

Planning (Regulatory) Committee

Report title:	C/7/2018/7005: Quarry of Beacon Hill, Loddon Road, Norton Sub Course, Norfolk, NR14 6RY
Date of meeting:	26 October 2018
Responsible Chief Officer:	Tom McCabe, Executive Director of Community and Environmental Services
Proposal and applicant: Variation of Conditions 9 (dust scheme) and 11 (protection of existing trees) of planning permission C/7/2012/7017 (CEMEX UK)	

Executive summary

Planning permission is sought for the variation of Conditions 9 (dust scheme) and 11 (protection of existing trees) of planning permission C/7/2012/7017. The amendments proposed are minor in nature and refer to the removal of a dust netting scheme to be replaced by a dust action plan and the amendment of the proposed fencing for tree protection on the site from heras fencing to wooden posts with galvanised wire.

The principle of development on the site was considered acceptable under application reference C/7/2012/7017, this application seeks to determine whether the amendments to the dust management scheme and fencing is acceptable on the site and in accordance with the development plan policy. The application has received 7 objections from local residents which are addressed in the report.

The application is recommended for approval.

Recommendation:

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

- I. **Grant planning permission subject to the conditions outlined in section 13.**
- II. **Discharge conditions where those detailed above require the submission and implementation of a scheme, or further details, either before development commences, or within a specified date of planning permission being granted.**
- III. **Delegate powers to officers to deal with any non-material amendments to the application that may be submitted.**

1. The Proposal

- 1.1 Type of development : Variation of Conditions 9 (dust scheme) and 11 (protection of existing trees) of planning permission C/7/2012/7017.
- 1.2 Site / extraction area : No changes proposed:

- 27 Hectares/ 39.1 hectares
- 1.3 Total tonnage : No changes proposed.
2.37 million
- 1.4 Annual tonnage : No changes proposed.
100-200,000 tonnes
- 1.5 Market served : No changes proposed.
South Norfolk / Norwich / Great Yarmouth / North Suffolk
- 1.6 Duration : No changes proposed.
11-21 years
- 1.7 Hours of working / operation : No changes proposed.
07.00 – 18.00 hours Monday to Friday;
07.00 – 13.00 hours Saturday
No operations on Sundays or Bank Holidays
(as currently permitted)
- 1.8 Vehicle movements and numbers : No changes proposed.
11 years duration : 200,000 tonnes per annum
35 x 20 tonne loads out per day = 70 movements
21 years duration : 100,000 tonnes per annum
18 x 20 tonne loads out per day = 36 movements
Average
23 loads out per day = 46 movements
- 1.9 Access : No changes proposed.
Existing purpose built haul road to Ferry Road
- 1.10 Landscaping : No changes proposed.
Screen bunding and existing planting belts
- 1.11 Restoration and after-use : No changes proposed.
To agriculture and heathland
- 1.12 Description of proposal
The application seeks to vary conditions 9 and 11 of existing planning permission C/7/2012/7017 at quarry of Beacon Hill Loddon. The relevant conditions of C/7/2012/7017 state.
- 1.13 Condition 9 required a scheme for the erection of dust netting to be implemented on the site in accordance with the details approved under discharge application reference C/7/2015/7010. The application seeks to vary this condition to adapt the proposed dust management scheme removing the requirement of dust netting. The applicant believes the amended scheme would be both more

effective at minimising dust and more in keeping with the rural nature of the site.

- 1.14 Condition 11 required that the scheme for the protection of existing trees be implemented in accordance with the details shown on submitted Dwg no. N10617_TS02 dated Nov 2011 which showed the use of metal heras fencing on the site. This application seeks to amend the proposed protection of the local arboriculture to wooden fencing. This is to improve the visual effect of the tree protection used on the site.
- 1.15 Therefore, the application is retrospective in that a different type of fencing has been erected on site to that approved. Whilst retrospective development has not actually been carried out in respect of the dust netting that has not been erected, this is contrary to condition 9 of the permission.

2. Site

- 2.1 The site, known as Norton Subcourse Quarry, occupies a position within an area of undulating countryside rising gently up from the low-lying land of the Broads to the north and west. The site is being progressively worked for sand and gravel, and progressively restored to low level heathland and agriculture.
- 2.2 The existing site is bounded to the west by Ferry Road with agricultural land on all other sides. The Broads Authority Area boundary runs directly to the west of the site along Ferry Road; to the north of the site it is formed by Low Road some 280m from the site. The site is accessed from the south via an existing purpose built haul road off Ferry Road, Raveningham, close to its junction with the B1136 (Yarmouth Road).
- 2.3 The site covers the same land as application reference C/7/2012/7017.

3. Constraints

- 3.1 The following constraints apply to the application site:
- The Broads Authority Area lies some 10m from the western boundary of the site and some 210m north of the site.
 - Hardley Flood SSSI is situated some 0.9km to the west of the site.
 - The site is located within 5km of the Broadland Special Protection Area (SPA) and Breydon Water SPA.
 - The site is located within 5km of The Broads Special Area of Conservation (SAC).
 - The site is located within 5km of Broadland RAMSAR, and Breydon Water RAMSAR.
 - The site is located some 3.6km from the Mid-Yare National Nature Reserve.
 - Wherryman's Way (Norfolk Trail) runs directly to the west of the site along Ferry Road.

4. Planning History

- 4.1 The following is the planning history of this site, as determined by Norfolk County Council:
- 4.2 **C/7/2012/7017:** Norton Subcourse Quarry, Loddon Road, Norton Subcourse Extension to existing quarry involving the extraction of sand and gravel from three parcels of land with restoration to agriculture and heathland integrating with existing restored areas, retention of existing aggregate processing plant, silt lagoons, stocking area and access / haul road:
Cemex UK Operations Ltd -Approved 2015
- 4.3 **C/7/2015/7010:** Discharge of conditions 5, 6, 7, 9 and 14 of PP C/7/2012/7017
- 4.4 **C/7/2016/7016:** Discharge of Condition no. 8 (reversing alarms) of PP C/7/2012/7017

5. Planning Policy

Development Plan Policy

- 5.1 **Norfolk Minerals and Waste Local Development Framework Core Strategy and Minerals and Waste Development Management Policies Development Plan Document 2010-2016 (2011) (NMWDF)**
CS1: Minerals Extraction
CS2: General locations for mineral extraction and associated facilities
CS13: Climate change
CS14: Environmental protection
CS15: Transport
CS16: Safeguarding mineral sites and mineral resources
CS17: Use of secondary and recycled aggregates
DM1: Nature conservation
DM3: Groundwater and surface water
DM4: Flood Risk
DM8: Design, local landscape character
DM9: Archaeological sites
DM10: Transport
DM11: Sustainable Construction and operations
DM12: Amenity
DM13: Air Quality
DM14: Progressive working, restoration and after-use
DM15: Cumulative impacts
DM16: Soils

5.2 South Norfolk Local Plan Development Management Policies Document (2015)

Policy DM 1.1 Ensuring development management contributes to achieving sustainable development in South Norfolk

Policy DM 1.3 The sustainable location of new development

Policy DM 1.4 Environmental quality and local distinctiveness

Policy DM 2.8 Equestrian and other changes of use of agricultural land

Policy DM 3.8 Design Principles

Policy DM 3.11 Road safety and the free flow of traffic

Policy DM 3.12 Provision of vehicle parking

Policy DM 3.13 Amenity, noise and quality of life

Policy DM 3.14 Pollution, health and safety

Policy DM 4.2 Sustainable drainage and water management

Policy DM 4.5 Landscape Character

Policy DM 4.9 Incorporating landscape into design

Policy DM 4.10 Heritage Assets

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

Policy 1 – Addressing climate change and protecting environmental assets

Policy 2 - Promoting good design

Policy 16 – Other Villages

Other Material Considerations

5.4 The National Planning Policy Framework (2018)

5.5 National Planning Policy for Waste (2014)

5.6 Waste Management Plan for England (2013)

6. Consultations

- | | | | |
|-----|---|---|---|
| 6.1 | Broads Authority | : | No objection |
| 6.2 | South Norfolk District council | : | No objection |
| 6.3 | Norton Subcourse Parish council | | No objection |
| 6.4 | Hales & Heckingham Parish Council (Adjacent parish council) | : | Objects to the application – Fencing proposed is not environmental friendly/ lack of confidence in dust control measures. |

- 6.5 Environmental Health Officer (South Norfolk) : No comments received.
- 6.6 Environment Agency : No objection.
- 6.7 Health and Safety Executive : No objection.
- 6.8 Ecologist (NCC) : No objection
- 6.9 Senior Arb and Woodland Officer (NCC) No objection.
- 6.10 County Councillor (Cllr Stone) : No comments received
- 6.11 Representations
- 6.12 The application was advertised by means of neighbour notification letters, site notices, and an advertisement in the Eastern Daily Press newspaper.
- 6.13 Seven letters from local residents were received for the application. The responses and concerns are on the grounds of:
- 6.14
- the removal of mature trees and woodland belts, due to the impact on amenity, loss of and degradation of local ecological habitats important for biodiversity the visual impact of the loss of these trees also the effect it will have on the dust and the noise from the site.
 - the use of barbed wire on the proposed mitigation fencing on the site. Concerns were raised that this would be wildlife endangering and would be utilitarian in appearance.
 - concerns that consultation with all consultees had not been met.
 - the removal of the dust netting to be replaced by the dust action plan. It was noted that “the quarry already has anecdotal history of not managing its dust production” that the proposed action plan was “flimsy” and would not “provide adequate protection for residents. Given the frequency of north easterly winds in this part of the world the residents of Hales village lying south west of the site are being put at risk from the resultant dust pollution. Closer neighbours on other boundaries are also at an increased risk”.
 - that any changes to the original application would lead to more dust reaching the local population and that current mitigation is ineffectual.

7. **Assessment**

- 7.1 The issues to be assessed for this application are:

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”.

- 7.2 In terms of the development plan, the County Planning Authority considers the relevant documents in relation to this application are the Norfolk Minerals and Waste Local Development Framework Core Strategy and Minerals and Waste Development Management Policies Development Plan Document 2010-2016 (the “NMWDF Core Strategy”), the *South Norfolk* Council Core Strategy (2015), Joint Core Strategy for Broadland, Norwich and South Norfolk (2014), Whilst not part of the development plan, policies within the National Planning Policy Framework (2018) and National Planning Policy for Waste (2014) are also a further material consideration of significant weight.

- 7.3 The principle of mineral extraction on the site was considered acceptable under C/7/2012/7017, this application seeks to determine whether the amendments to the dust management scheme and proposed fencing is acceptable on the site.

Amenity (noise, dust, light pollution etc)

- 7.4 Policy DM12 of the NMWLDF states that, development would be permitted only where it can be demonstrated that unacceptable impact to local amenity will not arise, whilst Policy DM13 requires applicants to demonstrate that proposals effectively minimise harmful emissions to air.
- 7.5 The impact of the original development on amenity was assessed under C/7/2012/7017 as acceptable. This application seeks to amend the requirement for dust netting and to change the fencing style for arboricultural protection only.
- 7.6 Under application C/7/2012/7017 it was noted that dust may be generated by soil handling, mineral extraction, stockpiling, loading and transportation of material. However an Air Quality Assessment and Dust Management Scheme was submitted as part of the original application’s Environmental Statement. The Assessment noted that the proposed minerals is wet when extracted, thereby reducing dust nuisance. Proposed dust mitigation measures under C/7/2012/7017 included spraying of stockpiles and haul road with water, sheeting of vehicles and a 20mph speed limit along the internal haul road. Dust monitoring, in the form of sticky pads, will be undertaken at points on land within the applicant’s control to assess the effectiveness of the control measures. The assessment explains that the bulldozer and dump trucks operating at the site are fitted with exhaust equipment in accordance with EU legislation.
- 7.7 The assessment under the original application reference C/7/2012/7017 concluded that, the proposed dust mitigation measures together with dust monitoring and management procedure for dust control would ensure that the extraction operation could be established and operated in a manner which would

eliminate any impact from dust on the surrounding environment or adverse effect on local amenity. The Management Scheme details that in the event of any complaint being received by the operator regarding dust from the site, where necessary a scheme of mitigation measures or monitoring shall be submitted to the CPA for its approval and subsequent implementation.

- 7.8 Under the original application South Norfolk's EHO was consulted and raised no objection in principle subject to conditions of dust netting being implemented. It was noted that that several properties appear to be within 100m of the proposed workings and recommends a condition to require erection of dust netting between these properties and the workings when they are taking place. This should ensure that respirable (breathable) dust does not reach the properties, or the amenity area immediately around them that is commonly used as a garden. It is this request for dust netting that is the subject of this variation application.
- 7.9 It should be noted that all dust management plans and mitigation provided under C/7/2012/7017 must continue to be implemented on the site should this application be approved except for the implementation of the dust netting.
- 7.10 The applicant has stated that the mesh size of the dust netting would not be effective and would cause visual amenity impacts, in place the applicant has proposed to adopt and implement a dust action plan
- 7.11 The dust action plan states that a tractor and water bowser would be available on the site at all times. And that the dowsing would be deployed to damp down the dust source. In addition the access road would be subject to the water bowser. A maximum speed of 10mph would be on place on the site and that the exposure of free falling material would be minimised.
- 7.12 The wind direction in the region would predominantly carry dust north easterly. The village of Norton Subcourse is located to the south east and therefore would not be in the position of these winds. There are however nine properties to the north and one property located to the north east. These properties are located roughly 1km from the center of the site and 300m from the closest edge of the red line.
- 7.13 The approved landscaping plan for C/7/2012/7017 shows advance planting and existing vegetation between the proposed extraction area to the north and the 9 properties to the north and one to the north east. This would cause additional screening for dust to these properties.
- 7.14 The agent has in addition advised that should residents feel impacted by noise or dust they could contact the site in order for the applicant to alleviate / mitigate disturbance where possible. Since determination of the original application, one objection was received on the grounds of dust in February 2015. Officers investigated this complaint and visited the site however no evidence of dust was found at the complainant's property. No further complaints have been received.
- 7.15 It is regrettable that despite a number of attempts to obtain comments from the District Council's EHO, no comments have been forthcoming at the time of the finalisation of this report. However, it is considered that a mix of the dust management plan, dowsing of material, previously approved dust

management, wind direction and the landscaping approved under C/7/2012/7015 that dust would be suitably mitigated on the site, without the need for dust netting.

- 7.16 Subject to conditions ensuring the implementation of these features, it is therefore considered that no material harm would be caused to neighbouring occupiers and the proposal is therefore considered to be in accordance with NMWDF CS Policies DM12 and DM13, NMWDF Mineral Site Specific Allocations DPD Policies MIN 83, MIN 90 and MIN 91, and Government guidance in paragraph 144 of the NPPF.

Design / Landscape / Trees

- 7.17 Policy DM8 of the NMWLDf expects applicants to show how proposals will address landscape impacts and states that, development will be permitted if it will not harm the conservation of, or prevent enhancement of, its surroundings with regard to landscape character, taking into account mitigation measures.
- 7.18 The impact of the original development on design and existing landscaping and trees was assessed under C/7/2012/7017 as acceptable. The application proposes to amend the previously approved "Heras" type panel's fence protection under C/7/2012/7017 for a treated timber straining post with galvanised wire. It is considered that the wooden fencing is more in keeping with the local area and would result in an improved design.
- 7.19 The application does not seek to amend the number of trees being removed from the site but only seeks to vary the style of fencing and removing of the need for dust netting on site. The arboricultural officer was consulted on the application and noted no objection to the scheme. Otherwise the application does not seek to amend any design / landscaping features of the application approved under application C/7/2012/7017.
- 7.20 Objections were raised to the removal of mature trees and woodland belts. This application does not include the removal of any further trees. The submitted AIA is a copy of that approved under application C/7/2012/7017, with an amendment to section 9.1 which notes that "All trees that are to be retained on or in close proximity to the site will be protected by approved drawing no. N10617_TS02." There are no other amendments to this document from that approved under C/7/2012/7017. Whilst it is regrettable that the original application did require the removal of trees this was considered acceptable at the time. In this instance the removal of trees does not form part of the variation and therefore is not a material consideration in this instance.
- 7.21 Objections were also raised to the barbed wire on the proposed mitigation fencing. The original fencing drawing shown on the site had incorrectly labelled the fencing as barbed. Most of the fencing is implemented on site and thus is retrospective in nature. Following the site visit it became clear that the fencing was galvanised not barbed. The drawings have subsequently been amended. Concerns regarding that the fencing would be utilitarian in appearance is noted however it is considered that this would be a visual improvement from the originally approved heras fencing.
- 7.22 Given the above the application is considered in accordance with the aforementioned policies.

Biodiversity and geodiversity

- 7.23 When the original application, reference C/7/2012/7015, was approved the impacts of the development on biodiversity and geodiversity were considered acceptable. The application does not propose any changes to the biodiversity or geodiversity features of the site as previously approved.

7.24 Appropriate Assessment

The application site is located within 5km of the Broadland Special Protection Area (SPA), Breydon Water SPA, The Broads Special Area of Conservation (SAC), Broadland RAMSAR and Breydon Water RAMSAR. The application has been assessed in accordance with Regulation 61 of the Conservation of Habitats and Species Regulations 2010 and based on the information submitted to the County Planning Authority (CPA) it is considered that the development does not have a significant impact on the integrity of any protected habitat. Accordingly, there is no requirement for the CPA to undertake an Appropriate Assessment of the development.

Transport

- 7.25 The impact of the original development on transport was assessed under C/7/2012/7017 as acceptable. The application proposes no amendments to the access or vehicle movements to and from the site, and the application remains compliant with NMWDF policies CS15 & DM10.

Groundwater/surface water

- 7.26 The impact of the original development on ground water/surface was assessed under C/7/2012/7017 as acceptable. This application does not seek to amend the floor space of any factors material to groundwater or surface water and therefore is considered acceptable.

Flood risk

- 7.27 The impact of the original developments flood risk was assessed under C/7/2012/7017 as acceptable. This application does not seek to amend the floor space of any factors material to flood risk and therefore is considered acceptable.

Environmental Impact Assessment

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

Responses to the representations received

- 7.29 The application was advertised by means of neighbour notification letters, site notices, and an advertisement in the Eastern Daily Press newspaper. A number of concerns/objections were raised which have been assessed within the main report.
- 7.30 With regards to concerns raised that the consultation process had not been followed, all statutory consultees were sent out correspondence when the

application was initially received and consulted on. In addition, 33 properties were also consulted, the application was advertised in the EDP, and a site notice erected. The County Planning Authority has performed its statutory consultation and publicity requirements as well as its own set out in its adopted Statement of Community Involvement.

7.31 Intentional Unauthorized 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.

7.32 In this instance following the site visit it has become apparent that the alternative fencing had been erected on the site.

7.33 Whilst regrettable, in this instance it is not felt that the retrospective nature of the application would represent a ground for refusing planning permission for this development and no weight is given to this in the planning balance.

The Community Infrastructure Levy

7.34 The development isn't CIL liable.

Local Finance Considerations

7.35 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.

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

8. Resource Implications

8.1 **Finance:** The development has no financial implications from the Planning Regulatory perspective.

8.2 **Staff:** The development has no staffing implications from the Planning Regulatory perspective.

8.3 **Property:** The development has no property implication from the Planning Regulatory perspective.

8.4 **IT:** The development has no IT implications from the Planning Regulatory perspective.

9. Other Implications

9.1 **Human rights**

- 9.2 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.
- 9.3 The human rights of the adjoining residents are engaged under Article 8, the right to respect for private and family life and Article 1 of the First Protocol, the right of enjoyment of property. A grant of planning permission may infringe those rights but they are qualified rights that is that they can be balanced against the economic interests of the community as a whole and the human rights of other individuals. In making that balance it may also be taken into account that the amenity of local residents could be adequately safeguarded by conditions albeit with the exception of visual amenity. However, in this instance it is not considered that the human rights of adjoining residents would be infringed.
- 9.4 The human rights of the owners of the application site may be engaged under the First Protocol Article 1 that is the right to make use of their land. 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.
- 9.5 **Equality Impact Assessment (EqIA)**
- 9.6 The Council's planning functions are subject to equality impact assessments, including the process for identifying issues such as building accessibility. None have been identified in this case.
- 9.7 **Legal Implications:** There are no legal implications from the Planning Regulatory perspective.
- 9.8 **Communications:** There are no communication issues from a planning perspective.
- 9.9 **Health and Safety Implications:** There are no health and safety implications from a planning perspective.
- 9.10 **Any other implications:** Officers have considered all the implications which members should be aware of. Apart from those listed in the report (above), there are no other implications to take into account.

10. Section 17 – Crime and Disorder Act

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

11. Risk Implications/Assessment

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

12. Conclusion and Reasons for Granting/Refusing of Planning Permission

- 12.1 This application seeks to amend the proposed arboricultural fencing and remove the requirement for dust netting only.
- 12.2 The wider use of the site for mineral extraction was considered acceptable under C/7/2012/7017. The proposed amendments are considered minor in nature and that there are suitable mitigation techniques to ensure no harm is caused by the

variation to the application

- 12.4 The proposed development is considered acceptable and there are no other material considerations why it should not be permitted. Accordingly, full conditional planning permission is recommended.

13. Conditions

- 13.1 The extraction of sand and gravel to which this permission relates shall not commence before extraction is completed on phase 9 and restoration completed on Phase 8 of the adjacent site (reference C/7/2014/7025) and shall cease and the site shall be restored in accordance with condition number 19 by 20th February 2036.

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.

- 13.2 Except as modified by the provisions of the documents and plans as detailed below

a) Proposed Replacement Dust monitoring and Tree Protection Schemes. Norton Subcourse Quarry, Loddon Road, Nr Hales, Norfolk Planning permission No. C/7/2012/7017 CEMEX UK Materials Ltd. Town and County Planning Act 1990 (as amended); dated 17th April 2018;

b) Dust Action Plan – Norton Subcourse Quarry; undated;

c) Tree Survey, Arboricultural Implications Assessment and Method Statement; dated November 2011, Revised May 2018;

d) Timber Post and 3 Strand Wire Fencing; L/FE/04; undated; received 20/09/2018;

The development hereby permitted must be carried out in strict accordance with the plans and documents approved under C/7/2012/7017

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

- 13.3 Should for any reason, reprofiling and regrading in the area of phases 11, 12 and 13 underneath the electricity pylons not be undertaken as indicated on Drawing Nos. P2/982/10 Phases 11-15 inclusive; P2/982/10 Rest. Phase 14a and P2/982/10 Final Restoration, phases 11, 12 and 13 shall be worked and restored in a progressive manner as shown on Drawing Nos. P2/982/3B Rev C Phase 11, P2/982/3C Rev C Phase 12, P2/982/3D Rev C Phase 13, P2/982/3E Rev C Phase 14, P2/982/3D Rev C Phase 15, P2/982/3E Rev C Rest. Phase 14, P2/982/3F Final Restoration, all dated Aug 13, all received 29 Aug 2014 2014 (all as approved under C/7/2012/2017), in support of the application, and the restoration drawing (pylons retained) to be approved pursuant to condition number 12 of this permission.

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

- 13.4 The development shall take place in accordance with the Archaeological Written Scheme of Investigation as approved under C/7/2015/7010.

Reason: To ensure adequate time is available to investigate any features of archaeological interest, in accordance with Policy DM9 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.

- 13.5 No operations shall take place until the Archaeological Site Investigation and Post Investigation Assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition number 4 of this permission and the provision to be made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason: To ensure adequate time is available to investigate any features of archaeological interest, in accordance with Policy DM9 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.

- 13.6 A copy of the watching brief report in relation to the palaeochannel deposit (as set out in the submitted Palaeolithic Mitigation Strategy dated 2014 (as approved under C/7/2012/2017)) shall be submitted to the County Planning Authority within three months of the field working being completed by the person or persons/organisation.

Reason: To safeguard any features of geodiversity, in accordance with Policy CS14 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.

- 13.7 The development shall only be carried out in accordance with the scheme for the attenuation of noise from reversing alarms at the site as approved under planning permission C/7/2016/7016.

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

- 13.8 Removal of trees identified in the submitted Initial Ecological Assessment dated September 2013 (as approved under C/7/2012/2017) as having the potential to hold roosting bats shall not commence until a further bat survey of the trees so identified is carried out, to include appropriate activity surveys in accordance with Bat Conservation Trust Bat Surveys: Good Practice Guidelines, and, if necessary, a detailed mitigation plan including a schedule of works and timings has been submitted to and approved in writing by the County Planning Authority. Such approved mitigation plan shall thereafter be implemented in full.

Reason: To safeguard the presence and population of a protected species in accordance with UK and European Law, and Policy CS14 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.

- 13.9 Prior to commencement of operations in phase 10, the scheme for the protection of existing trees shall be implemented in accordance with the details shown on submitted Dwg No. N10617_TS02 dated Nov 2011 (as approved under C/7/2012/2017) and Timber Post and 3 Strand Wire Fencing; L/FE/04; undated; received 20/09/2018; and be maintained in full for the period whilst works are in progress. For the duration of the works to erect the tree protection barrier a suitably qualified Arboricultural Consultant must be present to examine the ongoing work

Reason: In the interests of protecting existing vegetation in accordance with policy CS14 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.

- 13.10 Prior to commencement of operations in phases 11 to 13 inclusive, the scheme for the protection of existing trees shall be implemented in accordance with the details shown on submitted Dwg No. N10617_TS02 dated Nov 2011, (as approved under C/7/2012/2017) and be maintained in full for the period whilst works are in progress. For the duration of the works to erect the tree protection barrier a suitably qualified Arboricultural Consultant must be present to examine the ongoing work

Reason: In the interests of protecting existing vegetation in accordance with policy CS14 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.

- 13.11 Prior to commencement of operations in phases 14 and 15, the scheme for the protection of existing trees shall be implemented in accordance with the details shown on submitted Dwg No. N10617_TS02 dated Nov 2011 (as approved under C/7/2012/2017), and be maintained in full for the period whilst works are in progress. For the duration of the works to erect the tree protection barrier a suitably qualified Arboricultural Consultant must be present to examine the ongoing work

Reason: In the interests of protecting existing vegetation in accordance with policy CS14 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.

- 13.12 The development must be completed in accordance with Drawing No. P2/982/9B Alternative restoration – Pylons Retained; dated 12 November 2015 submitted and approved under C/7/2015/7010.

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

- 13.13 With the exception of temporary operations including soil stripping, construction and removal of screening bunds and the final restoration processes, noise levels 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 Appendix 5 of the Environmental Statement, Noise Assessment, dated 11 August 2010 (as approved under C/7/2012/2017) between the hours of operation specified in condition number 17 of this permission.

Location	Noise limit
Beacon Farm	45 db LAeqT
Hill House	45 dB LAeqT
Leys Farm Bungalow	41 dB LAeqT
Firs Farm	41 dB LAeqT
Carr Farm Cottages	41 dB LAeqT
Sunnyside	45 dB LAeqT

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

- 13.14 Noise levels caused by temporary operations including soil stripping, construction and removal of screening bunds and the final restoration shall not exceed the

levels specified in Condition number 13 other than for a period of eight weeks in any 12 month period notifiable in writing in advance to the County Planning Authority. At such times the noise level at sensitive properties shall not exceed a maximum limit of 70 dBLAeq (1 hour).

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

- 13.15 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 specifications.

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.

- 13.16 Any dust nuisance and sand blow caused by the operations, shall be mitigated in accordance with the submitted details contained in Appendix 6 of the Environmental Statement, Norton Subcourse, Dust Management Scheme, dated February 2013 (as approved under C/7/2012/2017).

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.

- 13.17 No operation authorised or required under this permission including the movement of vehicles and operation of any plant, shall take place on Sundays or public holidays, or other than during the following periods:

07.00 - 18.00 Mondays to Fridays

07.00 - 13.00 Saturdays.

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

- 13.18 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 Policy DM10 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.

- 13.19 Unless modified by the provisions of condition number 3 of this permission, the restoration of the site shall be completed in accordance with the submitted scheme shown on Drawing No. P2/982/4C Rev C Restoration Plan, dated Sept 2013 as supplemented by the submitted details contained in the document entitled, Norton Subcourse, Norfolk Outline Five Year Aftercare Scheme, prepared by Cemex UK Operations Ltd, dated September 2013 (as approved under C/7/2012/2017).

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.

- 13.20 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.

- 13.21 Until the topsoil and subsoil have been stripped from the site, the land shall not be traversed by any plant or machinery, save that which is engaged in stripping operations, and all such machinery shall be used in such a way as to minimise soil compaction.

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

- 13.22 All stones and deleterious materials in excess of 15cm in any dimension which arise from the ripping of the subsoil and topsoil shall be removed from the site.

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.

- 13.23 The submitted Outline Five Year Aftercare Scheme, reference Norton Subcourse, Norfolk dated September 2013, (as approved under C/7/2012/2017) specifying such steps as may be necessary to bring the land to the required standard for use for agriculture and heathland, shall be implemented over a period of five years following the completion of restoration or in the case of phased restoration in stages each of five years duration dating from each completed restoration phase.

Reason: 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.

- 13.24 Informatives:

The applicant needs to ensure compliance with the Wildlife and Countryside Act 1981 (as amended) and European Protected Species legislation when carrying out tree felling

The applicant is reminded that under the Wildlife and Countryside Act 1981 it is illegal to set any trap or snare likely to cause injury to protected species such as badger, or hedgehog. Hedgehogs are a Biodiversity Action Plan Species, with populations in Eastern England having heavily declined.

Background Papers

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

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

The National Planning Policy Framework (NPPF) (2018)

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

Planning Practice Guidance (2014)

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

National Planning Policy for Waste (2014):

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

Waste Management Plan for England (2013)

<https://www.gov.uk/government/publications/waste-management-plan-for-england>

Government's Ministerial Statement on Intentional Unauthorized Development

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/457632/Final_Chief_Planning_Officer_letter_and_written_statement.pdf

Officer Contact

If you have any questions about matters contained in this paper or want to see copies of any assessments, eg equality impact assessment, please get in touch with:

Officer name : Hannah Northrop

Tel No. : 01603 222757

Email address : Hannah.northrop@norfolk.gov.uk



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