

Planning (Regulatory) Committee

Date: **Friday 26 January 2024**

Time: **11am**

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

Advice for members of the public:

This meeting will be held in public and in person.

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

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

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

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

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

Persons attending the meeting are requested to turn off mobile phones

Membership

Cllr Brian Long (Chair)

Cllr Graham Carpenter (Vice-Chair)

Cllr Stephen Askew

Cllr William Richmond

Cllr Rob Colwell

Cllr Steve Riley

Cllr Chris Dawson

Cllr Mike Sands

Cllr Alexandra Kemp

Cllr Martin Storey

Cllr Mark Kiddle-Morris

Cllr Tony White

Cllr Paul Neale

Registering to speak:

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

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

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

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

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

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

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

A g e n d a

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

2. Minutes

To confirm the minutes from the Planning (Regulatory) Committee meetings held on 24 November 2023

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3. Declarations of Interest

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

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

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

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

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

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

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

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

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|----|---|-----------------|
| 5. | FUL/2023/0033: Carter Concrete Ltd, Britons Lane, Beeston Regis, NR26 8TP
Report by the Interim Executive Director of Community and Environmental Services | Page 10 |
| 6. | FUL/2022/0021: Land south of Rawhall Lane, Beetley, Dereham, Norfolk, NR20 4HJ
Report by the Interim Executive Director of Community and Environmental Services | Page 45 |
| 7. | FUL/2023/0019: Land adjacent to the Barn, Heron Farm, Bunwell Road, Besthorpe, Attleborough, Norfolk, NR17 2LN
Report by the Interim Executive Director of Community and Environmental Services | Page 119 |

Tom McCabe
Chief Executive
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Date Agenda Published: 18 January 2024



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STANDING DUTIES

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

Equality Act 2010

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

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

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

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

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

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

Crime and Disorder Act, 1998 (S17)

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

Human Rights Act 1998

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

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

taken into account that the amenity of local residents could be adequately safeguarded by conditions albeit with the exception of visual amenity.

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

**Planning (Regulatory) Committee
Minutes of the Meeting Held on 24 November 2023
at 11am in the Council Chamber, County Hall**

Present:

Cllr Brian Long (Chair)

Cllr Graham Carpenter (Vice-Chair)

Cllr Steven Askew

Cllr Rob Colwell

Cllr Mark Kiddle-Morris

Cllr Paul Neale

Cllr Matthew Reilly

Cllr William Richmond

Cllr Mike Sands

Cllr Martin Storey

Cllr Tony White

Cllr Steve Riley

Substitute Members Present:

Cllr David Bills for Cllr Chris Dawson

Also Present

Hollie Adams

Ralph Cox

Chris Burgess

Michael Zieja

Committee Officer

Principal Planner

Subject Lead (Planning Team)

Planning Officer

1 Apologies and Substitutions

- 1.1 Apologies were received from Cllr Chris Dawson (Cllr David Bills substituting).

2 Minutes

- 2.1 The minutes from the Planning (Regulatory) Committee meeting held on 21 July 2023 were agreed as an accurate record and signed by the Chair.

3 Declarations of Interest

- 3.1 No declarations were made.

4 Urgent Business

- 4.1 There was no urgent business.

Applications referred to the Committee for determination.

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

5.1.1 The Committee received the report setting out a part-retrospective application for Change of use from agricultural land to the open-air storage of recycled and virgin aggregates. Part retrospective erection of 4-metre-high bund to screen the development; the application site was currently demarcated by bare mounds of inert material/soil and there was evidence of some storage of material/equipment.

5.1.2 The Planning Officer introduced the report and gave a presentation:

- This application was a departure from the development plan as the development was on greenfield land in open countryside.
- A map of the application site, a site plan, aerial photograph of the site indicating the location of nearby properties, and aerial view from 1992 were shown. The location of the site in location to the A47 was shown.
- Topsoil on the site was contaminated from construction of the A47 and was not suitable for use as arable agricultural land.
- The HGV routing plan was shown. 10 HGV movements for the site as a whole would be made per day, 5 in and 5 out, however larger vehicles would be used than those previously considered with the application for the existing site.
- Photographs of the site and its boundary were shown as well as photographs of the condition of the bunding in February 2023 which had self-seeded.
- In 2022 the extension area became operational; this was shown by the increase in throughput on the site.
- The planting schedule for the bunding was shown which was planned to improve biodiversity with a mix of hedgerow and tree species.

5.2 Committee Members asked questions of the Planning Officer

- A Committee Member asked if material was due to be crushed on site. The Planning Officer replied that 3000 tonnes of virgin aggregate would be imported; no additional processing of construction, demolition and excavation waste would take place as part of this application, and existing processing would not take place on the extension area which was for stockpiling only.
- A Committee Member asked for more information about the land use during construction of the A47 affecting the soil quality. The Planning Officer was not able to say what the quality of the land was before the land's use for this construction. Nearby land to the site was grade 3. There were limited details on what specifically the site was used for during construction of the A47, but it was likely a construction compound. The Principal Planner added that it would be difficult to reinstate the land to its previous condition after such work had taken place.

5.3 The Committee **agreed** that the Interim Executive Director of Community and Environmental Services be authorized to:

1. Grant planning permission subject to the conditions outlined in section 11;

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

The meeting ended at 11:16

Chairman



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Planning (Regulatory) Committee

Item No: 5

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

Date of Meeting: 26 January 2024

Responsible Cabinet Member: N/A

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

Is this a Key Decision? No

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

Executive Summary

Planning permission is sought under Section 73 of the Planning Act 1990 for variation of conditions of permission reference FUL/2019/0002 to regularise changes to the approved restoration scheme for the original quarry.

The site lies within the Norfolk Coast National Landscape (formerly AONB). The proposals are EIA development, and the accompanying Environmental Statement concludes that, with appropriate mitigation the proposals can be carried out in an acceptable manner, without causing demonstrable harm to matters of noted importance.

The application is part retrospective in nature, with an area of open water not provided for in the approved restoration scheme having been retained on site, and a trackway not provided for in the approved restoration scheme having been partly constructed.

No objections have been raised by statutory consultees, subject to suitably worded conditions being imposed on any grant of planning permission, and no representations were received from the public.

The key issues are the principle of development, landscape and visual impact, impact on residential amenity, impact on heritage assets, biodiversity and geodiversity,

transport, sustainability, flood risk, groundwater/surface water, restoration/aftercare and cumulative impacts.

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

The original permission is subject to a legal agreement concerning: aftercare; permissive access; geological restoration management; interpretation facilities; and vehicular access for geological management and scientific access. The legal agreement provides for obligations in the agreement to also apply to a new planning permission resulting from an application under Section 73 of the Planning Act 1990.

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

Recommendations:

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

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

1. Background

- 1.1 This report deals with a planning application within the parish of Beeston Regis, for variation of conditions of permission reference FUL/2019/0002 to regularise changes to the approved restoration scheme for the quarry.
- 1.2 Beeston Regis Quarry has been an active site for the production of sand and gravel since the late 19th century. The site has an Interim Development Order (IDO) planning permission, which was subject to initial review of planning conditions in 1993 as required by the Planning and Compensation Act 1991. Since then, further planning permissions, including a physical extension to the quarry, have been granted. As regards the site under consideration, the following applications are relevant:
- 1.3 Planning permission reference **FUL/2019/0001** for Proposed extraction of 1.0 million tonnes of sand and gravel as an eastern extension to the existing Beeston Regis Quarry with off-site highways enhancements along with restoration to nature conservation habitat was granted in October 2020.

- 1.4 Planning permission reference **FUL/2019/0002** for Variation of conditions 3, 5, 6 and 7 of PP C/1/1993/1007 to facilitate enhanced scheme of restoration at the existing quarry was granted in October 2020.
- 1.5 **C/1/1993/1007** - Determination of Conditions to which IDO permission is to be subject - Deemed Consent 1995
- 1.6 **D/1/1947/0004** - IDO permission for mineral extraction - Approved 1948

2. Proposal

2.1 SITE

- 2.2 The application site relates to the original Beeston Regis Quarry, occupying an elevated position on the southern side of the Cromer Ridge above Beeston Regis. The whole of the permitted area of the original quarry has been worked for sand and gravel, and is currently being restored to a mosaic of habitats including heathland. The original quarry also accommodates the mineral processing plant and stockpiling area, used for processing/stockpiling mineral derived from the approved extension area subject of PP FUL/2019/0001 (mineral reserves in the extension are anticipated to be exhausted by December 2032). The original quarry is bounded to the north and south by woodland; to the east by woodland and a narrow belt of trees which separate the quarry from the adjacent extension area; and to the west by Britons Lane.
- 2.3 The site is located approximately 0.25km south of Beeston Regis village, with Sheringham some 0.75km to the northwest. The closest residential properties are located on Britons Lane adjacent the western and northwestern boundaries of the site.
- 2.4 Existing vehicular access to the site is via Britons Lane which runs adjacent to the western boundary of the original quarry, and which joins with the A148 some 0.6km to the south.

2.5 Relevant Constraints:

- 2.6 The following constraints apply to the application site:

- The North Norfolk Core Strategy Proposals Map (2008) shows the site as being located outside any defined settlement boundary, in an area designated as Tourism Zone, with the northern part of the site in an area designated as Undeveloped Coast.

- The site is located within the Norfolk Coast National Landscape (formerly Area of Outstanding Natural Beauty (AONB))

- Beeston Regis Bridleway 7 runs across the northern part of the site

- Beeston Regis Bridleway 10 runs alongside the eastern boundary of the site
- Beeston Regis Bridleway 11 runs across the northern part of the site and alongside the northeast boundary of the site

- The site is a geological Site of Special Scientific Interest (SSSI) (Britons Lane Gravel Pit).
- The site is a candidate County Geodiversity Site

- The site is located some 0.3km southeast of Sheringham & Beeston Regis Commons Site of Special Scientific Interest (SSSI), and some 8.0km northeast of Holt Lowes SSSI, both being part of the Norfolk Valley Fens Special Area of Conservation (SAC);
- The site is located some 5.5km west of Overstrand Cliffs SSSI / SAC;
- The site is located some 1.6km south of Greater Wash Special Protection Area (SPA);

- The northern extremity of the site comprises a small part of Roman Camp & Beeston Regis Heath County Wildlife Site
- The site is located some 0.45km east of Sheringham Old Wood County Wildlife Site
- The site is located some 0.6km east of Pretty Corner & The Plains County Wildlife Site.
- The site is located some 0.45km northeast of Gibbet & Marlpit Plantations County Wildlife Site

- The site is located some 0.85km south of Beeston Regis Conservation Area
- The site is located approximately 1.0km southwest of West Runton Conservation Area
- The site is located some 1.3km east of Upper Sheringham Conservation Area
- The site is located some 1.4 km southeast of Sheringham Conservation Area
- The site is located some 0.85km south of the remains of St. Mary's Priory Scheduled Ancient Monument, Beeston Regis
- There are a number of listed buildings within a 2km radius of the site
- The site is located some 1.95km northwest of the Grade II* listed Felbrigg Hall Historic Park and Garden

- The site is partly located within Groundwater Source Protection Zone 2, and wholly within Groundwater Source Protection Zone 3.

2.7 PROPOSAL

- 2.8 Retrospective permission is sought for variation of conditions 2 (approved plans) and 7 (restoration scheme) of PP FUL/2019/0002 to regularise proposed changes to the approved restoration scheme; the specific changes proposed comprise the following:

2.9 condition 2 (approved plans and documents)

2.10 During a routine monitoring inspection of the site by this authority's Monitoring Officer in June 2022 it was found that the northern part of the base of the original quarry has not been restored in accordance with the approved restoration scheme. Whereas the approved scheme for this area of the original quarry provides for restoration to a mixture of wet grassland with ephemeral waterbodies, transitioning into heathland habitat, it was found that an area of open water has been retained on this area of the site.

2.11 Permission is sought to replace the approved Restoration Plan and Indicative Restoration Timings Plan with amended Plans.

2.12 As regards the amended restoration plan, this provides for retention of the open waterbody together with emergent habitats that have developed, including reedbeds. The amended plan also provides for construction of a trackway (south of the proposed open waterbody) to provide vehicular access to a geological conservation section on the eastern slopes of the original quarry. The trackway would be constructed using site won material, comprising mainly overburden from the adjacent extension area.

2.13 As regards justification for retention of the open waterbody, this has arisen through extraction of sand and gravel to the base of the deposit, as permitted by Planning Permission reference C/1/1993/1007. Extraction in this part of the site ceased in 2019 and this area has since held water. The supporting Environmental Statement considers that this water represents a local perched water table, rather than the chalk aquifer which is at depth beneath the site.

2.14 As regards the amended Timings Plan, this proposes an extension to the indicative restoration timescale for the eastern part of the original quarry, including the northern part of the base, from 2022 to 2024.

2.15 The amended Timings Plan also provides for a delay in the restoration of a modest section of the eastern part of the base from 2022 to 2032, in order that this area can continue to be used for stockpiling purposes. As regards justification for this revision, the applicant's agent advises that since the original Timings Plan was prepared as part of the determination of application reference FUL/2019/0001 for the eastern extension, the mineral deposit in the extension area has been found to include very sandy pockets. Given that sales of sand from the site are generally slower than for gravel, a slightly larger stockpiling area is required.

2.16 Condition 7 (restoration scheme)

Permission is sought to amend the restoration scheme approved pursuant to condition 7 to reflect the proposed amendments to the approved scheme.

2.17 ENVIRONMENTAL IMPACT ASSESSMENT

In accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 an Environmental Statement (ES) has been submitted. The assessment of the matters in the ES is set out under the headings of: Ecology and Arboriculture, Landscape and Visual Impacts, Hydrology and Hydrogeology; Geodiversity; Public Rights of Way, and Interaction Effects and Cumulative Impacts.

3. Impact of the Proposal

3.1 DEVELOPMENT PLAN POLICIES

The following policies of the adopted Norfolk Minerals and Waste Development Framework (NMWDF) Core Strategy and Development Management Policies DPD (2011), the adopted NMWDF Mineral Site Specific Allocations DPD (2013/2017); the adopted North Norfolk Core Strategy (2008), and the adopted North Norfolk LDF Site Allocations DPD (2011) provide the development plan framework for this planning application. The following policies are of relevance to this application:

NMWDF Core Strategy and Development Management Policies DPD (2011) (the Core Strategy)

CS1: Minerals Extraction
CS2: General locations for mineral extraction and associated facilities
CS13: Climate change and renewable energy generation
CS14: Environmental protection
CS15: Transport
DM1: Nature Conservation
DM3: Groundwater and surface water
DM4: Flood Risk
DM8: Design, local landscape and townscape character
DM9: Archaeological sites
DM10: Transport
DM11: Sustainable Construction and operations
DM12: Amenity
DM13: Air Quality
DM14: Progressive working, restoration and after-use
DM15: Cumulative impact

NMWDF Mineral Site Specific Allocations DPD (2013/2017)

Policy SD1: The Presumption in Favour of Sustainable Development
[The application site is included within the scope of Policy MIN 69: Land at Holt Road, Aylmerton].

North Norfolk Core Strategy (Incorporating Development Control Policies) (2008)

SS 1 Spatial Strategy for North Norfolk
SS 2 Development in the Countryside
SS 4 Environment

SS 6 Access and Infrastructure
EN 1 Norfolk Coast AONB
EN 2 Protection and Enhancement of Landscape and Settlement Character
EN 3 Undeveloped Coast
EN 6 Sustainable Construction and Energy Efficiency
EN 8 Protecting and Enhancing the Historic Environment
EN 9 Biodiversity & Geology
EN 10 Development and Flood Risk
EN 13 Pollution and Hazard Prevention and Minimisation
CT 5 The Transport Impact of New Development

North Norfolk LDF Site Allocations DPD (2011)

[The application site is not identified as a site allocation in this document]

Neighbourhood Plan

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

3.2 OTHER MATERIAL CONSIDERATIONS

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

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

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

3.4 Emerging Development Plan Policy

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

policies in the emerging plan to the NPPF. Policies within emerging plans are capable of being material considerations.

- 3.5 The County Council is currently preparing the Norfolk Minerals and Waste Local Plan (NMWLP) to extend the plan period to the end of 2038. The NMWLP was submitted to the Secretary of State for examination in December 2023 and therefore the following policies have been given some weight in the planning balance:

Norfolk Minerals and Waste Local Plan: Publication (2022)

Policy MW1: Development Management Criteria

Policy MW2: Transport

Policy MW3: Climate change mitigation and adaptation

Policy MP1: Provision for minerals extraction

Policy MP2: Spatial Strategy for minerals extraction

Policy MP6: Cumulative impacts and phasing of workings

Policy MP7: Progressive working, restoration and after-use

Policy MP8: Aftercare

[The application site is included within the scope of Specific Site Allocation

Policy MIN 69: land north of Holt Road, Aylmerton].

- 3.6 North Norfolk Council is currently undertaking a Local Plan review to extend the plan period up to 2036. The Local Plan was submitted to the Secretary of State for examination in May 2023, and therefore the following policies have been given some weight in the planning balance:

North Norfolk Local Plan (2016-2036): Publication (2022)

Policy CC 1 Delivering Climate Resilient Sustainable Growth

Policy CC 7 Flood Risk & Surface Water Drainage

Policy CC 9 Sustainable Transport

Policy CC 10 Biodiversity Net Gain

Policy CC 11 Green Infrastructure

Policy CC 13 Protecting Environmental Quality

Policy SS 1 Spatial Strategy

Policy SS 2 Development in the Countryside

Policy ENV 1 Norfolk Coast AONB & The Broads

Policy ENV 2 Protection & Enhancement of Landscape & Settlement Character

Policy ENV 3 Heritage & Undeveloped Coast

Policy ENV 4 Biodiversity & Geodiversity

Policy ENV 6 Protection of Amenity

Policy ENV 7 Protecting & Enhancing the Historic Environment

- 3.7 North Norfolk Landscape Character Assessment: Supplementary Planning Document (2021)
- 3.8 Furthermore, whilst not itself a planning policy, Norfolk County Council's Environmental Policy adopted in November 2019 is also material to the decision.

3.9 CONSULTATIONS

North Norfolk District Council – Seek extension of time to respond until 29th September; no further response received

District Council Environmental Health Officer – No response received

Environment Agency – No response received

Natural England – no comment to make.

Historic England – Not offering advice

Highway Authority - No highway related concerns

Lead Local Flood Authority – No comments

County Council Ecologist -

- Details set out in ES appear acceptable

- revised restoration scheme still adheres to principles set out in allocation profile for site MIN 69 as detailed in Norfolk Minerals Site Allocations DPD

- proposed restoration appears acceptable; permanent water body has potential to develop into a priority habitat consisting of open water and reedbed

- revised Restoration and Aftercare Management Plan appears acceptable

- Advises that Natural England is consulted in relation to geological SSSI.

County Council Arboriculturist – No objection

County Council Landscape Architect – no objection, subject to works being carried out in accordance with submitted Plans.

County Council Historic Environmental Officer (Archaeology) – no comments to make.

County Council Public Rights of Way – No objection.

The National Trust – No response received

CPRE Norfolk – No response received

Norfolk Coast Partnership – No response received

Norfolk Geodiversity Partnership – No response received

Norfolk Wildlife Trust – No response received

The Ramblers Association – No response received

The Open Spaces Society – No response received

Beeston Regis Parish Council – No response received

Aylmerton Parish Council (Neighbouring) - supports amendments.

County Cllr Judy Oliver (Sheringham Electoral Division) – No response received

County Cllr Eric Vardy (Holt Electoral Division (Neighbouring)) – No response received

3.10 REPRESENTATIONS

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

3.11 APPRAISAL

3.12 In accordance with the County Council's Scheme of Delegation, this application is before the Planning (Regulatory) Committee because the application is accompanied by an Environmental Statement (ES). The Committee's decision must take into account the environmental information contained within the ES, and any representations made about the environmental effects of the developments. The environmental information is described in the following paragraphs, and the representations made are summarised above.

3.13 The key issues for consideration are:

- A. Principle of Development & Need
- B. Landscape & Visual Impact
- C. Amenity
- D. Biodiversity and Geodiversity
- E. Impact on Heritage Assets
- F. Transport
- G. Sustainability
- H. Flood Risk
- I. Groundwater/surface water
- J. Restoration/Aftercare
- K. Cumulative Impacts

3.14 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”.

- 3.15 In terms of the development plan and material policy/guidance, the CPA considers the relevant documents in relation to this application are those listed above.
- 3.16 Whilst the application site is outside of a settlement boundary identified within the North Norfolk Core Strategy and North Norfolk Site Allocations DPD, the District planning policies have not been formulated to specifically address minerals and waste developments and as such the NMWDF is considered to be the most relevant policy document to be used for assessment of the proposal.
- 3.17 The site lies wholly within the Norfolk Coast National Landscape (formerly Area of Outstanding Natural Beauty (AONB)). There are very strong national and local plan policies to protect the AONB and prevent development which would harm its intrinsic character. Policy CS14 of the NMWDF CS requires that, development must ensure that there are no unacceptable adverse impacts on, and ideally improvements to the AONB.
- 3.18 Section 17, para. 217 of the NPPF states that, in considering proposals for mineral extraction, minerals planning authorities should as far as is practical, provide for the maintenance of landbanks of non-energy minerals from outside AONBs. Section 15 of the NPPF sets out the Government’s objectives for conservation and enhancement of the natural environment, including landscapes: para. 182 requires planning authorities to give great weight to conserving and enhancing landscape and scenic beauty in AONBs, whilst para 183 states that planning permission should be refused for major development in AONBs other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. Consideration of such applications should include an assessment of:
- a) the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;
 - b) the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and
 - c) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.
- 3.19 As regards points a) and b), Planning permission reference FUL/2019/0001 for Proposed extraction of 1.0 million tonnes of sand and gravel as an eastern extension to the original quarry was granted in October 2020. The extension is largely consistent with that part of site MIN 69 (Land at Holt Road, Aylmerton), allocated for sand and gravel extraction in the plan period (to the

end of 2026) in the Mineral Site-Specific Allocations DPD. The emerging Norfolk Minerals and Waste Local Plan also continues to allocate site MIN 69 for mineral extraction during the extended Plan period to 2038. The need for the development is local to Norfolk; there are no national considerations.

- 3.20 Guidance within para. 215 of the NPPF underlines that, it is essential that there is a sufficient supply of minerals to provide the infrastructure, buildings and goods that the country needs, whilst para. 217 states that, when determining planning applications, great weight should be given to the benefits of mineral extraction, including to the economy.
- 3.21 The original quarry has the benefit of planning permission FUL/2019/0002 which requires cessation of development and completion of restoration by 31 December 2034, or within two years of completion of restoration of that part of the site subject of application reference FUL/2019/0001, whichever date is the earlier. Whilst the whole of the permitted area of the original quarry has been worked for sand and gravel, and is currently being restored, the original quarry also accommodates (i) the mineral processing plant and stockpiling area, used for processing/stockpiling mineral derived from the approved extension area subject of PP FUL/2019/0001 and (ii) the means of vehicular access from the extension area onto the public highway. These operations enable the continued supply of sand and gravel to the local market thus contributing to the local economy and also maintain employment for existing staff.
- 3.22 As regards point c), as detailed elsewhere in this report, the proposals provide for a high quality restoration of the original quarry, to incorporate improved public access, geological exposures (to facilitate geological study), and creation of a range of priority habitats. As detailed elsewhere in this report, it is considered that any detrimental effects can be adequately mitigated.
- 3.23 Taking into account the above, on balance, it is considered that there are exceptional circumstances and demonstration of public benefits for this minerals development continuing within the AONB.
- 3.24 The application relates to an established mineral working, the principle of the use of which has been established through previous planning permissions. No changes are proposed to its operation other than changes to the approved restoration scheme. Subject to assessment of potential impacts, including environmental and amenity, the principle of the proposed use would be acceptable at this location and would not be out of character for the immediate area.
- 3.25 *Mineral Supply / Need*
- 3.26 NMWLDF CS Policy CS1 and Section 17 of the NPPF apply. Due weight is given to policy MP1 of the emerging Norfolk Minerals and Waste Local Plan.

- 3.27 As detailed elsewhere in this report, the whole of the permitted area of the original quarry has been worked for sand and gravel. The original quarry accommodates the mineral processing plant and stockpiling area used for processing/stockpiling mineral derived from the approved extension area subject of PP FUL/2019/0001. The approved extension area forms part of the current sand and gravel landbank which, at the end of December 2023 was calculated to be 11.1 years, whilst at the end of January 2024 it is calculated to be 11 years.
- 3.28 B - Landscape & Visual Impact
- 3.29 Policies CS14 and DM8 of the NMWDF CS, NMWDF Mineral Site-Specific Allocations DPD Policy MIN 69, policies EN 1, EN 2 and EN 3 of the North Norfolk Core Strategy and, Sections 15 and 17 of the NPPF apply. Due weight is given to policy MW1 of the emerging Norfolk Minerals and Waste Local Plan, and Policies ENV 1 and ENV 2 of the emerging North Norfolk Local Plan.
- 3.30 The site lies wholly within the Norfolk Coast National Landscape (formerly AONB), in a sensitive location on the plateau south of the Cromer Ridge, above Beeston Regis. There are very strong national and local plan policies to protect the AONB and prevent development which would harm its intrinsic character. Policy CS14 of the NMWDF CS requires that, development must ensure that there are no unacceptable adverse impacts on, and ideally improvements to the AONB, whilst North Norfolk Core Strategy policy EN 1 states that, Development proposals that would be significantly detrimental to the special qualities of the Norfolk Coast AONB and its setting will not be permitted. Para. 183 of the NPPF states that planning permission should be refused for major development in AONBs other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest.
- 3.31 The application site is included within the scope of NMWDF Mineral Site-Specific Allocations DPD Policy MIN 69 which requires, inter alia, a very high quality, heathland-led restoration scheme for the original quarry, with a range of different habitats and micro-habitats being included.
- 3.32 In the North Norfolk Landscape Character Assessment (2021), the site is identified as lying wholly within the Wooded Glacial Ridge Landscape Type. Defined Key Characteristics, and Valued Features and Qualities of this Landscape Type include 1) dramatic and distinctive topography and geomorphology, 2) woodland as the dominant land cover and 3) a range of important semi-natural habitats. Identified forces for change include mineral extraction. Landscape Strategy and Guidelines for this landscape type include conservation of the wooded character and skyline, and ensuring mineral extraction activities are well integrated into the landscape and ensure long term plans for restoration are in character with the landscape and take opportunities to increase semi-natural habitats, e.g. heathland at Beeston Regis.

- 3.33 The original quarry is bounded to the north and south by woodland; to the east by woodland including a belt of trees which separates the site from the approved extension area; and to the west by Britons Lane. A combination of local landform and mature woodland surrounding the site result in the original quarry being largely screened from most viewpoints and only visible at close proximity to the site.
- 3.34 The current approved restoration scheme for the original quarry provides for a range of nature conservation habitats including lowland heath and wet grassland. In terms of landscape and visual impact, the only changes relate to the habitat types on the base of the northern part of the site and a modest increase in the restoration timescale for this area of the site, albeit still within the overall permitted timescale. It is therefore not considered that the proposed revisions to the restoration scheme would cause landscape and visual impacts significantly greater than those pursuant to the existing approved scheme.
- 3.35 The supporting ES concludes that, in terms of visual impact, there are considered to be no changes of any significance, whilst in landscape terms, the changes sought are of negligible scope and significance. In respect of impact on the AONB, the ES concludes that the revised restoration has the potential to reintegrate the landform with the surrounding landscape, and in the long-term there could be a beneficial effect of low magnitude and minor-neutral significance.
- 3.36 The County Council's Landscape Architect and Natural England have been consulted on the application: the Landscape Architect raises no objection on landscape grounds, whilst Natural England have no comment to make. No response has been received to the consultations with Norfolk Coast Partnership and North Norfolk DC.
- 3.37 As regards para. 183 of the NPPF in relation to development within the AONB (National Landscape), as detailed elsewhere in this report, in this instance it is considered that there are exceptional circumstances and demonstration of public benefits for this minerals development within the AONB (National Landscape).
- 3.38 The original permission is subject to a legal agreement concerning: aftercare; permissive access; geological restoration management; interpretation facilities; and vehicular access for geological management and scientific access. The legal agreement provides for obligations in the agreement to also apply to a new planning permission resulting from an application under Section 73 of the Planning Act 1990. It is recommended that the obligations in the agreement should also apply to the application under consideration, if it were to be determined that planning permission should be granted.
- 3.39 Subject to the aforementioned obligations of the legal agreement, the development is considered to be acceptable and compliant with the landscape

principles set out in the relevant planning policies, and objectives of the NPPF.

3.40 C – Amenity

- 3.41 Policies DM12 and DM13 of the NMWDF CS, NMWDF Mineral Site-Specific Allocations DPD Policy MIN 69, North Norfolk Core Strategy policies EN 4 and EN 13 and, Sections 15 and 17 of the NPPF apply. Due weight is given to policy MW1 of the emerging Norfolk Minerals and Waste Local Plan, and Policies CC 13 and ENV 6 of the emerging North Norfolk Local Plan.
- 3.42 The development is not within a designated Air Quality Management Area (AQMA). There are a number of residential properties within close proximity to the original quarry: the nearest properties are located on Britons Lane adjacent the western and northwestern boundaries of the site.
- 3.43 The impact of the site on neighbouring occupiers was most recently assessed during the determination of permission reference FUL/2019/0002 and was found to be acceptable.
- 3.44 No response has been received to the consultation with the Environmental Health Officer. No objections to this application have been received from nearby residents.
- 3.45 Given that this application is for retention of a water body that has already been formed, and the fact that restoration of the site would still be completed within the overall permitted timescale, it is therefore not considered that the development would cause unacceptable impact to the amenities of neighbouring occupiers or the local area.
- 3.46 There are a number of conditions on the existing permission which are aimed at protecting the amenity of neighbours and it is recommended that these are retained should permission be granted. Subject to the aforementioned conditions, the development is considered to be acceptable in terms of the relevant planning policies and NPPF.

3.47 D – Biodiversity and Geodiversity

- 3.48 Policies CS14, DM1 and DM14 of the NMWDF CS, NMWDF Mineral Site-Specific Allocations DPD Policy MIN 69, Policies SS 4, EN 2 and EN 9 of the North Norfolk Core Strategy and, the NPPF Sections 15 and 17 apply. Due weight is given to policy MW1 of the emerging Norfolk Minerals and Waste Local Plan, and Policies CC 10, CC 13, ENV 2 and ENV 4 of the emerging North Norfolk Local Plan.
- 3.49 The application site is included within the scope of NMWDF Mineral Site-Specific Allocations DPD Policy MIN 69 which requires, inter alia, a very high quality, heathland-led restoration scheme for the original quarry, with a range of different habitats and micro-habitats being included, and the condition of

the current geological SSSI should also be maintained or, where possible, improved.

- 3.50 The site is a geological Site of Special Scientific Interest (Britons Lane Gravel Pit SSSI) (delineated around the boundaries of the quarry site), and a candidate County Geodiversity Site. Sheringham and Beeston Regis Commons SSSI is located some 0.3km northwest of the site. The northern extremity of the site comprises a small part of Roman Camp & Beeston Regis Heath County Wildlife Site, whilst three other County Wildlife Sites are located within 0.6km of the site.

3.51 *Biodiversity*

- 3.52 The proposed restoration scheme provides for a reduction in wet grassland habitat, including ephemeral waterbodies and ponds, offset by an increase in the approved area of heathland, and introduction of other aquatic habitats in the form of open water and emergent habitats including reedbeds. The majority of the restoration scheme remains unchanged, with it still being a heathland-led scheme, in accordance with the requirements of Policy MIN 69
- 3.53 The application is supported by an Ecological Technical Note, and revised Restoration and Aftercare Management Plan. The Technical Note concludes that the amended restoration scheme provides for a variety of habitats applicable to the local area and therefore still meets the overarching aims of the original restoration plan.
- 3.54 The County Council's Ecologist has been consulted on the application and raises no objection.
- 3.55 Given the above, it is therefore concluded that the proposals would provide an appropriate range of biodiversity habitats and micro-habitats, and are compliant with the relevant planning policies and objectives of the NPPF.

3.56 *Geodiversity*

- 3.57 The approved restoration scheme provides for retention of conservation sections of the geology of the Cromer Ridge in the original quarry, including the northern part of the site. The proposed restoration scheme would result in a decrease in the approved area of conservation sections, from 0.228ha to 0.157ha.
- 3.58 The application is supported by a Geodiversity Technical Note which reassesses the potential geodiversity impacts. The Technical Note states that the revised restoration scheme continues to provide for conservation sections in the application site and availability of conservation section(s) within the

approved eastern extension, and concludes that, overall, the geodiversity impacts remain positive.

- 3.59 Natural England have been consulted on the application and have no comment to make. No response has been received to the consultation with Norfolk Geodiversity Partnership
- 3.60 As detailed elsewhere in this report, the original permission is subject to a legal agreement concerning: aftercare; permissive access; geological restoration management; interpretation facilities; and vehicular access for geological management and scientific access. It is recommended that the obligations in the agreement should also apply to the application under consideration, if it were to be determined that planning permission should be granted.
- 3.61 Subject to the aforementioned obligations of the legal agreement, the proposal is considered to accord with the relevant planning policies and the requirements of the NPPF in this respect.
- 3.62 Appropriate Assessment
- The site is situated within 10 kilometres of: the Norfolk Valley Fens Special Area of Conservation (SAC), Overstrand Cliffs SAC; and the Greater Wash Special Protection Area (SPA); all being European sites. The application has been assessed in accordance with Regulation 63 of The Conservation of Habitats and Species Regulations 2017, and based on the information submitted to the County Planning Authority (CPA), it is considered that, due to both the nature of the development and the distance from the European Sites, the proposal would not have a significant impact on these or any other protected habitat. Accordingly, no Appropriate Assessment of the development is required.
- 3.63 With regards to Natural England's (NE) letter of 16 March 2022 concerning nutrient neutrality, the proposed development would not result in an addition to the nutrient load of the catchment of the River Wensum SAC or any of the SSSIs notified by NE that comprise the Broads SAC/Ramsar. Therefore, no offsetting measures are required.
- 3.64 E – Impact on Heritage Assets
- 3.65 The Planning (Listed Buildings and Conservations Areas) Act 1990, Ancient Monuments and Archaeological Areas Act 1979, Policies CS14, DM8 and DM9 of the NMWDF CS, policies EN 2 and EN 8 of the North Norfolk CS and, Sections 16 and 17 of the NPPF apply. Due weight is given to policy MW1 of the emerging Norfolk Minerals and Waste Local Plan, and Policies ENV 2 and ENV 7 of the emerging North Norfolk Local Plan.
- 3.66 *Designated Assets*

- 3.67 The site is not located within or adjacent to any designated heritage asset. There are a number of designated heritage assets within a 2km radius of the site.
- 3.68 A combination of local landform and mature woodland surrounding the original quarry result in the site being largely screened from most viewpoints and only visible at close proximity to the site. The heritage impacts of the site under consideration were most recently assessed during the determination of permission reference FUL/2019/0002 and were found to be acceptable.
- 3.69 The application under consideration does not seek to make any alterations to existing screening arrangements at the site. The development proposals are within previously worked land and would not result in further encroachment into surrounding land. The supporting ES concludes that, there are no aspects of designated cultural heritage that would be significantly affected by the proposed changes to site restoration. Historic England have been consulted on the application and do not wish to offer any advice.
- 3.70 *Undesignated Assets*
- 3.71 A length of earthwork bank on the Beeston Regis - Aylmerton parish boundary (undesignated heritage asset (NHER number 57910)), extends around the eastern edge of the original quarry.
- 3.72 Para. 209 of the NPPF requires that, In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
- 3.73 Due to the nature of the proposal there is no scope for direct impact on this heritage asset, and due to a combination of intervening topography and screening it is considered that the scope for indirect effects on this asset is negligible. Norfolk Historic Environment Team have been consulted on the application and have no comments to make.
- 3.74 *Archaeology*
- 3.75 The whole of the permitted area of the original quarry has been worked and therefore no archaeology remains.
- 3.76 Given the above, it is therefore concluded that the proposal would not have a detrimental impact upon or cause any harm to heritage assets and the application is not considered to be in conflict with the Planning (Listed Buildings and Conservation Areas) Act 1990, Ancient Monuments and Archaeological Areas Act 1979, the relevant planning policies, or the NPPF.
- 3.77 F – Transport

- 3.78 Policies CS15 and DM10 of the NMWDF CS, NMWDF Mineral Site-Specific Allocations DPD Policy MIN 69, Policy CT 5 of the North Norfolk Core Strategy and the NPPF Section 9 apply. Due weight is given to policies MW1 and MW2 of the emerging Norfolk Minerals and Waste Local Plan, and Policy CC 9 of the emerging North Norfolk Local Plan.
- 3.79 The transport impacts of the site under consideration were most recently assessed during the determination of permission reference FUL/2019/0002 and were found to be acceptable.
- 3.80 The existing access arrangements at the site would remain unchanged: HGVs would exit the existing quarry via the existing access onto Britons Lane and thence to the A148.
- 3.81 Given the nature of this application to amend the approved restoration scheme, there are not considered to be any highway implications. The Highway Authority has been consulted on the application and has no highway related concerns.
- 3.82 To conclude, it is considered that the proposal would not cause any unacceptable transport impacts, and the development is considered acceptable and compliant with the principles of the relevant planning policies and the NPPF.
- 3.83 G – Sustainability
- 3.84 NMWDF CS policies CS13 and DM11, policy EN 6 of the North Norfolk CS and the NPPF Section 14 apply. Due weight is given to policy MW3 of the emerging Norfolk Minerals and Waste Local Plan, and policy CC 1 of the emerging North Norfolk Local Plan.
- 3.85 As stated at paragraph 8 of the NPPF, achieving sustainable development means that the planning system has three overarching objectives, i.e. economic, social and environmental. The three facets of sustainable development have been assessed below:
- 3.86 *economic objective*
- 3.87 As detailed elsewhere in this report, Para. 217 of the NPPF requires great weight to be given to the benefits of mineral extraction, including to the economy. Operations at the original quarry include processing of sand and gravel. The proposals would contribute to the local economy by maintaining raw materials supply to the market and through wages, revenue and expenditure.

3.88 *social objective*

- 3.89 The proposals would contribute to the wellbeing of the district by retaining existing employment at the quarry, as well as enabling employment to be maintained across a range of industries, many of which depend directly upon mineral extraction for business.

3.90 *environmental objective*

- 3.91 Consideration has been given to restoration of the northern part of the base of the original quarry in line with the approved restoration scheme, using site won materials to achieve the approved contours. This approach is not considered sustainable by the applicant as it would result in the loss of primary aggregates, the release of carbon emissions through mechanised movement of mineral to achieve the approved contours, and loss of any habitat value that has become established since 2019. The arguments put forward by the applicant are accepted in this instance.
- 3.92 The proposal would continue to provide an enhanced scheme of restoration at the original quarry to include a range of Priority Habitats including lowland heathland, acid grassland and deciduous woodland. This authority's Ecologist has been consulted on the application and raises no objection on biodiversity grounds.
- 3.93 Given the above, it is considered that the proposals would be sustainable development and the proposals are considered not to undermine the relevant planning policies, the NPPF or the NCC Environmental Policy.
- 3.94 H – Flood Risk
- 3.95 Policies CS13 and DM4 of the NMWDF CS, Policy EN 10 of the North Norfolk Core Strategy and the NPPF Section 14 apply. Due weight is given to policy MW1 of the emerging Norfolk Minerals and Waste Local Plan, and Policy CC 7 of the emerging North Norfolk Local Plan.
- 3.96 The site lies within Flood Zone 1, which is an area at low risk of flooding. As regards the flood zone constraint, 'sand and gravel workings' are identified as 'water-compatible development' in the table of Flood Risk Vulnerability Classification as set out in the NPPF, whilst the proposed restoration/after-use (nature conservation), is also identified as 'water-compatible development'. Planning Practice Guidance advises that 'water-compatible' development is appropriate in Flood Zone 1. On this basis, the proposals are considered acceptable in terms of development within flood zone 1.

- 3.97 The application site contains a number of areas of surface water pooling in a 1 in 30 year and 1 in 100 year rainfall events, albeit these do not include the water area subject of the application under consideration.
- 3.98 The current approved restoration plan provides for surface water drainage from the original quarry to ultimately drain to the northeast corner of the base of the quarry void, (where the proposed open water body is situated). The supporting ES confirms that runoff will continue to be attenuated within the site. The application provides for relocation of the surface water drainage channel in the base of the southern part of the void which will serve as the focal point for runoff and drainage from the restored landform, from south to north. The application also provides for installation of two no. culverts (circa 1m diameter pipes) underneath the proposed trackway to facilitate drainage into the northeast corner of the base of the quarry void. Formation of the open water area has resulted in creation of additional flood storage capacity at the site.
- 3.99 The supporting ES concludes that, runoff volumes from the site will not exceed greenfield runoff volumes and therefore there is no scope for flood risk impacts on adjoining sites and land uses.
- 3.100 The LLFA has been consulted on the application and has no comments to make. No response has been received to the consultation with the Environment Agency.
- 3.101 It is therefore considered, taking into account the above, that the development would not materially increase the risk of flooding and the proposal would not be in conflict with the relevant planning policies and objectives of the NPPF.
- 3.102 I – Groundwater/surface water
- 3.103 Policy DM3 of the adopted NMWDF CS, NMWDF Mineral Site-Specific Allocations DPD Policy MIN 69, Policy EN 13 of the North Norfolk Core Strategy and, the NPPF Section 15 apply. Due weight is given to policy MW1 of the emerging Norfolk Minerals and Waste Local Plan, and Policy CC 13 of the emerging North Norfolk Local Plan.
- 3.104 The majority of the original quarry, with exception of the southern end is located within Groundwater Source Protection Zone 2, whilst the southern end is situated in Groundwater Source Protection Zone 3.
- 3.105 As detailed elsewhere in this report, the supporting ES considers that the open waterbody subject of the application under consideration represents a local perched watertable, rather than the chalk aquifer that is at depth beneath the site. The supporting ES considers that the site does not encounter the main groundwater table and exhibits very low risk to groundwater quality.

- 3.106 No response has been received to the consultation with the Environment Agency.
- 3.107 Given the above, it is considered that the proposals would not be in conflict with the relevant planning policies or NPPF.
- 3.108 J – Restoration/Aftercare
- 3.109 NMWDF CS policy DM14, NMWDF Mineral Site-Specific Allocations DPD Policy MIN 69, North Norfolk Core Strategy Policy EN 9 and, the NPPF Section 17 apply. Due weight is given to policies MP7 and MP8 of the emerging Norfolk Minerals and Waste Local Plan.
- 3.110 The application site is included within the scope of NMWDF Mineral Site-Specific Allocations DPD Policy MIN 69 which requires, inter alia, a very high quality, heathland-led restoration scheme for the original quarry, with a range of different habitats and micro-habitats being included, the condition of the current geological SSSI should also be maintained or, where possible, improved, and improved public access.
- 3.111 The current approved restoration scheme for the original quarry provides for a range of nature conservation habitats including lowland heath and wet grassland, together with retention of conservation sections of the geology, and a network of permissive footpaths.
- 3.112 The application under consideration is supported by a revised Restoration Plan, an Ecological Technical Note, a revised Restoration and Aftercare Management Plan, and Geodiversity Technical Note.
- 3.113 As regards biodiversity, the proposed changes relate to the habitat types on the base of the northern part of the site and a modest increase in the restoration timescale for this area of the site, albeit still within the overall permitted timescale. The majority of the restoration scheme remains unchanged, with it still being a heathland-led scheme, in accordance with the requirements of Policy MIN 69. The supporting Ecological Technical Note concludes that the amended restoration scheme provides for a variety of habitats applicable to the local area and therefore still meets the overarching aims of the original restoration plan.
- 3.114 As regards geodiversity, the proposed restoration scheme would result in a decrease in the approved area of conservation sections. The Geodiversity Technical Note states that the revised restoration scheme continues to provide for conservation sections in the application site and availability of conservation section(s) within the approved eastern extension, and concludes that, overall, the geodiversity impacts remain positive.

- 3.115 As regards public access, the proposed restoration scheme would result in a slight re-alignment of the network of permissive footpaths across the restored original quarry.
- 3.116 The County Council's Landscape Architect and Ecologist, and Public Rights of Way Team, and Natural England have been consulted on the application: the Landscape Architect and Ecologist, and Public Rights of Way Team raise no objection, whilst Natural England have no comment to make. No response has been received to the consultation with Norfolk Coast Partnership and Norfolk Geodiversity Partnership.
- 3.117 As detailed elsewhere in this report, the original permission is subject to a legal agreement concerning: aftercare; permissive access; geological restoration management; interpretation facilities; and vehicular access for geological management and scientific access. It is recommended that the obligations in the agreement should also apply to the application under consideration, if it were to be determined that planning permission should be granted.
- 3.118 The proposal provides for a very high-quality heathland-led restoration appropriate for the landscape context. It is concluded that, subject to the aforementioned obligations of the legal agreement, the proposal accords with the relevant planning policies and the requirements of the NPPF in this respect.
- 3.119 K - Cumulative Impacts
- 3.120 NMWDF CS policy DM15 and Section 17 of the NPPF apply. Due weight is given to policies MW1 and MP6 of the emerging Norfolk Minerals and Waste Local Plan, and policy CC 13 of the emerging North Norfolk Local Plan.
- 3.121 With exception of the restoration scheme and indicative restoration timescale, no other changes are proposed to the existing working arrangements at the original quarry.
- 3.122 The supporting ES concludes that, Given the limited scope of changes sought, the cumulative impact effect also remains negligible. No objection is raised by statutory consultees in relation to unacceptable cumulative impacts.
- 3.123 It is therefore considered, taking into account the above, that the proposals are compliant with the relevant planning policies, and objectives of the NPPF.
- 3.124 **INTENTIONAL UNAUTHORISED DEVELOPMENT**
- 3.125 Following the Chief Planner's letter of 31 August 2015 to planning authorities, intentional unauthorised development is now a material

consideration in the determination of all planning applications received after 31 August 2015. This is therefore capable of being a material consideration in the determination of this application.

3.126 The application is part retrospective in nature. In this case, the development has taken place on a site outside a defined Green Belt.

3.127 Whilst regrettable, in this instance it is not felt that the part retrospective nature of the application would represent a ground for refusing planning permission for this development and very little weight is given to this in the planning balance.

4. Conclusion, Reasons for Decision and Planning Balance

4.1 Part retrospective planning permission is sought to regularise proposed changes to the approved restoration scheme for the original quarry.

4.2 No objections are raised by statutory consultees and no representations were received from the public.

4.3 Significant weight is given in the planning balance to the proposed high quality restoration of the original quarry, which would continue to be a heathland-led scheme.

4.4 The site lies within the Norfolk Coast National Landscape (formerly AONB). Para. 217 of the NPPF states that, in considering proposals for mineral extraction, MPAs should as far as is practical, provide for the maintenance of landbanks of non-energy minerals from outside AONBs, whilst para. 183 states that planning permission should be refused for major development in AONBs other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest.

4.5 As detailed elsewhere in this report, whilst the whole of the permitted area of the original quarry has been worked for sand and gravel, the original quarry also accommodates (i) the mineral processing plant and stockpiling area, used for processing/stockpiling mineral derived from the extension area subject of PP FUL/2019/0001 and (ii) the means of vehicular access from the extension area onto the public highway. These operations enable the continued supply of sand and gravel to the local market thus contributing to the local economy and also maintain employment for existing staff. The proposals provide for a high quality restoration of the original quarry, to incorporate improved public access, facilitate geological study, and creation of a range of priority habitats. Taking into account the above, on balance, it is considered that there are exceptional circumstances and demonstration of public benefits for this minerals development within the AONB.

- 4.6 Para. 209 of the NPPF requires that, In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. On balance, given that, (i) due to the nature of the proposal there is no scope for direct impact on undesignated heritage asset NHER number 57910, length of earthwork bank on the Beeston Regis - Aylmerton parish boundary, (ii) due to a combination of intervening topography and screening it is considered that the scope for indirect effects on this asset is negligible, and (iii) the fact that Norfolk Historic Environment Team have no comments to make, it is considered that it would not weigh against the proposal on heritage grounds.
- 4.7 The proposal contributes to the achievement of sustainable development in accordance with the NPPF on the basis that: (i) processing of sand and gravel at the site would contribute to the local economy; (ii) the proposals would contribute to the wellbeing of the district by retaining existing employment at the quarry, as well as enabling employment to be maintained across a range of industries which depend directly upon mineral extraction for business; and (iii) the proposal would provide an enhanced scheme of restoration at the original quarry.
- 4.8 The application is part retrospective: in this case, the development has taken place on a site outside a defined Green Belt. Whilst regrettable, in this instance it is not felt that the part retrospective nature of the application would represent a ground for refusal of planning permission for this development and very little weight is given to this in the planning balance.
- 4.9 The proposed development is considered acceptable and there are no material considerations why it should not be permitted. Accordingly, full conditional planning permission is recommended, and subject to continued obligations of the existing legal agreement.

5. Alternative Options

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

6. Financial Implications

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

7. Resource Implications

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

8. Other Implications

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

8.2 Human Rights Implications:

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

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

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

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

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

8.4 Data Protection Impact Assessments (DPIA):
None

8.5 Health and Safety implications (where appropriate):

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

8.6 Sustainability implications (where appropriate):

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

8.7 Any Other Implications:

There are no other implications from a planning perspective.

9. Risk Implications / Assessment

9.1 There are no risk issues from a planning perspective.

10. Select Committee Comments

10.1 Not applicable: this report has not been taken to a Select Committee.

11. Recommendations

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

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

11.2 CONDITIONS:

1. The development to which this permission relates shall cease and the site shall be restored in accordance with condition 19 below by 31 December 2034, or within two years of completion of restoration of that part of the site subject of application reference FUL/2019/0001, whichever date is the earlier.

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.

2. Except as modified by the contents of the application forms, plans, drawings and other documents, as detailed below:

a) Concept Restoration Plan; Plan No. 91090/E/CR/1 v8; dated 09-08-2023;

b) Indicative Restoration Timings Plan; Drg. No. 91090/E/TP Rev B; dated 03/23;

c) Environmental Statement (including Section 4 Planning Statement); unreferenced; prepared by David L Walker Limited; dated August 2023;

as modified by the provisions of:

- the contents of the email reference B92/3 from David L Walker Limited to Norfolk County Council dated 22 December 2023 14:46 hours;
- the contents of the email reference B92/2 from David L Walker Limited to Norfolk County Council dated 8 January 2024 16:23 hours,

the development must be carried out in strict accordance with the application form, plans, drawings and other documents and details approved pursuant to planning application reference FUL/2019/0002.

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

3. The visibility splays (measuring 59m in both directions from a 2.4m set back), as shown on Drawing No. 48345/P/SK04 Existing Access Visibility Plan accompanying planning permission reference FUL/2019/0002 and held on that file, shall be maintained at all times free from any obstruction exceeding 0.6 metres above the level of the adjacent highway carriageway.

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

4. The development shall only be carried out in accordance with the scheme indicating the facilities and/or methods to be put in place to ensure extraneous material is not carried onto any part of the public highway and any remedial measures to be put in place to clear the highway of any such material, approved pursuant to condition 4 of planning permission FUL/2019/0002 and held on discharge application reference DIS/2021/0002.

Reason: To prevent extraneous material being deposited on the highway and to protect the amenities of residential properties and the surrounding area, in accordance with Policies CS15, DM 10 and DM12 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.

5. The development shall only be carried out in accordance with the schedule of landscape maintenance approved pursuant to condition 5 of planning permission reference FUL/2019/0002 and held on discharge application reference DIS/2021/0013.

Reason: To ensure the provision of amenity afforded by the proper maintenance of existing landscape features, in accordance with Policy CS14 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026

6. The development shall only be carried out in accordance with the scheme for monitoring noise levels arising from the site approved pursuant to condition 6 of planning permission reference FUL/2019/0002 and held on discharge application reference DIS/2021/0002.

Reason: To protect the amenities of residential properties and to enable the effects of the development to be adequately monitored during the course of the operations, in

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

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any Order revoking, re-enacting or modifying this Order, no further buildings, plant or machinery, nor structures of the nature of plant or machinery shall be erected on the site, except with permission granted on an application under Part III of the Town and Country Planning Act 1990.

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

8. With the exception of temporary operations such as soil stripping, formation and removal of baffle mounds and screening bunds, and restoration processes, noise caused by operations shall be attenuated and in any event shall not exceed the following levels at any of the noise sensitive properties identified within Table 4.1 of Appendix 9 of the Environmental Statement, Noise Assessment, dated February 2019, accompanying planning permission reference FUL/2019/0002 and held on that file, between the hours of operation specified in condition number 13 of this permission.

<u>Location</u>	<u>Noise limit</u>
Heathside	49 db LAeq, 1 hour, free field
Dwellings on Britons Lane	52 dB LAeq, 1 hour, free field
Dwellings along Holt Road	55 dB LAeq, 1 hour, free field

[The above locations are identified on Figure 1: Site Location and Noise Monitoring Positions of Appendix 9 Noise Assessment of the Environmental Statement, dated February 2019, accompanying planning permission reference FUL/2019/0002 and held on that file].

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

9. 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.

10. Noise emitted from temporary operations including soil stripping, construction and removal of baffle mounds, soil storage mounds, screening bunds and spoil heaps, and restoration processes at the site shall not exceed the levels specified in Condition number 8 above other than for a period of eight weeks in any 12 month period. At such times the noise level shall not exceed a maximum limit of 70 dB LAeq, 1 hour, free field, when measured at the locations shown on Figure 1: Site

Location and Noise Monitoring Positions of Appendix 9 Noise Assessment of the Environmental Statement, dated February 2019, accompanying planning permission reference FUL/2019/0002 and held on that file.

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

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

12. Measures shall be taken to prevent dust nuisance and sand blow caused by the operations, including spraying of road surfaces, plant area and stockpiles.

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.

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

07.00 - 18.00 hours Mondays to Fridays

07.00 - 13.00 hours Saturdays

save that:

(a) No mineral extraction shall be carried out on Saturdays;

(b) No servicing, maintenance and testing of plant shall be carried out on Sundays or public holidays, or other than during the following periods

07.00 - 20.00 hours Mondays to Fridays

08.00 - 16.00 Saturdays

(c) No soil stripping or operations for the formation and subsequent removal of material from any amenity bund shall take place on Saturdays, Sundays or public holidays, or other than during the following periods:

08.00 - 18.00 hours Mondays to Fridays.

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

14. No excavations shall be carried out at a depth greater than 62 metres A.O.D. or until underlying clay is reached, whichever is the lesser depth.

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

15. 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.

16. 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.

17. The sign erected at the vehicular exit to Britons Lane, pursuant to condition 2. i. of Planning Permission C/1/1993/1007, to indicate to drivers of all vehicles exceeding 7.5 tonnes gross weight that they shall only turn left on exit shall be maintained for the duration of this permission.

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

18. No external lighting shall be installed on the site unless it is:

- fully shielded (enclosed in full cut-off glass fitments)
- directed downwards (mounted horizontally to the ground)
- switched on only when needed
- white light low-energy lamps (LED, metal halide or fluorescent)
- maintained such that it will not cause glare beyond the site boundaries.

Reason: To protect the natural beauty of the Norfolk Coast National Landscape and amenities of residential properties, in accordance with Policies CS14 and DM12 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.

19. The restoration of the site shall be completed by 31 December 2034, or within two years of completion of restoration of that part of the site subject of application reference FUL/2019/0001, whichever date is the earlier, in accordance with the following:

-Concept Restoration Plan; Plan No. 91090/E/CR/1 v8; dated 09-08-2023,

-Illustrative Cross Sections (A-A); Plan No. 91090/E/CS/1 v2; dated 21-10-2019; received 29 November 2019, accompanying planning permission reference FUL/2019/0002 and held on that file,

-Restoration & Aftercare Management Plan Version 4; reference 5354.3 / 6629; prepared by The Ecology Consultancy; dated 11/08/2023

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.

20. Handling, movement and re-spreading of topsoil and subsoil shall not take place except when the soils are in a suitably dry and friable condition, and in such a way and with such equipment as to ensure minimum compaction. (No handling of topsoil and subsoil shall take place except between 1st April and 31st October unless otherwise agreed in writing beforehand by the County Planning Authority.)

Reason: To ensure the proper and expeditious restoration of the site, in accordance with Policy DM14 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.

12. Background Papers

- 12.1 Norfolk Minerals and Waste Development Framework Core Strategy and Minerals and Waste DM Policies DPD (2011)
[Core Strategy and Minerals and Waste Development Management Policies Development Plan Document 2010-2026 \(norfolk.gov.uk\)](#)
- 12.2 Norfolk Minerals and Waste Development Framework Mineral Site Specific Allocations DPD (2013/2017)
[Norfolk Minerals and Waste Development Framework](#)
- 12.3 Norfolk Minerals and Waste Local Plan: Publication (2022)
[Norfolk Minerals and Waste Local Plan Publication - May 2022](#)
- 12.4 North Norfolk Core Strategy (Incorporating Development Control Policies) (2008)
[Core Strategy \(incorporating Development Control Policies\) Adopted 2008 \(north-norfolk.gov.uk\)](#)
- 12.5 North Norfolk LDF Site Allocations DPD (2011)
[North Norfolk Site Allocations \(north-norfolk.gov.uk\)](#)
- 12.6 North Norfolk Local Plan (2016-2036): Publication (2022)
[Proposed Submission Version \(Regulation 19 Publication\) Local Plan \(north-norfolk.gov.uk\)](#)
- 12.7 North Norfolk Landscape Character Assessment: Supplementary Planning Document (2021)
[North Norfolk Landscape Character Assessment \(north-norfolk.gov.uk\)](#)

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

Officer Contact

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

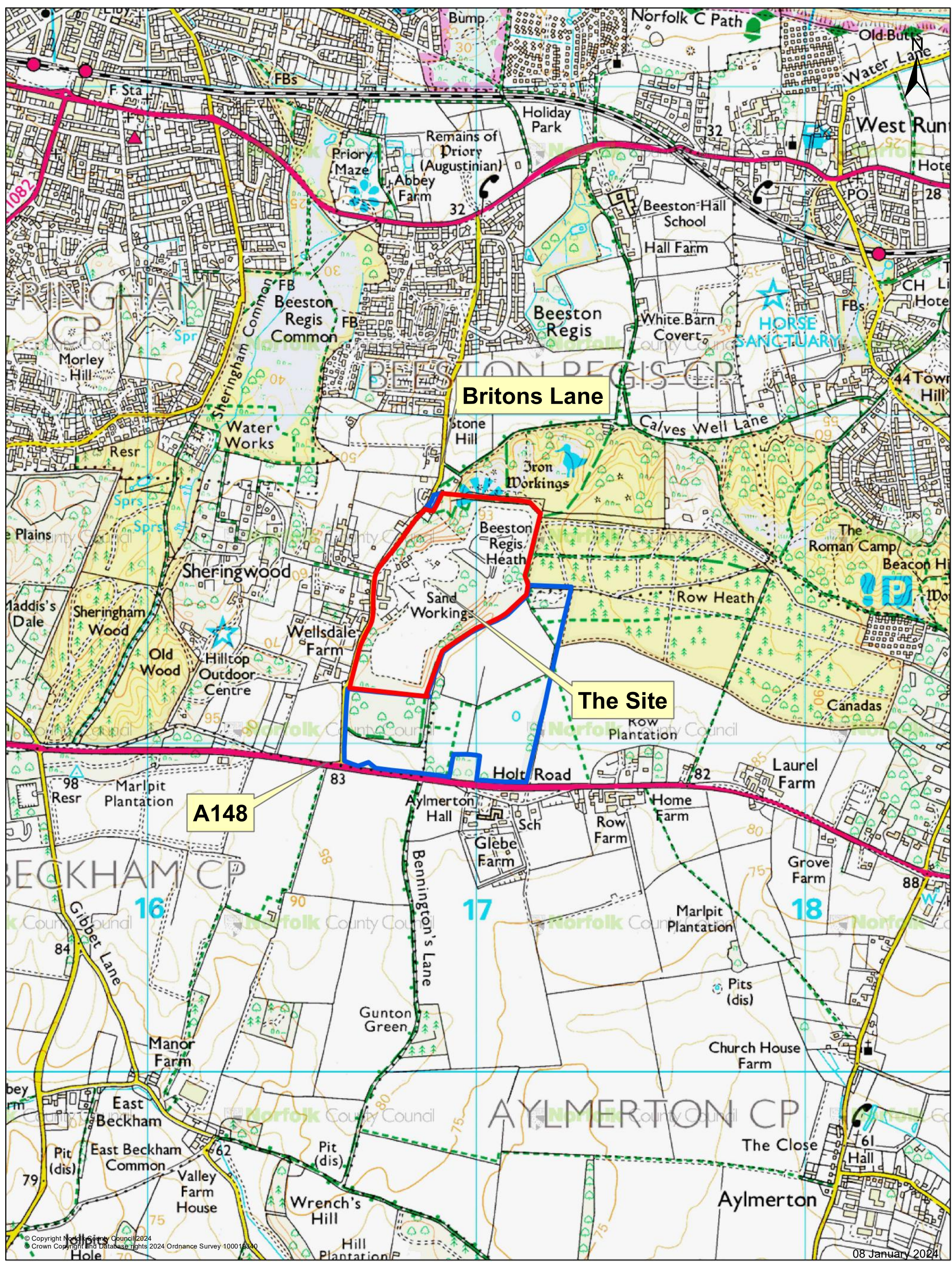
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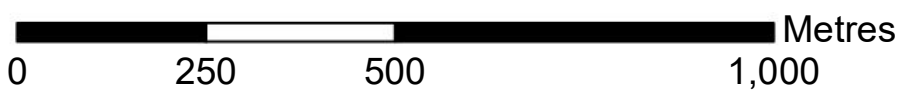
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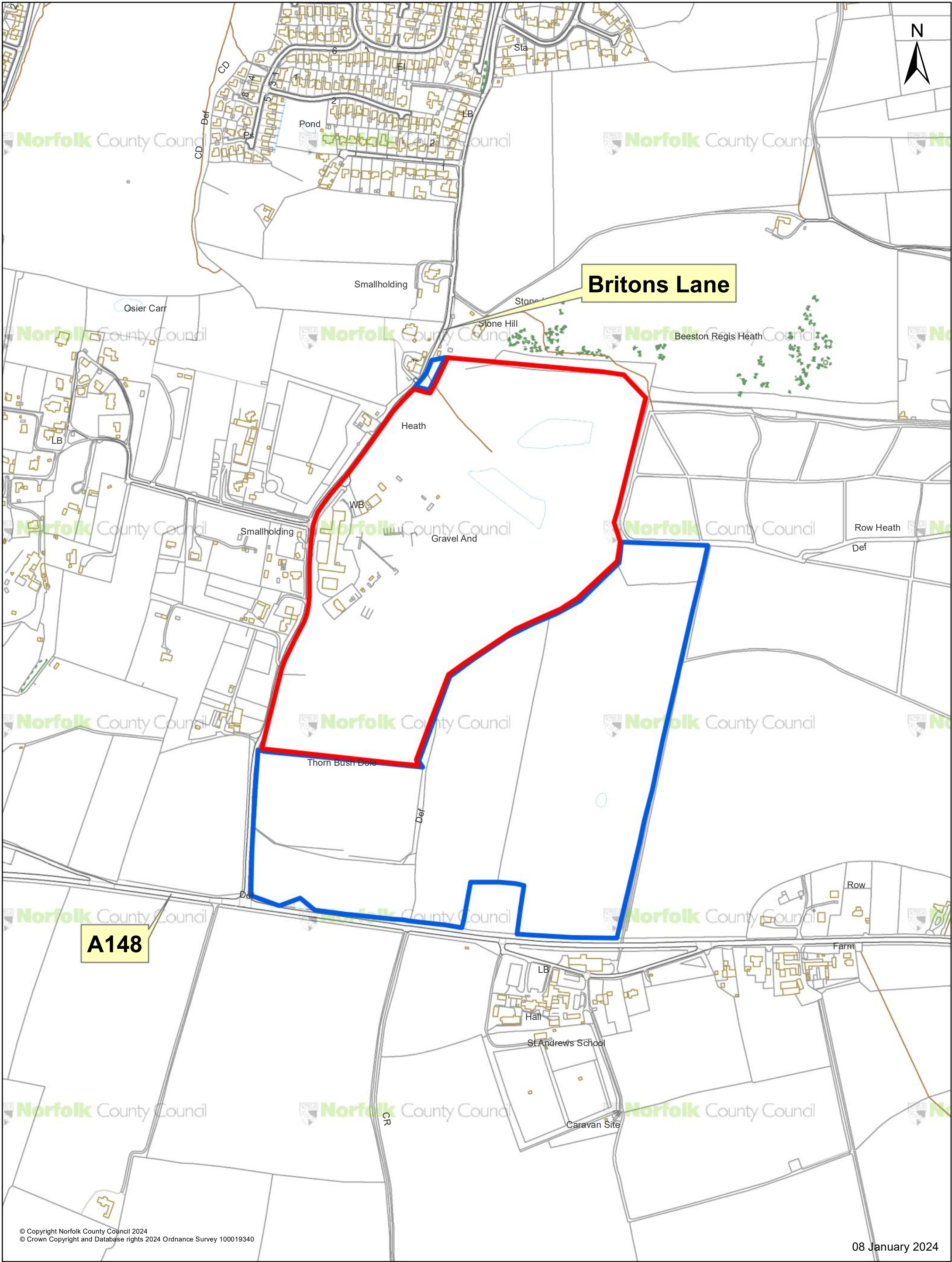


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08 January 2024

Beeston Regis Location Plan





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08 January 2024

Beeston Regis Site Plan



Planning (Regulatory) Committee

Item No: 6

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

Date of Meeting: 26 January 2024

Responsible Cabinet Member: N/A

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

Is this a Key Decision? No

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

Executive Summary

This report relates to a planning application for the development of a new sand and gravel quarry on agricultural land south of Rawhall Lane, approximately 1.1 km to the north-west of Beetley, near Dereham.

It proposed to extract an estimated 1.55 million tonnes of sand and gravel in six main phases. Working would take place at a rate of 70,000 to 110,000 tonnes per annum (tpa), indicating a lifetime of up to 22 years, and a potential end date for extraction of 2045. Access to the site would be from a new access on to Rawhall Lane to the north of the site and then on to the B1146 Fakenham Road, which is a designated lorry route.

The site would be progressively restored, as the mineral is extracted, without the import of any fill material, so this would be to a lower level than the existing landform, i.e. low-level restoration. This would make use of the retained soils, with restoration to agriculture and biodiversity enhancement with the creation of new and extended wildlife habitat and connected 'green' corridors.

The application site comprises 40.01 hectares (ha) of arable agricultural land. Approximately, one third of the application area, comprising the central part of the site,

is allocated as Site MIN 51 in the adopted Norfolk Minerals and Waste Development Framework: Minerals Site Specific Allocations Development Plan Document (2013), whilst the whole application site is allocated as Sites MIN 08, MIN 51 and MIN 13 in the emerging Norfolk Minerals and Waste Local Plan. There is a small area, comprising two fields, adjoining the west side of the application site, that falls within the allocation but is excluded from the application. Given the scale of the working, it was a mandatory requirement that the application had to be submitted with an Environmental Statement in accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2017

There have been objections to the application from Beetley Parish Council and Gressenhall Parish Council. In addition, there have been two third-party representations submitted, of which, one offers objection, and one which makes comments without offering objection or support.

The key issues for consideration are:

- Principle of the Development including Need;
- Traffic, Highway Safety and Public Rights of Way;
- Ecology and Biodiversity (including the need for Appropriate Assessment);
- Landscape and Visual Impact, Trees and Restoration;
- Soils and Agricultural Land;
- Heritage;
- Amenity;
- Flood Risk, Surface Water and Groundwater;
- Geodiversity;
- Sustainability; and
- Cumulative Effects.

It is considered that the proposal would be in accordance with the policies contained in the Norfolk Minerals and Waste Development Framework (NM&WDF): Core Strategy and Minerals and Waste Development Management Policies, the NM&WDF: Minerals Site Specific Allocations Development Plan Document (2013) (with amendments adopted December 2017), the Breckland Local Plan (BLP) (2023) and the National Planning Policy Framework (NPPF) (December 2023).

Full details of the Planning Application Ref. FUL/2022/0021, including the consultation responses and representations can be found online through the following link:

<https://eplanning.norfolk.gov.uk/Planning/Display/FUL/2022/0021#undefined>

Recommendations:

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

1. **Grant planning permission subject to the conditions outlined in Section 11;**

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

1. Background

- 1.1 The application has been submitted by Longwater Gravel Co. Ltd (Longwater Gravel), for the development of a new sand and gravel quarry on agricultural land south of Rawhall Lane, Beetley, Dereham, Norfolk, NR20 4HJ.
- 1.2 The application site comprises 40.01 hectares (ha) of arable agricultural land. Around one third of the application site is allocated Site MIN 51 in the adopted NM&WDF: Minerals Site Specific Allocations Development Plan Document (2013), whilst the whole application site is allocated as Sites MIN 08, MIN 51 and MIN 13 in the emerging Norfolk Minerals and Waste Local Plan.
- 1.3 The application excludes two fields (that extend to 2.1 ha) on the western side of the MIN 51 allocation, which it explains have been omitted on mineral quality and nature conservation grounds. Site MIN 51 has not been worked during the adopted NM&WDF period (to 2026) and, therefore, the site is included as an allocation in the emerging NM&WLP, along with land to the north (Site MIN 13), combined with land to the south, identified as Site MIN 08. Its development as proposed would release approximately 1.55 million tonnes of sand and gravel, taking between 14 - 22 years to extract based on anticipated extraction rates of between 70,000 to 110,000 tonnes per annum (tpa).
- 1.4 The application has been put forward to maintain Longwater Gravel's supply of sand and gravel with current working of its existing sites nearing completion. It is anticipated that working would commence in 2024, with production initially at a rate of 70,000 tonnes per annum but increasing to 110,000 tonnes/year to compensate for a loss of production at other sites. It is anticipated that the mineral reserve within Sites MIN 51 and MIN 13 would on this basis be exhausted by 2035 and following that the land within Site MIN 08, would be worked as Phases 5 and 6.
- 1.5 The site has no previous planning application history, although East Bilney Quarry, operated by Middleton Aggregates Ltd., is located to immediate north of the application site on the north side of Rawhall Lane. Extraction is no longer taking place at East Bilney Quarry, which includes the site offices and processing plant, but is instead taking place at an eastern extension approximately 1 km east of the plant site, with a conveyor system used to transport mineral from the extension area to the plant site.

- 1.6 In addition to the extraction of sand and gravel, the nearby East Bilney Quarry contains a number of minerals and waste related operations including waste recycling, processing, storage and weighing of mineral and storage of plant and equipment.
- 1.7 The extant permission for East Bilney Quarry permits minerals and waste operations up until 31st December 2029.
- 1.8 Although the site lies wholly within area of Beetley Parish Council, the southern end of it lies only 300m north of the boundary with Gressenhall.

2. Site and the Proposal

SITE

- 2.1 The site is located approximately 1.1 km to the north-west of Beetley. it is bounded to the east by Bilney Road, to the south by Stoney Lane and to the north by Rawhall Lane. Access is proposed off Rawhall Lane which leads almost directly onto the B1146 Fakenham Road which is a designated lorry route. The A47 strategic road network between Norwich and King's Lynn is located approximately 5.1 km south of the site.
- 2.2 The site is divided into seven fields interspersed with hedgerows and trees. It is made up of Grade 2 (good quality), Grade 3a (good to moderate quality) and Grade 3b (moderate quality) agricultural land according to Natural England's Agricultural Land Classification map, with 59 per cent comprising Best and Most Versatile (BMV) (i.e. Grades 2 and 3a) agricultural land located largely within the northern and south-eastern parts of the site.
- 2.3 The immediate setting of the site is defined by the original site of East Bilney Quarry to the north of Rawhall Lane. In addition, McLeod Aggregates operate a sand and gravel quarry approximately 1.5 km due west of the site, at Bittering.
- 2.4 The nearest residential properties are Rawhall Farm Cottage and Rawhall Farm, 300m to the west on Rawhall Lane, Vale Farm, 360 metres to the east, on Stoney Lane, Meadowbank, 450 m to the north of the site on the Fakenham Road, and a small group of properties, 150 m east of the site, accessed from School Road.
- 2.5 The closest villages to the site are East Bilney, 670 m to the north-east and Gressenhall approximately 540 m south.
- 2.6 There are no formal landscape or ecological designations on the site, although there are a number of designations within 2km of the Site. These include the following:

- Nineteen Listed Buildings, of which eight are located within 1km of the Site, with the closest being the Almshouses at East Bilney and Hill Farmhouse at East Bilney, both of which are Grade II Listed and are located 695m and 760m to the northeast, respectively;
 - One nearby Scheduled Ancient Monument, the Deserted Medieval Village at Bittering, located approximately 1.2km to the west of the Site; and
 - Several blocks of Ancient Woodland located within 2km of the Site, the closest being approximately 520m to the west, at Rawhall Wood, which is also a County Wildlife Site, and Blockpightle Plantation and Beck Farm Meadows which are less than a kilometre to the north.
- 2.7 There are no further designated assets within 2km of the Site, but the River Wensum Special Area of Conservation (SAC) is located approximately 4.5km north-east of the site at its nearest point.
- 2.8 Within the wider landscape, at distances of greater than 2km, Dillington Carr Gressenghall Site of Special Scientific Interest (SSSI), Beetley and Hoe Meadows SSSI and Horwood, Mileham SSSI are located approximately 2.2km, 2.3km and 2.8km respectively, to the south-east and west of the Site. Part of Beetley and Hoe Meadows SSSI is also designated as a Local Nature Reserve (LNR). In addition, the Elmham House Registered Park and Garden is located approximately 3.1km to the north-east, along with three further Scheduled Monuments. There are also a number of additional listed building in the wider surrounding area including a number in Mileham, North Elmham, Old Beetley, and Beetley.
- 2.9 No Public Rights of Way (PROW) cross the application site or the immediate surrounding area. The nearest are PROW Beetley RB16 and Gressenghall RB1 which are located approximately 370m and 730m to the south respectively. A series of further PROW exist within the wider area, primarily to the north-east, at distances greater than 1km. Generally, topography, combined with the presence of landscape and built features/elements restricts intervisibility from these towards the site.
- 2.10 The route of the Fakenham to Harwich (Sustrans) national cycle route follows the Bilney Road along the east side of the site.
- 2.11 The site lies within Flood Zone 1 (i.e. the lowest probability of flooding: land having a less than 1 in 1,000 annual probability of river or sea flooding).

PROPOSAL

- 2.12 The application is for a new quarry including site offices, a weighbridge processing plant, and a dedicated access on the land to the south side of Rawhall Lane. Whilst the applications site extends to approximately 40.01 ha, the area of extraction would extend to 30.51ha within this. It will release an estimated 1.55 million tonnes of sand and gravel, with working taking place at a rate of 70,000 to 110,000 tonnes per annum (tpa), which indicates a lifetime of up to 22 years excluding restoration, with a potential end date for extraction of 2045.

Phasing

- 2.13 Working is proposed in six main phases starting in the north-west corner of the site in Phase 1 and then moving to the east into Phase 2, and then south into Phase 3 before moving back to the west side of the site in Phase 4, which lies to the immediate south of Phase 1. Working would then proceed to the south-east corner of the site in Phase 5, finishing in Phase 6 on the south-west corner. There would in addition be an initial works phase setting up the quarry, and a final works phase when the plant etc on the site would be removed in advance of final restoration.
- 2.14 The indicative tonnages and duration of the phases of mineral operations are included in Table 1 below with the duration of the work based on an extraction rate of 110,00 tpa.

Table 1: Phasing and Duration of Extraction

Phasing	Duration (Years)	Tonnes
Initial Works	1.7	182,364
1-3	4.6	502,868
4-6	7.6	84,2676
Final Works	0.2	23,190
TOTAL	14.1	1,551,098

- 2.15 Details of each phase are as follows:

Initial Works Phase

- 2.16 The Initial Works Phase would consist of the construction of the new site access and internal haul road, and construction of the plant area in the north-western corner of the site. Site offices and a weighbridge would be located in this area. Screening bunds, not exceeding 3m in height, would also be established around the perimeter of Phases 1 and 2.
- 2.17 Soils and overburden are to be stripped from the plant area and Initial Works Phase area. Stripped material will be placed in soil storage/screening bunds along the western, northern and eastern boundaries of the site and/or within a temporary store adjacent to the initial works area. They will be retained for use

in progressive restoration of future phases. Mineral will be extracted from the plant area and temporarily stored until the completion of construction of the plant area. This process will enable the plant area to be constructed at the base of the Initial Works Phase void, along with the site office and weighbridge, with the built infrastructure being set down 6m below current ground levels.

- 2.18 The quarry water management system will similarly be set up within the emerging void, comprising silt and freshwater lagoons located within the southern end of the Phase 1 extraction area. Run-off from the plant area will be managed by diverting it to an infiltration sump where excess water will be pumped to the silt lagoons. The silt lagoons will be designed with a minimum 300 mm freeboard and would be designed with an emergency overflow crest that directs water in excess of the design storage capacity to field edge drainage ditches to the west.

Method of Working

- 2.19 Once the soils and overburden have been stripped, the exposed mineral will be extracted using an excavator and loaded onto a dump truck to be transported to the plant area for processing, possible temporary stockpiling and then transported off site to the point of sale. Silt generated through working the sand and gravel will be placed into the silt lagoons, allowed to dry out, and then utilised in creating the restoration landform in future phases. The silt lagoons will be constructed at a level to accommodate any storm rainfall events.
- 2.20 The base of the proposed workings would be down to 6m below ground level (47m AoD) but above the recorded water table so that no dewatering is proposed to facilitate mineral extraction.
- 2.21 Some undisturbed areas will be retained, largely around the periphery of the site, which the application states will be actively managed for wildlife enhancement, and also agriculture.

Phase 1

- 2.22 On completion of the initial works phase mineral extraction will progress southward into the rest of Phase 1, where the water management and silt lagoons will be established. Soils and overburden are to be stripped from the rest of the Phase 1 area to extend and supplement the screening bunds along the western and northern boundaries of the site.
- 2.23 Approximately 136,000 tonnes of mineral will be extracted from Phase 1.

Phases 2 and 3

- 2.24 On completion of mineral extraction in Phase 1, extraction will continue eastwards into Phase 2 and subsequently southwards into Phase 3. An area of disturbed land is to be retained within Phase 1 and 2 areas to facilitate the final works where mineral beneath the access road is to be removed.
- 2.25 Progressive restoration is to commence when extraction starts in the Phase 2 area, where stripped overburden and soils materials will be placed directly for restoration purposes, recreating the original soil profiles on the regraded formation levels within previously extracted land.
- 2.26 Approximately 367,000 tonnes of mineral will be extracted from Phases 2 and 3.

Phase 4

- 2.27 Extraction will continue southward from Phase 1 into Phase 4. With the commencement of working in Phase 4, Phase 3 will be fully restored, alongside the areas of Phases 1 and 2 which are not used for the haul route, plant area and silt and freshwater lagoons.
- 2.28 Soils and overburden stripped from Phase 4 will be used to complete restoration in Phase 3. Some short-term temporary storage within the base of the quarry void will be necessary prior to final placement of the retained soils and overburden within Phases 4 and 5.
- 2.29 Approximately 310,000 tonnes of mineral will be extracted within Phase 4.

Phases 5 and 6

- 2.30 Extraction will continue in a south-eastly direction from Phase 4 into Phase 5 and then west into 6. The initial stage of works in Phase 5 development will involve the establishment of a surface water management/attenuation area within the south-eastern corner and a new perimeter ditch to the southern and western boundaries of Phase 6. This will be retained until end of mineral extraction where it will be restored to a permanent ephemeral surface water pond.
- 2.31 Approximately 533,000 tonnes of mineral will be extracted within Phases 5 and 6.

Final Works Phase

- 2.32 On completion of mineral extraction in Phases 1-6, a Final Works Phase of extraction will involve removal of the remaining mineral beneath the access track, along with the removal of the quarry plant, haul route and access/stocking area. At this point, much of the site will be fully restored, with land within the

Initial Works Phase , Phase 1 and Phase 2 awaiting final restoration following the removal of the remaining mineral.

Restoration and Aftercare

2.33 The restoration of the site will be progressive and follow along behind the extraction of the mineral in each phase, as set out above. The restoration works would be undertaken without the import of additional restoration soils, i.e. imported inert or waste material, but would instead only make use of the retained soils and overburden stripped from the site at the commencement of the works in each phase. As a result, the restored landform would be to low level restoration, i.e. with a lower-level contour across site which would be between 4m and 7m lower than the original profile within each phase. A concept restoration plan has been submitted with the application which shows the indicative restoration scheme.

2.34 The objectives of the proposed restoration and aftercare of the site are stated in the application as including the following:

- The re-creation of a productive agricultural landscape and landform with increased opportunities for biodiversity, through the integration of enhanced wildlife habitat and connected 'green' corridors;
- The strengthening local landscape character through the planting of new locally distinct native woodland, the strengthening of retained boundary hedgerow features, and the replication of features to be lost through the proposed mineral extraction scheme; and
- Restoration to appropriate land levels and gradients for agricultural production, along with the replacement of soils to replicate the sites original soil profiles.

Restoration Land Use Habitats

2.35 Under the Concept Restoration scheme, the following land use and habitat areas will be established on a progressive phased basis, following on from mineral extraction and as land becomes available for restoration:

Table 2: Restoration Land Use Habitats

Land Use	Habitat Area (Ha)
New Native Woodland & Shrub	2.34
New Native Hedgerows (including Hedgerow Trees)	662 linear metres
Reinstated Agricultural Grassland	29.74
Species Rich Grassland Margins	6.73
Ephemeral Wet Grassland	0.83
Retained Existing Peripheral Woodland	0.23

Retained Track	0.13
TOTAL	40.0

- 2.36 The stripped soils to be retained on the site are to be stored during the working of the quarry in order to protect their structure and classification qualities. Soils will be placed for restoration to reinstate the site's original soil profiles. The application does not include a precise figure for the area that would not be returned to agricultural use, but overall there would be approximately 10 ha that would be retained habitat restoration and enhancement, in accordance with the breakdown set out in the Table 1.

New Native Woodland and Scrub

- 2.37 Areas of new native woodland and shrub planting will be established progressively during the restoration of the site. The delivery of approximately 2.34 ha of this new woodland and scrub will comprise the planting and management of approximately 5,850 trees/plants, to establish a native woodland canopy structure and understory.

New Native Hedgerows

- 2.38 To reinstate agricultural hedgerow boundaries and typical field compartments within the restored site, approximately 662 linear metres of new native hedgerow planting will take place, including the planting of hedgerow trees. At a planting density of 6 plants per linear metre, this equates to 3,972 tree/plants, with hedgerow tree calculations being based on one tree per 10 linear metres.

Reinstated Agricultural Grassland

- 2.39 29.74 ha of agricultural land will be reinstated within the site, progressively, to return it to a productive agricultural land use.

Species Rich Grassland Margins

- 2.40 6.73 ha of land adjacent to existing and new hedgerows and woodland is to be developed as wildlife enhancement corridors and buffers to protect hedgerows from agricultural operations and to create new habitat and wildlife corridors linking and connecting with other ecological resources within and adjacent to the site. Land will be sown with a grass mix, incorporating wildflower species suitable for a long-term management regime that may include grazing and cutting. Species including yarrow, knapweed, meadow buttercup, sorrel and lady's bedstraw are to be planted.

Ephemeral Wet Grassland/Pond

- 2.41 Most of the non-grass plant species are identified in the application as ready colonists. These include soft rush, creeping buttercup, meadow buttercup, sorrel and common mouse-ear, which it is envisaged will establish naturally and quickly within the restored site.
- 2.42 The application also identifies that there are a number of species that occur less frequently and that these are largely those that require permanently moist conditions. These include angelica, cuckoo-flower, silverweed, iris, meadowsweet, greater birds-foot trefoil and marsh marigold. It is proposed that these species will be sown on 5% of the marshy grassland site area. These will then naturally colonise throughout the damper parts of the restored site. The habitat will thereafter be managed in continuity with surrounding grassland establishment.

Aftercare

- 2.43 Following completion of the progressive restoration, the area will be subject to an aftercare scheme. It is proposed that an annual monitoring and aftercare meeting will be held on site, involving representatives of the landowner and Norfolk County Council. All monitoring and any associated required actions will be circulated, and any agreed works carried out.

Access and Traffic

- 2.44 Access is proposed to the northeast of the site from Rawhall Lane. Rawhall Lane leads eastward onto the B1146 Fakenham Road which is a designated lorry route. The application states that a routeing plan indicating the proposed lorry route for HGVs entering/egressing the site will be distributed to drivers.

Operating Hours

- 2.45 The proposed working hours are based upon working hours which have been approved at East Bilney Quarry to the north:
- 0700 – 1800 Mondays to Fridays;
 - 0700 – 1300 Saturdays; and
 - No working on Sundays or public holidays.

Employment

- 2.46 The application states that the site will require 6 full time employees (3 on site and 3 drivers) in order to operate.

ENVIRONMENTAL IMPACT ASSESSMENT

- 2.47 In accordance with the Town and Country Planning Environmental (Impact Assessment) Regulations 2017 an Environmental Statement (ES) has been submitted. The assessment of the matters in the statement is set out below under the appropriate headings.
- 2.48 Following a request for further Environmental Information under Regulation 25 of the Town and Country Planning (Environmental Impact Assessment Regulations) 2017, a further submission was made by the applicant addressing shortcomings in the ES relating to Ecology (including Biodiversity Net Gain), Trees, Highways and Heritage.

3. Impact of the Proposal

DEVELOPMENT PLAN POLICIES

- 3.1 The following policies of the Norfolk Minerals and Waste Development Framework (NM&WDF): Core Strategy and Minerals and Waste Development Management Policies and Development Plan Document 2010-2026 (2011), the NM&WDF: Minerals Site Specific Allocations Development Plan Document (2013), and the Breckland Local Plan (2023) are of relevance to this application:

NM&WDF: Core Strategy and Minerals and Waste Development Management Policies and Development Plan Document 2010-2026 (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 After-Use
- Policy DM15: Cumulative Impacts; and
- Policy DM16: Soils

NM&WDF: Minerals Site Specific Allocations Development Plan Document (2013) (with amendments adopted December 2017)

- Policy SD1: The Presumption in Favour of Sustainable Development;

Mineral Site Specific Allocations

- Policy MIN51: Beetley

Breckland Local Plan (2023)

- Policy GEN01: Sustainable Development in Breckland;
- Policy TR01: Sustainable Transport Network;
- Policy TR02: Transport Requirements;
- Policy ENV01: Green Infrastructure;
- Policy ENV02: Biodiversity Protection and Enhancement;
- Policy ENV05: Protection and Enhancement of the Landscape;
- Policy ENV06: Trees, Hedgerows and Development;
- Policy ENV07: Designated Heritage Assets;
- Policy ENV08: Non-Designated Heritage Assets;
- Policy ENV09: Flood Risk & Surface Water Drainage;
- Policy COM01: Design;
- Policy COM02: Healthy Lifestyles; and
- Policy COM03: Protection of Amenity.

Neighbourhood Plan

- There is no Neighbourhood Plan for the Parish of Beetley.

OTHER MATERIAL CONSIDERATIONS

National Planning Policy Framework (December 2023)

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

The Norfolk Minerals and Waste Local Plan: Pre-Submission Publication

- 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 and the extent to which there are unresolved objections to those policies and the degree of consistency between them and the NPPF.
- 3.4 The production of a new Norfolk Minerals and Waste Local Plan is currently ongoing. The Pre-Submission Publication draft of the Plan ('the emerging

NM&WLP') was published for a period of representations between September and December 2022. The Pre-Submission document was submitted to the Secretary of State in December 2023, for public examination by a Planning Inspector. 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 MW1: Development Management Criteria;
- Policy MW2: Transport
- Policy MW3: Climate change mitigation and adaption
- Policy MW5: Agricultural soils
- Policy MP1: Provision of Minerals Extraction;
- Policy MP2 Spatial Strategy for Minerals Extraction;
- Policy MP6: Cumulative Impacts and Phasing of Workings;
- Policy MP7: Progressive working, restoration and after-use; and
- Policy MP8: Aftercare.

- 3.5 In addition to the policies set out above the emerging NM&WLP includes three allocated sites, sites MIN51, MIN13 and MIN08 - Land west of Bilney Road, which extend to 39.65 hectares, over most of the current application site, and have an estimated sand and gravel resource of 1,830,000 tonnes.

CONSULTATIONS

- 3.6 **Breckland Council - Planning:** No Objection, although it comments that implementation of the landscape restoration works and ecological enhancement works in order to mitigate for the impacts on the character and appearance of the surrounding landscape and secure biodiversity net-gain, and measures to control and mitigate for noise, dust, light and air pollution resulting from the operation of the quarry, need to be secured. It also considers that assessment needs to be undertaken and if necessary, mitigation secured in relation to the impacts on the setting of any designated and non-designated heritage assets.
- 3.7 **Breckland District Council - Environmental Protection:** No objection, subject to the inclusion of conditions to secure the recommended mitigation measures contained the Air Quality and Dust Risk Assessment included with the application, including the submission of an Emissions Management Plan for approval and implementation prior to the first operation of the site.
- 3.8 They advise that levels of NO₂ and PM₁₀ must not exceed the levels detailed within the Air Quality Objectives Concentration in England at the nearby residential properties at any time, and that noise from the normal day to day operation of the site should not exceed 10dBA over the background noise level measured on the boundary with the nearest affected residential properties. Noise from temporary activities necessary to facilitate essential site preparation, restoration work and the construction of acoustic bunds should not exceed

70dBA for a period of up to 8 weeks in any year on the boundary with the nearest affected residential properties.

- 3.9 They have had no additional comments to make in response to the information submitted in response to the Regulation 25 request for further information.
- 3.10 **Norfolk County Council - Lead Local Flood Authority (LLFA):** Has advised that it has no comment to make on the application. It has not offered any additional comments following the submission of the response to the Regulation 25 request for further information.
- 3.11 **Norfolk County Council - Highways:** Norfolk County Council Highways has advised that the Transport Statement submitted as Part of the Environmental Statement with the application demonstrates that HGV movement to and from the site can be achieved without detriment to road safety, or the locality of the site and its junction with the B1146 Fakenham Road, where there has been no recorded injury accidents in recent years.
- 3.12 They further comment that the HGV route to and from the site would be via the B1146 Fakenham Road and onwards to the A47, which are designated lorry routes, and are suitable for HGV traffic and that the visibility splays at the junction of Rawhall Lane and Fakenham Road are suitable and do not require further improvement.
- 3.13 They did initially comment that the Transport Statement does not assess the intervisibility of traffic emerging from the site access with traffic emerging from Bilney Road to the east of the site and advise that it would be necessary to provide visibility splay between the site access and Bilney Road that can be achieved by removal the hedgerow between them. The applicant has subsequently provided details of the visibility splay and Norfolk County Council Highways has confirmed that this is acceptable.
- 3.14 In terms of the site access to the quarry, they advise that this involves the construction of a new bellmouth, the details of which are acceptable.
- 3.15 They further advise that in terms of HGV routing it is essential that any HGVs arriving and departing from the site do so via Rawhall Lane and onwards to the Fakenham Road, and that although this is only a very short distance, a lorry routing plan is required to ensure HGVs do not use any other unsuitable alternative routes.
- 3.16 On this basis the Norfolk County Council Highways advises that they have no objection to the application, subject to the inclusion of conditions relating to each of these matters.

- 3.17 **Norfolk County Council - Public Rights of Way:** Have advised that they have no objection as there are no Public Rights of Way in the immediate vicinity of the site.
- 3.18 **Norfolk County Council - Ecology:** There has been extensive comment from the County Ecologist over the determination period in relation to ecology, which is summarised here and includes reference to confidential information. Their initial advice on submission of the application was that in addition to the Environmental Statement, it included a Preliminary Ecological Appraisal (PEA) and a Protected Species Report (PSR).
- 3.19 These identified the presence of a number of protected species and the need for avoidance mitigation and compensation measures for badgers, bats, breeding birds, Great Crested Newts (GCN), reptiles and Priority Species. The advice from the County Ecologist was that whilst the submitted reports were broadly appropriate and acceptable, further information was required, prior to determination, in relation to the undertaking of further bat surveys, because the applicant is proposing to fell a number of trees which have moderate bat roost potential, and to secure of compensatory off-site skylark nesting provision and compensatory tree and hedgerow planting.
- 3.20 In relation to protected sites they additionally advised that the restoration aims and objectives proposed only a five-year aftercare management period, would be insufficient and that this should be for a minimum 10-year period, and preferably 30 years which is what will be required in relation to achieving biodiversity net gain (BNG), Linked to this significant revisions to the proposed Concept Restoration Plan were also required.
- 3.21 They also commented that no information was provided in relation to BNG, and that the Defra Biodiversity Metric should be used to demonstrate that the scheme would result in a net gain in biodiversity.
- 3.22 Notwithstanding the above points, they advised that conditions are required in relation the submission for approval of a badger mitigation strategy, a lighting strategy (to minimise/avoid disturbance to bats, and a Construction Environment Management Plan (CEMP), as well as conditions relating to water management, pollution prevention and surface water flooding as requested by Natural England.
- 3.23 In the light of these comments and the issuing of the Regulation 25 request for further information the applicant included in the response, the submission of a Badger Avoidance, Mitigation and Compensation Strategy, an Aerial Tree Inspection for Bat Roosts Report, an Environmental Statement Addendum relating to the Mitigation and Management for Breeding Birds, and a BNG Report, and a revised Concept Restoration plan.

- 3.24 The further advice from the County Ecologist following this submission, and a number of additional amended submissions, is that the Badger Avoidance, Mitigation and Compensation Strategy and BNG report are acceptable, the Environmental Statement Addendum relating to the Mitigation and Management for Breeding Birds, is acceptable subject to the submission of detailed management plan for breeding birds, which can be secured by condition, that the Bat Roosts Report is acceptable subject to conditions securing additional bat surveys and the proposed bat mitigation. They also advise that the revised Concept Restoration Plan is acceptable subject the submission of an amended Outline Restoration Strategy, which sets out details of the proposed environmental management and aftercare, to reflect the amendments to the Concept Restoration Plan, which can also be conditioned.
- 3.25 **Norfolk County Council - Arboriculture:** Initially returned a holding objection on the basis that the Root Protection Areas (RPAs), shown on the submitted plans was too narrow between the retained trees on the site and the excavation area, and accordingly needed to be increased to a 15-20m buffer zone to ensure the long-term retention of the trees around the perimeter of the excavation. They advised that any bunds should also be located outside this area.
- 3.26 They additionally commented that there are two Category A veteran oaks (Trees 27 and 49) in the central area of the site, which they advised require a much larger buffer zone to protect them and not leave them on an island of land. This would necessitate a buffer zone of 20m-25m which should be graded.
- 3.27 The applicant has as part of their response to the Regulation 25 request for further information, amended the working scheme drawings to enlarge tree buffer zones to 15-20m around retained trees, and to 20-25m buffers around two veteran trees. The revised buffers on shown on the amended drawings included in the submission.
- 3.28 As a result, the Arboricultural Officer has withdrawn their holding objection subject to the inclusion of a condition requiring the submission of an updated Arboricultural Impact Assessment (AIA) which sets out details of the revised standoff and protection measures around the trees to be retained.
- 3.29 **Norfolk County Council - Landscape:** Initially returned a holding objection, on the basis that the restoration and aftercare proposals were not acceptable (as commented on by the County Ecologist and as set out above).
- 3.30 They advised that the Landscape and Visual Impact Assessment (LVIA) submitted with the application (as part of the Environmental Statement) is broadly fit for purpose and follows industry standard guidance and that appropriate viewpoints used which broadly appear to consider views from a range of locations/directions and differing receptors.

- 3.31 They commented that the LVIA identifies that during the operational phase of the quarry, there will be a “Moderate Adverse” impact on a number of receptors. Whilst this would be temporary the proposed duration of the operation would be up to twenty-two years. Following restoration, they advise that the LVIA concludes that the impacts would at worst be neutral or in some cases will be slightly or very slightly beneficial. They have confirmed that they agree with these conclusions and advise that with the proposed mitigation and working followed, as outlined in the LVIA, that there would not in overall terms be any Significant Adverse Landscape or Visual Effects.
- 3.32 However, they also initially commented that whilst the applicant has proposed a restoration plan which restores the site back to its similar pre-worked condition, they consider that there had been a missed opportunity to build better enhancements into the restoration proposals. They commented that the LVIA concludes that currently the proposals at restoration stage would have a Very Slight Adverse Significance of Effect on Landscape Character. They supported the comments of the County Ecologist regarding the opportunities presented by the site and believe that if designed in line with the assessors who undertook the LVIA, there would be an opportunity to see more beneficial effects on the landscape character following restoration.
- 3.33 They additionally commented that currently a five-year aftercare plan is proposed, although where planting forms part of the screening for the operational works they advised that this should be maintained for a minimum of the lifetime of operations, i.e. twenty-two (22) years. They further advised that the restoration proposals should have a minimum of ten (10) years aftercare, but that this should preferably be thirty (30) years in order to bring this in line with the forthcoming statutory Biodiversity Net Gain (BNG) requirements. More generally they commented that the vegetation and trees form an important part of the landscape and screening for the site, so that their protection and long-term care is of paramount importance.
- 3.34 They also commented, in line with the comments from the Arboricultural Officer, that a 15-20m buffer zone should be provided around the trees on the site around the perimeter of the excavation, and that any bunds should be outside this area, and that the two veteran trees in the central area of the site should have a buffer of a minimum of 20-25m.
- 3.35 Following the submission of the BNG Report, the revised Concept Restoration and the amended working scheme drawings to enlarge tree buffer zones to 15-20m around retained trees, and to 20-25m buffers around the two veteran trees, the Landscape Officer, has withdrawn their previous holding objection, subject to the imposition of conditions requiring the submission of revised Outline Restoration Strategy and amended Arboricultural Impact Assessment (AIA) as set out above.

- 3.36 **Norfolk County Council - Historic Environment:** Have advised that they have no objection subject to the inclusion of a condition requiring; the preparation and submission for approval of an archaeological Written Scheme of Investigation and its subsequent implementation; stating that no mineral extraction shall take place other than in accordance with the approved WSI; and that the quarry shall not be fully operated or any part restored until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the approved WSI.
- 3.37 **Environment Agency:** Advises that it has no objection to the application and has maintained its position following re-consultation on the submitted Regulation 25 information.
- 3.38 **Natural England:** Has advised that it has no objection, subject to the proposed mitigation being secured, to avoid damage to or destruction of the interest features for which Beetley and Hoe Meadows Site of Special Scientific Interest (SSSI) and Dillington Carr, Gressenhall SSSI have been notified. It advises the inclusion of a condition to secure the recommendations set in the submitted Hydrogeological Impact Assessment and Flood Risk Assessment (set out in Appendix H of the ES. These measures include:
- The installation of a closed loop water management system that will contain water within the site so as to negate the need for off-site discharge to nearby water features;
 - The adoption of an Environmental Management System for pollution prevention, and specifically through the adoption of an Environmental Management Plan to minimise and mitigate the risk of water pollution which should include (but are not limited to) spill response procedures, best practice methods for storage and handling of chemicals and fuel, provision of spill kits, designated hard standing areas for refuelling and appropriate training for site personnel; and
 - The provision of surface flood water risk mitigation which includes (but is not limited to) the installation of a pond, an extension of the existing drainage system to divert run-off to the pond, and the installation of an infiltration sump and the creation of silt lagoons.
- 3.39 Natural England otherwise advises the following in relation to designated sites/landscapes and other natural environment issues:
- 3.40 **Advice on Soils, Land Quality and Reclamation:** That whilst the application site which extends to approximately 40ha, it includes approximately 23ha of 'best and most versatile' (BMV) agricultural land; i.e. Grades 1, 2 and 3a land. It is satisfied that the working and reclamation proposals provided in support of the application meet the requirements for sustainable minerals development set out in the NPPF and current Minerals Planning Practice Guidance, particularly Section 6 on "Restoration and aftercare of mineral sites" and recognised best

practice. Whilst the restoration proposals on some of the BMV land are for non-agricultural purposes, it considers that the proposed reclamation to a biodiversity after-use to be acceptable, provided the methods used in the restoration and aftercare would enable the land to retain its longer-term capability to be farmed to its land classification potential, thus remaining a high-quality resource for the future.

- 3.41 Natural England accordingly advises that the grant of planning permission should be made subject to conditions to safeguard the soil resources and promote a high standard of reclamation appropriate to the proposed after-uses. It recommends conditions relating to soil handling, including soil stripping and storage, soil replacement, differential settlement and aftercare, in accordance with the Institute of Quarrying Good Practice Guide for Handling Soils in Mineral Workings (2021) and the Defra Guidance Notes on reclaiming minerals extraction and landfill sites to agriculture.
- 3.42 Advice on Environmental Gains: It advises that the development should provide for net gains for biodiversity in line with the NPPF paragraphs 180(d), 185 and 186 and that it should provide opportunities to secure wider environmental gains, as outlined in the NPPF (paragraphs 8, 74, 108, 124, 180, 181 and 186). It advises that the mitigation hierarchy as set out in paragraph 186 of the NPPF should be followed; this should firstly consider what existing environmental features on and around the site can be retained or enhanced or what new features could be incorporated into the development proposal. Where onsite measures are not possible, it advises that off-site measures should be considered.
- 3.43 Natural England otherwise comments that the ES, Appendix A (Outline Restoration Strategy sets out that one of the aims will be, “The re-creation of a productive agricultural landscape and landform with increased opportunities for Biodiversity, through the integration of enhanced wildlife habitat and connected 'green' corridors.” It advises that it supports this aim in addition to the restoration of best and most versatile agricultural land on the site. It further advises that Natural England’s Biodiversity Metric may be used to calculate biodiversity losses and gains and to inform how the proposed development can contribute to the wider environment and help implement elements of any landscape, green infrastructure or biodiversity.
- 3.44 It otherwise offers its standing advice in relation to the impacts on landscape, protected species, local sites and priority habitats and species (including ancient woodland), access and recreation, rights of way, access land, coastal access and national trails, and the biodiversity duty.
- 3.45 Natural England has maintained its original comments in response to the re-consultation following the submission of the response by the applicant to the Regulation 25 request for further information.

- 3.46 **British Pipeline Agency (Penspen):** Have advised that the proposed works will not affect the Bacton to Great Yarmouth gas pipeline.
- 3.47 **Historic England:** Have not commented on the application.
- 3.48 **Cadent:** Has advised that it has a 114 mm High Pressure gas pipeline in the vicinity of the application site but that it has no objection to the application.
- 3.49 **Health and Safety Executive:** The HSE's Planning Advice App returns a "Do Not Advise Against" response, i.e. that it does not advise, on safety grounds, against the granting of planning permission in this case.
- 3.50 **National Planning Casework Unit:** Has advised that it has no comment to make on the application.
- 3.51 **Open Space Society:** Has not commented on the application.
- 3.52 **Beetley Parish Council:** Beetley Parish Council has advised that it strongly opposes the application for the following reasons:
- The proposed quarry will be situated in close proximity to the existing Middleton Aggregates site at east Bilney Quarry which is situated less than half a mile from the application site. This existing quarry has permission until the end of 2029 with the prospect of a further extension of 15 years in order to maximise the sites potentially running to 2040. The proposed Longwater Gravel quarry will run in conjunction with Middleton Aggregates quarry and both sites will be active for at least 14-18 years. This effectively surrounds the dwellings on Fakenham Road;
 - Both quarries will have to use Rawhall Lane (a rural lane with no white lines) as their only route onto the B1146 Fakenham Road;
 - The proposed operating times (0700-1800) are different to those of Middleton Aggregates (0700-1700). They will extend the noise, vibration and air pollution already being experienced by the nearby parishes;
 - The Traffic Assessment was completed during the Covid-19 lockdown when the traffic flow was greatly reduced. A new Assessment would be beneficial to understand the transport implications and what Traffic calming would/may be needed, such as a speed restriction to slow traffic in order to allow lorries leaving the site to get up to speed as currently the road is subject to the national speed limit;
 - Concern over what the Traffic Management Plan for this site is;
 - Vehicle movements both on-site and on the local road network will have the potential to result in dust emissions from Trackout, the risk of which is very high;
 - Concern about the impacts on Beetley and East Bilney villages and how this will be managed;

- Concerns that plant movements may leave trails of mud to and from the site, particularly from chalk and sandy sediments. Locations of concern include the immediate roads off Rawhall Lane, the B1146 Fakenham Road and Bilney Road and how this can be controlled by condition;
- Concern that no junction capacity tests have been conducted;
- Concern that the Bilney Road is part of the national cycle network and therefore concern about the safety of cyclists and what plans there are to accommodate the safety for cyclists and keep the route open;
- Concern that if the application is approved that the applicant should have to fund any highway improvements required to reduce the resulting risks to road users on the B1146;
- Although an allocated site in the Minerals and Waste Local Plan concerns about the new quarry and existing quarry being worked at the same time;
- Concerns that the noise (at work) assessment submitted with the application is not site specific and is a generic assessment conducted on another site in the Wymondham area, and fails to take into account that there will be a similar output from the existing quarry and that the cumulative effect of both sites running together will generate more noise/vibration/dust than is currently being experienced;
- Concern about a joint proposed output of 2,672,000 tons of aggregate from East Bilney Quarry and the proposed new quarry over the next 14 years, and question whether there is a local demand for this amount of mineral;
- Concern that the mineral is not intended for use locally or required to meet local need;
- That in relation to the allocated MIN12 site in the emerging Minerals and Waste Local Plan (NM&WLP), relating to the land to the north of Chapel Lane, Beetley, that the supporting text states that the additional site “will need to be phased with the adjacent permitted site so that only one site is worked for extraction at a time in accordance with a phased and progressive working restoration scheme”, but that this requirement has not been applied to the allocated sites MIN08, MIN 13 and MIN51;
- That the development of the site should be sequential rather than being undertaken concurrently (with the development of other sites) to provide greater sustainability;
- That the existing background noise levels experienced in East Bilney Quarry are already significant and that there are therefore concerns about the potential for the proposed development to introduce further noise pollution into the surrounding area;
- Concerns about the impacts on air quality as a result of dust if there are two quarries operating at the same time. This has the potential to affect properties on the surrounding roads including Fakenham Road, Rawhall Lane, School Lane, Church Road, Halfpenny Lane, Vale Road, Chequers Lane, and Stoney Road during all phases of the extraction; and there is concern about how this will be monitored;

- Properties between School Road and Fakenham Road during excavation of Phases 3 to 6 will be at particular risk when there is a south westerly wind; and
- There is an increased risk to drivers on the B1146 Fakenham Road, which is the designated lorry route as a result of the deposit of mud and dust on the highway. There is concern as to how this can be controlled.

3.53 **Gressenhall Parish Council:** Object to the application on the following grounds:

- That a substantial increase in lorry movements that will result, whereas if this land was worked for gravel from the existing site, vehicle movements would remain at current levels;
- That the road traffic survey was completed in September 2020 during periods of lockdown. Councillors believe this does not give a true reflection;
- That the greatest impact of vehicle movements will be felt in both East Bilney and Beetley depending on whether vehicles head north from the site or south through Dereham;
- That there are already 3 gravel companies in the immediate local area and that should not be increased to 4 companies;
- The application is premature until the Minerals Local Plan is completed;
- Gressenhall Parish Council has maintained its original objection following the submission of the response by the applicant to the Regulation 25 request for further information.

3.54 Gressenhall Parish Council has maintained its original objection following the submission of the response by the applicant to the Regulation 25 request for further information.

3.55 **County Councillor Mark Kiddle-Morris (Necton & Launditch):** Has not commented on the application.

REPRESENTATIONS

3.56 The application was advertised by means of neighbour notification letters, site notices, and an advertisement in the Eastern Daily Press newspaper. Two representations have been received from the public with one of these explicitly objecting to the planning application. The grounds of objection and comment raised are summarised as follows:

Objection(s):

- State support for the grounds of objection from Beetley Parish Council and Gressenhall Parish Council (as set out above);

Comment(s):

- Impacts on residential amenity in terms of air quality, dust, visual impact, noise and lighting.

APPRAISAL

3.57 The key issues for consideration are:

- A. Principle of the Development including Need;
- B. Traffic, Highway Safety and Public Rights of Way;
- C. Ecology and Biodiversity (including the need for Appropriate Assessment);
- D. Landscape and Visual Impact, Trees and Restoration;
- E. Soils and Agricultural Land;
- F. Heritage;
- G. Amenity;
- H. Flood Risk, Surface Water and Groundwater;
- I. Geodiversity;
- J. Sustainability; and
- K. Cumulative Effects.

A. Principle of the Development including Need

3.58 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”.

3.59 Relevant development plan policy is, as detailed above, set out in the NM&WDF Core Strategy, Policies CS1 and CS2. Paragraph 219 of the NPPF which states that Minerals Planning Authorities should plan for a steady and adequate supply of aggregates, is also relevant

3.60 The key issue of principle arises from the development plan status of the site, and that the central part of the site falls within, and comprises most of the, Policy MIN51 allocation in the current NM&WDF Minerals Site Specific Allocations Development Plan Document, whilst the rest of the site is unallocated.

3.61 The MIN 51 allocation is also carried over into the emerging Norfolk Minerals and Waste Local Plan, with the areas to the north and south of this (as outlined

above) which make up most of the rest of the current application site, being included is the proposed MIN 13 allocation to the immediate north, and MIN 08 allocation to the immediate south.

- 3.62 The position then is that part of the current application site is included as an allocation in the currently adopted NM&WDF Minerals Site Specific Allocation Document, and essentially all of the site is included within the proposed allocations in the emerging Norfolk Minerals and Waste Local Plan. As set out above the weight that can be attributed to the proposed allocations in the new plan, can as yet only be relatively limited, because, although it has now been submitted to the Secretary of State for examination, the examination has yet to take place and objections have been raised regarding their inclusion in the plan. Essentially therefore, the application has still to be considered on the basis of the currently adopted NM&WDF.
- 3.63 Policy MIN51 Policy makes clear that the site is allocated for sand and gravel extraction, and allows for the inclusion of a concrete batching plant and aggregate processing. It states that any planning application will need to demonstrate compliance with the adopted Core Strategy and Development Management policies. and will require any planning application to include a programme of mitigation measures to deal appropriately with any environmental, amenity and highway safety impacts and ensure high-quality working and restoration of the site.
- 3.64 Outside of allocated sites, the policy approach set out in the NM&WDF Core Strategy to the determination of applications for new mineral extraction proposals is set out in Policy CS2. This is not intended to prevent other and additional sites being brought forward. It identifies that the general locations for sand and gravel extraction associated facilities will be based on the resource areas shown on the key diagram included in the Plan. This includes the area to the west of Beetley and north of Gressenhall. It states that a clear preference will be given to sites which are close to and/or particularly well-related via appropriate transport infrastructure, to the Norwich Policy Area, Great Yarmouth urban area, Thetford or King's Lynn or the main market towns (Attleborough, Aylsham, Cromer, Dereham, Diss, Downham Market, Fakenham, Hunstanton, North Walsham, Sheringham, Swaffham and Watton). It also states that extensions to existing sites will be preferred to new sites. Within this context the Policy CS2 make clear that each application will be considered on its merits, whether it relates to an allocated site or not.
- 3.65 In this case, whilst the application site would be a new site, it is partly an allocated site, and can be considered to be well related to Dereham (5.4km to the south-east), Fakenham (11.6km to north-west) and Swaffham (16.1km to the south-west).

- 3.66 Whilst need is not directly identified as a criterion in the determination of planning applications in the NM&WDF Core Strategy, Policy CS1 makes clear that the intention of the plan is to maintain a landbank of permitted reserves of between seven and ten years' supply. The requirement to provide a landbank for sand and gravel of at least seven years is set out in the NPPF, paragraph 219, which stresses the need to maintain a steady and adequate supply of aggregates, and it states that this should be achieved through preparing an annual Local Aggregate Assessment (LAA), to forecast future demand, based on a rolling average of ten years' sales data and other relevant local information.
- 3.67 Paragraph 219 makes clear that landbanks of aggregate mineral reserves are principally to be used as an indicator of the security of aggregate minerals supply, and to indicate the additional provision that needs to be made for new aggregate extraction going forward. They are not intended in themselves to be used as a limit or provide the basis for the refusal of permission on the basis of need.
- 3.68 The Planning Practice Guidance (PPG) on Minerals (paragraph 84) is explicit on this point and the question of whether a landbank above the minimum level is justification to refuse planning permission. It makes clear that there is no maximum landbank level and each application for minerals extraction must be considered on its own merits regardless of the length of the landbank. However, it is also clear in stating that where a landbank is below the minimum level this may be seen as a strong indicator of urgent need.
- 3.69 As of 31 January 2024, the sand and gravel landbank of permitted reserves in Norfolk is calculated to be 11 years, and the 1.55 million tonnes proposed in the planning application would take the landbank up to 12 years. This is above the range for the landbank indicated in Policy CS1 and well above the 7 seven-year minimum contained in national policy and guidance, and so cannot be taken as indicative of urgent need, but equally is not itself a reason for refusal.
- 3.70 On this basis, and although the landbank is currently well in excess of the 7 year minimum required by the NPPF, the application, partly comprising an allocated site, can still in principle be considered to be acceptable and in accordance with the development plan, and specifically the NM&WDF Core Strategy, Policies CS1 and CS2, subject to it being demonstrated that it is acceptable on its own merits and otherwise in accordance with the other policies of the development plan.

B. Traffic, Highway Safety and Public Rights of Way

- 3.71 The key issues in relation to traffic, highway safety and Public Rights of Way relate to the highway safety impacts of the development between the site access on Rawhall Lane and the junction of Rawhall Lane with the B1146

Fakenham Road, and whether there is any overall impact on the capacity of the local road network.

- 3.72 Relevant policies include the NM&WDF Core Strategy, Policies CS15 and DM10 which seek to ensure that suitable highway access and egress in accordance with published highway design guidance is provided; that there is a suitable route to the nearest major road (trunk road or principal road or main distributor road), which may need to be incorporated in a formal Routing Agreement; and that there has been adequate consideration of other road users, including cyclists, horse riders and pedestrians. Policies TR1 and TR2 of the Breckland Local Plan seek to promote sustainable transport, mitigate impacts on the local or strategic highway networks and protect, and where possible enhance, access to Public Rights of Way. Policy ENV1 also refers to the protection of Public Rights of Way.
- 3.73 The NPPF paragraphs 104, 108 and 114 and 115 also seek to ensure that development proposals do not have any unacceptable impacts on highway safety or give rise any residual cumulative impacts on the road network and protect and enhance Public Rights of Way.
- 3.74 Policies DM10 and Policy TR2 include a similar requirement for development proposals that generate a significant number of heavy goods vehicle movements to be regulated through a Routing Management Plan that ensures that no severe impacts will be caused to the efficient and safe operation of the road network and no material harm is caused to the living conditions of residents.
- 3.75 Site specific requirements set out in Policy MIN51 identify the need for satisfactory road-widening or passing bays on Bilney Road, and that a financial contribution to B1146 Fakenham Road/Rawhall Road junction improvements should be made. These requirements are retained in the emerging NM&WLP in Policy MIN51/MIN13/MIN08.
- 3.76 The Environmental Statement (ES) submitted with the application includes chapters on Transportation, Traffic and Access and Rights of Way and is accompanied by a Transport Assessment.
- 3.77 The Transport Assessment identifies that the access to the site will be on to Rawhall Lane, rather than the Bilney Road, with vehicles routed onto the B1146, which is a main distributor road (and a designated lorry route). It includes an assessment of the anticipated HGV movements generated by the development. Initially, the site will produce in the region of 70,000 tonnes per annum which will increase to 110,000 tonnes per annum upon cessation of operations at the Longwater Gravel's site at Coxford. The average number of two-way HGV movements per hour is expected to range from between 2 to 3. In terms of staff numbers, the site will employ 6 full time employees (3 on site and 3 drivers).

- 3.78 The Assessment identifies that two-way average HGV volumes were recorded as being 302 vehicles on the B1146. Traffic surveys therefore confirm that traffic volumes on the B1146 are low, and also provide more detail in the AM and PM peak hours and that the 85th percentile speed on the B1146 near the junction with Rawhall Lane were recorded as being 50 – 52mph.
- 3.79 On this basis the threshold for assessing highway capacity would be based on an addition of 30 two-way trips in any one hour. The proposed development would generate far fewer trips than this threshold and therefore the impact on highway capacity over and above existing conditions is identified as being negligible, and therefore does not trigger the requirement for further assessment of road traffic given the low increase in HGV movements.
- 3.80 Road safety collision statistics were obtained from the DfT (via the Crashmap database) from 01/01/2014 to 30/06/2019. The data shows that there were no collisions have been recorded at, or near to, the proposed site access on Rawhall Lane and that no collisions were recorded at the Rawhall Lane/B1146 junction, nor within 500m to the north or south of the junction. The assessment accordingly concludes that there are no patterns of collisions warranting mitigation, and it is not expected that the addition of low numbers of HGVs would lead to any material impact on road safety.
- 3.81 The assessment accordingly concludes that there is no requirement for any mitigation to improve highway capacity or safety, although it does identify that the creation of a new access point will require verge clearance work to ensure satisfactory visibility splays can be accommodated.
- 3.82 In relation to Public Rights of Way the assessment identifies that there are no Public Rights of Way within or in close proximity to the site, although it identifies that the Fakenham to Harwich Sustrans national cycle route follows Bilney Road along east side of the site. Accordingly, it concludes that that the proposed development would not have any impact on Public Rights of Way or the use of the national cycle route adjacent to the site and therefore that no mitigation measures are required in relation to protecting and/or enhancing Public Rights of Way.
- 3.83 As set out above the Norfolk County Council Highways has advised that the Transport Statement submitted as Part of the Environmental Statement with the application demonstrates that HGV movement to and from the site can be achieved without causing conditions that may be detrimental to road safety, or the locality of the site and its junction with the B1146 Fakenham Road and have advised the inclusion of number of conditions including a condition relating to the submission of an HGV Management Plan to control the routing of HGVs to and from the site and a condition to ensure the provision of a visibility splay at the site access.

- 3.84 Overall, the application can therefore be considered to be acceptable in relation to relevant development policy, i.e. NM&WDF Core Strategy, Policies CS15, DM10 and MIN 051, Breckland Local Plan Policies TR01, TR02 and ENV1, and the NPPF paragraphs 104, 108, 114 and 115.

C. Ecology and Biodiversity (including the need for Appropriate Assessment)

- 3.85 The key issues in relation ecology and biodiversity concern the impacts on protected species including the habitats that support them and whether these are adequately mitigated, and whether the proposed restoration of the site delivers biodiversity net gain. Because the latter has a significant impact on the proposed restoration of the site, this issue is considered first and before the section below on the landscape and visual impacts of the proposal. Because the application site is located within 10km of the River Wensum Special Area of Conservation (SAC), consideration has also to be given to whether Appropriate Assessment is required.
- 3.86 Relevant policies include the NM&WDF Core Strategy, Policies CS14, DM1 and DM14, which seek to ensure that there are no unacceptable adverse impacts on, and ideally improvements to biodiversity, including nationally and internationally protected species and designated sites and otherwise that they prevent harm to protected species and habitats or ensure that any such harm is adequately mitigated or compensated for, and that there is enhancement to the Norfolk Ecological Network. Breckland Local Plan Policy ENV02 has similar objectives but also requires that all applications demonstrate a net gain for biodiversity. Relevant national planning policy is set out in the NPPF, Chapter 15, paragraphs 180 and 186.
- 3.87 There are no ecology related site-specific requirements set out in Policy MIN51, although it does set out a requirement for a high-quality working and restoration scheme that includes the thickening of boundary hedges, and safeguarding the two small areas of woodland on the site. This will impact on the achievement of biodiversity net gain. The emerging NM&WLP in Policy MIN51/MIN13/MIN08 includes a similar requirement, together with a requirement to provide biodiversity net gains.
- 3.88 The submitted Environment Statement includes a Chapter on Nature Conservation and Ecology, which is supported by a separate Preliminary Ecological Appraisal (PEA) Report and a Protected Species Report (PSR). The PEA and PSR set out the species identified and any recommended mitigation measures. These have been supplemented during the determination period, following the issuing of the Regulation 25 request for further information, by the submission of four further additional Appendices including a confidential Avoidance, Mitigation and Compensation Strategy for badgers, two letters

reporting the results of Aerial Tree Inspections for Bat Roosts, an ES Addendum setting out Mitigation and Management [measures] for Breeding Birds, and a BNG report.

- 3.89 The assessment considers the potential impacts of the proposed quarry based on the surveys undertaken in 2021 for badgers, breeding birds, bats and Great Crested Newts (GCN).
- 3.90 The badger surveys found main and subsidiary setts within the site and that there are two setts that will require closure under licence before ground clearance works can proceed legally. An artificial sett is accordingly proposed as compensation and will need to be constructed in advance of the closure of the main sett. This is to be placed outside of the application site boundary, within the area previously excluded from the application site on the western side of the site.
- 3.91 Several species of Red and Amber listed Birds of Conservation Concern (BoCC) were found to be holding territory on, and just outside of the site, most notably 27 pairs of skylark and 13 pairs of yellowhammer. On-site compensation measures are recommended to mitigate for the loss of habitat for these species.
- 3.92 The GCN surveys found a single individual in one of the ponds adjacent to the site and identified potential impacts to GCN as being low and consequently at a level that can be addressed through precautionary mitigation measures.
- 3.93 The assessment identifies that potential impacts to other protected and notable species can be satisfactorily addressed through standard, best-practice mitigation measures.
- 3.94 The assessment identifies that the site as having substantial scope for ecological enhancement, and a Concept Restoration Plan has been produced which would return the area to agriculture, including replacement planting of all lost hedgerows and trees and additional areas of native woodland and wet ephemeral grassland. This, the assessment states is expected to benefit wildlife in the long-term, while shorter term impacts will be addressed with appropriate mitigation measures.
- 3.95 In terms of designated sites, habitats and protected species, the assessment identifies that the development and operation of the site will not have unacceptable direct or indirect impact on ecology and biodiversity.
- 3.96 As set out above the County Ecologist has commented extensively on the ecology and biodiversity aspects of the application, and initially identified the need for further information prior to determination, in relation to the undertaking of further bat surveys, because the applicant is proposing to fell a number of trees which have moderate bat roost potential, and the securing of compensatory off-site skylark nesting provision and compensatory tree and

hedgerow planting. They also identified the need for longer aftercare period of at least 10 years, and preferably 30 years to achieve biodiversity net gain (BNG), and they advised that significant revisions to the proposed restoration plan were required and that a BNG report should be submitted to demonstrate that the scheme would result in a net gain in biodiversity. These additional information requirements made up a substantial part Regulation 25 request for further information.

- 3.97 As set above, in the light of the Regulation 25 request for further information the applicant, included in their response, the submission of an Badger Avoidance, Mitigation and Compensation Strategy, an Aerial Tree Inspection for Bat Roosts Report, an Environmental Statement Addendum relating to the Mitigation and Management for Breeding Birds, and a BNG Report, and revised Concept Restoration plan.
- 3.98 There has also been further and on-going dialogue between the applicant's ecology adviser and the County Ecologist, as result of which the final advice from the County Ecologist has been that the remaining outstanding issues have been resolved.
- 3.99 The applicant has submitted a further report on the undertaking of additional bat surveys and mitigation measures, with the latter including restrictions on the timing of tree felling works, the soft felling of trees and the installation of 20 bat boxes, and a revised Concept Restoration Plan.
- 3.100 In response to these additional submissions the County Ecologist has advised that whilst the bat survey report still identifies the need for further bat activity surveys, the surveys that have been undertaken, identify that no bats have as yet been found, providing a level of confidence that the mitigation measures may be broadly acceptable and deliverable. They therefore advise that the remainder of bat surveys and submission of a detailed bat mitigation strategy can appropriately be secured by condition, albeit these must be completed, and a report submitted for approval prior to commencement of any construction activities on the site.
- 3.101 In relation to the Environmental Statement Addendum relating to the Mitigation and Management for Breeding Birds, the County Ecologist advises that the measures for the management of the existing on-site habitats, appear acceptable in principle, and although requiring the submission of further details, the submission of these details can be secured by condition.
- 3.102 The BNG Report sets out details of Biodiversity Net Gain (BNG) calculations using Natural England's Biodiversity Metric 3.1 applied to the baseline and proposed final restoration habitats and includes advice for achieving a 10% net gain. It identifies a that there will be a 101.68% net increase in biodiversity units and a 12.81% net increase in hedgerow units associated with the proposed development. It makes clear that the assessment is dependent on the post-development soft landscaping being managed in such a way that all proposed plants successfully establish and reach their full potential in order to deliver the anticipated Biodiversity Units and Hedgerow Units. The report sets out details

of the Proposed Habitats and Proposed Linear Habitats and the resulting BNG calculations.

- 3.103 It identifies, due to the nature of the development, that many of the habitats on site will be lost before the restoration plans can be implemented. In some areas, temporary delays, spanning 2-14 years, will occur between the habitat loss and the creation of the replacement habitat. However, at the end of the quarry's operational life, the intention is that the site will be fully restored back to a functioning agricultural landscape. There are two main existing arable fields (at the northern and southern ends of the site) that will be replaced with neutral grassland, whilst the central part of the site which identified as largely being made up of modified grassland, which would also be restored to neutral grassland. There will also be four areas of mixed scrub, including three areas of native woodland, a new pond at the southern end of the site, other new small ponds and new native hedgerow and tree planting. It is advised that a Landscape and Ecology Management Plan (LEMP) is produced to ensure appropriate long-term management, the submission for approval of which can be conditioned. The BNG Report meets Natural England's requirements set in their advice on Environmental Gains. The measures required in a LEMP are including the Outline Restoration Strategy.
- 3.104 The Concept Restoration Plan has been updated to reflect the Proposed Habitats and Proposed Linear Habitats set out on the BNG Report. The County Ecologist has confirmed that the BNG Report is acceptable and that the Concept Restoration Plan now incorporates the revisions to ensure that it aligns with the BNG Report, although they have also advised that the associated Outline Restoration Strategy still requires changes, to reflect the amendments to the Concept Restoration Plan and to secure long-term aftercare of the site beyond the five years initially proposed. This however, pending the introduction of the statutory 10% BNG, cannot as be required, and the current policy set out the Planning Practice Guidance on Minerals (Paragraph 52) makes clear that a Mineral Planning Authority cannot require any steps to be taken after the end of a five-year aftercare period without the agreement of the minerals operator. As a result, it is only currently possible to impose a 5 year aftercare period.
- 3.105 As set out above Natural England in its comments has advised that it has no objection, subject to the proposed mitigation being secured, to avoid damage to the features for which Beetley and Hoe Meadows Site of Special Scientific Interest (SSSI) and Dillington Carr, Gressenhall SSSI have been designated, comprising the recommendations set out in the Hydrogeological Impact Assessment and Flood Risk Assessment.
- 3.106 As set above the application site is located within 10km of the River Wensum Special Area of Conservation (SAC), which is European protected habitat. The application has been assessed in accordance with Regulation 63 of the Conservation of Habitats and Species Regulations 2017. Natural England has not raised any concerns in relation to the proposed development having any significant adverse impacts on the River Wensum (SAC). Due the size and scale of the development, and its distance from the European site, it is considered

that there is no requirement for the County Planning Authority to undertake an Appropriate Assessment of the development.

- 3.107 With regards to Natural England's letter of 16 March 2022 concerning nutrient neutrality, the proposed sand and gravel quarry would not result in a discharge to the catchment of the River Wensum SAC or any of the SSSIs notified by Natural England that comprise the Broads SAC/Ramsar. The proposal would therefore not result in an addition to the nutrient load of the designated sites.
- 3.108 On this basis, the proposals are considered to satisfy the requirements set out in national policy, the Development Plan and other material considerations and it will deliver biodiversity net gain in accordance with Breckland Local Plan Policy ENV02 and the NPPF, paragraphs 180 and 186.

D. Landscape and Visual Impact, Trees and Restoration

- 3.109 The key issues in relation landscape and visual impact, trees and restoration, concerns the impact in terms of landscape and visual impact, the impact on key landscape features and especially trees and hedgerows, which as set above are also important in relation to their biodiversity value, and whether the proposed restoration to agriculture is acceptable.
- 3.110 Relevant policies include the NM&WDF Core Strategy, Policies CS14, DM8 and DM14, which seek to ensure that there are no unacceptable adverse impacts on, and ideally improvements to the character and quality of the landscape and that there is phased and progressive working and restoration of the site to enhance the landscape. The Breckland Local Plan Policy ENV05 states that development proposals will be expected to contribute to and where possible enhance the local environment by recognising the intrinsic character and beauty of the countryside and that development proposals must have particular regard to maintaining the aesthetic and biodiversity qualities of natural features within the landscape, including a consideration of individual or groups of natural features such as trees, hedges and woodland or rivers, streams or other topographical features. In addition, Policy ENV06 seeks to ensure the protection of significant, tree, hedgerows and shrubs. Relevant national planning policy is set out in the NPPF, Chapter 12, paragraphs 135 and 136, and Chapter 15, paragraphs 180 and 186.
- 3.111 Policy MIN51, as set out above, includes a requirement for a high-quality working and restoration scheme that includes the thickening of boundary hedges, and safeguarding the two small areas of woodland on the site. The emerging NM&WLP in Policy MIN51/MIN13/MIN08 includes a similar requirement together with a requirement for progressive restoration.
- 3.112 The submitted Environment Statement includes a chapter on landscape and visual considerations and a chapter on the arboricultural impacts. It is supported by a separate Landscape and Visual Impact Assessment (LVIA) (Appendix A), Arboricultural Impact Assessment (Appendix I), Outline Restoration Strategy and a Concept Restoration Plan. These have been supplemented during the determination period, following the issuing of the Regulation 25 request for

further information, by the submission of an updated versions of the Concept Restoration Plan.

- 3.113 The supporting Landscape and Visual Impact Assessment (LVA) has been carried out in accordance with the Landscape Institute and the Institute of Environmental Management and Assessment Guidelines for Landscape and Visual Impact Assessment (GLVA 3).
- 3.114 The assessment identifies that the application site is not located within a nationally designated landscape and that there are no Listed Buildings, Scheduled Ancient Monuments, or Sites of Special Scientific Interest within the Site, although there are a number of relevant features/assets within the surrounding landscape.
- 3.115 The assessment identifies that the development will result in long-term disturbance of the existing agricultural landscape to the south of Rawhall Lane, and south of the operational East Bilney Quarry. The Site has no history of mineral extraction, and the proposed development would require the construction of a new access off Rawhall Lane, along with internal quarry infrastructure to enable the working and processing of sand and gravel and transport for onward sale via HGV. It would be carried out in a series of phases, with progressive restoration following on from each phase to limit the extent of disturbed/operational land at any one point in time. An initial works stages would enable the plant site to be set 6m below existing ground levels to intensify natural screening effects of landform and vegetation structure. In addition soil storage/screening bunds would be established around the working area long Rawhall Lane and Bilney Road along the Site's eastern boundary. All bunds would be grass seeded and maintained and would not exceed 3m in height. Soils would be suitably stored or directly placed for restoration purposes, to create the final agricultural soil profile, protecting the specific soil characteristics of the Site. All boundary hedgerows would be retained and managed.
- 3.116 The assessment further identifies that the final restoration of the site would result on the agricultural land uses restored, albeit with enhancements associated with both hedgerow and tree/woodland planting, additional species rich field margins, and the incorporation of wider biodiversity enhancement measures, to deliver long-term Biodiversity Net Gain.
- 3.117 It identifies a number of potential visual receptors. These include the occupants of residential properties (within the adjacent villages and in isolated properties), users of the Public Rights of Way and local footpaths, transient users of local roads, and local commercial and industrial occupiers. It identifies the local landscape is being valuable at a local level for amenity and recreation purposes, although offering only limited scope for access.
- 3.118 Of the residential receptors within 1km of the Site, within the operational period of the proposed development, those identified with highest potential assessed significance of effect are the occupants of Rawhall Farm House and Cottage (320m to the north west), Vale Farm (350m to the south east), and occupants of properties located off Fakenham Road, south of Hungry Hill (including No. 81

Fakenham Road) which are at distances of between 160m and 370m to the east of the Site.

- 3.119 With respect to each of these properties, the assessment however identifies that the potential for views towards the site is restricted and generally heavily filtered, because the site is located beyond intervening mature vegetation associated with the curtilage of each property and that of the wider contained landscape. Where there are views, it states that these are likely to be in winter only when trees are not in leaf and would comprise operational activity associated with soil stripping at surface level, the upper limits of the proposed sunken plant site, and internal HGV movements. Views of the quarry void/disturbed land/ground surface, its states, would be restricted due to the topography of the Site, with extractive and restoration operations and movements being subsequently set down within the quarry void.
- 3.120 The assessment concludes that there will be adverse effects as a result of the permanent change in landform/topography associated with the proposed extraction scheme, with restoration to a lower level to surrounding landform levels. However, it identifies that the altered landform will be integrated through the placement of in-situ site restoration materials to ensure topographic assimilation and suitable gradients for productive agricultural land use, along with a restored agricultural structure and the replication of typical landscape character elements and features.
- 3.121 The following mitigation measures are proposed as part of the operational phase:
- The establishment of peripheral screening/soil storage bunds along Rawhall Lane to the north and Bilney Road which forms the site's eastern boundary, to provide localised screening of internal operations and movements of views from the north and east;
 - The construction of a quarry plant site 6m below existing ground levels to restrict the potential for vertical obstruction;
 - The progressive, phased nature of both mineral extraction and subsequent restoration to ensure the smallest area of disturbed/operational land; and
 - Retention of the central north to south hedgerow and hedgerow trees, which are elevated, providing an internal central intervening landform and vegetative feature.
- 3.122 The LVIA concludes that no visual receptors will receive a Significant Adverse Visual Impact associated with the development, and that on final restoration, receptor locations are generally assessed as receiving a neutral significance of effect due to a limited ability to perceive vegetative change as a result of the filtered nature of the contextual landscape. It identifies that there are two receptor locations within immediate proximity of the Site, where landscape features can be observed, which are assessed as having the potential to have Very Slight Beneficial Effects, which are Not Significant. This primarily relates to enhancement of existing landscape features together with the planting and

management of new vegetation within the Site, including new native woodland within its core.

- 3.123 The LVIA concludes that the development of a sand and gravel quarry and progressive restoration to reinstate productive agricultural land with wider biodiversity enhancements would not result in Significant Adverse Landscape or Visual Effects and that can be successfully accommodated and absorbed within its immediate operational and wider rural visual setting. On final restoration, it concludes that the development would provide a degree of beneficial effects (Very Slight Beneficial) in relation to Visual Amenity, but due to the nature of restored landform, would result in a Very Slight Adverse Significance of Effect on Landscape Character, which is Not Significant.
- 3.124 In terms of landscape and visual impact the assessment concludes that the proposed development and operation of the site will not have unacceptable direct or indirect impacts.
- 3.125 As set out above, the County Council Landscape Officer has advised that they broadly agree with the conclusions of the assessment and that with the proposed mitigation proposed and working followed as outlined in the LVIA, there would not in overall terms be any Significant Adverse Landscape or Visual Effects.
- 3.126 They nevertheless initially advised that they agreed with the comments from the County Ecologist, as set out above, in relation to providing BNG and the need for longer-term aftercare than has been proposed, i.e. five years, and that revision of the Concept Restoration Scheme was required, not only to address the concerns of the County Ecologist, but also as these would be likely to provide an opportunity to draw up a revised and more beneficial scheme in terms of its effects on the landscape character following restoration. They also expressed concern, as has the County Council's Arboricultural Officer, that the vegetation and trees form an important part of the landscape and screening for the site, so that their protection and long-term care is of paramount importance, and in particular that a 15-20m buffer zone should be provided around the trees on the site around the perimeter of the excavation, and that any bunds should be outside this area, and that the two veteran trees in the central area of the site should have a buffer of a minimum of 20-25m.
- 3.127 As set out above the applicant has amended the Concept Restoration Scheme in conjunction with the submission of the BNG Report, following dialogue with the County Ecologist. They have also as part of their response to the Regulation 25 request for further information, amended the working scheme drawings to enlarge tree buffer zones to 15-20m around retained trees, and to 20-25m buffers around two veteran trees.
- 3.128 As a result, the County Council's Landscape Officer and Arboricultural Officer have both now advised that the finalised working plans and Concept Restoration Scheme are acceptable but agree with the County Ecologist that the submission of a revised Outline Restoration Strategy should be reserved by condition.

- 3.129 As set out above, Natural England has advised that it supports the aim of the Outline Restoration Strategy of recreating a productive agricultural landscape and landform with increased opportunities for Biodiversity.
- 3.130 On this basis, the proposals are considered to satisfy the requirements set out in national policy, the Development Plan and other material considerations, in relation to the landscape and visual impact, trees and restoration. The amended restoration scheme can also be considered to be acceptable and in accordance with other relevant development plan policy including NM&WDF Core Strategy Policies CS14, DM1, DM8, and DM14, Breckland Local Plan Policies ENV05 and ENV06, and the NPPF paragraphs, 135, 136, 180 and 186.

E. Soils and Agricultural Land

- 3.131 The key issue relating to soils and agricultural land, as set out in paragraph 2.2 above, is that a substantial part of the application site, approximately 60 per cent, is made up of Grade 2 or Grade 3a Best and Most Versatile (BMV) agricultural land.
- 3.132 The effects on soil resources where mineral extraction is proposed on agricultural land of Grades 1, 2 or 3a, are addressed in NM&WDF Core Strategy, Policies CS14 and DM16, which seek to ensure that there are no unacceptable impacts on soils resources and that where development is proposed on Grades 1, 2 or 3a agricultural land, this will only be permitted where provision is made for high standards of soil management that would enable restoration to a condition at least as good as its previous agricultural quality and that the handling of soils will be undertaken in accordance with the DEFRA (now MAFF) "Good Practice Guide for Handling Soils". In addition, the NPPF, paragraph 180 requires that the economic and other benefits of the Best and Most Versatile agricultural land must be taken into account in the determination of planning applications.
- 3.133 There are no site-specific requirements relating to soils and agricultural land set out in Policy MIN51.
- 3.134 The Environmental Statement is supported by a Soil Resources and Agricultural Quality of Land report, which assesses the impact on soils on the application site. This identifies 59% of the land, mainly within the northern and south-eastern parts of the site, to be Grade 2 or Grade 3a agricultural land. The key consideration is that the topsoils and subsoils are to be stripped and stockpiled on-site for re-use in the site's restoration and will be used to return the land to productive agricultural use, without any loss of agricultural land quality. There will be some reduction in the area of land returned to agriculture because restoration involves additional areas of tree planting and habitat creation which the applications states are intended to enhance biodiversity and improve landscape character and appearance. This, as set out above, will involve the planting of three new areas of native woodland within areas of mixed scrub, on what is currently agricultural land, albeit that much of this would be planted on the area of Grade 3b land.

- 3.135 It should be noted that there is no requirement in either development plan policy or the NPPF to return BMV agricultural land to agricultural use. However, the NPPF makes clear that the impact on soils including the economic and other benefits of the BMV agricultural land, should be assessed in the context of the wider benefits from natural capital and what it refers to as “ecosystem services”, in other words, the benefits to the natural environment including its soils.
- 3.136 Natural England in its comments states that it is satisfied that the site working, and reclamation proposals meet the requirements for sustainable minerals development set out in the NPPF and current Minerals Planning Practice Guidance. They further comment that while the restoration proposals on some of the BMV land are for non-agricultural purposes, they consider the proposed reclamation to a biodiversity after use to be acceptable, provided the methods used in the restoration and aftercare would enable the land to retain its longer-term capability to be farmed to its land classification potential, thus remaining a high-quality resource for the future. They also note that the area of the BMV land disturbed as a result of the development, would be reinstated to a similar quality for productive agricultural after use.
- 3.137 Accordingly, Natural England considers the proposals to be acceptable subject to conditions to safeguard soil resources and promote a high standard of restoration appropriate to the proposed after uses and the working of the soils being undertaken in accordance with the Institute of Quarrying Good Practice Guide for Handling Soils in Mineral Workings.
- 3.138 As such the application can be considered to be in accordance with the NM&WDF Core Strategy, Policies CS14 and DM16, and the NPPF, paragraph 180.

F. Heritage

- 3.139 There are two considerations relating to the impact of the development on heritage; whether there is any impact on, or on the setting of, any heritage assets including any Listed Buildings or Scheduled Monuments; or whether there is any potential for buried archaeology on the site, and how this is addressed.
- 3.140 Relevant development plan policy is set out in the NM&WDF Core Strategy, Policies CS14 and DM9, which require that development proposals that could potentially affect heritage assets, or which are in areas with high potential for archaeological interest, are supported by an appropriate desk-based assessment, and the Breckland Local Plan Policies ENV07 and ENV08 which require development to conserve, or wherever possible enhance the historic character, appearance and setting of designated and non-designated heritage assets. Relevant policy set out in the NPPF includes Chapter 16, paragraphs 195, and 200-211 and also Chapter 17, paragraph 217.
- 3.141 There are no site-specific requirements relating to heritage set out in Policy MIN51 in the existing NW&LDF, but the emerging NM&WLP in Policy

MIN51/MIN13/MIN08 includes a requirement for the submission of an appropriate archaeological assessment.

- 3.142 As part of the Environmental Statement the application is supported by an Archaeological Desk Based Assessment and a Geophysical Survey Report. The Archaeological Desk Based Assessment addresses the impacts on designated heritage assets and buried archaeology.
- 3.143 It identifies that development of the site will have a minimal impact on designated heritage assets, as most of these are located at some distance from the application site. These are identified as including, the Grade II listed Church of St Peter at Little Bittering, located approximately 1.5km to the west of the site, the Grade II listed Pearce Almshouses and their Grade II listed boundary wall located 700m to the north of the site, Grade II listed Hill Farmhouse, located 740m north of the site, the Grade II listed Martyrs Cottage, located 750m north of the site and the Scheduled Monument that comprises the deserted medieval village of Little Bittering, located approximately 1.2km to the west of the site.
- 3.144 To the extent that there would be any immediate impacts it identifies these as arising from the minor change in the volume and character of the traffic using the B1146. These impacts would however be negligible and because of the time-limited nature of mineral extraction and the proposed restoration these would be reversible or will cease when the quarrying and restoration is completed.
- 3.145 In relation to buried archaeology, the assessment identifies that the site having notable and variable potential for archaeological remains to be found. This includes low potential for Anglo-Saxon remains, and those dating from the post-medieval period onwards, and moderate potential for Roman evidence.
- 3.146 However, it identifies the site as having high potential for both prehistoric and medieval remains, as a result of cropmark evidence indicating a ring ditch and an undated pit in the north-eastern corner of the site, and a second possible ring ditch within the southernmost field within the site, both of which are indicative of Bronze Age round barrows.
- 3.147 It also identifies a north-west to south-east aligned cropmark of a possible medieval road, and a field boundary bank in the south-western corner of the site, whilst metal detecting within the site has recovered a medieval or post-medieval harness mount and a medieval or post-medieval lead weight from its eastern boundary, and a medieval buckle from the south-western boundary of the site.
- 3.148 Previous ground disturbance at the site is not judged to be significant and as having been limited to the cultivation of the site as agricultural land throughout at least the early modern and modern periods. However, the range of cropmarks and archaeological evidence from Rawhall Lane to the north of the site, suggests the potential for larger scale activity within the site during at least the prehistoric and medieval periods. The proposed progressive extraction of sand and gravel the assessment concludes will have an extensive impact on any

archaeological remains within the site, including a negative impact on the known recorded cropmarks, which are regarded as non-designated heritage assets in the form of buried archaeological remains. This it concludes will constitute an impact of major magnitude.

- 3.149 The significance of that impact the assessment concludes is currently unclear as the significance of the potential sub-surface archaeology within the site remains unknown until further work can assess their presence, extent, character, and date.
- 3.150 The Specific Site Allocation Policy MIN51/MIN13/MIN 08 in the Norfolk Minerals and Waste Local Plan Publication document identifies that an initial desk-based assessment may need to be followed up with field surveys and trial-trenching.
- 3.151 As set out above and the light of these conclusions, the County Archaeologist, has advised that they have no objection subject to the inclusion of conditions requiring the preparation and submission for approval of an archaeological Written Scheme of Investigation and its subsequent implementation. Breckland Council Planning has similarly advised that appropriate mitigation should be provided, which the condition recommended by the County Archaeologist would provide, and Historic England has not commented on the application.
- 3.152 The County Council in determining the application must also take in account the statutory duty of s. 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. As set out above there's only negligible, if any impact on any designated heritage assets, which can as a result be considered to be at very lower end of less than substantial harm to setting of any the nearby listed buildings.
- 3.153 Less than substantial harm, is not intended to mean that the harm is minor or inconsequential; it is the terminology used in the NPPF to categorise the level harm to the significance of a heritage assets. It covers a wide spectrum of harm from very minor harm through to a level of harm stopping short of "substantial harm", so has a wide meaning.
- 3.154 Paragraph 206 of the NPPF states that any harm to, or loss of significance of a designated heritage asset requires clear and convincing justification, and paragraph 208 states that where development will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.
- 3.155 The main issue to be considered is how the less than substantial harm to the nearby listed buildings, even if only minimal, is to be considered. On the one hand paragraph 205 of the NPPF states that when considering the impact of a proposed development upon the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater that weight should be) and paragraph 206 states that any harm to, or loss of significance of a designated heritage asset,

should require clear and convincing justification. On the other hand, paragraph 217 of the NPPF also states that when determining planning applications, great weight should also be given to the benefits of mineral extraction. It does then also go on to say that in considering proposals for mineral extraction, minerals planning authorities should ensure that there are no unacceptable adverse impacts on the historic environment.

- 3.156 When the different paragraphs of the NPPF are read together, it is clear in the circumstances that apply in this instance, that the issue is whether the less than significant harm, is outweighed by the public benefit of the proposal. In the context of the need for the supply of mineral identified in the Norfolk Minerals and Waste Local Plan, the application is for the development of three of the allocated sites, in the existing and emerging Minerals and Waste Local Plan, required to meet the identified shortfall in permitted reserves required during Minerals and Waste Local Plan period to the end of 2038. Whilst, as set out above, the landbank for sand and gravel currently stands 11 years, so that this cannot be taken as indicative of urgent need, the application site still nevertheless, will provide a not insignificant part of the shortfall of 12.597 million tonnes, identified in the emerging plan, which can be considered to amount to significant public benefit, and would, even in the absence of urgent need, be considered to outweigh, the very low level of less than substantial harm to the significance of any of the nearby designated heritage assets.
- 3.157 On this basis the application can, when considered in the context of the development plan as a whole, be considered to be acceptable and in accordance with the NM&WDF Core Strategy, Policies CS14 and DM9, Breckland Local Plan Policies ENV07 and ENV08, and the relevant paragraphs of the NPPF, including paragraph 217.

G. Amenity

- 3.158 The key amenity issues raised by the application relate to the potential impacts on residential amenity from noise, dust, air quality, and lighting. These are issues that have been identified as raising key concerns by Beetley Parish Council, Gressenhall Parish Council and the objector to the application.
- 3.159 Relevant policies include the NM&WDF Core Strategy, Policies CS14 and DM12 and DM13, which seek to protect residential amenity in close proximity to potential mineral extraction sites, as a result of noise, vibration, dust, lighting, and visual intrusion, and ensure that proposals effectively minimise harmful emissions to air and mitigate potentially harmful air quality impacts to human health. The visual impacts are considered under heading D above. The Breckland Local Plan Policies COM02 and COM03 seek to ensure that new development avoids or mitigates potential negative effects on the health of the population, as result of air pollution, and does not cause unacceptable effects on the residential amenity, and relevant national policy is set out in the NPPF, Chapter 15, paragraphs 191, 194 and Chapter 17, paragraph 217.

- 3.160 The site-specific Policy MIN51 includes the requirement that any planning application for the development of the site should include a programme of mitigation measures to deal appropriately with any amenity impacts with a similar requirement carried over into the emerging NM&WLP in Policy MIN51/MIN13/MIN08.
- 3.161 The Environmental Statement includes chapters in noise and vibration, air quality and, and lighting, and is supported by a separate Noise Impact Assessment, and an Air Quality and Dust Risk Assessment.
- 3.162 The Noise Impact Assessment has undertaken a comprehensive acoustic survey to determine existing background noise levels at the closest noise sensitive receptors to establish residual, permissible levels at the surrounding receptor locations, based on the guidance set out in the Planning Practice Guidance on Minerals. This identifies a noise limit for normal operations which does not exceed the existing background sound level by no more than 10 dB(A), which in this instance has been measured to be 37 dB LA90,1hr, so the noise limit should ideally be set at 47 dB LAeq,1hr, or otherwise should not exceed 55 dB LAeq,1hr at the nearest noise sensitive receptors. For temporary day time operations, the noise should not exceed 70 dB(A) LAeq,1hr (free field) for periods of up to 8 weeks in a year to enable certain short-term activities, such as construction of earth bunds around the site perimeter or restoration works.
- 3.163 The assessment concludes that with Best Practicable Means (BPM) mitigation measures in place, the predicted levels, whilst exceeding daytime background sound level, would not exceed the noise limits set out in the PPG for either normal or temporary operations. It also identifies that there would be no adverse impacts from vibration.
- 3.164 As a result, the assessment concludes that the results of the noise and vibration assessment, demonstrate that the site would be able to operate without giving rise to any significant noise impacts or perceptible vibration, although it recommends quarterly noise monitoring to ensure compliance with the PPG noise limits.
- 3.165 In relation to air quality the Air Quality and Dust Risk Assessment has been undertaken to identify and assess any potential negative impacts associated with the development. The assessment has identified potential sensitive receptors, taking into consideration wind direction and the phasing of proposed operations.
- 3.166 The assessment considers the air quality impacts associated with the operation of the quarry and considers the likely changes to air quality in the area, as a result of the proposed quarry in relation to the national and EU Air Quality Standards to determine their significance. Also, where required, the air quality

assessment considers mitigation measures to reduce the effect of the proposed quarry upon local air quality.

- 3.167 In terms of the mineral extraction impacts, the development is identified as having the potential to generate dust, particulate matter (PM₁₀), and nitrogen oxide (NO_x) emissions during the earthworks phases. These impacts are assessed in accordance with the Institute of Air Quality Management (IAQM) best practice guidance.
- 3.168 In addition, the mineral extraction site will generate vehicle movements. Those vehicles will give rise to NO_x and PM₁₀ emissions which will have potential impacts on local air quality. The assessment includes a traffic emission dispersion modelling study that predicts traffic-related pollutants at local receptors and at the quarry site.
- 3.169 The assessment focuses on annoyance to sensitive receptors from dust soiling, harm to ecological receptors and the risk of health effects due to a significant increase in exposure to PM₁₀ and PM_{2.5} particulates. It identifies several potential dust generating activities arising from the development and with those of most significance being those associated with the proposed earthworks and trackout.
- 3.170 The impact upon human health due to increased exposure to PM₁₀ and PM_{2.5} was assessed as being negligible. No sensitive ecological receptors were identified. It concludes that the potential for un-mitigated risks from dust generating activities on sensitive receptors in the locality is low to medium.
- 3.171 The assessment sets out specific mitigation measures in order to manage and minimise potential adverse effects on sensitive receptors within the locality in order to ensure that no unacceptable levels of air pollution or dust are generated throughout the lifetime of the proposed development, and as a result would not have any unacceptable direct or indirect impact on the population or human health. These include excavation of the site in phases (as is proposed), the use of mobile sprinklers, weather monitoring including wind speed/direction monitoring to inform the use of the dust suppression, the sheeting of HGVs, the seeding of soil storage bunds, the implementation of an Emissions Management Plan (EMP), and on-going monitoring.
- 3.172 In relation to lighting the ES set out details of the proposed lighting, although a detailed lighting scheme is not included with the application. This will comprise; temporary lighting, to ensure the safety and welfare of personnel, that will be installed during the initial works which are centred around establishing the plant area on the north-west side of the site and screening bunds and at the site access; and permanent lighting, for duration of mineral extraction to be installed once all new infrastructure has been established. This will be in the form of column lighting, plant lighting and safety lighting, and will comprise dual

floodlights on 2m pole (directed downwards to illuminate plant & stockpiles / operations area) and with each light having a 120°, 25 m radius for each floodlight.

- 3.173 The temporary lighting will only be used during the permitted hours of operation as dawn and dusk, although this will be dependent upon natural lighting levels and local weather conditions. When construction activities are planned below ground or in enclosed spaces then general temporary lighting will be operated throughout the working day.
- 3.174 Task specific lighting will be used for the full duration of the planned activities but within the overall permitted hours of operation. The permanent lighting within the plant area will be used during working hours. It will comprise a series of low emission lights that will be directional and shielded to minimise their off-site impact. Mobile plant lighting will be turned-off when the plant is not in operation.
- 3.175 The assessment states that all lighting, both temporary and permanent, will be designed and installed to illuminate the site and operation while reducing nuisance lighting to local residents and nature and wildlife. All temporary lighting provided during construction will be directed at the working area and away from nearby residential dwelling and local wildlife.
- 3.176 As set out above Breckland Council Planning and Environmental Protection, whilst both indicating that they have no objection to the application have requested that conditions be imposed to be secured the mitigation measures to control and mitigate for noise, air pollution, dust and light arising from the operation of the quarry. The Environment Agency has similarly expressed no objection to the application.
- 3.177 On this basis the application can, with the imposition of conditions relating to noise limits, noise monitoring, dusting suppressions, the submission for approval and implementation of Emissions Management Plan, and submission of details of the proposed lighting scheme, be considered to be acceptable and in accordance with the NM&WDF Core Strategy, Policies CS14 and DM12 and DM13, the Breckland Local Plan Policies COM02 and COM03, and the NPPF, Chapter 15, paragraphs 191, 194 and Chapter 17, paragraph 217.

H. Flood Risk, Surface Water and Groundwater

- 3.178 Turning to Flood Risk, Surface Water and Groundwater, the key issues are whether the development gives rise to any potential impacts on water quality and flood risk.
- 3.179 Relevant policies include the NM&WDF Core Strategy, Policies CS14 and DM3 and DM4, which seek to ensure that proposed developments do not adversely impact upon groundwater quality or resources and surface water quality or

resources, and are determined in accordance with national planning policy in relation to flood risk, now set out in the NPPF, and the Breckland Local Plan Policy ENV09 seeks to ensure that all new development is located to minimise the risk of flooding, mitigating any such risk through design and implementing sustainable drainage (SuDS) principles. Relevant national policy is set out in the NPPF, Chapter 14, paragraphs 165-175, Chapter 15, paragraphs 180, 191 and 194, and Chapter 17, paragraph 217.

- 3.180 There is no site-specific policy requirement relating to flood risk, surface water and groundwater set out in either Policy MIN51 of the existing NM&WDF or in into the emerging NM&WLP in Policy MIN51/MIN13/MIN08.
- 3.181 The Environmental Statement includes chapters on the impact on water resources and is supported by a separate Hydrogeological Impact Assessment and Flood Risk Assessment.
- 3.182 The assessment identifies that there are superficial glacial deposits (i.e. sand and gravel) and the 'bedrock' chalk present below the site. These are classified as Secondary A and Principal aquifers respectively, although it also confirms an absence of groundwater within the extraction depth of the sand and gravel mineral deposits. The site is located on the western fringe of a Source Protection Zone (Zone III).
- 3.183 It identifies that there are several water-related features within a 2 km radius of the site. These include licensed and unlicensed groundwater abstractions, springs, watercourses, waterbodies and a Site of Special Scientific Interest (SSSI), the Dillington Carr SSSI.
- 3.184 The significance of identified potential impacts of the development on the water related features has been assessed. The significance of all the identified impacts was 'minor', during both the operational and post-restoration phases. Apart from pollution control measures and a water management system that would be put in place during mineral extraction, no other mitigation measures were identified as being required.
- 3.185 The assessment does identify that there is an existing field drainage system that crosses Phase 5 and uses the sand and gravel formation below Phase 6 as a dispersal zone, and that this will need to be removed during mineral excavation. It is therefore proposed to divert the outflow from this drainage system around the southern boundary of the site into a newly constructed pond to be located in the southeast corner of Phase 6. Any water accumulating on the quarry floor in that part of the site would also be directed into the pond.
- 3.186 As no active dewatering or water discharge will be undertaken at the site during mineral extraction, impacts on water supply to watercourse, waterbodies and springs is not expected.

- 3.187 Flood risk to and from the site is assessed as being low to very low from all sources of flooding except surface water run-off. The potential high risk of surface water flooding from fields to the west of the site into the Phase 5 and 6 working areas it identifies as being managed by diverting run-off into the newly installed drainage ditches around the working area and into the proposed pond in the southeast corner of Phase 6.
- 3.188 The potential flood risk to external areas from increased surface run-off from the plant area it identifies as being managed by directing run-off to an infiltration sump with excess water pumped to the silt lagoons. Silt lagoons will be designed with freeboard and emergency overflow crests.
- 3.189 The restored landform will comprise low areas within the retained higher natural ground of the site perimeter, which will contain all rainfall run-off within the site. The Phase 5 attenuation pond will be retained as an ephemeral wetland together with associated drainage.
- 3.190 The assessment accordingly concludes that the development will have no negative impact on the current or future qualitative status of groundwater or surface water and that there would be no significant increased risk of flooding to the surrounding area. The assessment takes into account the effects of future climate change and the drainage proposals are consistent with Sustainable Drainage Systems principles.
- 3.191 As set out above the neither the LLFA nor the Environment Agency have raised any objection to the application and Natural England whilst also not objecting, has requested as a safeguard that the proposed mitigation to avoid damage to or destruction of the interest features in the nearby SSSIs, as set out on the Hydrogeological Impact Assessment and Flood Risk Assessment, June 2022 should be secured by condition. The only point arising from this is that Natural England has requested that the latter includes the adoption of an Environmental Management System for pollution prevention. This however is a matter for the pollution control authority rather than the County Council as the Mineral Planning Authority, and accordingly not included the recommended condition, Condition No. 22, as set out in Section 11 below.
- 3.192 Accordingly, subject to the including of the conditions requested by Natural England, subject to the one amendment set out above, the application can be considered to be acceptable and in accordance with the NM&WDF Core Strategy, Policies CS14 and DM3 and DM4, Breckland Local Plan Policy ENV09 and the NPPF, Chapter 14, paragraphs 165-175, Chapter 15, paragraphs 180, 191 and 194, and Chapter 17, paragraph 217.

I. Geodiversity

- 3.193 The significance of the site in terms of geodiversity is highlighted in Policy MIN51 in the NM&WDF Minerals Site Specific Allocations DPD and in Policy MIN51/MIN13/MIN08 in the emerging NM&WLP, which identify that the site consists of sands and gravels which are known to contain features of geological interest. The policies accordingly require the potential impacts to geodiversity

to be assessed and appropriate mitigation identified including, if necessary, the provision of open faces for scientific study during operational stages, and ideally after restoration, and have a 'watching brief' during the extraction phase in case features of potential geodiversity interest are uncovered. Policy DM14 of the NM&WDF Core Strategy also seeks to ensure the restoration and enhancement of geodiversity.

- 3.194 The Environmental Statement submitted with the application includes an assessment on the impact on geodiversity and recognises the potential significance of the site for its geological interest. As mitigation it proposes that a Scheme for Geological Recording and Sampling shall be submitted for approval. This can be appropriately included as a condition to ensure that approval of the application accords with the requirements of Policies DM14 and Policy MIN51.

J. Sustainability

- 3.195 Key issues in relation to sustainability include how the application addresses climate change adaptation including the requirement for renewable energy generation and to reduce greenhouse gas emissions.
- 3.196 NM&WDF Core Strategy, Policy CS13 require minerals development to generate a minimum of 10 per cent of renewable energy on-site from decentralised and renewable or low-carbon sources, subject to environmental constraints while Policy DM11 requires water efficient design, including water recycling and sustainable drainage measures. Policy MW3 of the emerging NM&WLP requires the taking of a proactive approach to mitigating and adapting to climate change, taking into account the long-term implications for flood risk, coastal change, water supply, biodiversity and landscapes, and the risk of overheating from rising temperatures. In particular, new minerals sites must through their design, construction and operation, be expected to minimise their potential contribution to climate change through reducing carbon and methane emissions, incorporate energy and water efficient design strategies and be adaptable to future climatic conditions.
- 3.197 The Breckland Local Plan Policy GEN01 sets out a requirement to mitigate and adapt to climate change and Policy ENV09 requires all development to minimise the risk of flooding through design and implementing sustainable drainage (SuDS) principles. Relevant paragraphs of the NPPF are set out in Chapter 14 (on meeting the challenge of climate change, flooding and coastal change), which in paragraph 159 states that new development should be planned for in ways that avoid increased vulnerability to the range of impacts arising from climate change and help to reduce greenhouse gas emissions and in paragraph 162 states that local planning authorities should expect new development to comply with any development plan policies on local requirements for decentralised energy supply unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable.

- 3.198 The County Council's Environment Policy is also a material consideration. Its key policy aims include; using and managing land sustainably; recovering nature and enhancing the beauty of landscapes; connecting people with the environment to improve health and wellbeing; increasing resource efficiency, and reducing pollution and waste; securing clean, healthy, productive and biologically diverse seas and oceans; and protecting and improving our global environment.
- 3.199 The Environmental Statement includes a chapter on Climate Change Adaptation, together with other relevant chapters as set out above including those on Nature Conservation and Ecology and Impacts on the Water Environment and is supported by a separate Renewable Energy Appraisal.
- 3.200 The assessment which largely cross references to other ES chapters and assessments undertaken as part of the Environmental Impact Assessment, concludes that the development would not result in any significant adverse impacts in respect of hydrology/hydrogeology or flood risk, even when taking account of the predicted effects of climate change, and in relation to the impacts on habitats, species and wider biodiversity would not cause any unacceptable level of harm, with a restoration strategy that would be give rise to a significant biodiversity net gain (as set out above).
- 3.201 Climate change is as such considered an integral part of the assessments, where relevant and appropriate, most notably in relation to the effects on groundwater and surface flooding and have been built into the calculations to ensure that the hydrogeological and flood risk assessment takes account of this so as to ensure that there are no significant adverse impacts on surface water drainage or discharge.
- 3.202 The Renewable Energy Appraisal has been submitted in response to the requirements of NM&WDF Core Strategy, Policy CS13. This considers the potential for the development of anaerobic digestion, wind and/or solar photovoltaic (PV) as renewable energy technologies in the on the site. It concludes that these are not considered practicable to install because of a lack of surplus land, due to the phased working and restoration, and because the perimeter of the site is bounded by trees and hedgerows which would render, at least the wind and solar PV, technologies ineffective.
- 3.203 It also concludes that the potential landscape and visual impacts associated with the presence of renewable energy technologies at the site would also be high, due to the site topography and surrounding sensitive receptors. As a result, it concludes that it is not possible to meet the 10% minimum requirement for renewable energy due to the physical limitations and constraints of the site.
- 3.204 Policy CS13 is qualified in its requirement for minerals development to generate a minimum of 10 per cent of renewable energy on-site from decentralised and renewable or low-carbon sources, insofar as this is subject to any such development being environmentally acceptable. The lack of such provision does not, where this is not the case, make the development unacceptable or

contrary to the Policy, provided this is justified. The Renewable Energy Appraisal sets why this is the case and to provide this justification.

- 3.205 In relation to carbon emissions which contribute to climate change these are identified as arising mainly from the use of fuel and electricity for transport, and in quarry machinery used for crushing and processing. Although a detailed quantitative assessment of the level of carbon emission has not been included with the application, it is reasonable to assume that because the development is of temporary duration and relatively small scale it will not have such a significant impact on, as to prejudice the achievement of the UK's 2050 Net Zero target, and cannot on its own be considered to render the development unacceptable or contrary to the development plan.
- 3.206 As such the application can, when considered against the development as whole, be considered to be acceptable and in accordance with the NM&WDF Core Strategy, Policies CS13 and DM11, the NPPF and the County Council's Environment Policy (taken into account the conclusions of the ES, as set out above).

K. Cumulative Effects.

- 3.207 In terms of cumulative effects, the key issues are whether there are any in-combination effects arising from the development or any effects as a result of multiple impacts from the development and other sites in a locality, and in particular the adjacent and nearby Middleton Aggregates mineral extraction at East Bilney Quarry (as set out above). This the main concern that has been raised by Beetley Parish Council and Gressenhall Parish Council and the one objector to the application, particularly in relation to increases in HGV traffic.
- 3.208 Relevant development plan policy is set out in NM&WDF Core Strategy, Policy DM15 which states that where a proposed mineral extraction site is considered acceptable (in its own right) but the cumulative impact of a proposal in conjunction with other nearby existing, permitted or allocated minerals extraction sites and/or waste management facilities, is considered unacceptable, the proposal may be considered acceptable if phased so that one site follows the completion of the other or it can be demonstrated that the adverse cumulative impacts can be adequately mitigated. It requires that planning applications must therefore be supported by information demonstrating how proposals relate to other development nearby and details of how any cumulative effects are proposed to be mitigated satisfactorily.
- 3.209 The NPPF also includes a number of references to need to assess cumulative effects, including in relation to mineral development that set out in paragraph 217, which states that in considering proposals for minerals extraction planning authorities should ensure that there are no unacceptable adverse impacts on the natural and historic environment or human health, and take into account the cumulative effect of multiple impacts from individual sites and/or from a number of sites in a locality.

- 3.210 The ES includes an overall assessment of cumulative effects, as well as an assessment in each of the technical chapters of the Environmental Statement. These conclude that there will not be significant combined effects on receptors as a result of the proposal or as the result of the proposal in combination with other nearby development, including East Bilney Quarry, subject to the identified mitigation measures proposed being implemented.
- 3.211 In terms of the specific concerns raised by the Parish Councils, as set out above the actual anticipated increase in HGV traffic would in fact be very limited, comprising only an addition 2-3 two way movements per hour, which is substantially below the threshold for assessing highway capacity, and is at level that is likely to be either imperceptible or insignificant, both in terms of traffic and any resulting amenity impacts.
- 3.212 The Parish Councils also raise a concern about the cumulative operational impact over time, arising from the continuing operation of the adjacent and nearby existing East Bilney Quarry and suggest that the operation of the site should be phased to follow the ending of working at East Bilney Quarry, so that only one site is operating at any one time. They refer to Policy MIN12 in the emerging NM&WLP which states that "the site will need to be phased with the adjacent permitted site so that only one site is worked for extraction at a time in accordance with a phased and progressive working and restoration scheme".
- 3.213 The text in Policy MIN12 however is concerned with the nearby allocated site north of Chapel Lanes as an extension to East Bilney Quarry (for which an application has just been submitted), the requirement relates to the phasing for the work on that extension area with the existing working area at East Bilney Quarry rather than the development of the current application site. Furthermore, it would not be lawful to impose a condition or requirement in relation to the current application, making the commencement of the development, by the applicant, Longwater Gravel, dependent on the completion of working at another site by a different operator, in this case Middleton Aggregates. As such the restriction suggested by the Parish Council is neither the intention of the emerging local plan, nor one that can be lawfully imposed. And in any event, there is no assessed or identified environmental or road safety impact that would justify such an approach.
- 3.214 On this basis, the development can be considered to be in accordance with NM&WDF Core Strategy, Policy DM15 and the NPPF in terms of the overall cumulative effects.

RESPONSES TO REPRESENTATIONS RECEIVED

- 3.215 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.
- 3.216 Details of the representations are set out in the paragraph 3.56 above. The issues raised by the representations are set out in the preceding section under

each of the technical headings. No additional issues have been raised that are not addressed above.

4. Conclusion, Reasons for Decision and Planning Balance

- 4.1 The key issues for consideration are, the principle of the development including need; traffic, highway safety and Public Rights of Way; ecology and biodiversity (including the need for Appropriate Assessment); landscape and visual impact, trees and restoration; soils and agricultural land; heritage; amenity; flood risk, surface water and groundwater; geodiversity; sustainability; and cumulative effects.
- 4.2 Whilst the landbank and sand and gravel in Norfolk is currently eleven years and well above the 7 seven-year minimum, and so cannot be taken as indicative of urgent need, significant weight can nevertheless be given in the planning balance to the fact that the site comprises Site MIN 51 in the currently adopted NM&WDF: Minerals Site Specific Allocations DPD (2013). Less weight can be attached the Sites MIN 08, MIN 51 and MIN 13 allocations in the emerging Norfolk Minerals and Waste Local Plan because objections have been raised regarding their inclusion in the plan.
- 4.3 Development of the site has been identified as being required to meet the anticipated shortfall in sand gravel moving into the new Plan Period from 2026 to 2038. In addition, significant weight can also be attributed to the proposed restoration which would make use of the retained soils, with restoration to agriculture with biodiversity enhancement with the creation of new and extended wildlife habitat and connected 'green' corridors, that would give rise to significant biodiversity net gain. There are no other significant highway safety, environmental or amenity impacts that cannot be adequately mitigated or which would make the proposal unacceptable.
- 4.4 The proposal can therefore be considered to contribute to the achievement of sustainable development in accordance with the NPPF on the basis that it is acceptable in principle and would help to meet the need for sand and gravel for the remainder of the existing NM&WDF plan period and going forward into the emerging Minerals and Waste Local Plan period, but at the same time is otherwise acceptable in terms of its highway safety, environmental amenity impacts. It is in accordance with the policies of the development plan and the NPPF, and there are no material considerations why it should not be permitted. Accordingly, full conditional planning permission is recommended.

5. Alternative Options

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

6. Financial Implications

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

7. Resource Implications

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

8. Other Implications

- 8.1 **Legal Implications:** There are no legal implications from the Planning Regulatory perspective.
- 8.2 **Human Rights Implications:** The requirements of the Human Rights Act 1998 must be considered. Should permission not be granted Human Rights are not likely to apply on behalf of the applicant.

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

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

- 8.3 **Equality Impact Assessment (EqIA) (this must be included):**
The Council's planning functions are subject to equality impact assessments, including the process for identifying issues such as building accessibility. None have been identified in this case.
- 8.4 **Data Protection Impact Assessments (DPIA):**
There are no data protection implications from a planning perspective.

8.5 Health and Safety implications (where appropriate):

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

8.6 Sustainability implications (where appropriate):

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

8.7 Any Other Implications:

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:

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

11.2 CONDITIONS:

Conditions and Reasons for Conditions:

Duration of the Permission

1. The development to which this permission relates shall cease and the site shall be restored by 31 December 2036 in accordance with Drawing No. LON-002-M.D.015E, Concept Restoration Plan, dated September 2023.

Reason: To ensure the proper and expeditious restoration of the site, in accordance the Norfolk Minerals and Waste Development Framework Core Strategy DPD 2010-2026 Policy DM14.

Commencement

2. Within seven days of the commencement of operations, the operator shall notify the Mineral Planning Authority in writing of the start date.

Reason: To enable the Mineral Planning Authority to be able to effectively monitor the implementation of this permission and to plan for a steady and adequate supply of aggregates as required by Paragraphs 59 and 219 of the National Planning Policy Framework (December 2023).

Approved Details

3. The development must be carried out in strict accordance with the following document and drawings:

Written Details

- Application Forms Part A and Part B dated 14th July 2022;
- Planning Statement, Proposed Mineral Extraction on Land at Rawhall Lane, Beetley, Dereham, Norfolk, Heaton, dated July 2022; and
- Environmental Statement (including supporting Appendices A-H, Technical Appendices A & B), Proposed Mineral Extraction on Land at Rawhall Lane, Beetley, Dereham, Norfolk, Heaton, dated July 2022;

Drawings

- Drawing Ref. LON-002-M.D.001, Location Plan, dated August 2021;
- Drawing Ref. LON-002-M.D.004, Current situation, dated August 2021.
- Drawing Ref. LON-002-M.D.005C, Block Proposals Plan, dated October 2021;
- Drawing Ref. LON-002-M.D.011C, Initial Works, March 2023;
- Drawing Ref. LON-002-M.D.012E, Phases 1 to 3, dated March 2023;
- Drawing Ref. LON-002-M.D.013F, Phases 4 to 6, dated March 2023;
- Drawing Ref. LON-002-M.D.014E, Final Works, dated March 2023;
- Drawing Ref. LON-002-M.D.015E, Concept Restoration, dated September 2023;
- Drawing Ref. LON-002-M.D.016, Sections, dated June 2022;
- Drawing Ref. BTLY-ACM-XX-XX-DR-CE-02000 P5, Beetley Quarry Proposed Access, dated 9th January 2024;

unless otherwise amended or updated in accordance with the other conditions of this permission.

Reason: For the avoidance of doubt, in the interests of proper planning and to ensure that the development is undertaken and completed in accordance with the approved documents and drawings.

Record of Monthly Output

4. From the date of this permission the operators shall maintain records of their monthly output and shall make them available to the County Planning Authority at any time upon request. All records shall be kept for at least 2 years.

Reason: To ensure orderly working in the interests of the protection of the amenities of residential properties and the surrounding area, in accordance with the Norfolk Minerals and Waste Development Framework Core Strategy DPD 2010-2026 Policy DM12.

Depth of Working

5. No excavations shall be carried out at a depth greater than 47m AOD.

Reason: To ensure orderly working in the interests of the protection of the amenities of residential properties and the surrounding area, in accordance with the Norfolk Minerals and Waste Development Framework Core Strategy DPD 2010-2026 Policy DM12.

Phasing

6. The development, including soil stripping, extraction and restoration, shall be undertaken strictly in accordance with the scheme of phasing set out in Chapter 5 of the Environmental Statement, Proposed Mineral Extraction on Land at Rawhall Lane, Beetley, Dereham, Norfolk, Heaton, dated July 2022 and approved drawings set out in Condition No.3.

There shall be no working in Phases 5 and 6 until the restoration works in Phase 3 have been completed in accordance with Drawing Ref. LON-002-M.D.013F, Phases 4 to 6, dated March 2023, and no mineral shall be extracted from under the access track in Phases 1 and 2 until the restoration works in Phases 5 and 6 have been completed in accordance with Drawing Ref. LON-002-M.D.014E, Final Works, dated March 2023.

Reason: To ensure orderly working in the interests of the protection of the amenities of residential properties and the surrounding area, in accordance with the Norfolk Minerals and Waste Development Framework Core Strategy DPD 2010-2026 Policy DM10.

Access

7. Prior to the first use of the development hereby permitted the vehicular access/crossing over the verge shall be constructed in accordance with a detailed scheme to be agreed in writing with the Mineral Planning Authority in accordance with the highways specification (Industrial) and thereafter retained at the position shown on the approved plan. The scheme shall include details of any hedgerow removal and a specification for any replanted hedgerow to be replanted outside the approved visibility splay in accordance with the requirement of Condition No. 10.

Arrangement shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway.

Once the development has ceased operation the access shall be removed and landscaping reinstated.

Reason: To ensure construction of a satisfactory access and to avoid carriage of extraneous material or surface water from or onto the highway in the interests of highway safety, in accordance with the Norfolk Minerals and Waste Development Framework Core Strategy DPD 2010-2026 Policies CS15 and DM10, Breckland Local Plan (2023) Policies TR01, TR02 and ENV1, and the NPPF (December 2023) paragraphs 108, 114 and 115.

Access Gates

8. Any access gates/bollard/chain/other means of obstruction shall be hung to open inwards, set back, and thereafter retained a minimum distance of 8 metres from the near channel edge of the adjacent carriageway. Any sidewalls/fences/hedges adjacent to the access shall be splayed at an angle of 45 degrees from each of the outside gateposts to the front boundary of the site.

Reason: In the interests of highway safety enabling vehicles to safely draw off the highway before the gates/obstruction is opened, in accordance with the Norfolk Minerals and Waste Development Framework Core Strategy DPD 2010-2026 Policies CS15 and DM10, Breckland Local Plan (2023) Policies TR01, TR02 and ENV1, and the NPPF (December 2023) paragraphs 108, 114 and 115.

Access From Rawhall Lane Only

9. The means of access to and egress from the development hereby permitted shall be derived from and to Rawhall Lane only.

Reason: In the interests of highway safety and traffic movement, in accordance with the Norfolk Minerals and Waste Development Framework Core Strategy DPD 2010-2026 Policies CS15 and DM10, Breckland Local Plan (2023) Policies TR01, TR02 and ENV1, and the NPPF (December 2023) paragraphs 108, 114 and 115.

Visibility Splays

10. Prior to the first use of the development hereby permitted:
 - visibility splays shall be provided in full accordance with the details indicated on Drawing Ref. BTLY-ACM-XX-XX-DR-CE-02000 P5, Beetley Quarry Proposed Access, dated 9th January 2024 and the detailed scheme approved in accordance with Condition No. 7;
 - The visibility splays shall be provided from Bilney Lane at its junction with Rawhall Lane to ensure intervisibility of road users from the quarry; and
 - Hedges shall, if required, be removed within the visibility splays and replanted outside the splay, in accordance with detailed scheme approved in accordance with Condition No. 7;

The splay(s) shall thereafter be maintained at all times free from any obstruction exceeding 1.05 metres above the level of the adjacent highway carriageway.

Reason: In the interests of highway safety, in accordance with the Norfolk Minerals and Waste Development Framework Core Strategy DPD 2010-2026 Policies CS15 and DM10, Breckland Local Plan (2023) Policies TR01, TR02 and ENV1, and the NPPF (December 2023) paragraphs 108, 114 and 115.

HGV and Car Parking

11. Prior to the first use of the development hereby permitted space sufficient to the satisfaction of the Mineral Planning Authority shall be provided within the site to enable HGVs and cars to park, turn and re-enter the highway in forward gear. This area shall be laid out, demarcated, levelled, surfaced, drained and be retained thereafter available for that specific use.

Reason: To ensure the permanent availability of the parking/manoeuvring areas, in the interests of satisfactory development and highway safety, in accordance with the Norfolk Minerals and Waste Development Framework Core Strategy DPD 2010-2026 Policies CS15 and DM10, Breckland Local Plan (2023) Policies TR01, TR02 and ENV1, and the NPPF (December 2023) paragraphs 108, 114 and 115.

HGV Management Plan

12. Prior to any operations commencing on the site the Applicant shall submit to the Mineral Planning Authority an HGV Management Plan for the routing of HGVs to and from the site.

The Plan shall thereafter be implemented as approved and make provision for:

- Monitoring of the approved arrangements during the life of the site;
- Ensuring that all drivers of vehicles under the control of the Applicant are made aware of the approved arrangements;
- The disciplinary steps that will be exercised in the event of a default;
- Appropriate signage, details to be approved by the Local Highway Authority and erected advising drivers of the vehicle routes agreed with the Local Highway Authority;
- Wheel cleaning facilities and their use/retention.

Reason: In the interests of maintaining highway efficiency and safety, in accordance with the Norfolk Minerals and Waste Development Framework Core Strategy DPD 2010-2026 Policies CS15 and DM10, Breckland Local Plan (2023) Policies TR01, TR02 and ENV1, and the NPPF (December 2023) paragraphs 108, 114 and 115.

Hours of Operation

13. No operation authorised or required under this permission shall take place on Sundays or public holidays, or other than during the following periods:

07.00 - 18.00 Mondays to Fridays
07.00 - 13.00 Saturdays.

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

Site Offices and Plant

14. Prior to the installation, details including dimensioned elevations/sections, material finishes and colours of the all the component parts of the following plant and plant area:

- (a) Site office;
- (b) Weighbridge;
- (c) Washing and screening plant;
- (d) Conveyors;
- (e) Wheelwash; and
- (f) Silt and Freshwater Lagoons.

shall be submitted and approved in writing by the Waste Planning Authority. All the component parts of the plant and plant area shall thereafter be installed and maintained in accordance with the approved details.

Reason: To maintain control over the development and to minimise the visual and amenity impacts in accordance with the Norfolk Minerals and Waste Development Framework Core Strategy DPD 2010-2026 Policies CS14 and DM8, and paragraph 217 of the National Planning Policy Framework (December 2023).

Maintenance of Plant

15. 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 the Norfolk Minerals and Waste Development Framework Core Strategy DPD 2010-2026, Policy DM12.

Noise Limits

16. With the exception of noise emitted from the site from temporary soil stripping operations, landscape operations and bund construction and removal operations, the noise emitted from the extraction site or the plant site shall not

exceed shall not exceed 55 dB LAeq (1 hour) free field at the noise sensitive receptors NSR 1 and NSR 2 (referred to as MP1 and MP2 respectively in the Beetley Quarry Site, Noise Impact Assessment, Revision C, Report Ref. Reference: BD/CS/P20-2092/01 Rev C, Create Consulting Engineers Ltd, dated 9th June 2022.

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 noise limits apply during normal site operations between 0700 and 1800 Monday to Friday and 0700 to 1300 Saturdays. Measurements should be taken at 1.5 meters above local ground level, in free-field condition away from any buildings. LAeq,T sound level should be sampled for a period of one hour at each monitoring position. Measurements within the hour should be recorded at 10-minute intervals.

Reason: To protect the amenities of residential properties and the surrounding area, in accordance with the Norfolk Minerals and Waste Development Framework Core Strategy DPD 2010-2026 Policy DM12 and paragraphs 180 191 and 217 of the National Planning Policy Framework (December 2023).

Noise from Reversing Vehicles

17. All heavy goods vehicles and all mobile plant operating on the site will be fitted with broadband ('white-noise') reverse warning systems and maintained in accordance with the manufacturers recommendations for the lifetime of the development.

Reason: To protect the amenities of residential properties and the surrounding area, in accordance with the Norfolk Minerals and Waste Development Framework Core Strategy DPD 2010-2026 Policy DM12. and paragraphs 180 191 and 217 of the National Planning Policy Framework (December 2023).

Mud on the Public Highway

18. 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 the Norfolk Minerals and Waste Development Framework Core Strategy DPD 2010-2026 Policy DM10.

Dust Nuisance

19. Measures shall be taken to prevent dust nuisance and sand blow caused by the operations, including spraying of road surfaces, plant area and stockpiles.

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

Air Quality and Dust Risk Assessment

20. The development shall be undertaken strictly in accordance with the Environmental Statement Appendix F, Beetley Quarry Site Air Quality and Dust Risk Assessment, Revision B, Report Ref. Reference: NP/VL/P20-2092/02 Rev B, Create Consulting Engineers Ltd, dated 8th June 2022, Chapter 9, the Recommendation and Mitigation Measures.

Reason: To protect the amenities of residential properties and the surrounding area, in accordance with the Norfolk Minerals and Waste Development Framework Core Strategy DPD 2010-2026 Policy DM12 and paragraphs 180 and 217 of the National Planning Policy Framework (December 2023).

Emissions Management Plan

21. Prior to the commencement of development, an Emissions Management Plan (EMP) shall be submitted to and approved in writing by the Mineral Planning Authority which assesses the practices of the quarry in detail and is used to confirm practices that will control the level of air quality and dust released into the nearby vicinity of the site. The approved Emissions Management Plan (EMP) shall be carried out in its entirety for the lifetime of the development.

Reason: To protect the amenities of residential properties and the surrounding area, in accordance with the Norfolk Minerals and Waste Development Framework Core Strategy DPD 2010-2026 Policy DM12 and paragraphs 180 and 217 of the National Planning Policy Framework (December 2023).

Surface Water Management

22. The development shall be undertaken strictly in accordance with the Hydrogeological Impact Assessment and Flood Risk Assessment, Beetley Quarry, Report Reference: 3010/HIA_FRA, Final Version F2, Hafren Water Ltd, dated 15th June 2022, including the details of the system of Water Management set out in Section 3.2, and the measures for Flood Mitigation set out in Section 4.4 and will include but not be limited to:

- (a) The installation of a closed loop water management system that will contain water to the site, negating the need for off-site discharge to nearby water features;
- (b) The provision of surface flood water risk mitigation which includes (but is not limited to) the installation of a pond, an extension of the existing drainage system to divert run-off to the pond, and the installation of an infiltration sump and the creation of silt lagoons.

Reason: To ensure the site is effectively drained in interests of pollution prevention and manage and mitigation against the risk of flooding in the

surrounding area, in accordance with the Norfolk Minerals and Waste Development Framework Core Strategy DPD 2010-2026 Policies DM3 and DM4 and paragraphs 173, 180 and 217 of the National Planning Policy Framework (December 2023).

Archaeology

23. No development shall take place until an archaeological written scheme of investigation has been submitted to and approved in writing by the Mineral Planning Authority. The scheme shall include an assessment of significance and research questions; and
- (a) The programme and methodology of site investigation and recording;
 - (b) The programme for post investigation assessment;
 - (c) Provision to be made for analysis of the site investigation and recording;
 - (d) Provision to be made for publication and dissemination of the analysis and records of the site investigation;
 - (e) Provision to be made for archive deposition of the analysis and records of the site investigation;
 - (f) Nomination of a competent person or persons/organization to undertake the works set out within the written scheme of investigation and
 - (g) Any further project designs as addenda to the approved WSI covering subsequent phases of mitigation as required.

No mineral extraction shall take place other than in accordance with the approved written scheme of investigation and any addenda to that WSI covering subsequent phases of mitigation.

The quarry shall not be fully operated or any part restored until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the approved archaeological written scheme of investigation and the provision to be made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason: To safeguard archaeological assets within the approved development boundary from impacts relating to any groundworks associated with the development scheme and to ensure the proper and timely investigation, recording, reporting and presentation of archaeological assets affected by this development, in accordance with the Norfolk Minerals and Waste Development Framework Core Strategy DPD 2010-2026 Policies CS14 and DM9 and paragraphs 205, 211 and 217 of the National Planning Policy Framework (December 2023).

Soil Resource and Management Plan

24. Prior to any operations commencing on the site a Soil Resource and Management Plan, which shall be prepared in accordance with the Institute for Quarry's Good Practice Guide for Handling Soils in Mineral Workings (2021). Shall be submitted to the MPA for their consideration. The Plan shall identify

clearly the origin, intermediate and final locations of soils for use in the restoration, as defined by soil units, together with details balancing the quantities, depths, and areas involved.

All soil handling operations shall be carried out in accordance with the Approved Soil Resource & Management Plan

Reason: To ensure the retention and reuse of the soil resource on the site in accordance with the Norfolk Minerals and Waste Development Framework Core Strategy DPD 2010-2026 Policies CS14, DM14 and DM16 and paragraphs 180 and 217 of the National Planning Policy Framework (December 2023).

Retention of Soils On-Site for Restoration

25. All topsoil, subsoil, and soil-forming material shall be retained on the site in accordance with the approved drawings listed in Condition No. 3. Pockets of suitable soil-forming material shall be recovered during the stripping or excavation operations, wherever practicable, for use during the restoration phase.

Reason: To ensure the retention and reuse of the soil resource on the site in accordance with the Norfolk Minerals and Waste Development Framework Core Strategy DPD 2010-2026 Policies CS14, DM14 and DM16 and paragraphs 180 and 217 of the National Planning Policy Framework (December 2023).

Soil Stripping

26. All available topsoil (and subsoil) shall be stripped before any part of the site is excavated, built upon or otherwise traversed by heavy machinery (except for the purpose of stripping or stacking soil on those parts).

Soil stripping and soil tripping depths shall accord with the details to be set out in the Soil Resource and Management Plan to be submitted and approved in accordance with Condition No. 24.

Soils identified for use as a subsoil substitute shall be stripped separately and either re-spread over the replaced overburden or stored separately for subsequent replacement.

Written notification shall be giving to the Mineral Planning Authority seven clear working days' notice of the intention to start stripping soils, within each Phase.

Reason: To protect the soil resource and integrity of the soil structure in accordance with the Norfolk Minerals and Waste Development Framework Core Strategy DPD 2010-2026 Policies CS14, DM14 and DM16 and paragraphs 180 and 217 of the National Planning Policy Framework (December 2023).

Soil Handling and Storage

27. All soil handling and storage operations shall be carried out in accordance with the details to be set out in the Soil Resource and Management Plan to be submitted and approved in accordance with Condition No. 24.

Reason: To protect the soil resource and integrity of the soil structure in accordance with the Norfolk Minerals and Waste Development Framework Core Strategy DPD 2010-2026 Policies CS14, DM14 and DM16 and paragraphs 180 and 217 of the National Planning Policy Framework (December 2023).

Movement of Soils

28. Soil shall only be moved when in a dry and friable condition. For all soil types no soil handling shall proceed during and shortly after significant rainfall, and/or when there are any puddles on the soil surface.

Soil handling and movement shall not be carried out between the months of October to March inclusive.

Plant or vehicle movement shall be confined to clearly defined haul routes, or the overburden surface and shall not cross areas of topsoil and subsoil.

Reason: To protect the soil resource and integrity of the soil structure in accordance with the Norfolk Minerals and Waste Development Framework Core Strategy DPD 2010-2026 Policies CS14, DM14 and DM16 and paragraphs 180 and 217 of the National Planning Policy Framework (December 2023).

Soil Storage

29. Bunds for the storage of agricultural soils shall conform to the following criteria:
- (a) Topsoils, subsoils and subsoil substitutes shall be stored separately;
 - (b) Where continuous bunds are used dissimilar soils shall be separated by a third material;
 - (c) Topsoil bunds shall not exceed 3 m in height and subsoil (or subsoil substitute) bunds shall not exceed 5 m in height; and
 - (d) Materials shall be stored like upon like so that topsoil shall be stripped from beneath subsoil bunds and subsoil from beneath overburden bunds.

Reason: To protect the soil resource and integrity of the soil structure in accordance with the Norfolk Minerals and Waste Development Framework Core Strategy DPD 2010-2026 Policies CS14, DM14 and DM16 and paragraphs 180 and 217 of the National Planning Policy Framework (December 2023).

Management and Maintenance of Soil Storage

30. All bunds intended to remain in situ for more than 6 months or over the winter period (December, January and February) are to be grassed over and weed control and other necessary maintenance to ensure the stability of the bunds are carried out to the satisfaction of the Mineral Planning Authority.

Reason: To protect the soil resource and integrity of the soil structure in accordance with the Norfolk Minerals and Waste Development Framework Core Strategy DPD 2010-2026 Policies CS14, DM14 and DM16 and paragraphs 180 and 217 of the National Planning Policy Framework (December 2023).

Differential Settlement

31. In any part of the site where differential settlement occurs during the restoration and aftercare period, the applicant, where required by the Mineral Planning Authority, shall fill the depression to the final settlement contours specified with suitable imported soils, to a specification to be agreed with the Mineral Planning Authority.

Reason: To ensure the satisfactory restoration of the site in accordance with the Norfolk Minerals and Waste Development Framework Core Strategy DPD 2010-2026 Policies CS14, DM14 and DM16 and paragraphs 180 and 217 of the National Planning Policy Framework (December 2023).

Revised Arboricultural Impact Assessment and Tree Protection Plan

32. Prior to commencement of development, a revised Arboricultural Impact Assessment shall be submitted and agreed with the Mineral Planning Authority, which shall include a Tree Protection Plan and include methods to safeguard trees including details of construction works that affect trees on the site (including the construction of bunds). The approved version shall be implemented in full for the duration of the permission.

The Tree Protection Plan shall include tree buffers of 15-20m around the retained trees, and 20-25m buffers around the retained veteran trees.

Tree Protection must include fencing of sufficient height and other specifications to clearly define a protective perimeter to avoid accidental damage, parking or storage of equipment or materials.

All works shall be carried out in accordance with the approved Tree Protection Plan for the lifetime of the development.

Reason: To ensure that trees and vegetation to be retained for the benefit of landscape and visual amenity are protected from construction and mineral extraction enabling works, in accordance with the Norfolk Minerals and Waste Development Framework Core Strategy 2010-2026 Policies CS14 and DM8 and the National Planning Policy Framework (December 2023), Chapter 15, paragraph 180 and Chapter 17, Paragraph 217.

Scheme of Soft Landscaping and Planting

33. Within 3 months of the commencement date of operations notified in accordance with Condition No. 2, a scheme of soft landscaping that is in accordance with Drawing Ref. LON-002-M.D.015E, Concept Restoration, dated September 2023 shall be submitted to the Mineral Planning Authority for written approval. This detailed scheme shall be drawn to a scale of not less than 1:200 and shall include planting plans and written specifications including:
- (a) Soil preparation, cultivation and other operations associated with plant and grass establishment;
 - (b) Measures for the protection of planting, including specifications for combined rabbit and deer proof fencing for woodland planting;
 - (c) Schedules of plants noting species, provenance, plant sizes and proposed numbers/densities;
 - (d) Detailed setting out of planting patterns for woodland planting;
 - (e) Details of the management and maintenance of the planting, including weed control and watering; and
 - (f) An Implementation Plan setting out the timescale for commencement, implementation of the soft landscaping works in each phase;

The soft landscaping shall thereafter be undertaken in accordance with the approved details.

Reason: To ensure the restoration and enhancement of the landscape in accordance with the approved details and the Norfolk Minerals and Waste Development Framework Core Strategy DPD 2010-2026 Policies CS14, DM8 and DM14 and the National Planning Policy Framework (December 2023), Chapter 15, paragraphs 180 and Chapter 17, paragraph 217.

Aftercare - Revised Outline Restoration Strategy

34. Within 3 months of the commencement date of operations notified in accordance with Condition No. 2, a revised Outline Restoration Strategy that is in accordance with Drawing Ref. LON-002-M.D.015E, Concept Restoration, dated September 2023, and that provides details of the management and aftercare of the site shall be submitted to the Mineral Planning Authority for written approval.

The development shall thereafter be undertaken strictly in accordance with the approved Outline Restoration Strategy.

An annual Monitoring Report to be prepared a competent ecologist shall be submitted to the Mineral Planning Authority by 31st December each year confirming that the specified the management and aftercare have been implemented in accordance with the approved Outline Restoration Strategy, following the completion of extraction, following the commencement of soil stripping and extraction works in Phase 2.

Reason: To ensure Biodiversity Net Gain is achieved and to ensure the restoration and enhancement of the landscape in accordance with the approved details and the Norfolk Minerals and Waste Development Framework Core

Strategy DPD 2010-2026 Policies CS14, DM1, DM8 and DM14 and the National Planning Policy Framework (December 2023), Chapter 15, paragraphs 180 and Chapter 17, paragraph 217.

External Lighting

35. Prior to the installation of any fixed external lighting, a Lighting Design Strategy for areas to be lit shall be prepared by a suitably qualified lighting consultant and submitted to the Mineral Planning Authority for written approval. The strategy shall:
- (a) Identify those areas/features on site that are particularly sensitive for bats, and those areas where lights are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
 - (b) Show how and where external lighting will be installed (through technical specifications and the provision of appropriate lighting contour plans which shall include lux levels of the lighting to be provided) so that it can be clearly demonstrated that areas to be lit will not cause light pollution and disturb or prevent bats using their territory or having access to their breeding sites and resting places; and
 - (c) Include the hours of operation for the approved lighting.

The lighting shall be installed in accordance with the specifications and locations set out in the approved strategy and shall be maintained thereafter in accordance with the strategy for the lifetime of the development.

Reason: To prevent light pollution in the interests of the protection of amenity, biodiversity and the dark skies of the Norfolk countryside in accordance with the Norfolk Minerals and Waste Development Framework Core Strategy DPD 2010-2026 Policy DM14 and paragraphs 191 and 217 of the National Planning Policy Framework (December 2023).

Construction Environmental Management Plan

36. No development shall take place until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the County Planning Authority. The CEMP shall include the following:
- (a) Risk assessment of potentially damaging construction activities;
 - (b) Identification of 'biodiversity protection zones';
 - (c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction;
 - (d) The location and timing of sensitive works to avoid harm to biodiversity features;
 - (e) The times during construction when specialist ecologists need to be present on site to oversee works;
 - (f) Responsible persons and lines of communication;

- (g) The role and responsibilities on site of an Ecological Clerk of Works (ECoW) or similarly competent person;
- (h) Use of protective fences, exclusion barriers and warning signs. If several years have passed since surveys were undertaken, then update surveys may be required at the reserved matters stage and any additional mitigation measures that need incorporating into the site's design agreed with the Mineral Planning Authority.

The approved CEMP shall be strictly adhered to and implemented through the construction phases of the development. A 'statement of good practice' shall be signed upon completion by the competent ecologist, and be submitted to the LPA, confirming that the specified enhancement measures have been implemented in accordance with good practice upon which the planning consent was granted.

Reason: To protect ecology that may be present on site in accordance with the Norfolk Minerals and Waste Development Framework Core Strategy DPD 2010-2026 Policies CS14 and DM1 and the National Planning Policy Framework (December 2023), Chapter 15, paragraphs 180 and Chapter 17, paragraph 217.

Biodiversity Net Gain

- 37. The development shall be undertaken strictly in accordance with the Proposed Quarry Development, Beetley, Norfolk, Ecology Addendum (BNG Calculations), Wild Frontier Ecology Ltd, dated December 2022, including the implementation of the Proposed Habitats set out in Section 2.3 and the Appropriate Management of Proposed Habitats set out in Section 2.4 to deliver the Change in Biodiversity Unit calculations for the site - Area Based Habitats set out in Table 5 Proposed Hedgerow Unit calculations for the site – Linear Based Habitats set out in Table 6.

An annual Monitoring Report to be prepared a competent ecologist shall be submitted to the Mineral Planning Authority by 31st December each year confirming implementation of the Proposed Habitats and the Appropriate Management of Proposed Habitats, following the commencement of soil stripping and extraction works in Phase 2.

Reason: To ensure Biodiversity Net Gain is achieved and to ensure the restoration and enhancement of the landscape in accordance with the approved details and the Norfolk Minerals and Waste Development Framework Core Strategy DPD 2010-2026 Policies CS14, DM1, DM8 and DM14 and the National Planning Policy Framework (December 2023), Chapter 15, paragraphs 180 and Chapter 17, paragraph 217.

Breeding Bird Management Plan

- 38. No development shall take place until a breeding bird management plan which sets out the following details:

- (a) The exact number of skylark plots to be created annually;
- (b) The exact area/proportion of spring crops to be sown;
- (c) Precise locations of hedgerows to be gapped up; and
- (d) Further details of the reduction in the use of herbicides.

in accordance with the Environmental Statement Addendum, Mitigation and Management for Breeding Birds in Respect of a Proposed Quarry on Land at Rawhall Lane Beetley, Dereham, Norfolk, Heaton, dated May 2023, has been submitted to and approved in writing by the Mineral Planning Authority.

The approved Breeding Bird Management Plan shall thereafter be implemented for the lifetime of the development.

Reason: To ensure the implementation of the mitigation and management for breeding birds in accordance with the approved details and the Norfolk Minerals and Waste Development Framework Core Strategy DPD 2010-2026 Policies CS14, DM1, DM8 and DM14 and the National Planning Policy Framework (December 2023), Chapter 15, paragraphs 180 and Chapter 17, paragraph 217.

Bat Activity Surveys

39. Further bats activity surveys shall be undertaken in accordance with the Letter headed RE: Beetley, Proposed Quarry Development: Details of 2023 Updated Aerial Tree Inspection for Bat Roosts, Wild Frontier Ecology, dated 3rd October 2023, in accordance with the Section headed Further Actions and Conclusions, Table 2 Further Survey Requirements. A report of the surveys shall be submitted to the Mineral Planning Authority within two months of each survey, with the first report submitted no later than 31st July 2024, for written approval.

No works to any of trees listed in Table 2 shall be undertaken prior to completion of the survey and the approval of written reports submitted to the Mineral Planning Authority.

Reason: To identify if the presence of bats which are European Protected Species requires the provision of mitigation measures in accordance with the approved details and the Norfolk Minerals and Waste Development Framework Core Strategy DPD 2010-2026 Policies CS14, DM1, DM8 and DM14 and the National Planning Policy Framework (December 2023), Chapter 15, paragraphs 180 and Chapter 17, paragraph 217.

Bat Mitigation Strategy

40. No development shall take place until a bat mitigation strategy which sets out details of all avoidance, mitigation and compensation measures required in relation to summer roosting and winter hibernating bats following completion of the bat activity surveys required in accordance with Condition No. 39 based on the with the Letter headed RE: Beetley, Proposed Quarry Development: Details of 2023 Updated Aerial Tree Inspection for Bat Roosts, Wild Frontier Ecology, dated 3rd October 2023, in accordance with the Section headed Proposed

Mitigation, has been submitted to and approved in writing by the Mineral Planning Authority.

Reason: To ensure the provision of mitigation measures for bats which are a Protected Species, in accordance with the approved details and the Norfolk Minerals and Waste Development Framework Core Strategy DPD 2010-2026, Policies CS14, DM1, DM8 and DM14 and the National Planning Policy Framework (December 2023), Chapter 15, paragraphs 180 and Chapter 17, paragraph 217.

Badger Mitigation Report

41. The development shall be undertaken strictly in accordance with the Avoidance, Mitigation and Compensation Strategy in respect of a Proposed Quarry on Land at Rawhall Lane Beetley, Dereham, Norfolk, Heatons, dated March 2023.

Reason: To ensure the provision of mitigation measures for badgers which are a European Protected Species, in accordance with the approved details and the Norfolk Minerals and Waste Development Framework Core Strategy DPD 2010-2026, Policies CS14, DM1, DM8 and DM14 and the National Planning Policy Framework (December 2023), Chapter 15, paragraphs 180 and Chapter 17, paragraph 217.

Scheme for Geological Recording and Sampling

42. No development shall take place until a Scheme for Geological Recording and Sampling shall be submitted to the County Planning Authority for its approval in writing. The Scheme will include details of:

- (a) The opportunities during working for geological features exposed during excavation or other operations to be recorded, sampled, studied and retained as an open face as part of the restoration of the site; and
- (b) Access to the site to allow geological study and research by educational and research groups, as requested.

Reason: To ensure access to and the recording of geological features exposed during excavation or other operations in the interests of geodiversity in accordance with the Norfolk Minerals and Waste Development Framework Core Strategy DPD Policy DM14 and the Norfolk Minerals and Waste Development Framework Minerals Site Specific Allocations Development Plan Document (2013) (with amendments adopted December 2017) Policy MIN 51.

Positive and Proactive Statement

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

Informatives

Highways

This development involves works within the public highway that can only be carried out by Norfolk County Council as Highway Authority unless otherwise agreed in writing.

It is an OFFENCE to carry out any works within the Public Highway, which includes a Public Right of Way, without the permission of the Highway Authority. Please note that it is the Applicants' responsibility to ensure that, in addition to planning permission, any necessary consents or approvals under the Highways Act 1980 and the New Roads and Street Works Act 1991 are also obtained from the County Council. Advice on this matter can be obtained from the County Council's Highway Development Management Group.

Please contact developer.services@norfolk.gov.uk

If required, street furniture will need to be repositioned at the Applicants own expense.

Public Utility apparatus may be affected by this proposal. Contact the appropriate utility service to reach agreement on any necessary alterations, which have to be carried out at the expense of the developer.

Archaeology

A brief for the archaeological work can be obtained from Norfolk County Council Historic Environment Service. Please note that the Historic Environment Service charges for its services.

Gas Pipeline

Cadent Gas Ltd (Cadent) has advised that it has a 114 mm High Pressure gas pipeline in the vicinity of the application site.

Cadent may have a Deed of Easement on the pipeline, which provides it with a right of access for a number of functions and prevents change to existing ground levels and storage of materials. It also prevents the erection of permanent/temporary buildings, or structures. Cadent has advised that it will, if necessary, take action to legally enforce the terms of the easement.

This permission does not constitute any formal agreement or consent for any proposed development work either generally or related to any Cadent easements or other rights, or any planning or building regulations applications.

Cadent has advised that it or its agents, servants or contractors do not accept any liability for any losses arising under or in connection with this information. This limit on liability applies to all and any claims in contract, tort (including negligence), misrepresentation (excluding fraudulent misrepresentation), breach of statutory duty or otherwise. This limit on liability does not exclude or restrict liability where prohibited by the law nor does it supersede the express terms of any related agreements.

12. Background Papers

- 12.1 Planning Application Ref. FUL/2022/0021:

<https://eplanning.norfolk.gov.uk/Planning/Display/FUL/2022/0021#undefined>

- 12.2 NM&WDF: Core Strategy and Minerals and Waste Development Management Policies and Development Plan Document 2010-2026 (2011)

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

- 12.3 NM&WDF: Minerals Site Specific Allocations Development Plan Document (2013) (with amendments adopted December 2017)

<https://www.norfolk.gov.uk/-/media/norfolk/downloads/what-we-do-and-how-we-work/policy-performance-and-partnerships/policies-and-strategies/minerals-and-waste-planning/minerals-site-specific-allocations-development-plan-document.pdf?la=en&hash=B0621E624FBE458ACA0544474E6F22BDCE320E4A>

- 12.4 Norfolk Minerals and Waste Local Plan: Pre-Submission Publication

<https://norfolk.oc2.uk/docfiles/59/A1%20Minerals%20and%20Waste%20Local%20Plan%20Pre-Submission%20Publication%20May%202022.pdf>

- 12.5 Norfolk County Council Environment Policy (2019)

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

- 12.6 Breckland Local Plan (2023)

https://www.breckland.gov.uk/media/16659/Adopted-Breckland-Local-Plan/pdf/Appendix_4_-_Breckland_District_Council_Local_Plan_Optimised.pdf?m=638398943233400000

12.7 National Planning Policy Framework (December 2023)

https://assets.publishing.service.gov.uk/media/65829e99fc07f3000d8d4529/NP_PF_December_2023.pdf

12.8 Planning Practice Guidance: Minerals (2014)

<https://www.gov.uk/guidance/minerals>

12.9 Institute of Quarrying Good Practice Guide for Handling Soils in Mineral Workings (2021)

<https://885685.fs1.hubspotusercontent-na1.net/hubfs/885685/Soils%20Guidance/IQ%20Soil%20Guidance%20full%20document%20including%20all%20practitioner%20advice%20updated%20May%202022.pdf>

Officer Contact

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

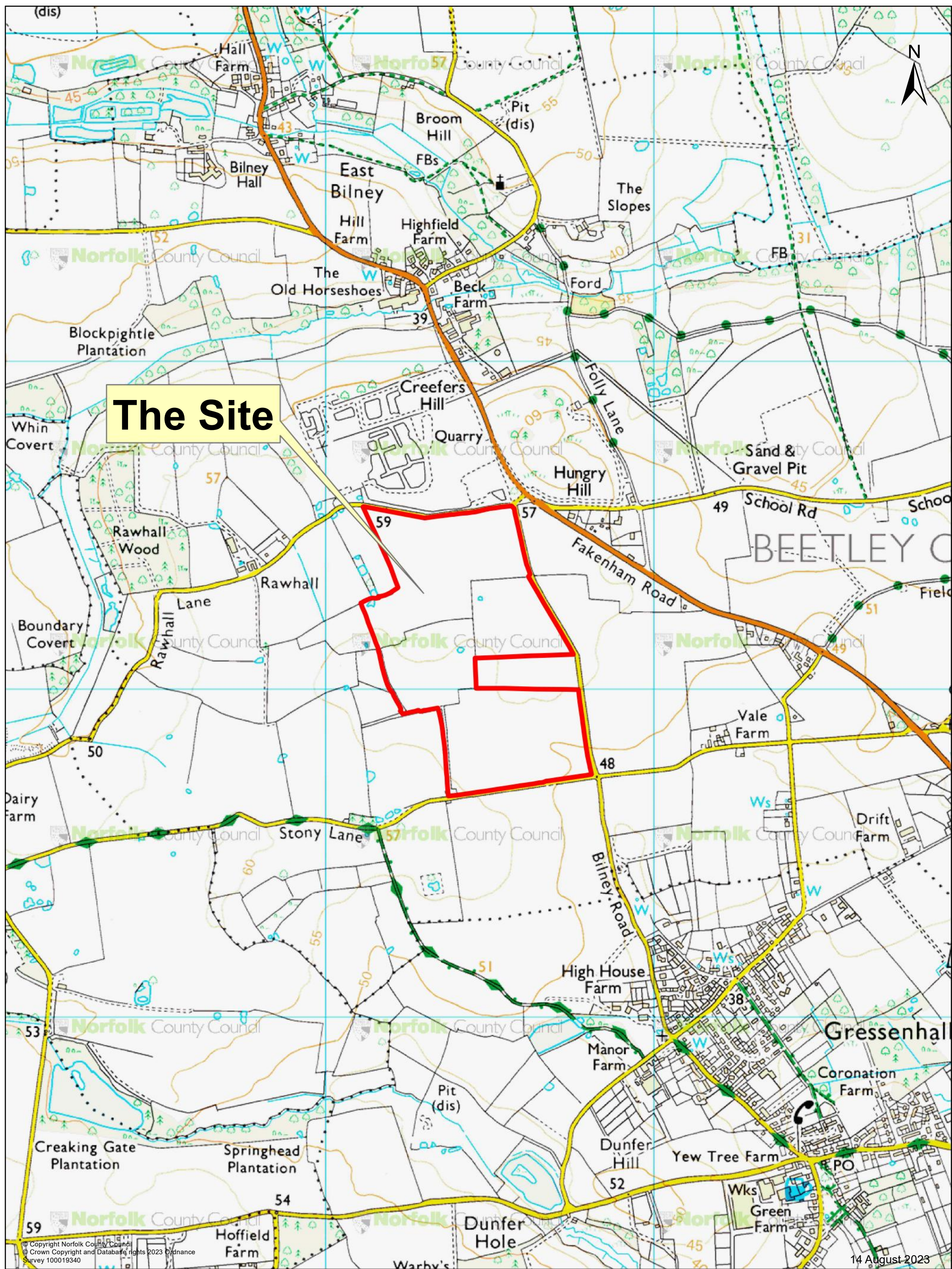
Officer name: Andrew Sierakowski

Telephone no.: 01603 223107

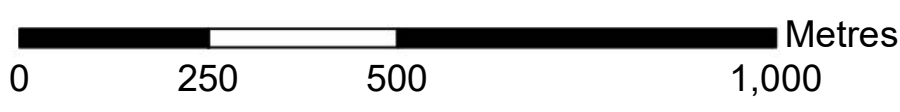
Email: andrew.sierakowski@norfolk.gov.uk

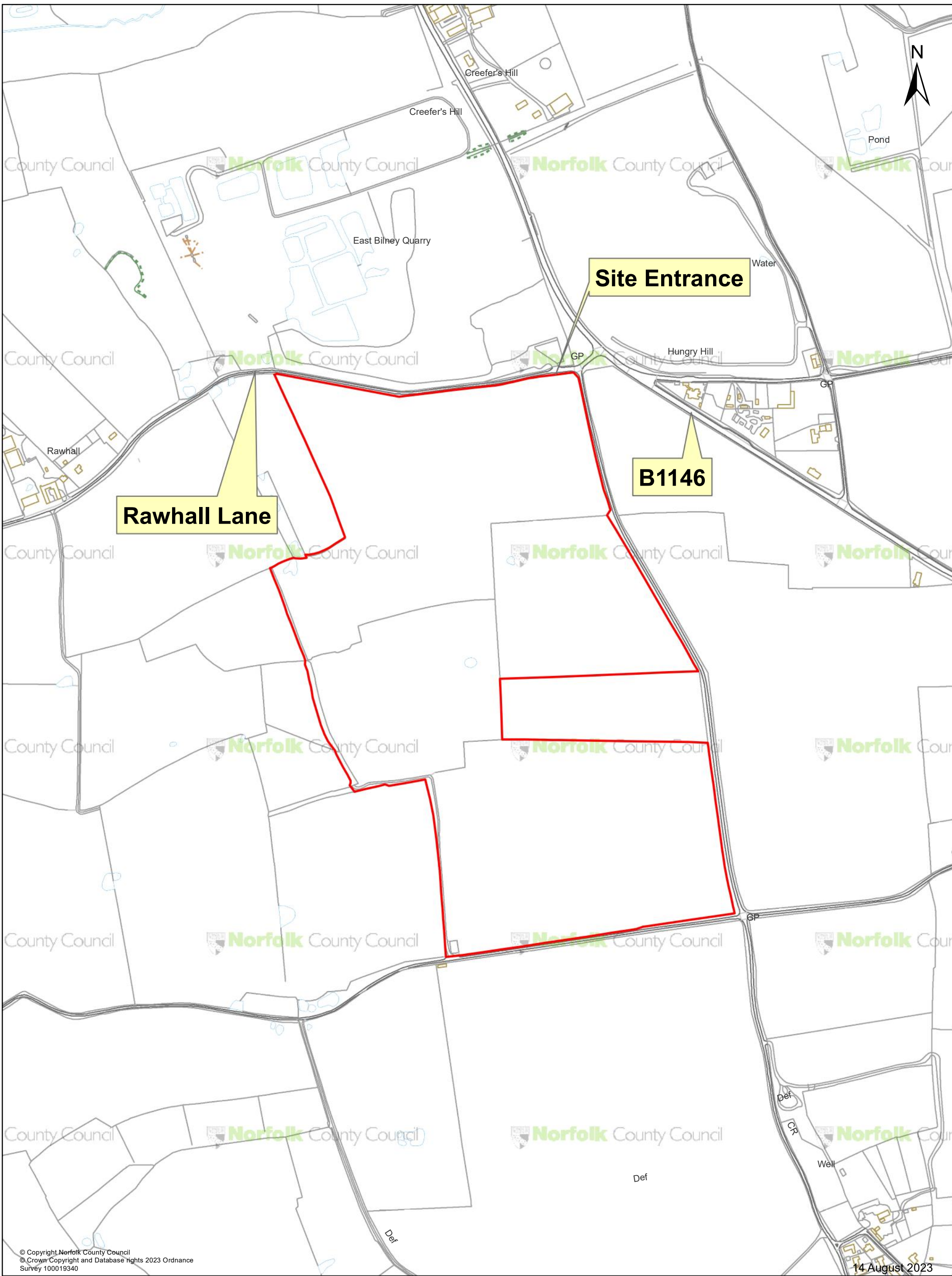


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**Beetley Quarry
Location Plan**





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Survey 100019340

14 August 2023

Beetley Quarry Site Plan



Planning (Regulatory) Committee

Item No: 7

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

Date of Meeting: 26 January 2024

Responsible Cabinet Member: N/A

Responsible Director: Grahame Bygrave (Interim Director of Community and Environmental Services)

Is this a Key Decision? No

Proposal & Applicant: Change of use of land from open air storage (plant, materials and aggregates in connection with the operations of Newall Plant Ltd) to aggregate and soil recovery facility (Part Retrospective): Newall Plant Ltd

Executive Summary

Planning permission is sought to change the use of an area of land from open air storage (plant, materials and aggregates) to an aggregate and soil recovery facility (part retrospective). The site is 1.14 hectares in size and is sited adjacent to an existing civil engineering business at Heron Farm, Besthorpe. The application seeks to recycle / recover up to 60,000 tonnes per annum of aggregates and soils from imported construction, demolition and excavation waste linked to the adjacent Newall civil engineering business.

No objections have been received from statutory consultees subject to conditions. However, objections have been received from the Spooner Row, Sutton and Wattlefield Community Council and 4 members of the public, raising objections in respect of amenity, landscape impact, highway movements and principle.

This is a finely balanced planning application giving consideration to a similar proposal on adjacent land which was refused by members (in 2016) and dismissed at appeal, and a subsequent application on the same land as the current proposals which was refused by members (in 2021).

The current proposal does however differ from the appeal site in that it would be on previously developed land with permission having been granted by the district council for open air storage (plant, materials and aggregates). The application also differs from the previous refusal by members in 2021 for a similar proposal in that the district council have now granted permission for the perimeter bunds as they are currently built, and a further storage extension area to the south of the application site.

The applicant has also advised that all plant would be operated at ground level, and has relied upon the existing bunding as authorised by the district council to mitigate the landscape impact.

The applicant has identified a need for the facility at this site, the proposal would promote the movement of waste management up the waste hierarchy, the Environment Agency has issued an Environmental Permit for waste processing at this site. There are benefits in allowing material to be processed at the site in terms of reducing road miles and providing a source of recycled aggregate for their adjacent business. However, to ensure that all plant would operate at ground level to not cause unacceptable landscape or amenity impacts this would need to be controlled by condition. Such a condition would however go against the Health and Safety Executive's best practice guidance for the safe operation of loading a crusher with an excavator. Similarly, the planning inspectorate in the earlier appeal at Heron Farm, did not consider that it would be reasonable to attach such a condition, and the applicant at that time also agreed that such a condition was not practical in terms of health and safety.

So, whilst giving consideration to the benefits of the scheme and its compliance with the locational criteria of the development plan, it is considered that the inability to condition the working height of the plant would result in an unacceptable impact upon the landscape and neighbouring amenity, which are material considerations that outweigh the development plan and the application is therefore recommended for refusal.

Recommendations:

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

- 1. Refuse planning permission for the reasons set out in section 11 (Recommendations) of this report.**

1. Background

- 1.1.** This report deals with a planning application for development for an aggregate and soil recover facility of up to 60,000 tpa. Newall Plant Ltd operate a civil engineering business at the site specialising in plant hire, groundworks and muck away services with around 50 employees, 30 of which are site based. The area of land subject to this application was granted permission by the district

council in 2019 for the open air storage of plant, materials and aggregates, Newall's civil engineering yard and associated buildings are sited to the west of the application site. The district permission included 5m high bunding to the north, east and south-east of the site as part of the storage permission. The bunding had not been constructed strictly in accordance with the district permission, subsequently a further application to regularise the bunding (as built) was submitted and approved by the district council in 2022. The bunding around the site is approximately 5m in height, although it does rise to approximately 5.47m in places and fall to a minimum of 4.29m.

- 1.2. A planning application for a similar proposal on an adjacent area of land (to the west) was in 2016 recommended for approval by officers, but subsequently refused by members of the planning committee and later dismissed at appeal. The inspector found that the landscape and amenity impacts were unacceptable. A further application was considered by members for an aggregate and soil recover facility on the current application site in 2021, but was refused on landscape grounds as the bunding which had been erected was not in accordance with the district permission and the LVIA was reliant upon this to screen the development. Landscaping had also been proposed as part of the development but this was not shown to be within the application site due to inaccuracies with the submitted plans. It was considered that the applicant had not demonstrated that landscape impacts would be adequately protected and the application was refused on this basis. This led to the applicant subsequently applying to the district council to regularise the bunding around the site and also to gain permission for a further extension to the south of the application site for additional storage and further perimeter bunding.
- 1.3. This current application differs from the appeal site in that the area of land subject to this application has been granted permission for open air storage, and is enclosed by approximately 5m high bunds. The proposal would no longer be considered a departure from the development plan in land use terms as the site would now constitute previously developed land.
- 1.4. The main difference with the current application and that previously refused by members in 2021, is that the district council has now granted permission for the perimeter bunds as built, the applicant has also confirmed the working heights of the plant and this is reflected in the LVIA, and a plan has been produced to accompany the application which shows that the soft landscaping can be provided within the red line planning application boundary.
- 1.5. It should also be noted that the applicant had previously advised that it was not practical and that there would be health and safety implications to operate all plant at ground level, which in the planning consideration raised amenity and landscape concerns. The applicant has now advised that they are able to operate all plant at ground level and the application is therefore considered on this basis.

- 1.6. As regards justification for the development, the submitted Planning Statement advises that the purpose of the proposed facility is to allow for materials generated by the company's off-site engineering works, to not only be stored at the site, but also to be recycled moving waste further up the waste hierarchy. This would in turn reduce road vehicle miles by allowing waste to be processed at the site which would alternatively need to be transported elsewhere for treatment or disposal. It should be noted that the extant permission at the site does not allow for waste to currently be brought to the site. So, if as the application sets out waste is currently being brought to the site this is outside of any existing lawful permitted planning use.

2. Proposals

2.1. SITE

- 2.2. The area of the application site is 1.14ha in total, which includes the access, perimeter bunding and existing storage area. The actual operational area would be approximately 0.5ha. The site is currently used for open air storage of plant, materials and aggregates associated with the operations of Newall Plant Ltd (planning permission granted 2019). The site is located to the east of Newall's civil engineering yard (planning permission was granted in 2007) which the applicant advises employs some 50 people. The site includes an existing access road that links the site to the C139 Bunwell Road which is also used by the civil engineering business. A further storage area immediately to the south of the application site has in 2022 been granted permission by the district council, again with similar height perimeter bunding.
- 2.3. Besthorpe village is 2 kilometres west of the site and Attleborough is a further kilometre west. The A11 Trunk Road is some 2.3 kilometres to the north. The nearest residential properties to the site are Heron Farm and Heron Cottage the boundaries of which are approximately 50 metres and 115 metres respectively from the operational area of the site. A further cluster of residential properties lie both approximately 0.5 kilometres east of the site and 0.5 kilometres north west of the site.
- 2.4. To the south, east and west lie agricultural land. Much of the land to the south was formerly the Old Buckenham airbase (some runway infrastructure still remains). The landscape character of the area is open countryside characterised as Plateau Farmland.
- 2.5. The site is largely (north, east and south east boundaries) enclosed by perimeter bunding which formed part of the open air storage permission issued by the district council. An area of agricultural land separates the application site from Heron Cottage to the north, and the buildings associated with the Civil engineering business lie between the site and Heron Farm.

2.6. PROPOSAL

- 2.7. Planning permission is sought for a (part retrospective) change of use of land from open air storage (associated with the adjacent civil engineering business) to an aggregate and soil recovery facility with a maximum annual operational throughput of 60,000 tonnes. The application is for a change of use only without any operational development, as such no changes are proposed to the perimeter bunding from that which has been granted permission by the district council, no new buildings are required, and no additional lighting is proposed. Permission is sought to operate the site between 07.00- 18.00 Monday to Friday and 07.00 – 13.00 Saturdays, the application states that crushing and screening of waste would only take place between 07.30 – 16.30 Monday to Friday with no processing on Saturdays. Notwithstanding this, 24 tips a year but no more than five per calendar month outside of the above hours are allowed under the terms of the storage permission and the applicant would wish this to continue as part of this application. The application also states that the proposals would create 5 additional full-time employees.
- 2.8. The applicant states that its off-site engineering works have been generating increasing amounts of materials capable of being recovered from demolition and excavation wastes. The applicant further advises that as a result permission was sought and granted by the district council to accommodate storage of this material at the site, some of which would have been processed at source and some untreated. It should be noted that the permission issued by the district council did not include the storage of waste, as such this element of storage would currently be considered unauthorised. The current application seeks to utilise the inert waste material generated by the applicant's engineering business, by carrying out processing at the site of those materials which arrive unprocessed. The applicant advises that this would enable the business to operate more efficiently and reduce the road miles needed to transport the material elsewhere for processing/disposal.
- 2.9. The recycling would take place centrally within the site, with unprocessed material stockpiled behind the bund to the north and processed material in stockpiles again behind the bund to the east and south of the processing area. The application sets out that the material would be fed by excavator into a mobile crusher/screen, which separates out the material into recovered graded aggregates, sands and soil, which would then be moved by loading shovel to the stockpiling areas. Sale of the processed material would be collected by HGV's from the stockpile area and then taken off site for use in the local construction market and wider Norfolk area.

3. Impact of the Proposal

3.1. DEVELOPMENT PLAN POLICIES

The following policies of the Norfolk Minerals and Waste Development Framework (adopted 2011) (NMWDF), Breckland Council Local Plan (2019) and

Breckland District Landscape Character Assessment (2007) provide the development plan framework for this planning application. The following policies are of relevance to this application:

Norfolk Minerals and Waste Development Framework (2011)

CS3: Waste management capacity to be provided
CS4: New waste management capacity to be provided
CS5: General location of waste management facilities
CS6: General waste management considerations
CS7: Recycling, composting, anaerobic digestion and waste transfer stations
CS13: Climate change and renewable energy generation
CS14: Environmental protection
CS15: Transport
DM1: Nature Conservation
DM3: Groundwater and surface water
DM4: Flood Risk
DM7: Safeguarding Aerodromes
DM8: Design, Local landscape and townscape character
DM9: Archaeological sites
DM10: Transport
DM11: Sustainable construction and operations
DM12: Amenity
DM13: Air Quality
DM15: Cumulative impact

Breckland Council Local Plan (2019)

TR01: Sustainable transport network
TR02: Transport requirements
ENV02: Biodiversity protection and enhancement
ENV03: The Brecks protected habitats and species
ENV05: Protection and enhancement of the Landscape
ENV06: Trees, hedgerows and development
EC01: Economic development
EC04: Employment development outside General Employment Areas
COM03: Protection of Amenity

Breckland District Landscape Character Assessment (2007)

E3: Old Buckenham Plateau

Neighbourhood Plan

The area in which the planning application is located does not have an adopted Neighbourhood Plan or Neighbourhood Plan in progress.

3.2. **OTHER MATERIAL CONSIDERATIONS**

The revised National Planning Policy Framework (NPPF) was published in December 2023, it sets out the Government's planning policies for England and how these should be applied. Whilst not part of the development plan, policies

within the NPPF are also a further material consideration capable of carrying significant weight. The NPPF places a presumption in favour of sustainable development. Paragraph 47 states that planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The following sections are of relevance to this application:

2. Achieving sustainable development

14. Meeting the challenge of climate change, flooding and coastal change

15. Conserving and enhancing the natural environment

- 3.3. Additionally, the following documents form further material considerations as part of the planning process in relation to this application:

National Planning Practice Guidance (NPPG)

This guidance provides supporting information to the NPPF but has lower standing than the NPPF as it is not consulted upon or subject to external scrutiny, unlike the NPPF.

National Planning Policy for Waste (NPPW) (2014)

This sets out national planning policy with respect to waste

Waste Management Plan for England (NWMPE) (2021)

This is the overarching National Plan for Waste Management

Our Waste, our resources: a strategy for England (2018)

This strategy sets out how the Government plans to increase resource productivity and eliminate avoidable waste of all kinds by 2050.

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

- 3.5. The County Council is currently preparing a Minerals and Waste Local Plan to extend the plan period to the end of 2038. The pre-submission Publication period, under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012, ended in December 2022. The pre-submission version of the Minerals and Waste Local Plan, relevant background documents and the representations received have now all been submitted to the Secretary of State for public examination by a Planning Inspector in 2024. So whilst at an advanced stage it is not yet formally part of the development plan for the area and therefore the following policies have been given some weight in the planning balance.

Norfolk Minerals and Waste Local Plan: Publication (2022)

Policy MW1: Development Management Criteria
 Policy MW2: Transport
 Policy MW3: Climate change adaptation and mitigation
 Policy MW4: The Brecks protected habitats and species
 Policy WP1: Waste Management Capacity to be provided
 Policy WP2: Spatial Strategy for waste management facilities
 Policy WP3: Land suitable for waste management facilities
 Policy WP5: Waste transfer stations, materials recycling facilities, end-of-life vehicle facilities and waste electrical and electronic equipment recovery facilities
 Policy WP16: Design of waste management facilities

- 3.6. Breckland District Council adopted the Breckland Local Plan in November 2019 to replace the suite of plans produced as part of the Local Development Framework process. In September 2022, Breckland Council agreed to undertake a review of the Adopted Local Plan 2019, but this is at a very early stage with no draft policies for consideration. Therefore, this is not a relevant material consideration.

3.7. CONSULTATIONS

BRECKLAND DISTRICT COUNCIL – No objection having regard to the understanding that the site will be permitted by the Environment Agency, and subject to the following conditions:

1. The operation of the proposed Aggregate and Soil Recovery Facility hereby permitted shall not take place outside the hours of 07:30 - 16:30 Monday to Friday, nor at any time on Saturdays, Sundays, Bank Holidays or Public Holidays.
2. All external lighting shall be hooded and angled down and installed and maintained in accordance with the manufacturers design.

DISTRICT COUNCIL ENVIRONMENTAL HEALTH OFFICER (EHO) – No objection subject to the development proceeding in line with the application details and subject to conditions recommended in respect of noise levels (no greater than 10db above background level), dust levels, noise and dust mitigation, hours of operating machinery and external lighting.

BESTHORPE PARISH COUNCIL – No comments received

SPOONER ROW, SUTON AND WATTLEFIELD COMMUNITY COUNCIL – Object on the grounds of amenity and safety impacts from the traffic generated by the proposed development. If approved would request a condition for a blanket ban on all associated vehicle movements outside of the hours of 08:00 and 18:00 that traverse Spooner Row as a Parish. No vehicles be permitted by the operator to pass through Spooner Row before 08:00 and after 18:00 regardless of the routing or emergency or any such reason. The operator to take

full responsibility for enforcing this and provide a contact for residents to report any such movements.

HEALTH AND SAFETY EXECUTIVE – Standing advice provided on their website. Does not meet the criteria for bespoke advice.

ENVIRONMENT AGENCY – No objection. The site benefits from a standard rules environmental permit, although the permit boundary differs from the area defined in the planning application, in that it encompasses additional land to the south. Emissions from the waste activities, including noise, vibration and dust, will be regulated under the permit and must not exceed levels likely to cause a pollution outside of the site. Appropriate measures to minimise emissions must be implemented and followed by the operator.

HIGHWAY AUTHORITY – No objection subject to a vehicle routing condition to ensure all vehicles leaving the site turn right (enter turning left), and access the A11 via Bunwell Road / Station Road, and road markings at the entrance refreshed. A condition in respect of ensuring material is not deposited on the highway and a condition to restrict the throughput to 60,000 tonnes per annum are recommended.

LEAD LOCAL FLOOD AUTHORITY – The LPA would be responsible for assessing the suitability of any surface water drainage proposal for minor development in line with the NPPF.

COUNTY COUNCIL'S ECOLOGIST – No objection. Informative suggested in respect of any clearance work taking place outside of the bird nesting period March-August. Further details regarding landscape maintenance, including securing of all planting during the first season following determination, is provided either prior to determination or secured by condition.

COUNTY COUNCIL'S ARBORICULTURIST – No objection. All trees in the area are on the opposite side of the bund, and therefore there will be no impact to them.

COUNTY COUNCIL'S LANDSCAPE & GREEN INFRASTRUCTURE OFFICER
No objection - The applicant has confirmed that the excavator can be worked at ground level in a safe and legal way. As Health and Safety regulations do not fall within my expertise I will have to defer to other colleagues for this to be confirmed. From a landscape perspective should all working be at ground level, the applicant has stated that the plant will not be visible above the bunding and therefore there should be no landscape/visual impacts.

From the imagery (sections and photographs) provided in the Landscape and Visual Appraisal (March 2023) it appears that no proposed activity will be visible from outside of the site. Therefore should the proposals be approved and completed in strict accordance with the submitted plans, including all mitigation

proposed in the LVA, and working height and storage restrictions can be conditioned I would have no further objections from a Landscape perspective.

PUBLIC RIGHTS OF WAY OFFICER – No comments received.

LOCAL MEMBER ATTLEBOROUGH (RHODRI OLIVER) – No comments received.

3.8. **REPRESENTATIONS**

Representation is made by Spooner Row, Sutton and Wattlefield Community Council and 4 members of the public, all of which object to the proposal.

3.9. The grounds of objection and concerns raised are summarised as follows:

- Continued use of Spooner Row, undermines credibility of process.
- A single road through Spooner Row with a train crossing and primary school, is unsuitable as a main route for these lorries, which create congestion, endanger pedestrians, cyclists and motorists, pollute the environment, increase noise and damage pavements.
- The frequency of lorries using the route is very high and undermines the rural nature of the village.
- Previous applications rejected and this one should also be.
- Newall's lorries use the single carriageway road through Spooner Row at all times of the day and night. Lorries can't pass each other and have to mount the kerb.
- Location of the site is inappropriate as there are no suitable roads to it hence the objections from all surrounding parishes.
- Spooner Row is not a suitable vehicle route as it impacts on the users of the primary school, the village hall, the church, the pub, the level crossing, residents, pedestrians, and other vehicles using this route. There is a tight 5-way junction opposite the pub which can be quite hazardous.
- Impact of dust, noise and safety concerns from passing lorries.
- Spooner Row is a rural village and cannot provide a suitable route for more lorries.
- Why is this application allowed to be submitted, nothing has changed the noise still cannot be controlled and the bund is the same.
- Lorry tailgate bangs, lorry horns, reversing sounders, excavator bucket noise, noise from tracked vehicles, loud banging noises, engine revving. Lorries arrive and leave the site anytime day or night, there is no operational times the site adheres to, 1am, 3am, starting at 5.30am.
- The dust policy submitted is a work of fiction, during the years of site use clouds of dust appear rolling over the bunds, if you read the current site policy there should be controls in place to prevent this yet it still happens.
- Remote location with poor access, other facilities are available for processing waste.
- Environmental impacts from dumping 100,000 tonnes of waste in the countryside. Excavators constantly towering above the bunds, the landscaping is out of place in this location.

- 60,000 tonnes of material will create more lorry movements.
- Noise survey is inadequate, it does not accurately account for neighbouring properties and the background noise baseline level is artificially generated by the applicant's existing operations.
- Noise is already in excess of the EHO's acceptable level of +10db.
- Plant currently above height of bunds.
- The bunds are higher than those previously refused and dismissed at appeal, how are they now acceptable?
- Amenity protection policies would not be met as the site is now closer to neighbouring properties.
- Planning inspector previously considered that the noise impact on local amenity would be unacceptable.
- Noise is already a problem with the site, the proposed plant will make a lot more noise.
- Why can plant now operate at ground level, when the applicant stated it was not practical in terms of health and safety previously.
- If the application to the district council had included a crusher it would have been refused, why can the applicant now apply for it.
- Unacceptable impact upon landscape character.

3.10. **APPRAISAL**

The key issues for consideration are:

- A. Principle of Development / Need
- B. Landscape & Visual Impact / Design
- C. Amenity
- D. Ecology
- E. Transport
- F. Public Rights of Way
- G. Sustainability
- H. Flood Risk
- I. Groundwater/surface water
- J. Cumulative Impacts

3.11. **A - PRINCIPLE OF DEVELOPMENT / NEED**

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

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

3.12. In terms of the development plan and material policy/guidance, the CPA considers the relevant documents in relation to this application are those listed above.

- 3.13. In the context of Policy CS5: General location of waste management facilities of the NMWDF and emerging Policy WP2 in respect of new waste facilities, the site is regarded as a 'non-strategic' waste facility and is well related to the market Town of Attleborough (only 3 kilometres away), as required by the policies. NMWDF policy CS7: Recycling, composting anaerobic digestion and waste transfer stations states the development of new recycling facilities will be considered favourably as long as they would not cause unacceptable environmental, amenity or highway impacts. These impacts have been assessed in the respective sections below.
- 3.14. Policy CS6: Waste management considerations of the NMWDF Core Strategy states that waste sites should be developed in accordance with Policy CS3 and will be acceptable, provided they would not cause unacceptable environmental impacts, on the following types of land:
- a) land already in waste management use;
 - b) existing industrial/employment land of land identified for these uses in a Local Plan or DPD;
 - c) other previously developed land; and,
 - d) contaminated or derelict land.
- 3.15. The site having been granted retrospective planning permission in 2019 by the district council for open air storage of plant, materials and aggregates associated with the operations of Newall Plant Ltd, would now be considered as previously developed land. In this respect the proposed development would accord with the locational criteria set out within Policy CS6, subject to the proposal not having unacceptable environmental impacts, as discussed below. It is noted that the previous application (and appeal) on adjacent land was considered a departure as it was sited on greenfield land, however this is not the case with this application.
- 3.16. Policies CS3 and CS4 of the NMWLDF CS aim to provide sufficient waste management capacity for the County and set targets for different waste management facilities. NMWLP emerging policy WP1 encourages new facilities which help to achieve the targets for recycling, composting, reuse and recovery set out in the Waste Management Plan for England (2013) and sets out the aim to ensure that capacity exists to manage at least the forecast quantities of, inter alia, commercial and industrial waste. The proposal would provide for the recycling/recovery of inert waste brought to the site as a result of the companies wider engineering works. The recycling of the waste stream on site would allow the movement of waste further up the waste hierarchy in accordance with the National Planning Policy for Waste (2014) and the Waste Management Plan for England (2013), and would thereby assist in meeting forecast increasing requirements for recycling and recovery. It is therefore considered that there would be no conflict with adopted policies CS3 and CS4 or emerging policy WP1.

- 3.17. With regards to policies in the Breckland Local Plan, policy EC04: Employment Development Outside General Employment Areas, deals with development which is not situated within the areas identified within the local plan for employment, which would therefore include this application site. The policy advises that proposals for employment use outside of the allocated sites will be permitted where there are particular reasons for the location of the development, such as the expansion of an existing business, sustainability advantages and that the development would not adversely affect the type and volume of traffic generated.
- 3.18. It is considered therefore that the proposal complies with Policy EC04 in that the proposals would represent an expansion of an existing business, and the location being directly adjacent to the existing civil engineering business would allow for waste generated by that business to be brought to the site for processing, moving the waste further up the waste hierarchy. The impact upon type and volume of traffic is discussed later in the report. Furthermore, it should be noted that the Local Plan Policies have not been formulated to specifically address waste management development and as such the Norfolk Minerals and Waste Local Development Framework: Core Strategy is considered to be the most eminent policy document for assessment of the proposal.
- 3.19. The County Council is currently preparing a Minerals and Waste Local Plan to extend the plan period to the end of 2038. Whilst at an advanced stage it is not yet formally part of the development plan for the area; in accordance with para. 48 of the NPPF, some weight is given to the relevant policies. NMWLP emerging Policy WP3 states that, waste management facilities will be acceptable on: a) land benefiting from a permanent permission for an existing waste management use; b) land in existing B2 or B8 use; c) land allocated for B2 and B8 uses; e) previously-developed land.
- 3.20. It is therefore considered that the proposal would not conflict with adopted Policies CS3, CS4 and would be in compliance with the locational criteria set out within policy CS6 of the NMWLDF, emerging Policy WP3 and EC04 of the BLP.
- 3.21. Whilst not part of the development plan, National guidance forms a material planning consideration. In this case, *National Planning Policy for Waste* underlines that planning is pivotal in delivering the country's waste ambitions through the principle of "driving waste management up the waste hierarchy", which means that WPAs should always try to ensure that waste is managed by the most effective environmental solution, represented by the highest levels of the waste hierarchy, i.e. prevention, re-use and recycling. The application under consideration would enable the recovery of materials, with inert waste brought to the site in connection with the adjacent civil engineering business and then recycled, thereby contributing towards driving waste up the hierarchy.

3.22. Therefore, subject to an assessment of potential impacts, including environmental, amenity and highways impacts, the principle of the proposed use (a non-strategic waste facility, 3km from Attleborough on previously developed land) is acceptable at this location.

3.23. *Need*

As regards quantitative or market need for the proposed waste recycling facility, given that the proposal is considered to be consistent with the Development Plan, in accordance with *National Planning Policy for Waste*, there is no requirement for the applicant to demonstrate a need for the proposal.

B - LANDSCAPE & VISUAL IMPACT / DESIGN

3.24. *Landscape and visual impact*

NMWDF Policies CS14: Environmental protection and DM8: Design, local landscape and townscape character both seek to only permit development that does not have unacceptable impacts on the character and quality of the landscape. Breckland Local Plan Policy ENV05: Protection and Enhancement of the Landscape states that 'Development proposals will be expected to contribute to and where possible enhance the local environment by recognising the intrinsic character and beauty of the countryside....consideration to trees and hedges.....and have regard to the Landscape Character Assessment, designed to be sympathetic to landscape character'. Breckland Local Plan Policy ENV06: Trees, Hedgerows and Development requires protection of trees and hedgerows during development and replacement planting where there are unavoidable losses.

3.25. The site is not located within an area that has been designated to be protected for its landscape value (such as would be the case with a Conservation Area or National Landscape) in terms of the NMWDF policies and the NPPF.

3.26. The site is located within the 'E3: Old Buckenham Plateau' in the Landscape Classification of Breckland within Breckland District Council's adopted Landscape Character Assessment (2007) Development Plan Document (DPD). The Landscape Strategy for this classification is to 'conserve the rural, tranquil character. Opportunities should be explored to replant field boundary hedgerows....'

3.27. The site is surrounded by bunding, which was granted approval by the district council with an approximate height of 5 metres (measured from within the site) to the north, east and south east of the processing/operational area. The bunds that were constructed were not strictly in accordance with the district permission in that they had been constructed rising to 5.47m in places and also falling to a minimum of 4.29m. Subsequently the applicant sought a further permission from the district council to regularise the bunds which had been built, and this has now been granted permission by the district council. The district permission also detailed planting (native hedging) at the toe of the outer slope of the bund. The

approved planting is detailed as a hedgerow mix with a tree edge mix beyond this on the northern edge of the site.

- 3.28. No details of proposed stockpile heights have been provided with the application. If members were minded to approve the application then it would be recommended that stockpiles are limited to a maximum height of 4m, so that they would not be visible from outside of the site. The crusher/screening plant is detailed in the application as having a height of 3.5m to the top of the hopper. As such this element would not be visible from outside of the site. The crusher would however be loaded by an excavator, the elbow of which would have a general operating height of 5.5m rising to 6.5m on occasions. By virtue of the height of the permitted perimeter bunding approximately 5m, the elbow of the excavator would largely be screened by the existing bunds, but would be intermittently visible by approximately 1m when loading material into the hopper with the excavator elbow at its highest required position.
- 3.29. The applicant has submitted with this application the landscaping scheme which has already been agreed/conditioned by the district council in respect of providing landscaping/planting at the foot of the outer slope of the bund. If members were minded to approve this application then a condition could be attached to ensure the timely provision of any planting.
- 3.30. The County Council's Landscape officer objected to the previous application on landscape impact grounds and inaccuracies with the previous application. However, it has now been advised that as the baseline of the bunds has been established (as built), and the working heights of the plant confirmed the application can be assessed in terms of landscape impact on this basis. It is the landscape officer's view that providing all of the plant would be operated at ground level and stockpile heights below the bunds, as set out within the LVIA, views from outside of the site would be very limited with the plant not visible for the majority of the time.
- 3.31. The site being situated in a rural agricultural area with low lying vegetation and open plateau characteristics, is not accustomed to industrial features within the skyline. As such, it is considered important that if the application were to be approved then the plant must be capable of being operated at ground level and consideration given to the feasibility of attaching a condition to secure this.
- 3.32. An Arboricultural Impact Assessment (AIA) accompanies the application which advises that all trees surveyed are outside of the site on the opposite side of the existing bund to the development site. As such the proposals would have no further impact on the trees than that which has already been caused. It is also noted that the trees are all Ash trees with a limited life expectancy due to both ash dieback and compaction of their root systems by the bund that has been placed in their root protection areas. The Arboricultural officer has raised no

objection to the application accepting that all of the trees are on the opposite side of the bund and that there would be no further impact to them.

- 3.33. In summary it is considered that the landscape impacts of the development could be considered acceptable given the height of the bunding that has been approved by the district council which largely screens the proposed development, and subject to the operation of plant at ground level. If the plant however were to be operated in an elevated position then it would be clearly visible within the local landscape and would be considered detrimental to the landscape character of the area, as was the case with the previous appeal albeit on an adjacent area of land. It therefore needs to be considered if such a condition to operate all plant at ground level would meet the six tests as set out in para 56 of the NPPF (necessary, relevant to planning, relevant to the development, enforceable, precise; and reasonable in all other aspects).
- 3.34. The applicant has advised that contrary to previously stating that they would be unable to operate all plant at ground level as it would be impracticable and would result in adverse operational and health and safety implications, as it would require an excavator operator to lift and place material into an elevated hopper which he could not see from his position on the ground, (as stated in the previous inspector's appeal decision), that they are now able to operate all plant at ground level. They have advised that the reason for this change of view, is that the current application site is larger than the appeal site and thus enables greater manoeuvrability. Having checked the operational area of the previous appeal site/application this would equate to approximately 1ha, whereas the current application operational area is only around 0.5ha, so the applicant's statement in this respect is incorrect, as the operational area of the current application site is around half the size of that which was previously refused by members and dismissed at appeal. It may be that the applicant contends that the shape of the previous site was a limiting factor, however the physical size of the site would have allowed for different configurations for working should the applicant have wished. No further information or explanation has been provided from the applicant in this respect to justify the change in rationale for now being able to operate all plant at ground level.
- 3.35. Furthermore the Health and Safety Executive (HSE) have produced guidance in respect of the 'Safe operation and use of mobile jaw crushers'. This guidance advises that if the crusher is to be fed by excavator (as is the case here), then the excavator should be on a stable pad high enough for the operator to monitor the feed hopper from the cab. The applicant has advised that for this application no raised platforms would be created, and that it would be safe to load the hopper from the ground as there is adequate operable space for the excavator to manoeuvre. It is also advised that to further aid operations cameras would be fitted or a banksman used. Whilst the health and safety requirements of operating the site would lie outside of the planning remit, members should be aware that if the application were to be approved and a condition imposed

requiring all plant to operate at ground level, this would not accord with the best practice produced by the HSE and in this respect it is considered that it would be unreasonable to attach such a condition which would not meet the tests for conditions set out within the NPPF.

- 3.36. As with the previous appeal/application the inspector advised *that*:

‘...the practice of loading the hopper from an elevated position with plant of an industrial nature protruding above the height of the bunds would have serious landscape and visual implications. The operation of plant and machinery on top of a stockpile in an elevated position would enable the machinery to be seen from outside the site above the height of the bunds and exacerbating the adverse visual impact of the development. The overall impact on landscape character and visual amenity would be unacceptable in this rural countryside location and would be at odds with the adopted Landscape Character Assessment. Furthermore, the development could not be made acceptable by the imposition of planning conditions that would comply with the guidance set out in the NPPF’.

It is accepted that the appeal site was a different parcel of land to the south of the application site, however the overall findings of the appeal are considered relevant to this application, given the close relationship between the sites.

- 3.37. In summary had it been considered reasonable to condition that all plant is to be operated at ground level, then this would have adequately protected the visual amenity and landscape character of the area. However as outlined above, and as advised by the County Council’s Solicitor, such a condition would not meet the tests as set out within the NPPF. It is therefore considered that there can be no control over the height of the operating plant, as such the proposals are considered to undermine the development plan policies outlined above, namely, NMWDF policies CS14 and DM8 and Breckland Local Plan policies ENV05 and ENV06, in that the operation of plant in an elevated position would have an unacceptable impact on the character and quality of the landscape and would not contribute to or enhance the local environment, and no such reasonable control over this can be secured as part of the planning application. It is noted that the district council permission for storage of aggregate, materials and plant does not include any conditions in respect of stockpile heights, which if this application were to be approved could be brought under control by condition. However, the district permission does not permit processing and it is the impacts associated with use of the site for processing which are being considered as part of this application.

C – AMENITY

- 3.38. The protection of amenity for people living in close proximity of waste management facilities is a key consideration and NMWDF policy DM12: *Amenity* states that development will only be permitted where “...unacceptable impact to local amenity will not arise from the operation of the facility”. This echoes policy NMWDF CS14: *Environmental protection* which also seeks to avoid unacceptable impacts on amenity. Breckland

Local Plan policy COM03: Protection of Amenity also seeks to prevent new development causing unacceptable impact on residential amenity. 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 109 requires that new and existing development should be prevented 'from contributing to unacceptable levels of air pollution'.

- 3.39. The nearest residential properties to the site are Heron Farm and Heron Cottage the boundaries of which are approximately 50 metres and 115 metres respectively from the operational area of the site. A further cluster of residential properties lie both 0.5 kilometres east of the site and 0.5 kilometres north west of the site.
- 3.40. The EA in their consultation response advise that they have no objection to the proposal and that the applicant already holds one of their Standard Rules Environmental Permits for the treatment of waste to produce soil, soil substitutes and aggregate at this site. The Environment Agency have advised that *'emissions from the waste activities, including noise, vibration and dust, will be regulated under the permit and must not exceed levels likely to cause a pollution outside of the site. Appropriate measures to minimise emissions must be implemented and followed by the operator'*.
- 3.41. As part of the application, a noise assessment was undertaken to identify the key noise and vibration sources associated with the development. The assessment concluded that
- i) *Noise from the use of mobile processing plant within the designated area would not exceed noise criterion according to PPG during the daytime for a mineral related site.*
 - ii) *Cumulative noise from the use of the mobile processing plant and the recently consented open air storage area would not exceed noise criterion according to PPG during the daytime for a mineral related site.*
- The report further advises that *'...with the implementation of the noise mitigation strategy to ensure that the noise levels and acoustic character of the plant do not change over time, the resulting noise levels are acceptable at neighbouring noise-sensitive receptor locations.'*
- 3.42. Section 5.0 of the report advises that this assessment is based on all plant being operated at ground level, and the application should therefore be assessed on this basis.
- 3.43. The District Council's EHO has raised no objections subject to a number of conditions in respect of limiting noise levels, dust levels, following mitigation measures set out within the accompanying reports, lighting and hours of operating machinery. The EHO has suggested a condition restricting the hours of operation of the processing site to those set out within the application 07:30 to 16:30 Monday to Friday with no operation on weekends.

- 3.44. The applicant also seeks permission to operate the site in terms of loading and unloading of vehicles/material between the hours of 07:00 to 18:00 Monday to Friday and 07:00 to 13:00 on Saturdays, with no working Sundays and Bank Holidays. These hours would replicate those already allowed under the district permission, and in this respect those hours are considered acceptable. The district permission did however also allow under condition an additional 24 tips per year outside of these hours, with a register of these to be kept at the site. The applicant has indicated that they would wish this to continue. However, no justification has been submitted with this application for these additional tips to continue outside of the site operating hours. In addition, it is considered that such a condition would be difficult to enforce, as such if members are minded to approve the application it is recommended that this does not form part of the schedule of conditions/approval.
- 3.45. With regards to the actual regulation of an operation such as this, in accordance with paragraph 194 of the NPPF and the National Planning Policy for Waste, the County Planning Authority needs to focus on whether proposed development is an acceptable use of land, rather than the control of processes or emissions, and the CPA needs be satisfied that the facility can in principle operate without causing an unacceptable impact on amenity by taking advice from the relevant regulation authority (the Environment Agency). However, it is the role of the Environmental Permit (which the facility would also require before it can operate) as issued by the Environment Agency to actually control emissions such as noise and dust through conditions, and Planning Authorities should assume this regime will operate effectively.
- 3.46. The EHO has recommended a condition concerning noise levels (that levels at surrounding noise-sensitive properties do not exceed the background noise level by more than 10dB(A)). However, as stated in 3.45, the control of noise is a matter for the EA's Environmental Permit.
- 3.47. It should be noted that the practice of loading the hopper from an elevated position i.e. on top of stockpile heaps not only poses a risk of noise emissions to local properties, but would also have an increased impact on the surrounding flat landscape (i.e. plant of an industrial nature protruding higher above the height of bunds). Therefore, as set out with section 3.37 of this report, it would be unreasonable to impose such a condition requiring that all plant is operated at ground level, as this would not meet the tests within the NPPF in that the condition would not be reasonable, owing to its conflict with the best practice guidance issued by the HSE as outlined in section 3.35 of this report.
- 3.48. With regards to dust and air quality, the dust management plan submitted with the application advises that *'due to the nature of the materials being handled on site the particle size of the dust is of intermediate to large particles. Therefore, it can be concluded that these particles are highly likely to be deposited within 50m of source'*. The EHO and EA raise no objection in relation to dust and air

quality. It is therefore not expected this would cause an unacceptable impact on amenity or air quality subject to appropriate working practices taking place on site as set out within the dust management plan, such as damping stockpiles etc in dry weather etc. It is not considered that the proposal would lead to the designation of a new AQMA and the proposal accords with NMWDF policy DM13.

- 3.49. No lighting has been proposed at this site and if permission is granted a condition would be recommended preventing lighting that would cause glare beyond the site boundary.
- 3.50. Subject to conditions including those discussed above, there are no outstanding objections from the EHO or the Environment Agency with regards to matters relating to amenity. However having considered the tests associated with attaching planning conditions in respect of operating all plant at ground level, it is considered that this would not be reasonable. Furthermore the noise and dust assessments have been carried out on the basis that all plant would be operated at ground level. As this cannot be feasibly secured through a planning condition, if operated at a greater height it is unknown what level of impact this would have upon neighbouring occupiers as this has not been assessed in the accompanying noise and dust assessments. Accordingly, it is considered that the proposals would have the potential to have an unacceptable impact to local amenity, and the application therefore in this respect would not comply with both NMWDF Policies CS14 and DM12, Breckland Local Plan COM03, and Section 11 of the NPPF and the National Planning Policy for Waste (2014).
- 3.51. Objections received state adverse impact upon amenity as one of the reasons for objecting. It has also been raised (as noted in the landscape section of this report) that the applicant had previously advised that they are not able to operate all plant at ground level for health and safety reasons. In addition the inspector considered impact upon amenity on the previous application on land adjacent to this site, to be unacceptable in terms of noise. The inspector's assessment was made in relation to plant being operated in an elevated position and that the noise report accompanying the application, had not fully considered this. In this application the applicant has advised that all plant would be operated at ground level, and the accompanying noise and dust reports have been carried out on this basis. However as set out within section 3.50 of this report, it is not considered reasonable to attach such a condition and the reports do not consider the operation of plant in an elevated position. As such it is considered that adequate protection of neighbouring amenity cannot be secured as part of this application as submitted.

D – ECOLOGY

- 3.52. NMWDF policy CS14: Environmental protection states developments must ensure there are no unacceptable adverse impacts on biodiversity and geodiversity including nationally and internationally designated sites.

- 3.53. The application is accompanied by a Preliminary Ecological Appraisal which concludes that *'Aside from the likely presence of nesting birds in hedgerow boundaries, no other protected species constraints have identified by the PEA.'* The report does acknowledge that if any hedgerows require removal then this should take place outside of the bird nesting period (March- August). And if clearance during this period is not possible then removal must follow a careful and thorough check of the hedgerow by a suitably qualified ecologist to confirm the absence of nesting birds.
- 3.54. The Council's Ecologist raises no objection to the application, noting that no evidence of any protected species have been found at the site in the appraisal, and the further assessment of the ponds to the south (using eDNA testing of water samples), concluded Great Crested Newts are not present, and there is no requirement for any repeat/further testing.
- 3.55. Given the above, it is considered that subject to an advisory note in respect of clearance of vegetation outside of the bird nesting season (or overseen/checked by a suitably qualified ecologist), no unacceptable adverse ecological impacts would arise from the proposal and there would be no conflict with the relevant planning policies, or the requirements of the NPPF.
- 3.56. Appropriate Assessment
The operational area of the site is within 6.8 kilometres of the Norfolk Valley Fens Special Area of Conservation (SAC), which is a European protected site. The application has been assessed in accordance with Regulation 63 of the Conservation of Habitats and Species Regulations 2017. Based on the information submitted to the County Planning Authority, it is considered that, due to both the nature of the development and the distance from the European Site, the proposal would not have a significant impact on these or any other protected habitat. Accordingly, no Appropriate Assessment of the development is required.
- 3.57. Therefore, the proposal complies with NMWDF policy CS14, which seeks the avoidance of unacceptable adverse impacts on biodiversity, including internationally designated sites and chapter 11: Conserving and enhancing the natural environment of the NPPF.
- 3.58. E – TRANSPORT
- 3.59. NMWDF Policies CS15: *Transport* and DM10: *Transport* requires that proposed new waste facilities in terms of access will be satisfactory where anticipated HGV movements, taking into account any mitigation measures proposed, do not generate, inter alia, unacceptable risks/impacts to the safety of road users and pedestrians, the capacity and efficiency of the highway network, or to air quality and residential and rural amenity, including from air and noise.

- 3.60. Policies TR01 and TR02 of the Breckland Local Plan seek to minimise the need to travel, promote sustainable transport modes, not adversely impact the operation or safety of the strategic road network and support the transition to a low carbon future. The policy requirements also advise developments should protect and where possible enhance public rights of way, avoid inappropriate traffic generation and not compromise highway safety and where significant HGV movements are proposed developments should be accompanied by a routing plan to demonstrate no severe impacts will be caused to the efficient and safe operation of the road network or material harm to the living conditions of residents.
- 3.61. The NPPF section 115 advises that *‘Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.’*
- 3.62. No transport statement has been submitted with the application, although the planning statement includes information in respect of vehicle movements. This information sets out that the proposed annual throughput of material of up to 60,000 tonnes, would as a ‘worst case’ scenario generate approximately (based on a 20 tonnes pay load over 277 days per year), 22 vehicle movements importing waste per day (11 in 11 out) and 22 vehicle movements exporting the processed material per day (11 in 11 out), which would give a total of 44 vehicle movements per day (import and export combined). This would equate to approximately 4 HGV movements per hour. However it is noted that this is a worst case scenario as it is likely that the applicant would remove processed material from the site in backfilled loads where possible, thus reducing the number of HGV movements required to process the 60,000 tpa applied for.
- 3.63. The site is situated directly off the C139 Bunwell Road with vehicular links (a distance of under 2.5 miles) back to the strategic road network gained via the C140 Bunwell Road /Station Road and directly onto the A11 trunk road. Given the existing operations at the site (including a Civil Engineering operation with a haulage fleet and associated storage of plant, materials and aggregates) HGV movements are already generated to / from the site along this route. The County Highway Authority has raised no objection to the proposal, noting that whilst it is appreciated that the route to the site runs through Bunwell village, they are satisfied that the C140 Bunwell Road/Station Road is (by virtue of its width and alignment) technically capable of accommodating the increase in HGV movements. It is further advised that ‘the rural road network does not benefit from any formal pedestrian facilities, and as such pedestrians (as is typical with large parts of the network) are required to walk in the live carriageway. The road however is flanked by a predominantly flat grass verge (on both sides), which offers pedestrians safe refuge should they require it when vehicles pass’. The highways officer has however made this assessment subject to a condition which restricts the throughput of material at the site to 60,000 tpa as set out in the application. A condition in respect of vehicle routing to ensure all vehicles leaving the site turn right (or turn left in) and access the A11 via Bunwell Road /

Station Road. A final condition is recommended to ensure that vehicles leaving the site do not deposit material on the highway.

- 3.64. It is therefore considered that the proposal complies with NMWDF Policies CS15 and DM10, which considers proposals acceptable in terms of access where anticipated HGV movements do not generate unacceptable risks or impacts.

3.65. F – PUBLIC RIGHTS OF WAY

- 3.66. There are no public rights of way within the site, however public footpath Besthorpe 5 is in the vicinity of the site. The public rights of way officer has not provided any comments on the application, and no objections have been received from the County Highways Officer. The site already has permission issued by the district council to accept and store aggregates at the site, which is not restricted to any maximum annual tonnage. It is noted that this section of the rural road network does not benefit from any formal pedestrian facilities, and as such pedestrians (as is typical with large parts of the network) are required to walk in the live carriageway. However the highways officer has previously advised that Bunwell Road is flanked by a predominantly flat grass verge (on both sides), which offers pedestrians safe refuge should they require it when vehicles pass. It is therefore not considered that this development would restrict or diminish people's ability to enjoy informal local recreation giving consideration to the characteristics of the road and the existing permitted operations at the site.

3.67. G – SUSTAINABILITY

NMWDF policy CS13: Climate change and renewable energy generation seeks to ensure a minimum of 10% renewable energy from new development. In light of the fact that there would not be any buildings or fixed structures on site to harness renewable energy provision, it would make it very difficult to provide this infrastructure on site for the plant that is used, and the proposal is therefore not considered to undermine this policy.

3.68. H – FLOOD RISK

- 3.69. The application site lies within Flood Zone 1, which is an area at low risk of flooding. Waste treatment facilities are identified as 'less vulnerable' in the table of Flood Risk Vulnerability Classification as set out in Planning Practice Guidance (PPG). PPG further advises that 'less vulnerable' uses are appropriate in Flood Zone 1. The site is over 1ha in size accordingly a flood risk assessment supports the application which concludes that 'the proposed development can be operated safely in flood risk terms, without increasing flood risk elsewhere'. The report does recommend that percolation testing and if the ground is not suitable for infiltration then surface water could be discharged to the pond to the South. Should members be minded to approve the application then a condition should be attached to agree the precise details of the drainage strategy for the site. On this basis, the proposal is considered acceptable in terms of development within flood zone 1.

- 3.70. The Lead Local Flood Authority (LLFA) have been consulted on the application and have advised that the scale of the development would constitute 'minor development' and therefore they do not provide any bespoke advice. They have advised that the LPA would be responsible for assessing the suitability of any surface water drainage proposal for minor development in line with the NPPF.
- 3.71. The planning statement advises that *'The processing site comprises a permeable stone surfaced hardstanding able to handle surface water run-off from precipitation. The only additional water likely to arise on site is via water sprays to reduce dust emissions. However, these are only required during dry windy conditions.'*
- 3.72. It is therefore considered, taking into account the above and the conclusion of the FRA, that the development would not materially increase the risk of flooding and the proposal would not be in conflict with the relevant planning policies and objectives of the NPPF.
- 3.73. I – GROUNDWATER/SURFACE WATER
- 3.74. 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. None of the proposed development site lies above a groundwater protection zone and the Environment Agency has not raised any issues with regards to this. The Environment Agency did however request a Preliminary Risk Assessment during the course of the application which was duly submitted. The assessment concluded that there was no evidence of historic contamination from previous uses of the site, and therefore no potentially unacceptable risks associated from previous uses. Accordingly the proposal is compliant with NMWDF policy DM3.
- 3.75. J – CUMULATIVE IMPACTS
- 3.76. Policy DM15 of the NMWLDF seeks to ensure that there would be no unacceptable cumulative impacts as a result of new mineral extraction sites or waste management facilities. Proposals should demonstrate how they relate to other development nearby and demonstrate how any cumulative impacts would be mitigated against.
- 3.77. The planning statement supporting the application advises that *'There is a waste transfer station just over one kilometre to the north. However, noise and dust impacts are typically very localised and the two sites share no common receptors. Traffic and HGV movements are covered by designated routes to and from the A11 that do not overlap. There are no other minerals or waste*

developments locally that might result in an accumulation of effects that would be considered unacceptable.'

- 3.78. An application for a waste management facility at Double Banks Farm, Carleton Road (approximately 2km south of the site) was submitted to the County Council in 2019, however this has now been withdrawn so there would be no cumulative impacts to consider in this respect. No objections have been received from the EHO or the highways officer and the proposals are therefore considered to be compliant with this policy.

3.79. **ENVIRONMENTAL IMPACT ASSESSMENT**

In accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2017, the application was screened on receipt and it is not considered that the development would have significant impacts on the environment. No Environmental Impact Assessment is therefore required.

3.80. **RESPONSES TO REPRESENTATIONS RECEIVED**

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

- 3.81. With exception of the following, the response of this authority to the issues raised by third parties in relation to amenity, principle, landscape impact and highway safety are discussed above in the 'Appraisal' section of this report.

- 3.82. As regards comments in relation to the plant at the site already operating above the height of the bunds, this would be a matter for the district council as it is understood that there are currently no such conditions in place to prevent this from happening. It is however noted from the representations received that operating the excavator at a height above the bunds does currently occur at the site with associated impacts.

- 3.83. With regards to the lorries currently accessing the site and unloading through the night and the early hours of the morning, this is currently permitted by the district council albeit limited to 24 tips per year. If there is currently a breach of this then the district council would be the enforcing authority.

3.84. **INTENTIONAL UNAUTHORISED DEVELOPMENT**

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

- 3.85. In this instance, the CPA is aware that the application under consideration is part retrospective in nature, in that waste is currently being brought to site

outside of the permitted planning use granted by the district council. However in terms of impact it is unlikely that the storage of waste only (no processing) would have any greater impacts than that already approved by the district council.

- 3.86. It is therefore considered that there are not any unauthorised development considerations material to this decision and no weight is given to this in the planning balance.

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 it is not considered that there are local finance considerations material to this decision

4. Conclusion & Reasons for Decision

- 4.1. Planning permission is sought for the change of use of 1.14 hectares of land which benefits from planning permission issued by the district council for open air storage of aggregate, material and plant in connection with the adjacent civil engineering business. The site is adjacent to the existing civil engineering business at Heron Farm, Besthorpe, with a further area of open air storage to the south of the application site. The application seeks to recycle / recover up to 60,000 tonnes per annum of aggregates and soils from imported construction, demolition and excavation materials linked to the adjacent Newall civil engineering business.
- 4.2. The site would constitute previously developed land and in this respect its use as a non-strategic inert waste recycling facility, moving waste further up the waste hierarchy is considered to be compliant with the locational requirements of the development plan policies for the reasons outlined in the report. Whilst the proposals are considered to be acceptable in principle this is subject to an assessment of the development's potential impacts which in this case relate primarily to amenity, landscape and highways.
- 4.3. With regards to the landscape impact of the development in the countryside, the site benefits from planning approval for 5m (approx) high bunding authorised by the district council in relation to the extant storage permission. It is accepted that the development proposed in this application would be largely screened by the existing bunding with the exception of the excavator elbow which would protrude occasionally at its highest operating height by around 1m above the bunds when loading the crusher. The landscape officer has raised no objections in this respect, but this is subject to a condition being attached to restrict the height of

stockpiles, and the that all plant shall operate at ground level. For the reasons set out within section 3.35 of this report, it is considered that it would be unreasonable to attach a condition requiring all plant to operate at ground level (as set out within the best practice guidance issued by the HSE). As it would not be possible to secure the operation of plant to operate solely at ground level, the development has the potential to have an unacceptable landscape impact, giving consideration to the rural agricultural landscape with low lying vegetation and open plateau characteristics in which the site is situated.

- 4.4. Whilst significant concern has been raised by local residents with regards to the impact on amenity from emissions, including noise and dust, the operation requires an Environmental Permit to control such impacts, and neither the EA nor Breckland District Council's EHO has raised an objection. Furthermore, the EA believe the scheme can be permitted and have already issued an Environmental Permit for the site. However, in terms of assessing this application members are still able to consider amenity impacts in relation to whether this is an acceptable use of land. The assessments carried out in terms of noise and dust are again based on all plant being operated at ground level. As this would be unreasonable to control by condition owing to the conflict with the HSE guidance, it is considered that the application fails to demonstrate that the development can operate without any unacceptable impacts upon residential amenity contrary to policies CS6, CS7 and DM12 of the NMWLDF.
- 4.5. Concern has also been raised regarding the impact on the public highway however the Highway Authority raises no objection subject to conditions concerning highway vehicle routing.
- 4.6. This is a finely balanced application owing to the benefits of the proposal, the principle of development, ecology and highways impacts being considered to be acceptable. The application site is in a rural location and whilst the application demonstrates that visual impact and residential amenity could be adequately protected with all plant operating at ground level, such a condition to secure this is not considered to meet the tests set out within the NPPF in that the condition would be contrary to HSE guidance and in this respect would be an unreasonable requirement for the operator to comply with. As such the proposal would have the potential to have an unacceptable impact upon the character of the local area and residential amenity owing to the likely use of plant in an elevated position. There is no overriding need for the facility that outweigh the potential detrimental impacts upon the landscape and amenity, and these adverse impacts could not be satisfactorily overcome by the mitigation proposed and/or by the imposition of planning conditions. The proposal is therefore considered not to be in accordance with the policies relating to landscape impact and amenity as set out within the report. On this basis refusal of planning permission is recommended for the reason stated below.

5. Alternative Options

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

approve subject to conditions, refuse or defer the decision to enable either further information to be requested or for some other material planning reason.

6. Financial Implications

- 6.1. The development itself has no financial implications from the Planning Regulatory perspective. If implemented the Authority will have a duty to regularly inspect the facility which will have an indirect cost.

7. Resource Implications

- 7.1. **Staff:** The routine inspection of the site will be undertaken by existing staff and would therefore have no staffing implications from the Planning Regulatory perspective.
- 7.2. **Property:** The development has no property implication from the Planning Regulatory perspective.
- 7.3. **IT:** The development has no IT implications from the Planning Regulatory perspective.

8. Other Implications

8.1. Legal Implications

There are no legal implications from the Planning Regulatory perspective.

8.2. Human Rights implications

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

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

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

8.3. Equality Impact Assessment (EqIA)

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

8.4. Health and Safety implications

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

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

I. Refuse planning permission for the reason outlined below.

- 1. The development would have the potential to result in unacceptable environmental, and amenity impacts contrary to policies DM8, DM12, CS6, CS7 and CS14 of the NMWDF Core Strategy and Breckland Local Plan Policy COM03, owing to the likely use of plant in an elevated position. These adverse impacts could not be satisfactorily overcome by the mitigation proposed and/or the imposition of conditions which would be contrary to Health and Safety Executive best practice guidance.**

12. Background Papers

12.0. Planning Application reference: FUL/2023/0019 available here:

<https://eplanning.norfolk.gov.uk/Planning/Display/FUL/2023/0019#undefined>

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

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

Breckland Council Local Plan (2019) <https://www.breckland.gov.uk/adopted-local-plan>

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

Planning Practice Guidance (2014)
<https://www.gov.uk/government/collections/planning-practice-guidance>

National Planning Policy for Waste (NPPW) (2014)
<https://www.gov.uk/government/publications/national-planning-policy-for-waste>

Waste Management Plan for England (WMPE) (2021)
<https://www.gov.uk/government/publications/waste-management-plan-for-england>

Norfolk Minerals and Waste Local Plan: Publication (2022)
<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>

HSE - Safe operation and use of mobile jaw crushers
<https://www.hse.gov.uk/quarries/crushing.htm>

Officer Contact

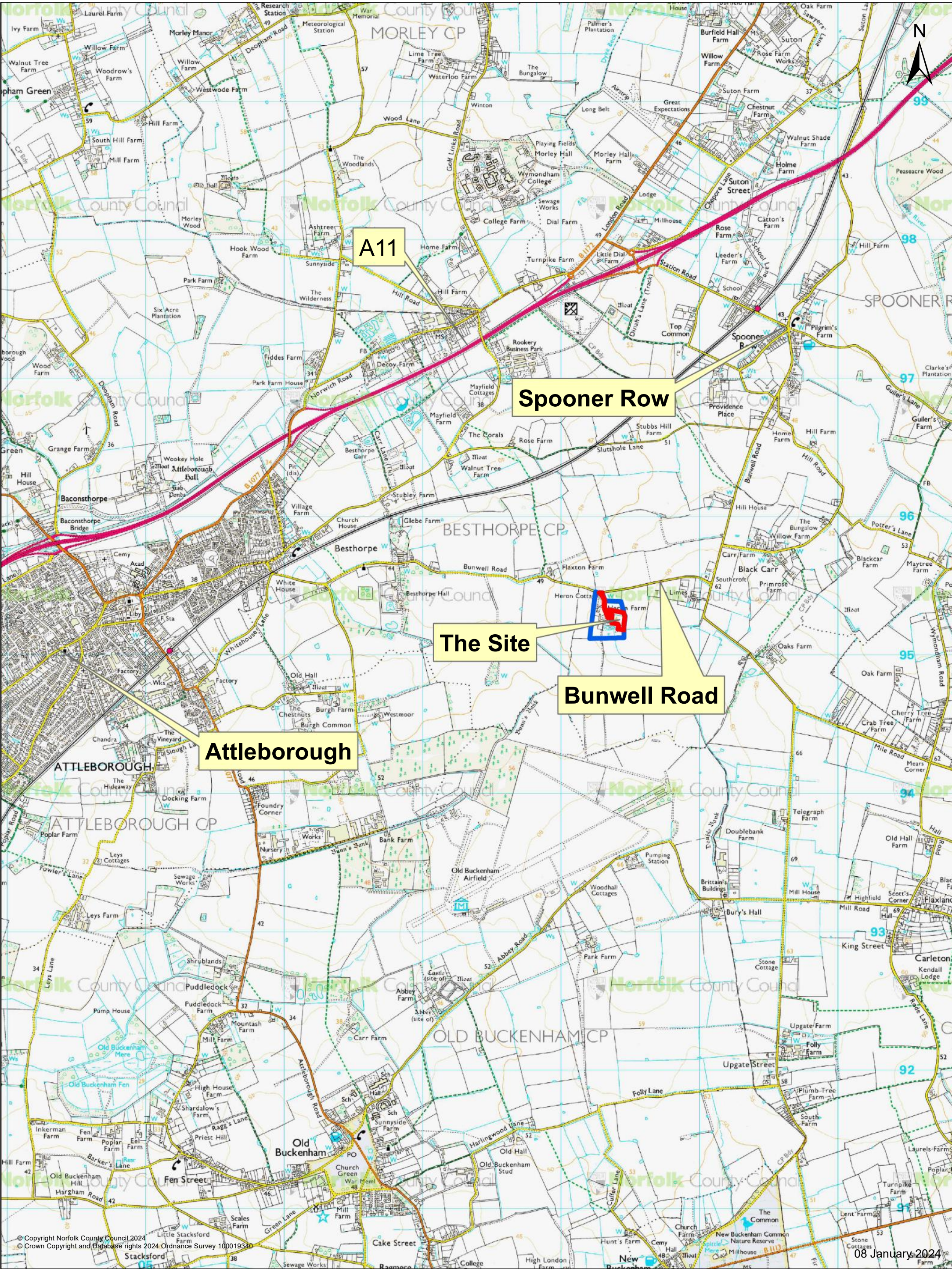
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Heron Farm Location Plan





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Heron Farm Site Plan

