the western side of the site is minimal. They therefore recommend that the western extent of the excavation is reduced to allow an increased area where more planting can be deployed and that the existing area of trees is enhanced with additional planting.

They advise that in determining this application The County Council should bear in mind the statutory duty of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess.

NORFOLK WILDLIFE TRUST – Advises that it has no objection. It supports the restoration proposals and supports the comments of the County Council's Ecologist.

HEALTH AND SAFETY EXECUTIVE - Advises that the site does not fall within the Consultation Distance Zones of either a Major Hazard Site or Major Accident Hazard Pipeline and therefore has no comment on the application.

MINISTRY OF DEFENCE SAFEGUARDING - Confirms that the MOD has no safeguarding objections to the application.

NATIONAL PLANNING CASEWORK UNIT – Has not commented on the application.

THE RAMBLERS – Have not commented on the application.

BAWSEY PARISH COUNCIL – Have not commented on the application.

LEZIATE PARISH COUNCIL – Object to the application on the following grounds:

1. Insufficient Notice: The Council makes a number of detailed points but in summary states that the development is large and significant and would affect

many people in numerous local communities and they consider that the period for consultation has been inadequate, especially during a period when the usual locations to examine documents have been closed. They also state that one of the landowners has not been notified of the application;

2. Deficiencies in the Application: That there are deficiencies in application; particularly in relation to the submitted ecological information and significant impacts on the landowner of part of the site that has not been considered;
3. Site Access During and After Completion: Details of access to the site are unclear, but that vehicular access will encourage inappropriate behaviour;
4. Post Extraction Management: The future management of the site is subject to a s.52 agreement (now referred to as a s.106 agreement) between BKL&WN and British Industrial Sand (BIS). The agreement restricts activities that may be undertaken on the site, which in practice have been ignored and not enforced resulting in anti-social activities, that have been reported to the police and BKL&WN. Until the area is better managed and policed, the application should be refused or determination deferred; and
5. The proposal for five years post extraction management and aftercare is inadequate.

LOCAL MEMBER (COUNTY ELECTORAL DIVISION – GAYTON AND NAR VALLEY) (COUNTY COUNCILLOR JIM MORIARTY) – Has not submitted any comments at the time of writing this report.

3.13. REPRESENTATIONS

- 3.14. The application has been advertised by means of neighbour notification letters, site notices, and an advertisement in the Eastern Daily Press newspaper. In response, there has been six third-party representations, including a letter from James Wild MP, all objecting to the application which in summary make the following points:
- That insufficient time has been allowed for consultation on such a major application;
 - That the development of the site as proposed would result in significant disruption and loss to the pedigree livestock business based at Mintlyn. The application does not acknowledge the existing agricultural use of part of the site and the landowner has not been notified of the application;
 - That the creation of the existing lakes has given rise to incidents of anti-social behaviour (drinking, fires and camping) and criminal activity, and that the proposed restoration to a lake is likely to exacerbate this problem;
 - That effective long-term management of the site needs to be secured;
 - That the access into the site from the B1145, Sandy Lane to Station Road, Leziate, needs to be closed-off;
 - It is unclear if and how public access to the site will be controlled both during extraction and following the restoration;
 - Concerns about the management of water quality in the proposed lake;

- Concern about how the site is to be managed in perpetuity following its restoration and that there needs to be proper long-term management arrangements including if necessary a fund to pay for this. The existing s.52 agreement has not been effective in securing the management of the site;
- The existing lakes have been poorly restored and activities on them undertaken in breach of the restrictions imposed by the s.52 agreement;
- The restoration and aftercare proposals are inadequate and do not adequately address health and safety concerns;
- The restoration should include restoration of the farmed area of the site.

3.15. **APPRAISAL**

3.16. The key issues for consideration are:

- A. Principle of the Development
- B. Traffic and Access
- C. Surface Water, Groundwater and Flood Risk;
- D. Impacts on Landscape, Trees and Hedgerows
- E. Impacts on Ecology, Biodiversity and Soils;
- F. Impacts of Heritage;
- G. Public Rights of Way;
- H. Amenity Impacts;
- I. Sustainability; and
- J. Cumulative Impacts.

3.17. **A. PRINCIPLE OF THE DEVELOPMENT**

3.18. The 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”.

3.19. Relevant development plan policy is, as detailed above, is set out in the Norfolk Minerals and Waste Development Framework (NM&WDF) Core Strategy, the Norfolk Minerals and Waste Development Framework (NM&WDF) Mineral Site Specific Allocations Development Plan, the King’s Lynn & West Norfolk Borough Council Local Development Framework - Core Strategy and the Borough of King’s Lynn & West Norfolk Site Allocations and Development Management Policies Plan.

3.20. In terms of the principle of the development, the proposal does not raise any significant issues, insofar as the proposed area of extraction within the application site is that included as the allocated site under Policy SIL01: Mintlyn South, set out in the NM&WDF Mineral Site Specific Allocations Development Plan Document. It is also proposed to carry the designation through into the emerging Norfolk Minerals and Waste Local Plan Review. The application site includes a substantial additional area to the south-east on the allocated site and proposed extraction area and also some additional land to south, west and north. These are required to accommodate the intermediate stockpile area but also to allow for woodland and biodiversity

management on the land surrounding the extraction area. The application site also includes the conveyor route down to the Leziate Plant Site and the part of the plant site to be used for the associated radial stockpile.

- 3.21. To put this in context the NM&WDF, Core Strategy and Minerals and Waste Development Management Policies Development Plan Document 2010-2026, Policy CS1: Minerals Extraction identifies the need to provide an additional 6.4 million tonnes of silica sand reserves during the Plan period to 2026. The intention going forward and in line with the stated requirement set out in the National Planning Policy Framework (paragraph 208) is to maintain a landbank of silica sand reserves of ten years. Norfolk has been an important supplier of silica sand and supplies nearly three-quarters of England's glass sand output. Sibelco have been the only operator extracting silica sand in Norfolk, at its sites at Leziate, which produces approximately 750,000 tonnes per year.
- 3.22. The silica sand landbank as at the end of July 2021 is calculated to be 2,765,267 tonnes which is just under 4 years of permitted reserves based on the 10 year average sales of 800,051 tonnes per annum. Mintlyn South Quarry as proposed would add 1,094,065 tonnes to the landbank which would increase it to just under 5 years (4.8). This would still be well below the 'at least 10 years' of permitted reserves stated in the NPPF paragraph.
- 3.23. The application does not give rise to any significant issues, in terms of the principle of the development in relation to the strategic policies set in the King's Lynn & West Norfolk Borough Council Local Development Framework – Core Strategy. The development of the site will help ensure the provision of an essential and national important industrial mineral resource.
- 3.24. As such the application can be considered to be acceptable in principle in terms of both development plan policy and national planning policy set out in the NPPF.
- 3.25. **B. TRAFFIC AND ACCESS**
- 3.26. As set out above, the proposal will not make any significant difference to existing traffic generated by the Leziate Plant Site. The Plant Site currently produces around 750,000 tonnes of sand per annum of which around 70% is dispatched by rail. The balance is transported by road via Station Road/Hill Road and the A47. This level of traffic generation will not be increased by the working of Mintlyn South Quarry.
- 3.27. Access to and from the proposed extraction area by mobile plant will be via the existing access point off Station Road. Plant will cross Station Road from the Leziate Plant Site at the start and end of each day during campaigns. Apart from the movement of mobile plant at the beginning and end of each working day during the extraction campaigns, the proposed sand extraction at Mintlyn South Quarry will not directly generate any vehicle movements on the local highway network. As detailed above there are accordingly no objections from the Highway Authority.
- 3.28. The proposal can therefore be considered to be acceptable in terms of traffic and access, and consequently to be compliant with relevant development plan policy. This includes the NM&WDF, Core Strategy and Minerals and Waste Development

Management Policies Development Plan Document, Policies CS7, CS15 and DM10, the Borough of King's Lynn & West Norfolk Site Allocations and Development Management Policies Plan, Policy DM12, and paragraphs 108-110 of the National Planning Policy Framework (NPPF).

3.29. C. SURFACE WATER, GROUND WATER AND FLOOD RISK

- 3.30. In relation to the impacts on the water environment, the key issue, as identified by the Environment Agency, is with the potential impact on groundwater, because the application indicates that the site would in part be worked down to a depth that would be below the level of the water table. As set out in detail above it is anticipated, even where this is the case, that extraction would be by wet working, i.e. that sand is excavated from beneath the surface level of groundwater using a long reach excavator. Only where and when the depth of extraction becomes too deep may some limited groundwater dewatering be needed. The application states that dewatering may be required to up to ~1.5 metres below mean groundwater levels depending on the active phase. Whether it is actually required will depend upon groundwater levels of the time of extraction. Where this is the case the dewatering water will be transferred to the Leziate Plant Site water management system.
- 3.31. In order to protect against adverse effects on groundwater (and particular localised depression of the water table) the Environment Agency has advised that approval is subject to the imposition of a condition stating that there shall be no de-watering on the site below 13m AOD. This would potentially allow wet working down to a level of 11m AOD, compared with a maximum depth of extraction proposed of 8.5m AOD. Whether the condition would impact on the ability of the applicant to extract down to this level, will depend the level of the water table at that time, which could present a potential constraint to extraction, although Sibelco have advised that they are willing to accept this and the condition recommended by the Environment Agency. It is understood that there is only relatively small area on the north-eastern side of the site, that is potentially affected.
- 3.32. As detailed above the Local Lead Flood Authority has not raised any other issues and does not object the development.
- 3.33. One other point that has been raised in the third-party representations concerns the management of water quality in the proposed lake. The have however been on concerns raised by the Environment Agency in relation to quality, in any event it is not the role of the County Council authority to regulate the quality of water, which is a matter for the pollution control authority.
- 3.34. There are therefore no significant issues relating to surface water, ground water and flood risk in terms of relevant development plan policy or policy set out in the NPPF or NPPW, so that it can be considered to be in accordance with development plan and national planning policy.

3.35. D. IMPACTS ON LANDSCAPE, TREES AND HEDGEROWS

- 3.36. In relation to the impacts on landscape, trees and hedgerows, there are essentially two main issues; the first relating to acceptability of the proposed works forming part

of the initial site establishment, operational phase and restoration work; and the second being the aftercare and long-term management of the site.

- 3.37. As detailed above, the initial site establishment works will including an element of vegetation clearance works within the proposed extraction area; planting of a native hedgerow along the southern boundary of the application area; and the installation of a range of ecological enhancement features (including reptile hibernacula, bat boxes and bird boxes).The duration of the site establishment works is likely to be approximately 6 months.
- 3.38. Following completion of the site establishment works, the initial soils to be stripped from Phase 1 will be stored in a bund (a maximum 2 metres high) to the immediate south of the extraction area to provide additional screening between the extraction area and White House Farm to the south-west. Once the bund is complete further soils will be stored in a central soil storage mound within the footprint of the extraction area to a height of around 5 metres. Then as the phases progress soils will be placed back around the periphery of the extraction area progressively to form the final landform, with soils being moved into the preceding phase from the extraction area of the central soil storage mound. The final restoration period is anticipated to last around 2 years, with a 5 year period of maintenance and aftercare to ensure establishment. As detailed above a Restoration Masterplan has been submitted with the application.
- 3.39. In relation to the aftercare and long-term management of the site, the intention is that it will be managed for nature conservation with a management period of five years following restoration. It is not proposed that any additional public access be provided within the application area.
- 3.40. There have been no objections to the proposal from either the County Council's Arboriculturist and the Landscape & Green Infrastructure Officer, subject to the inclusion of a condition relating to the submission for approval and implementation of an Arboricultural Method Statement (Condition No. 19) and the submission of fully detailed landscaping scheme (Condition No. 20).
- 3.41. As is detailed above, the issue of the long-term management and after-use of the site has been raised by Natural England, the Parish Council and in the third-party representations. Natural England have done so in relation to securing the longer-term biodiversity and nature conservation outcomes, whereas it appears that Parish Council and third-party concerns largely relate to regulating to the use, management of, and access to the site which appears to be a response to reported incidents of unsociable behaviour by visitors. As detailed in the comments of Natural England it is not uncommon for former mineral extraction sites and particularly sand gravel sites, where restored to including an element of water-based environment (i.e. a lake or lakes), for the operator to remain responsible for the initial works, followed by a transfer of land ownership or lease to a person or body to ensure the long-term use and management of site.

- 3.42. This not an obligatory requirement of development plan policy in general and in particular Core Strategy and Minerals and Waste Development Management Policies Development Plan Document 2010-2026, Policy DM14 or (NM&WDF) Mineral Site Specific Allocations Development Plan Policy SIL01. Whilst the NPPF and the associated Planning Practice Guidance on Minerals make clear that Mineral planning authorities should secure the restoration and aftercare of a site through imposition of suitable planning conditions and, where necessary, through planning obligations, neither goes as far as requiring the submission and approval of details for the long-term management of sites following restoration.
- 3.43. The issue has been raised with the applicant, who has responded by stating that they do not consider that longer-term management arrangements are a requirement and that the restoration and aftercare proposals that have been submitted are intended to meet the requirements of the development plan and current planning policy.
- 3.44. It is the case that the application as submitted does comply with the requirements of development plan policy and the NPPF in relation to the restoration and aftercare of the site, and on this basis, it cannot be considered that the proposal is unacceptable.
- 3.45. Furthermore, Paragraph 56 of the NPF makes clear that:
- “Planning obligations must only be sought where they meet all of the following tests:*
- a. necessary to make the development acceptable in planning terms;*
b. directly related to the development; and
c. fairly and reasonably related in scale and kind to the development.”
- 3.46. In this case, these tests cannot be considered to be met insofar as a s.106 agreement is not necessary to make the development acceptable in planning terms.
- 3.47. Additional concerns have also been raised by third parties and the regarding the quality of previous restoration works and the implementation of the related s.52 agreement (the equivalent now of a s.106 agreement). These however are matters that cannot be taken into account in determining the current application, which can only be considered on its own merits and the relevant issues and considerations that it gives rise to. If there breaches of the previous s.52 agreement then these have to be enforced in their own right, rather than through the current application.
- 3.48. On this basis and subject to the recommended conditions the proposal can accordingly be considered to be acceptable in terms of the impacts on landscape, trees and hedgerows, and therefore compliant with relevant development plan policy and the NPPF.
- 3.49. **E. IMPACTS ON ECOLOGY, BIODIVERSITY AND SOILS**

- 3.50. In relation to the impacts in ecology, biodiversity and soils of the proposed works are as set out in Section 2 above and as with consideration of impacts on landscape, trees and hedgerows, there are essentially two main issues relating to acceptability of the proposed works forming part of the initial site establishment, operational phase and restoration work; and the second being the aftercare and long-term management of the site.
- 3.51. As detailed above the initial site establishment works include a range of ecological enhancement features (including the provision of reptile hibernacula, bat boxes and bird boxes) while the works following cessation of mineral extraction in each phase, will involve restoration of the extraction area to a landscaped lake for nature conservation use with acid grassland. The new lake features marginal wetland and there will be passive recolonisation from adjacent retained habitats.
- 3.52. As detailed above the County Council's Ecologist has advised that with the recommended mitigation in place and agreed restoration plan, it is unlikely that there will any significant long-term adverse effects on biodiversity and that there would be a net gain for biodiversity. The Norfolk Wildlife Trust has similarly expressed support for the proposal on this basis.
- 3.53. An additional comment that has been made in the third-party representations concerns the impact on soils and the loss of agricultural land. It is the case that the restoration of the extraction area to a lake will result in the loss of an area of agricultural land. A Soils Assessment has consequently been submitted with the Environmental Statement, which confirms that none of the land within the Site is Grade 3a land or above, and hence that there would be no loss of land classed as Best and Most Versatile Agricultural Land. There would nevertheless still be some loss of lower grade agricultural land within the extraction area. The third-party representations stating that the landowner of agricultural land had not been notified of the application have been checked with applicant, and this has been found not to be the case. The landowner has been notified of the application.
- 3.54. Natural England's comments in relation to the need for a s.106 agreement to secure the long-term management of the site, as set out in the comments on the impact on landscape, trees and hedgerows and the same comments and advice apply, i.e. that the application as submitted does comply with the requirements of development plan policy and the NPPF in relation to the restoration and aftercare of the site, and on this basis it cannot be considered that the proposal is unacceptable and that the tests for a s.106 agreement cannot be considered to be met insofar as a s.106 agreement is not necessary to make the development acceptable in planning terms.
- 3.55. One other point to note is that the Ministry of Defence has been consulted on the application and has not offered any objections in relation to the risk of bird strike.
- 3.56. On this basis and subject to the recommended conditions the proposal can be considered to be acceptable in terms of the impacts on ecology, biodiversity and soils, and therefore compliant with relevant development plan policy and the NPPF.
- 3.57. Appropriate Assessment

3.58. It should be noted that the site is situated approximately 2.8 km south the Roydon Common and Dersingham Bog Special Area of Conservation (SAC), 5.9km north-west of the Norfolk Valley Fens SAC, 8.1km south-east of The Wash SAC and Ramsar Site, and 8.1km south of The Wash and North Norfolk Coast Special Protection Area (SPA). The application has accordingly 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, due to both the nature of the development and the distance from the European Sites, that the proposal would not have a significant impact on these or any other protected habitat. This was underlined by the response from Natural England which stated that the proposal will not have significant impacts on statutorily protected nature conservation sites. Accordingly, no Appropriate Assessment of the development is required.

3.59. **F. IMPACTS ON HERITAGE**

3.60. In relation to the impacts on heritage, the main concerns are as outlined in the comments from Historic England and concern the potential to impact on the setting of nearby Listed Buildings and Scheduled Monuments, and particularly the ruins of the former parish church of St Michael, Mintlyn which lies approximately 675m west of the site, the setting of which could be harmed by the development. Otherwise, the most significant potential impact would be on the Font against the south facade of Whitehouse Farmhouse, which is Grade II Listed and lies approximately 150m south-west of the site.

3.61. The impacts on heritage have been assessed in the Heritage Impact Assessment submitted with the application. This identifies that no effects are anticipated in relation to the ruins of the former parish church of St Michael or its setting due to the intervening woodland, but that in any event there would also be additional mitigation planting and the provision of a screen bund around the south-western boundary of the site. These measures are intended to screen the site in relation to the setting of the nearby heritage assets, including the ruins of the former parish church of St Michael and the Font against the south facade of Whitehouse Farmhouse. There have been no objections on heritage grounds in relation to the setting of any of the nearby heritage assets from either the Borough of King's Lynn and West Norfolk or from County Council's own Historic Environment Officer.

3.62. There have similarly been no objections in relation to the impacts on buried archaeology subject to County Council's Historic Environment Officer advising the inclusion of a condition to secure the implementation of the Written Scheme of Investigation (WSI) submitted with the application.

3.63. To the extent that there can be considered to be an impact on the nearby designated heritage assets and particularly their setting, this can, in accordance with paragraph 196 of the NPPF, be considered to give rise to less than substantial harm and most likely at the lower end of less than substantial harm. The NPPF advises that in such

circumstances that the harm should be weighed against the public benefits of the proposal, which in this case can be justified in terms of the national importance of the contribution of the site to the supply of silica sand, as detailed in paragraph 3.21 above.

3.64. It should be noted, as set out in the comments from Historic England that the County Council must determine the application in accordance with the statutory duty set out in s.66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess.

3.65. In this instance and or the reasons set out above the proposal can accordingly be considered to be acceptable in terms of the impacts on heritage, and therefore compliant with relevant development plan policy and the NPPF.

3.66. **G. PUBLIC RIGHTS OF WAY**

3.67. The main public rights issue, is, as set out above, will be the impact on Restricted Byway 9 (RB9) which crosses the site from north to south. The bridleway lies between the extraction area and the intermediate stockpile area, although it will not be directly affected by the extraction and no diversion is required. The main impact would arise from the movement of mobile plant to and from the extraction area at the beginning and end of each working day during campaigns, that need to cross the bridleway, so that there will be a requirement for a safe crossing point. As detailed above, to ensure the safety of users of RB9 it is proposed that gating and signing be put in place to manage this.

3.68. The County Council's Public Rights of Way Officer has not commented on the proposal or offered any objection. The type of crossing point arrangement proposed is common-place on and around operational mineral extraction sites, and there is no reason to consider that proposed crossing point arrangements would not be acceptable. It would nevertheless be appropriate to reserve to details of the design of the crossing point and ensure their implementation for the duration of the extraction and restoration works by condition. An appropriately worded condition is accordingly included as Condition No. 4 in Section 11 below. On this basis the proposal can be considered to be compliant with relevant development plan policy, and the NPPF.

3.69. **H. AMENITY IMPACTS**

3.70. Other than the recommended conditions advised by the Borough of King's Lynn and West Norfolk, the main issue concerns the comments from third-parties and the Parish Council concerning unsociable behaviour on and around the site. These also raise the issue of the longer-term management of the site including access and that the proposed restoration of the site in part to a lake is likely to encourage further unsociable behaviour.

3.71. In response to these concerns, the Committee is advised that the unauthorised actions of third parties cannot be considered to be a directly relevant consideration

in the determination of the application as these are not matters within the control of the applicant. However, whether or not there is access which would be controlled by the applicant and any subsequent landowner, is a valid material consideration. The applicant has indicated that it is not intended to extend public access over the site, although details of how access would be restricted or controlled are not included in the application. As detailed above the applicant has not submitted any proposals for the long-term management of the site beyond the five-year aftercare period, but as also set out above, there is no requirement in policy for the applicant to do this. At best and to the extent that matters do fall within the control of the applicant, it may be appropriate as part of the final restoration and landscaping works to also request details of how access to the land will be restricted once the mineral extraction and restoration works have been completed. It is not however the role of planning system to regulate unsociable behaviour thereafter, which is unrelated to the development for which the application has been made. Accordingly, it recommended that as part of the final landscaping proposals that details of the proposed fencing and restrictions on access are submitted to and for the approval of the County Council.

3.72. In relation to other amenity issues, notably noise and dust management, the Borough Council have recommended, the inclusion of conditions relating to air quality and dust, the provision of lighting, hours of working and noise. These are set out in Section 11 below.

3.73. Accordingly, and subject to the conditions set out in Section 11 below the proposals can be considered to be compliant with relevant development plan policy and the NPPF.

3.74. **H. SUSTAINABILITY**

3.75. The primary sustainability issues in relation to the mineral extraction sites, concern the sustainability of the proposal in terms of the development not giving rise to any significant permanent adverse environmental impacts, whether during the operational phase of the development or as a result of the proposed restoration and aftercare of the site. As set out above the consultees have not raised any significant issues in relation to the operational phase or in relation to the final restoration, that give rise to any sustainability concerns. As detailed above the advice on the submitted restoration plan is that it is acceptable, with appropriate restoration to a landscaped lake for nature conservation use, and the application demonstrating a biodiversity net gain. The application does not include any explicit proposals to generate on-site renewable energy, although this is regrettable, it is not on its own a ground to refuse permission given that the 10% referred to in the NM&WDF, Core Strategy and Minerals and Waste Development Management Policies Development Plan Document Policy CS13, is an aspiration rather than a requirement.

3.76. Whilst not part of the development plan or planning policy, Norfolk County Council's Environmental Policy is a material consideration in determination of this application. The County Council has made a commitment to use the policy to guide all the Council's future decision-making and therefore it has some, albeit very limited, weight in considering this proposal.

3.77. The Policy takes as its starting point the Government's own 25-year Plan published in 2018 and is structured to reflect key environmental concerns embodied in that plan. It is considered the proposals would not undermine the Goals of the Plan with particular reference to encouraging a thriving plant and wildlife community, using resources from nature more sustainably and efficiently, and enhancing beauty, heritage and engagement with the natural environment. The proposal can be considered to be compliant with the Policy.

3.78. I. CUMULATIVE IMPACTS

3.79. The assessment of cumulative effects is included in the submitted Environmental Statement with the supporting assessments taking into account, the adjacent mineral extraction and processing operations at Leziate. The key impacts are those set out above including the impacts on traffic and access, surface water, groundwater and flood risk, the impacts on landscape, trees and hedgerows, the impacts on ecology, biodiversity and soils; the impacts on heritage; public rights of way and amenity. None of the statutory consultees have raised any cumulative impact issues and as such there no obvious cumulative impacts that raise any significant issues in relation to compliance with Core Strategy Policy DM15, or paragraph 204 and 205 of the NPPF which also refer to the need to consider cumulative impacts.

3.80. ENVIRONMENTAL IMPACT ASSESSMENT

3.81. The application was submitted with an Environmental Statement, under The Town and Country Planning (Environmental Impact Assessment) Regulations 2017. This is on the basis that the site at 56.1ha falls into Schedule 1 of the Regulations and there an Environmental Statement is automatically required.

3.82. The County Council's Mineral Site Specific Allocations DPD: Single Issue Silica Sand Review (published in December 2017) contains a comprehensive analysis of the environmental issues to be assessed in relation to the development of the site, and the application states that the Environmental Statement which accompanies the application, has been scoped on the basis of this guidance.

3.83. RESPONSES TO REPRESENTATIONS RECEIVED

3.84. 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.

3.85. The responses to the representations from objectors are set out under each of the relevant headings in Paragraph 3.14 above. It should be noted that these include concerns about the consultation process undertaken in relation to the application. This however has followed the normal statutory requirements and has been no different from that undertaken in relation to any other application and in fact with the extended determination period, with the application having been submitted in 2020, there has if anything been a longer period within which representations can be submitted, than is usually the case.

3.86. The third-party representations have also raised a concern, as detailed above, about the fact that part of the site is owned by a private landowner and would result in the

permanent loss of agricultural land. This is however a landownership matter and not a planning matter, with consent to access the mineral and agreement on the restoration required (from a landownership perspective) for the landowner to agree with the applicant. Without landowner's agreement to the proposed extraction works, the development would not be able to go-ahead. The Committee in determining the application cannot take into landownership matters in account.

3.87. LOCAL FINANCE CONSIDERATIONS

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.

- 3.88. In this instance is not considered that there are local finance considerations material to this decision.

4. Conclusion & Reasons for Decision

- 4.1. This is an application for the extraction of industrial sand and associated works with progressive restoration to wildlife habitat, geological exposures and a lake on Land East and West of Station Road, Leziate, King's Lynn. The site has an estimated mineral resource 1.1 million tonnes of silica sand. Silica sand is white sand with a higher silica content than normal sand and is predominantly used in industrial processes, notably the production of glass, rather than construction. The planning application boundary totals 56.1 hectares of which the proposed extraction area extends across approximately 15.3 hectares on the western side of the site. Following cessation of mineral extraction in each phase, the extraction area will be restored to a landscaped lake for nature conservation use.
- 4.2. There has an objection from Leziate Parish Council and also six objecting third-party representations, expressing concern about the long-term aftercare and management of the site following restoration.
- 4.3. Other than the comments from Leziate Parish Council, no other objections have been raised by statutory consultees subject to suitably worded conditions being imposed on any grant of planning permission. The application is considered to be in accordance with development plan and national planning policy.
- 4.4. Historic England have raised a concern about the potential to impact on the setting of nearby Listed Buildings and Scheduled Monuments, and particularly that harm could be caused to the significance of the ruins of the former parish church of St Michael, Mintlyn. Mitigation planting and the provision of a screen bund around the south-western boundary of the site is proposed in response to this that will screen the site in relation to the setting of the church. To the extent that there can be considered to be any impact on the setting of the church this can, in accordance with paragraph 196 of the NPPF, be considered to give rise to less than substantial harm.

The NPPF advises that in such circumstances that the harm should be weighed against the public benefits of the proposal, which in this case can be justified in terms of the national importance of the contribution of the site to the supply of silica sand.

- 4.5. The application accords with the development plan and can be considered to be a sustainable form of development in line with the advice set out in the NPPF, subject to conditions. There are no other material considerations that indicate that planning permission should not be permitted. Accordingly, conditional planning permission is recommended subject to the conditions set out in Section 11 below.

5. Alternative Options

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

6. Financial Implications

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

7. Resource Implications

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

8. Other Implications

8.1. Legal Implications

There are no legal implications from the Planning Regulatory perspective.

8.2. Human Rights implications

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

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

amenity. However, in this instance it is not considered that the human rights of adjoining residents would be infringed.

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

8.3. Equality Impact Assessment (EqIA)

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

8.4. Health and Safety implications

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

8.5. Sustainability implications

There are no sustainability implications from a planning perspective.

8.6. Any other implications

There are no other implications from a planning perspective.

9. Risk Implications/Assessment

9.1. There are no risk issues from a planning perspective.

10. Select Committee comments

10.1. Not applicable.

11. Recommendations

11.1. That the Executive Director of Community and Environmental Services be authorised to:

I. Grant planning permission subject to the conditions set out below.

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.

Conditions

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

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

2. The development must be carried out in strict accordance with the application form and the following plans and documents:

- Drawing No. 60471763-MSQ-001 Mintlyn South Quarry, Site Context Plan, May 2020;
- Drawing No. 60471763-MSQ-002 Mintlyn South Quarry, Site Location Plan, May 2020;
- Drawing No. 60471763-MSQ-003 Mintlyn South Quarry, Existing Situation, May 2020;
- Drawing No. 60471763-MSQ-004 Mintlyn South Quarry, Establishment Works, May 2020;
- Drawing No. 60471763-MSQ-005 Mintlyn South Quarry, Phase 1, May 2020;
- Drawing No. 60471763-MSQ-006 Mintlyn South Quarry, Phase 2, May 2020;
- Drawing No. 60471763-MSQ-007 Mintlyn South Quarry, Phase 3, May 2020;
- Drawing No. 60471763-MSQ-008 Mintlyn South Quarry, Restoration Masterplan, May 2020;
- Drawing No. 60471763-MSQ-009 Mintlyn South Quarry, Cross Sections, May 2020;
- Drawing No. 60471763-MSQ-010 Mintlyn South Quarry, Conveyor Detail, May 2020;
- Proposed Extraction of Industrial Sand and Associated Works with Progressive Restoration to Wildlife Habitat, Geological Exposures and a Lake at Mintlyn South Quarry, Station Road, Bawsey, King's Lynn - Planning Statement, Aecom, May 2020;
- Proposed Extraction of Industrial Sand and Associated Works with Progressive Restoration to Wildlife Habitat, Geological Exposures and a Lake at Mintlyn South Quarry, Environmental Statement, Volume I: Non-Technical Summary, Sibelco, undated;
- Proposed Extraction of Industrial Sand and Associated Works with Progressive Restoration to Wildlife Habitat, Geological Exposures and a Lake at Mintlyn South Quarry, Station Road, King's Lynn, Norfolk, Environmental Statement (Volume II), Aecom, May 2020;
- Specific Site: SIL01, Mintlyn South, Extract from Norfolk Minerals and Waste Local Plan Minerals Site Specific Allocations Development Plan Document: Single Issue Silica Sand Review, Norfolk County Council, December 2017;
- Mintlyn South Quarry, Mineral Resources Assessment, Sibelco, May 2020;
- Mintlyn South Quarry, Appendix C to the Planning Statement - Arboricultural Report, AECOM Infrastructure and Environment UK Limited, 2020;

- Sibelco Mintlyn South Quarry, Environmental Impact Assessment, Appendix C: Ecology, AECOM Infrastructure and Environment UK Limited, 2019;
- Sibelco Mintlyn South Quarry, Environmental Impact Assessment, Appendix D: LVIA, AECOM Infrastructure and Environment UK Limited, 2020;
- Mintlyn South Quarry, Preliminary Ecological Appraisal Report, Ref. 60471763, AECOM Infrastructure and Environment UK Limited, August 2018;
- Ecological Assessment Mintlyn, Reptile Survey, Ward Associates, undated;
- Ecological Assessment Mintlyn, Badger Survey, Ward Associates, undated;
- Ecological Assessment Mintlyn, Appendix 6: Breeding Bird Survey, Ward associates, undated;
- Mintlyn South Quarry Site, Annex C7 - Breeding and Wintering Bird Survey Report, AECOM Infrastructure and Environment UK Limited, March 2019;
- Ecological Assessment Mintlyn, Bat Surveys, Ward Associates, undated;
- Mintlyn South Quarry Site, Annex C9 – Bat Survey Report, AECOM Infrastructure and Environment UK Limited, March 2019;
- Further Ecological Assessment of land at Mintlyn, Norfolk, ward Associates Consultant Ecologists, October 2017;
- Ecological Assessment Mintlyn, Invertebrates, Ward Associates, undated;
- Annex C12 - Aquatic Macroinvertebrate Survey (Technical Report), Blue Lagoon Lake, Leziate, Norfolk Mintlyn South Quarry Site, Annex C9 – Bat Survey Report, AECOM, 11th April 2019;
- Annex C13 - Biodiversity New Gain Calculations, AECOM, undated.
- Mintlyn South , Land Stability Assessment, MCG Report Ref: M0201/24/R681 V2, MCG Consultancy Services, February 2020;
- Mintlyn South Leziate and Bawsey, Norfolk, Heritage Impact Assessment, Andrew Josephs Associates, February 2020;
- Mintlyn South Quarry, Environmental Impact Assessment, Appendix F: Noise, AECOM Infrastructure and Environment UK Limited, 2020;
- Mintlyn South Quarry, Environmental Impact Assessment, Appendix G: Air Quality, AECOM Infrastructure and Environment UK Limited, 2020;
- Mintlyn South Quarry, Environmental Impact Assessment, Appendix H: Hydrogeological Impact Assessment, Report Ref. 66841, Stantec, May 2020;
- Mintlyn South Quarry, Environmental Impact Assessment, Appendix I: Flood Risk Assessment and Drainage Strategy, Report Ref. 66841R1, Stantec, May 2020;
- Appendix J, Assessment of Potential Effect on Soils, Land at Mintlyn South Quarry, Unattributed, Undated;
- Environmental Impact Assessment, Appendix H: Hydrogeological Impact Assessment, Report Ref. 66841, Stantec, May 2020;
- Accident and Emergency Procedure King's Lynn Site, Local Written Procedure, Ref. 4064, Sibelco, undated;

The later version of any Plan will be taken as the approved working version.

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

3. The extraction operations hereby permitted shall cease by 31 December 2031 with all buildings, plant, machinery, stockpiles, haul roads and bunds removed, haul

routes de-compacted and the site restored in accordance with the approved restoration plans and details listed in Condition No.2.

Reason: To protect the amenities of the surrounding area in accordance with Policies CS14 and DM12 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.

4. No development shall take place until details of the design and operation (including drawings) of the controlled crossing where the proposed haul route between the extraction area and the intermediate stockpile crosses Bawsey Restricted Byway 9 (RB9), the crossing point on Station Road and the conveyor cross point on Station Road have been submitted to and approved in writing County Planning Authority. The crossing points shall thereafter be constructed, operated and maintained in accordance with the approved details for the duration of the site establishment works and extraction and restoration phases.

Reason: To ensure the safety of users of Bawsey Restricted Byway 9 and Station Road in accordance with Policy DM10 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026 2026 and paragraph 98 of the National Planning Policy Framework.

5. There shall be no vehicular access to or from the extraction area and intermediate stockpile except via the site access on Station Road and haul route shown on Drawing No. 60471763-MSQ-004 Mintlyn South Quarry, Establishment Works, May 2020;

Reason: To ensure orderly working in the interest of the amenities of the surrounding area in accordance with policies CS14 and DM12 of the Norfolk Minerals and Waste Core Strategy 2010-2026.

6. No operation authorised or required under this permission or under The Town and Country Planning (General Permitted Development) (England) Order 2015 shall take place on Sundays or Bank/Public holidays, or other than during the following periods:

07:00 -18:00 hours Monday to Friday

07:00 -13:00 hours Saturdays

Reason: To protect the amenities of the surrounding area in accordance with Policies CS14 and DM12 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.

7. The handling, movement and re-spreading of topsoil and subsoil shall not take place except when the soils are in a dry and friable condition and in such a way and with such equipment as to ensure minimum compaction. No handling of soil shall take place except between 1st April and 31st October.

Reason: To protect the amenities of the surrounding area in accordance with Policies CS14 and DM12 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.

8. 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 the surrounding area in accordance with Policies CS14 and DM12 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.

9. Any external lighting to be installed on the site shall be installed with passive infrared (PIR) sensors and should be hooded/cowled and angled to shined directly downwards from the horizontal to ensure that it will not cause glare beyond the site boundaries.

Reason: To protect the amenities of the surrounding area in accordance with Policies CS14 and DM12 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order), no 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, as amended.

Reason: To protect the amenities of the surrounding area in accordance with Policies CS14 and DM12 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.

11. The noise emitted from the extraction site and plant including the conveyor site shall not exceed the levels stated below at a distance of 3.5 metres from the facade of the following properties:

- White House Farm - 52 dB LAeq, 1 hour;
- Fir Cottage/Gomo de Gumbo - 52 dB LAeq, 1 hour;
- No. 33 and 37 Station Road - 55 dB LAeq, 1 hour;
- Holt House - 54 dB LAeq, 1 hour; and
Forestry Cottage - 53 dB LAeq, 1 hour.

Noise for temporary operations from temporary soil stripping operations, landscape operations and bund construction and removal operations, at each of the properties listed above shall not exceed 70 dB LAeq (1 hour) free field. Temporary operations shall not exceed a total of 8 weeks in any calendar year.

The site shall otherwise be operated in strict accordance with the mitigation measures detailed in the Proposed Extraction of Industrial Sand and Associated Works with Progressive Restoration to Wildlife Habitat, Geological Exposures and a Lake at Mintlyn South Quarry, Station Road, King's Lynn, Norfolk, Environmental Statement (Volume II), Aecom, May 2020, Chapter 9 Noise and the including the stated embedded mitigation measures set out in paragraph 9.13 and the Mintlyn

South Quarry, Environmental Impact Assessment, Appendix F: Noise, AECOM Infrastructure and Environment UK Limited, 2020, Section 5 Embedded Mitigation.

Reason: To protect the amenities of the surrounding area in accordance with Policies CS14 and DM12 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.

12. Prior to the commencement of any temporary operations on site, as referred to in Condition No. 11 above, a scheme of works to include contact details, the precise nature of works to be undertaken and equipment to be used, timescale, including date of commencement and completion, and the exact location of the works shall be submitted to, and approved in writing by, the County Planning Authority. The development shall be undertaken only in accordance with the approved scheme.

Reason: To protect the amenities of the surrounding area in accordance with Policies CS14 and DM12 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.

13. No reversing beepers or other means of audible warning of reversing vehicles shall be fixed to, or used on, any site vehicles, other than those which use white noise, or other warning measures, the use of which shall first be approved in writing to County Planning Authority.

Reason: To protect the amenities of the surrounding area in accordance with Policies CS14 and DM12 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.

14. From the date of this permission the operator/s shall maintain records of any noise complaints/concerns notified to them regarding activities undertaken as part of the development and a record of all vehicles entering and leaving the site and shall make them available to the County Planning Authority at any time upon request. All records shall be kept and made available for inspection for the duration of the extractions works.

Reason: To protect the amenities of the surrounding area in accordance with Policies CS14 and DM12 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.

15. The soil storage bund to the south of the Phase 1 extraction area shall not exceed 2m in height and the central soil storage mound shall not exceed 5m in height. Any bund or heap which is to stay in position for one or more growing seasons shall be seeded with grass, weed-killed and maintained in accordance with a scheme to be submitted to and approved in writing before construction of the bund, by the County Planning Authority.

Reason: To ensure the proper and expeditious restoration of the site, to accord with policies CS14 and DM14 of the Norfolk Minerals and Waste Core Strategy 2010-2026.

16. No topsoil or subsoil shall be taken off the site.

Reason: To ensure the proper and expeditious restoration of the site, to accord with policies CS14 and DM14 of the Norfolk Minerals and Waste Core Strategy 2010-2026.

17. Measures shall be taken to ensure that that operation do not give rise to any dust nuisance and sand blow, including spraying of road surfaces, plant area and stockpiles and otherwise in strict accordance with the mitigation measures detailed in the Proposed Extraction of Industrial Sand and Associated Works with Progressive Restoration to Wildlife Habitat, Geological Exposures and a Lake at Mintlyn South Quarry, Station Road, King's Lynn, Norfolk, Environmental Statement (Volume II), Aecom, May 2020, Chapter 10 Air Quality and the including the stated embedded mitigation and further mitigation measures set out in paragraphs 10.10 and 10.14 including comprising the shielding of the conveyor and the Mintlyn South Quarry, Environmental Impact Assessment, Appendix G: Air Quality, AECOM Infrastructure and Environment UK Limited, 2020, Section 4.9 Mitigation Meseasures.

Reason: To protect the amenities of the surrounding area in accordance with policies CS14 and DM12 of the Norfolk Minerals and Waste Core Strategy 2010-2026.

18. No phase of quarrying or associated works shall take place other than in accordance with the approved Mintlyn South Quarry, Leziate, Written Scheme of Investigation (WSI), Andrew Josephs Associates, January 2020 and any addenda to that WSI covering subsequent episode of archaeological mitigation.

Following completion of each episode of archaeological mitigation reporting will be put in place including appropriate, post investigation assessment, provision for analysis, publication, dissemination of results and archive deposition in accordance with the archaeological Written Scheme of Investigation submitted with the application.

Reason: To safeguard archaeological interests in accordance with Policies CS14 and DM9 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.

19. Prior to the commencement of development an Arboricultural Method Statement (AMS) which includes the following details shall be submitted to and approved in writing by the County Planning Authority:

- Pre-commencement meeting and briefing;
- Order and phasing of operations;
- Tree works;
- Tree protection measures;
- Site storage and facilities;

- Movement of people, plant and materials;
- Installation of new services and/or diversion of existing services; and
- Timescales for Implementation.

The approved Arboricultural Method Statement shall thereafter be implemented.

Reason: To ensure protection and management of retained trees in accordance with Policy DM14 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026 and King's Lynn & West Norfolk Core Strategy policy CS12 - Environmental Assets.

20. Within 6 months of the date of this permission, a detailed landscaping plan shall be submitted to, and approved in writing by, the County Planning Authority. The development shall thereafter be undertaken in accordance with the submitted and approved Sibelco Mintlyn South Quarry, Environmental Impact Assessment, Appendix D: LVIA, AECOM Infrastructure and Environment UK Limited, 2020 and Drawing No. 60471763-MSQ-008 Mintlyn South Quarry, Restoration Masterplan, May 2020. The scheme shall include details of size, species and spacing of trees, hedges and shrubs, arrangements for their protection and maintenance and include details of the boundary treatments including the fencing to be erected, which shall be of a specification to ensure that there is no unauthorised access to the site following completion of the restoration and landscaping of the site; and details of a schedule and timescales for implementation.

Any landscaping/planting which fails or damage occurs within a period of five years from the date of the initial planting shall be replaced with trees/landscaping of a similar size and species at the next appropriate planting season.

Reason: To protect the amenities of the surrounding area in accordance with Policies CS14 and DM12 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.

21. Within 6 months of the date of this permission, an aftercare scheme specifying such steps as may be necessary to bring the land to the required standard for use for agriculture/grassland/woodland shall be submitted to, and approved in writing by, the County Planning Authority. The approved aftercare scheme shall be implemented over a period of five years following the completion of restoration or in the case of phased restoration in stages each of five years duration dating from each completed restoration phase.

Reason: in the interests of the appearance of the development and surrounding area in accordance with Policy DM14 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.

22. No development shall take place (including any demolition or ground works or site clearance) until a mitigation strategy for reptiles has been submitted to and approved

in writing by the local planning authority. The works shall be carried out strictly in accordance with the approved details.

Reason: To ensure the protection of reptiles in accordance with Policies CS14 and DM1 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.

23. No dewatering shall take place on site below 13mAOD.

Reason: To ensure that the proposed development, does not harm the water environment in accordance with Policies CS14 and DM3 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026 and paragraph 170 of the National Planning Policy Framework.

Positive and Proactive Statement

In accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2015:

The local planning authority has entered into discussions with the applicant during the application processing period to ensure that sufficient information has been submitted to demonstrate that the proposal is acceptable.

Reason for pre-commencement conditions

Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 requires planning authorities to provide written reasons for imposing planning conditions that require particular matters to be approved before development can start. In this instance **Condition Nos. 4, 19 and 22**. This information is being requested by condition to ensure the application is determined within its statutory period and without delay.

Informatives

Drainage

Anglian Water promotes the use of SuDS as a sustainable and natural way of controlling surface water run-off. Find out more about SuDS in our Sustainable drainage systems guide. When planning a development it is advisable to contact Anglian Water as soon as possible to assist with effective SuDS design. If you want Anglian Water to consider the adoption of your proposed SuDS scheme please complete the expression of interest to seek Suds adoption which can be found on:

<https://www.anglianwater.co.uk/developers/drainage-services/sustainable-drainage-systems/>

You should check for any Anglian Water assets which cross or are within close proximity to the site. Any encroachment zones should be reflected in site layout. They can do this by accessing Anglian Water's infrastructure maps on Digdat. Please see our website for further information:

<https://www.anglianwater.co.uk/developers/development-services/locating-our-assets/>

Please note that if diverting or crossing over any of Anglian Water's assets permission will be required. Please see their website for further information:

<https://www.anglianwater.co.uk/developers/drainage-services/building-over-or-near-ourassets/>

Bats

All species of bat are protected under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended) and Schedule 2 of The Conservation of Habitats and Species Regulations 2017 (as amended) making all species of bat European Protected Species.

Where suitable habitat exists, there is the potential for roosts to be present in future.

Any mature trees within the proposed development with Low suitability (or higher) for bat roosts should be re-checked for bat roosts as a precaution prior to felling as well as further checks prior to clearance of any future mineral extraction phases.

Where roosts are present these should be avoided. In the unlikely event they cannot be avoided, roost characterisation should be undertaken and a European Protected Species Mitigation Licence (EPSML) will need to be applied for to mitigate for the loss of the roost(s).

Water Abstraction

If it is intended to abstract more than 20 cubic metres of water per day from a surface water source e.g. a stream or from underground strata (via borehole or well) for any particular purpose then an abstraction licence from the Environment Agency will be needed. It is recommended that you contact the Environment Agency at an early stage to discuss licensing requirements as due to the pressure on water resources in the area, there is no guarantee that a licence will be granted.

Mineral Washing

There is an existing Licence, 6/33/59/*G/0025, for the site for the purpose of mineral washing. Any amendments to this licence due to the proposed quarry extension should again be discussed at an early stage with the Environment Agency. New developments should not detrimentally affect local water features (including streams, ponds, lakes, ditches or drains) this includes both licensed and unlicensed abstractions.

Waste Permit

The proposed use of the settlement lagoons at the Leziate Plant Site as part of the water management aspects may require an extractive waste permit from the Environment Agency to manage the extractive silt waste.

Information about mining waste permits can be found here:

<https://www.gov.uk/guidance/waste-environmental-permits>

12. Background Papers

- 12.1. Norfolk Minerals and Waste Development Framework, Core Strategy and Minerals and Waste Development Management Policies Development Plan Document 2010-2026 (Adopted September 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>

- 12.2. Norfolk Minerals and Waste Development Framework Minerals Site Specific Allocations Development Plan Document (Adopted October 2013 and revised December 2017)

<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. King's Lynn & West Norfolk Borough Council Local Development Framework - Core Strategy (Adopted Version July 2011)

https://www.west-norfolk.gov.uk/downloads/download/68/core_strategy_document

- 12.4. Borough of King's Lynn & West Norfolk Site Allocations and Development Management Policies Plan (Adopted September 2016)

https://www.west-norfolk.gov.uk/info/20220/site_allocations_and_development_management_policies_plan/514/adopted_plan

- 12.5. The National Planning Policy Framework (NPPF) (2019)

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/810197/NPPF_Feb_2019_revised.pdf?_ga=2.81687703.1498971390.166921834-1965140127.1559835065

- 12.6. Planning Practice Guidance (2014)

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

Officer Contact

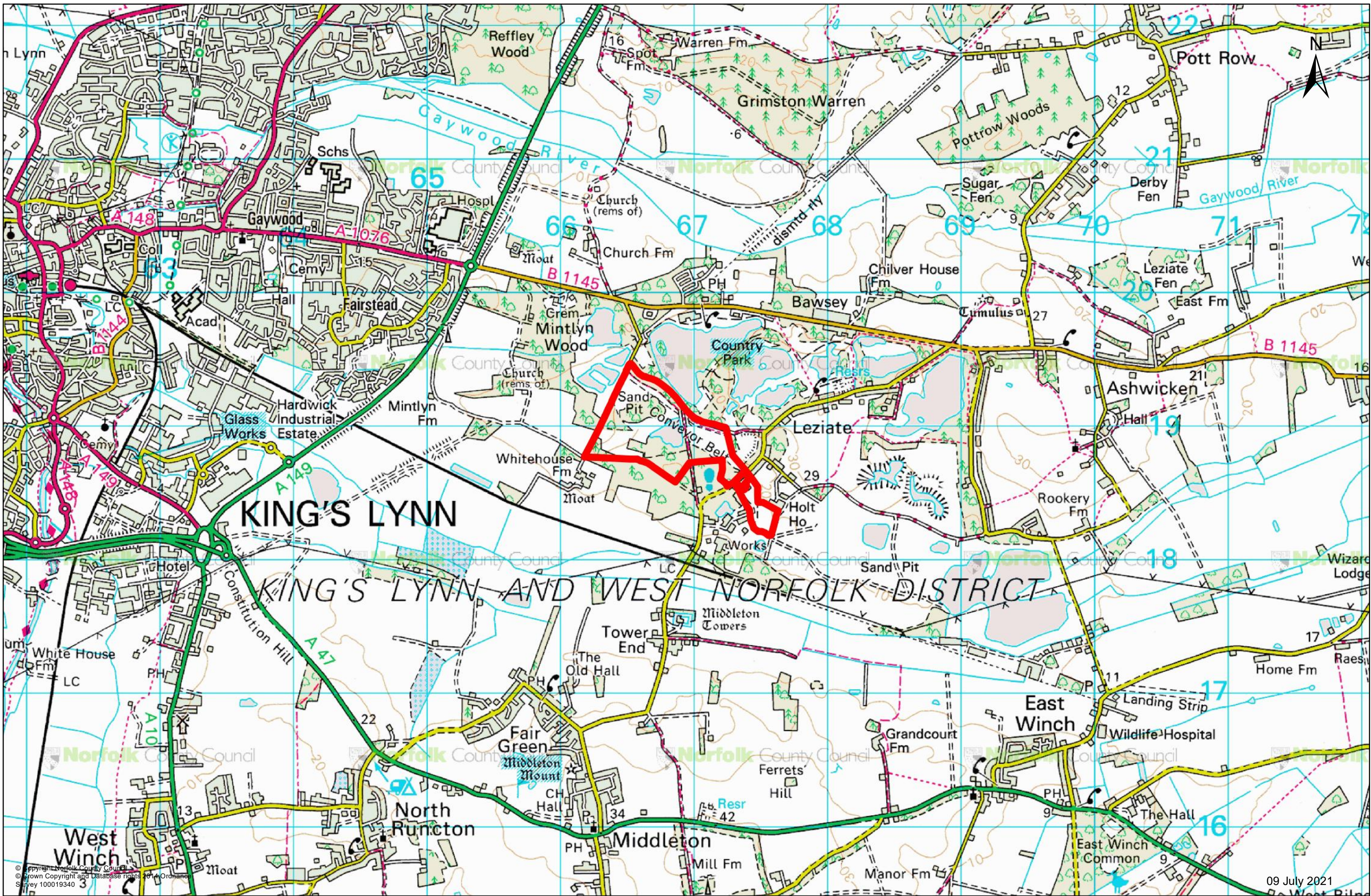
If you have any questions about matters contained in this paper, please get in touch with:

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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 or 0344 800 8011 (textphone) and we will do our best to help.



Mintlyn FUL/2020/0021
Location Plan



