

Planning (Regulatory) Committee

Report title:	C/2/2017/2010: Waste Recycling Centre, Station Road, West Dereham, King's Lynn
Date of meeting:	15 March 2019
Responsible Chief Officer:	Tom McCabe, Executive Director of Community and Environmental Services
Proposal and applicant: Retrospective installation and use of waste shredding plant, with associated wall constructed using concrete blocks for noise attenuation purposes (Glazewing Ltd: Mr Jonathan Miles).	

Executive summary

Planning permission is sought retrospectively at the existing waste management facility to install and use waste shredding plant including a generator and a concrete block noise attenuation wall. The application does not seek to make any changes to any of the currently approved operations authorised by previously issued Planning Permissions.

Objection has been raised by 32 respondents. No objections have been raised by statutory consultees subject to suitably worded conditions being imposed on any grant of planning permission.

The key issues are the principle of development, impacts of the development on residential amenity, the highway network & visual amenity. The environmental impacts of the proposal have been carefully considered. It is considered that the proposal is in accordance with the policies contained within the development plan and national planning guidance, and therefore conditional planning permission is recommended.

Recommendation:

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

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

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| 1.1 | Type of development | : | Use of waste shredding plant to manage existing waste streams. |
| 1.2 | Site area | : | 0.12 hectare (contained within the wider site). |
| 1.3 | Annual tonnage | : | 17,500 tonnes of municipal waste, no increase in the permitted per annum tonnage. |
| 1.4 | Duration | : | Permanent |
| 1.5 | Hours of working / operation | : | Operation of plant:
07:00 to 19:00 weekdays.
07:00 to 17:00 Saturdays.
No working Sundays and Public Holidays. |
| 1.6 | Average daily in/out vehicle movements | : | No additional HGV movements. |
| 1.7 | Access | : | Existing direct access to Station Road, on to the B1160 (College Road), via West Dereham Road. |
| 1.8 | Plant | : | Waste Shredding Plant. |
| 1.9 | Planning permission is sought retrospectively for the waste shredding plant within the existing waste management facility. The purpose of the plant is to shred a proportion of the waste that is already permitted for importation on to the site. The waste figures equate to 17,500 tonnes of municipal waste, no additional waste importation is being proposed. The waste once shredded would be baled for transportation off the site. The baled waste is then incinerated off site for electricity generation. Associated with the shredding plant is a wall (yet to be constructed) along one side of the plant, formed using concrete blocks, to assist in the attenuation of noise generated by the plant. | | |

2. Site

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| 2.1 | The application site is located within an existing waste management facility on Station Road, West Dereham which is located approximately 3.5 miles southeast of Downham Market and 1.5 miles south-west of the village of West Dereham. The site lies within the parish of West Dereham in the borough of King's Lynn & West Norfolk. | | |
| 2.5 | The waste management use at the site is historical and became lawful in 1993 (Norfolk County Council reference C/2/1993/2016: Certificate of lawfulness). | | |

3. Constraints

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| 3.1 | The following constraints apply to the application site: | | |
| | <ul style="list-style-type: none">▪ According to the Environment Agency's (EA) flood zone maps the application | | |

site is situated within flood zones1, 2 and 3.

- The application site is located above the Mintlyn Sand Member Principal Aquifer.
- The application site is located above Cam and Ely Ouse Woburn Sands which is a Water Framework Directive Groundwater Body.
- The application site is in close proximity to the Cut-Off Channel which has a potable water supply abstraction.

4. Planning History

- 4.1 Norfolk County Council reference C/2/1993/2011: Extend breakers yard, extend & improve existing skip & waste transfer facilities. Approved June 1996.

Norfolk County Council reference C/2/1993/2016: Certificate of lawfulness. Approved March 1994

Norfolk County Council reference C/2/2002/2013: Construction of building to house offices/workshop/metals recycling. Approved November 2002.

Norfolk County Council reference C/2/2004/2030: Extension to existing steel framed building. Approved March 2005.

Norfolk County Council reference C/2/2008/2015: Retention of vehicle viewing platform and variation of C6 of PP C/2/93/2011 to increase storage height to 6.5m. Approved October 2008.

Norfolk County Council reference C/2/2009/2008: Certificate of lawfulness: for existing use. Approved July 2010.

Norfolk County Council reference C/2/2014/2016: Erection of a building to house a replacement waste baler and generator with associated improvements to bunding and landscaping arrangements along the southern site boundary. Approved February 2015.

Norfolk County Council reference C/2/2017/2022: Application for a lawful development certificate for the importation, handling and onward transfer of lead acid batteries, tyres, waste electrical & electronic equipment and mixed municipal wastes. Approved September 2018.

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)**

CS6: General waste management considerations
 CS13: Climate change and renewable energy generation
 CS14: Environmental protection
 CS15: Transport
 DM3: Groundwater and surface water
 DM4: Flood Risk
 DM8: Design, Local landscape and townscape character
 DM10: Transport
 DM12: Amenity
 DM15: Cumulative impact

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

CS06: Rural Areas
 CS08: Sustainable Development
 CS10: The Economy
 CS11: Transportation
 CS12: Environmental Assets

5.3 Borough Council of King's Lynn and West Norfolk – Local Development Framework – Site Allocations and Development Management Policies Plan (Adopted September 2016)

DM15: Environment, Design and Amenity
 DM21: Sites in Areas of Flood Risk

5.4 Adopted Neighbourhood Plan

N/A

Other material Considerations

5.5 The National Planning Policy Framework (2019)

- 1: Building a strong competitive economy
- 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

5.8 National Planning Policy for Waste (2014)

5.9 Our Waste, Our Resources: A Strategy for England (2018)

6. Consultations

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| 6.1 | The Borough Council of King's Lynn & West Norfolk (Planning) | : | No objection. The proposal constitutes an expansion of an existing rural enterprise, which is supported by national and local planning policies. |
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| 6.2 | Environmental Health Officer
(North Norfolk District) | : | Air quality – no objection
Noise – no objection
Lighting – no objection
Drainage – no objection |
| 6.3 | West Dereham Parish Council | : | Object, due to fly infestation caused by waste material stockpile. Site management, environmental, fire safety, visual amenity and amenity concerns |
| 6.4 | Environment Agency (EA) | : | No objection, subject to condition |
| 6.5 | Lead Local Flood Authority
(LLFA) (NCC) | : | Standing advice. |
| 6.6 | Highway Authority (NCC) | : | No objection on the basis that there will be no change to either the type or frequency of vehicle movements to and from the site |
| 6.7 | Water Management Alliance | : | No comment, not within their jurisdiction. |
| 6.8 | Downham Market Group of
Internal Drainage boards | : | At the time of writing the report no comments received. |
| 6.9 | Ecologist (NCC) | : | No objection. |
| 6.10 | Green Infrastructure and
Landscape (NCC) | : | No objection subject to landscaping condition re implementation of this and previous scheme. |
| 6.11 | Public Rights of Way Officer
(NCC) | : | No comment, not relevant to Public Rights of Way |
| 6.12 | County Councillor (Mr Brian Long) | : | At the time of writing the report no comments received. |
| 6.13 | Norfolk Fire and Rescue
Service (NCC) | : | No objection, providing the proposal meets current building regulations. |

6.14 Representations

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

- 6.15 Thirty-two letters of objection from thirty-two respondents have been received. All the

letters raise planning related objections. The objections relate to the following:

- Amenity concerns because of fly infestation.
- Health concerns because of fly infestation.
- Increased HGV movements would cause safety concerns.
- Amenity concerns because of odour.
- Amenity concerns because of pollutants.
- Amenity concerns because of noise.
- Amenity concerns because of increased fire risk.
- Amenity concerns because the hours of operation.
- The noise screening proposed would be ineffective.
- The use of the machine would result in unbearable environmental concerns.
- Would prefer the plant to be positioned and used inside a building.
- Recommend a limit on the quantities of waste to be stored on the site.
- Concern that the pesticides used to reduce the flies would cause a hazard to health.
- Concerned that the application is retrospective.
- The operator has a history of poor site management.
- When the plant breaks down the site management should manage the fly infestation.
- The site operator does not communicate with residents.
- Environmental impact of hauling the material to site long distance.
- There is a petition signed by 412 people.
- The site is currently being operated outside of hours 6pm?
- Existing operations are causing unacceptable levels of noise disturbance.
- Stockpiles generate the flies.

7. Assessment

7.1 The issues to be assessed for this application are: the principle of development, and impacts on the landscape, amenity, health, highways/transport, ecology (biodiversity), sustainability, heritage assets (the scheduled monument), groundwater & surface water and flood risk.

7.2 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”.

- 7.3 In terms of the development plan, the County Planning Authority considers the relevant policy documents in relation to this application to be 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”), Borough Council of King’s Lynn & West Norfolk, Core Strategy (July 2011 & Site Allocations and Development Management Policies Plan (September 2016). Whilst not part of the development plan, policies within the National Planning Policy Framework (2018), and the Government’s National Planning Policy for Waste (2014) and their Waste Management Plan for England (2013) are also a further material consideration of significant weight.
- 7.4 The continued use of the site for waste management purposes is lawful through either planning consents or lawful development certificates. As such the principle of the waste use on the site and the tonnages of waste material being brought on to the site for processing is not for consideration in this application. This application is only concerned with the siting and continued use of the waste shredder to shred the waste which is being lawfully brought on to the site and the associated concrete blocks for noise attenuation purposes.
- 7.5 In principle officers consider that it would reasonable to expect the applicant in connection to the lawful use of the site to process waste at the site. Machinery which is reasonably required to assist the applicant in carrying out the lawful use of processing waste on the site in principle should also be considered acceptable and in accordance with NMWDF policy CS5 “General Waste Considerations.” This is subject to a full appraisal of all material considerations and the policies of the Norfolk Minerals and Waste Local Development Framework Core Strategy and Minerals and Waste Development Management Policies Development Plan Document 2010-2026 (2011).
- 7.6 The Government’s National Planning Policy for Waste (2014) is the most direct relevant national guidance. This document underlines that the planning system is pivotal to the timely and adequate provision of waste facilities and it sets out the Government’s strategy for sustainable waste management. This scheme would assist with the overarching thrust of dealing with waste in a more sustainable manner i.e. through recycling and recovery of waste and therefore driving waste management up the waste hierarchy (and only disposing of it as a last resort). The application is therefore considered to comply with the aims and objectives of this and the Government’s ‘Our Waste, Our Resources: A Strategy for England’ which similarly seeks to promote the management of waste up the waste hierarchy.
- 7.7 **Design**
- King’s Lynn & West Norfolk, Core Strategy Policy CS 08 (Sustainable Development) states that all new development in the borough should be of high quality design and should demonstrate its ability to respond to the context and character of the place.
- 7..8 Section 12 of the NPPF (Achieving well designed places) encourages a high standard of design in new development and emphasises the importance attached to good design as a key aspect of sustainable development.

- 7.9 The shredder is proposed in an active waste management facility which in turn is located in open countryside. The shredder would extend to 8.3 metres (approx.). The finish colour is red. The wall would extend for the full distance of the shredder 25.1 metres (approx.) and be 2.4metres high.
- 7.10 The scale of the shredder and the wall would be consistent with the scale of equipment currently used at the site. Officers consider that the appearance of the shredder and the proposed wall are robust and functional, the colours are acceptable in the context of the site. Therefore, in the context of the site the external appearance, siting and scale represent an acceptable form of design and would not conflict with Policy CS 08 (Sustainable Development).
- 7.11 **Amenity (odour, noise, dust, lighting, fire risk)**
- 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. The Borough Council of King's Lynn and West Norfolk, Site Allocations and Development Policies Plan policy DM15 also gives regard to the protection of existing residential amenity and permitting development that would not have significant adverse impact on 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 170 requires that new and existing development should be prevented from contributing to unacceptable levels of air pollution.
- 7.12 The nearest residential property to the site is a permanent static caravan which is located approximately 210 metres to the north east of the site.
- 7.13 With regards to the actual regulation of an operation such as this, in accordance with paragraph 183 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 (EA)). 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, odour and dust through conditions, and Planning Authorities should assume this regime will operate effectively.
- 7.14 The EA has confirmed in their representation that the site has a permit which allows for up to 75 tonnes of waste per day to be treated in shredders. The EA confirms that if the daily amount of waste treated in shredders is greater than 75 tonnes a variation to the permit would be required. The tonnage of material being proposed for shredding by this application does not exceed the 75 tonne per day figure.
- 7.15 Concerns relating to a fly infestation, has been raised by a significant number of residents. In response to the application the EA notes that the shredder underwent maintenance between 27th August to 12th October 2018. This resulted in waste being stockpiled on site, which in turn prompted residents to make complaints to the EA

regarding increased numbers of flies. The EA has confirmed that following the complaints spraying of insecticide commenced and waste importation ceased for a time. The EA confirmed that the fly numbers reduced and were deemed under control on site on 28th September 2018.

7.16 Odour

The applicant has provided an air quality assessment which very briefly covers the issue of odour. It states that there are no statutory limits for ambient odour concentrations in the UK and that the direction of spread of odours is dependent on wind direction and the intensity is dependent on distance. A local resident has raised concern that the development is creating odour issues.

7.17 The EA in providing their view must satisfy themselves under Article 13 of the Waste Framework Directive subject to the EA permit that the proposed development will not give rise to an unacceptable impact. The EA has not raised an odour related objection to the proposal. In addition the EHO at the Borough Council has not raised an odour related objection.

7.18 Noise

As part of the planning application, a noise impact assessment was undertaken. The assessment concluded that the cumulative impact of the new waste shredder with the existing operational plant been considered at the nearest receptor positions. The resultant change in noise level is negligible in terms of impact significance.

7.19 The EHO has not raised a noise related objection subject to a condition which requires compliance with the noise control measures contained in sections 5.3.1 & 5.3.2 in the noise impact assessment. The EHO also considers that any development which does not exceed 5dB above the existing background levels would not cause any adverse impact on residents.

7.20 Dust

The air quality assessment contains a section relating to dust and a dust management plan. The dust management plan includes operational dust control measures and site management measures. The assessment concludes that the majority of dust generated from the new plant will be larger particles. Particles of this size generally deposit within 100m of the source. The report also concludes that it is highly unlikely that any significant decrease in local air quality will occur due to the development. Any dust occurrence event will be minimised by implementation of the dust control recommendations outlined in the Dust Management Plan. With regard to smaller particle levels from the plant, the applicant has made analysis of the projected air quality data from the DEFRA website. They also combined this with the extra burden of the waste handling operations and conclude that the Air Quality Objectives (AQO) will not be exceeded.

7.21 The EHO considers that operation of the shredding plant is unlikely to cause an exceedance of air quality standards locally and therefore has no objection on air quality grounds subject to the measures in the dust management plan being followed. The EHO recommends that approval of the dust management plan be required by condition and that the plant be operated in accordance with the DMP.
a condition.

7.22 Lighting

The applicant proposes five separate 100w floodlights in and around the shredder. All lighting is proposed to be angled at 45 degrees downward, four would be 6 metres high and one 3 metres.

7.23 The EHO raises no objection on the grounds of lighting on the basis that the lighting “*should not impact on residents,*” subject to compliance with the submitted scheme.

7.24 Fire Risk

The National Planning Policy for Waste (2014) requires that re-use, recovery and disposal of waste should take place without endangering human health. Objectors have raised concerns that the development will lead to increased fire risk at the site, particularly given the instances of fires that have taken place at this and other facilities in recent years, both within the County and further afield. The facility will have a Fire Prevention Plan which forms part of the site's Environmental Permit. It should be noted that this is a matter of the management of the proposed facility, and not of the requirement for new development that would require recourse to the planning system.

7.25 Norfolk Fire and Rescue Service in their response has not raised an objection providing the proposal meets building regulation requirements. Officers consider this to be an issue for the applicant to resolve should permission be granted.

7.26 Subject to conditions including those discussed above, there are no outstanding objections from the EHO, the Environment Agency or the Fire Service with regards to matters relating to amenity and health. Accordingly, it is not considered that there would be an unacceptable impact to local amenity and the application complies with both NMWDF Policies CS14 and DM12, the Borough Council of King's Lynn and West Norfolk, Site Allocations and Development Policies Plan policy DM15 and Section 15 of the NPPF and the National Planning Policy for Waste (2014). It is not considered that the proposal would lead to the designation of a new AQMA and the proposal accords with NMWDF policy DM13.

7.27 Landscape

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.

7.28 King's Lynn & West Norfolk, Core Strategy Policy CS 06 (Development in Rural Areas) states beyond the villages and in the countryside, the strategy will be to protect the countryside for its intrinsic character and beauty, the diversity of its landscapes.

7.29 King's Lynn & West Norfolk, Core Strategy Policy CS 12 (Environmental assets) states that development proposals should demonstrate that their location, scale, design and materials will protect, conserve and, where possible, enhance the special qualities and local distinctiveness of the area, the landscape setting and features.

7.30 The site is located on an existing waste management site which is outside any areas designated to be protected for its landscape value (such as would be the case with a Conservation Area or AONB) in terms of the NMWDF policies and the NPPF.

- 7.31 The waste shredder plant occupies a footprint of approximately 310.5m² (approximately 27.0m long by 11.5m wide). The plant is not contained within an external housing. The highest element is the discharge hopper and feed conveyor which reach a maximum height of 8.26m. The second highest element is the feed hopper which sits at 5.4m above the existing concrete pad. A 2.4m high concrete block screen wall lies to the northeast edge of the unit. The shredder has been constructed perpendicular to the existing main building at the southern end of the building's north-western facing elevation.
- 7.32 Planning Permission Ref C/2/2014/2016 for the erection of a building to house a replacement waste baler and generator included landscaping improvements i.e. bunding and landscaping arrangements along the southern site boundary. These improvements are said by the applicant to mitigate the visual effects of the waste shredder. In addition, the applicant is proposing further landscaping which includes re-grading the existing boundary bunding and improved boundary planting.
- 7.33 The Natural Environment Team (NCC) raise no objection and the proposed landscaping is considered to be acceptable. This is subject to a condition requiring implementation
- 7.33 Subject to compliance with the condition to implement, it is considered that there are no unacceptable landscaping impacts with the scheme and it would not undermine the development plan policies outlined above, namely, NMWDF policies CS14 and King's Lynn & West Norfolk, Core Strategy policies CS 06 & CS12.
- 7.34 **Biodiversity and geodiversity**
- NMWDF policy CS14 states developments must ensure there are no unacceptable adverse impacts on biodiversity including nationally and internationally designated sites and species.
- 7.35 King's Lynn & West Norfolk, Core Strategy Policy CS 12 (Environmental Assets) states that development should seek to avoid, mitigate or compensate for any adverse impacts on biodiversity. Development should also seek to enhance sites through the creation of features of new biodiversity. Paragraph 175 of the NPPF seeks only to grant planning permission where it would not result in the loss or deterioration of irreplaceable habitats.
- 7.35 The County Ecologist raises no objection. Officers considered that the proposed development would not cause any adverse effects on the location in terms of ecology/biodiversity and the provision of a native species hedge would enhance the area. It is considered that the proposal complies with Mineral and Waste Core Strategy policy CS14, King's Lynn & West Norfolk, Core Strategy Policy CS 12 and the aims and Section 15 of the NPPF: Conserving and enhancing the natural environment.
- 7.36 Appropriate Assessment
- In accordance with Article 61 of The Conservation of Habitats and Species Regulations 2010, an Appropriate Assessment is not considered necessary because

the proposal is considered very unlikely to have a significant effect on a European designated site or species.

7.37 Transport / Highways

Norfolk County Council's, Core Strategy and Minerals and Waste Development Management Policy 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.

7.38 King's Lynn & West Norfolk, Core Strategy Policy CS11 (Transport) states that development proposals should demonstrate that they have been designed to provide for safe and convenient access for all modes.

7.39 Access to the site would be via the existing arrangements, along Station Road which is a narrow single-track road with a number of properties along its length. The Highway Authority is aware that given the sites position on the highway network there has been concern expressed locally regarding the traffic generated at the site through current activities.

7.40 There has been a number of objections received which relate to the current highways issues and the affect this is having upon the amenity of the residents. The Applicant has confirmed that the proposal will not increase the throughputs of waste recycled or lead to any wastes being handled which are not currently brought onto the site. Vehicle movement numbers will therefore remain the unchanged.

7.41 The Highway Authority has not raised an objection on the basis that the application seeks to regularise activities on site only, with no change to the currently approved volumes of material accepted on site. The 17,500 tonnes are included in the current throughput figures.

7.42 Subject to a suitably worded condition limiting the tonnage of material and thus HGV generation to the current levels, the proposal would be in accordance with the requirements of Norfolk County Council's, Core Strategy and Minerals and Waste Development Management, Core Strategy Policies CS15 (Transport) & DM10 (Transport) and King's Lynn & West Norfolk, Core Strategy Policy CS11 (Transport).

7.43 Sustainability

Norfolk County Council's, Core Strategy and Minerals and Waste Development Management Policy CS13 (Climate change and renewable energy generation) states that all opportunities for new waste developments (both brand new sites and extensions to existing sites) to generate renewable energy on-site will be welcomed and should be explored fully, with a minimum of 10 per cent generated from decentralised and renewable or low-carbon sources, wherever this is practicable.

7.44 King's Lynn & West Norfolk, Core Strategy Policy CS08 (Sustainable Development) states that opportunities to promote and encourage high standards of sustainability and energy efficiency in new development should include measures such as layout,

orientation, appropriate insulation maximised to improve efficiency, good access links for walking & cycling and sustainable drainage systems.

- 7.45 In response to these policy requirements the Applicant states that when assessing the sustainability credentials of the proposed development consideration needs to be given to how the waste treated on site is to be used. In this case the shredded waste would be baled onsite then transported off site to be incinerated to make electricity using heat and steam generated in Energy from Waste Plants in Europe. Officers consider that very little weight if any at all should be given to this process. The policy requires the generation of renewable energy on-site to be explored. Transportation of materials to another country for treatment does not satisfy the policy requirement.
- 7.46 The Applicant has submitted an appraisal of the options for the generation of on-site energy generation including wind & solar power and biomass generation all of which have been dismissed by the applicant. Wind power is said, would severely compromise the integrity of this screening and bring to the attention of residents, visitors and nearby land users the presence of the waste management site. Solar is considered unacceptable due to space and orientation of the roof lines. Biomass generation, on a practical scale is said, only likely to be able to make a negligible contribution towards the energy requirements of the proposed development.
- 7.47 Officers are satisfied that the Applicant has explored the options for generating renewable energy on the site in accordance with the requirement of Norfolk County Council's, Core Strategy and Minerals and Waste Development Management Policy CS13 (Climate change and renewable energy generation). Whilst it is regrettable that the Applicant has been unable to incorporate renewable generation in to the scheme Officers accept the reasons provided by the Applicant. In conclusion in this instance it is not feasible to generate a minimum of 10 per cent generated from decentralised and renewable or low-carbon sources on the application site.
- 7.48 **Flood Risk/Groundwater/surface water**
- NMWDF policy DM4: *Flood risk* only seeks to permit waste management sites that do not increase the risk of flooding applies. 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 applies.
- 7.49 The Environment Agency (EA) has pointed out that the site also lies over a principal and secondary aquifer. The area for the proposed development is noted as being located within Flood Zones 1, 2 and 3 as defined by the EA. The area proposed for development and installation of the waste shredder plant and attenuation wall is approximately 0.065 ha. A site-specific Flood Risk Assessment is a requirement in accordance with the National Planning Practice Guidance to ensure that risk of flooding to the proposed development is minimised and that development of the site will also not increase flooding potential elsewhere.
- 7.50 The Flood Risk Assessment concludes that the site and proposed Shredder and Noise Attenuation Wall development area may be considered as at low risk of flooding and deemed acceptable and will not increase flood risk elsewhere.
- 7.51 In addition the applicant has explained that the drainage system has been designed

such that:

- All flows from the Shredder and Noise Attenuation Wall area will be considered as foul and drained to a detention or holding tank for pumping out and then for removal from site by tanker as required.
- No rainfall from the shredder area is to drain to any other drainage system on the wider site.
- The drainage system serving the Shredder should be a 'closed' system i.e. no outfalls or inflows from other drainage systems should be in place.
- There should be no discharge from the shredder drainage system. Water contained as part of the shredder drainage system is to leave site by tanker to suitable licenced premises for disposal.
- All flood resilience measure will be designed so as to ensure that any flooded volumes for events up to and including the 1 in 100 year + 40% climate change event are retained on site, within the limits of the shredder area.

7.52 Residents and the Parish Council has raised concern that the current drainage system can't cope and that the proposed system would not be adequate.

7.53 The EA has not objected to the application subject to a condition requiring the submission of a remediation strategy detailing how unsuspected contamination shall be dealt with, should contamination be identified. The Lead Local Flood Authority (LLFA) has not provided bespoke advice but has rather provided standing advice. For this particular type of development the standing advice "2" is most relevant. The LLFA recommends that LPAs satisfy themselves of the following considerations prior to granting permission major development below LLFA thresholds:

- Is the development site currently at risk of flooding? - As set out above.
- How does the site currently drain? - Excess surface water or runoff is currently drained from hardstand areas internally to a series of sumps, which are pumped out to tanker for removal as required. Clean areas of drainage from the site, as are situated around the proposed development area and used for the processing of inert wastes such as concrete and clean soils, and those drained from roof tops, are currently discharged to the surrounding drainage network at a nominal Greenfield discharge rate via a 150 mm diameter vitrified clay pipe line. This pipe is located to the south of the proposed development.
- How will the site drain? - As set out above.
- What sustainable drainage measures have been incorporated into the design? – Officers consider this not to be appropriate due to the nature of the proposed activities on this part of the site.

7.54 On this basis it is considered that the proposal would not adversely impact on flood risk groundwater or surface water and is therefore compliant with NMWDF DM4 &

DM3 & policy DM21 of the Borough Council of King's Lynn and West Norfolk – Local Development Framework – Site Allocations and Development Management Policies Plan (Adopted September 2016).

7.55 Impact on Heritage Assets / Archaeology

The Planning (Listed Buildings and Conservations Areas) Act 1990, NMWLDF CS policies CS14 and DM8, King's Lynn & West Norfolk, Core Strategy policy CS 12 (Environmental Assets) & King's Lynn & West Norfolk, Site Allocations and Development Management Policies Plan policy DM15 (Environment, Design and Amenity) and Section 16 of the NPPF apply.

7.56 The closest heritage asset is a scheduled ancient monument "site of St. Mary's Abbey," which is located approximately 900 metres north-east of the site. A combination of distance, topography, landscaping and surrounding soil bunds results in the existing site being concealed from the heritage asset. The application under consideration would also add to the screening. The development proposal is within previously permitted land and would not result in further encroachment into surrounding land. It is therefore considered that the proposal would not have a detrimental impact on the character, appearance, setting or views into or out of the monument.

7.57 The proposal is also not considered to undermine NMWDF Policy DM9 or King's Lynn & West Norfolk, Core Strategy policy CS 12 (Environmental Assets) & King's Lynn & West Norfolk, Site Allocations and Development Management Policies Plan policy DM15 (Environment, Design and Amenity) and Section 16 of the NPPF given that the site can be developed with the scheduled monument remaining in situ, and without adversely affecting it.

7.58 Public Rights of Way

NPPF paragraph 98 states that planning policies should protect and enhance public rights of way and access.

7.59 Although there are not any Public Rights of Way running through the application site, public rights of way references, West Dereham RB16 & RB15 are located south and south east of the application site. Norfolk County Council's Public Rights of Way Officer has no comment regarding the proposal.

7.60 Officers consider that the existing landscaping and proposed enhancements will assist in screening the shredder and the activities from the public right of way. The development is considered acceptable in this regard and compliant with the NPPF.

7.61 Cumulative impacts

NMWDF Policy DM15: Cumulative Impacts seeks to consider fully the cumulative impact of developments in conjunction with existing proposals. This echoes the National Planning Policy for Waste which also identifies the cumulative effect of existing and proposed waste facilities on the well-being of the local community as a material consideration.

7.62 In this instance, there are no other existing permitted waste management facilities in the vicinity. On this basis the proposal is considered compliant with the policy.

7.63 Environmental Impact Assessment

In accordance with the Town and Country Planning Environmental (Impact Assessment) Regulations 2017 the application was screened on receipt and re-screened at the determination stage and it is that it does not meet the criteria contained within Schedules 1 or 2 for an Environmental Impact Assessment. Therefore an Environmental Impact Assessment is not required.

7.64 Responses to the representations received

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

7.65 The issues raised largely relating to impacts on amenity (dust, noise, odour etc) the public highway, ecology and biodiversity, fire risk, groundwater and surface water, landscape, have been addressed above along with the suitability of the site in land use policy terms, the need for the development at this location, the cumulative impacts of the development. The issues of flies and fire risk would all be matters controlled by the Environmental Permit (issued by the EA).

7.66 The following issues have been raised (responses in *italics*):

- Would prefer the plant to be positioned and used inside a building.

This is not what the applicant has applied for and no adverse impacts have been identified.

- Recommend a limit on the quantities of waste to be stored on the site.

The existing permissions limits the size of the stockpiles.

- Concern that the pesticides used to reduce the flies would cause a hazard to health.

This issue is covered by the EA permit and the COSHH regulations.

- Concerned that the application is retrospective.

See below sections 7.67 to 7.69.

- The operator has a history of poor site management.

This a permitting issue. The County Planning Authority must assume that other regulatory regimes will operate effectively and that this will not be an issue.

- When the plant breaks down the site management should manage the fly infestation.

This is an issue for the EA through the Environmental Permit.

- The site operator does not communicate with residents.

This is at the discretion of the operator.

- Environmental impact of hauling the material to site long distance.

Ideally waste will be managed close to source but this application will not alter the process.

- There is a petition signed by 412 people.

The petition has not been submitted for consideration.

- The site is currently being operated outside of hours 6pm.

The County Planning Authority currently monitors the site and the current permission allows the site to operate until 7pm.

7.67 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.

7.68 In this instance the applicant has inferred that naivety was the cause of this unauthorised development and the need for planning permission was therefore overlooked. Moreover, in making unauthorised development a material consideration, the Government was particularly concerned about harm that is caused by intentional unauthorised development in the Green Belt. In this case, whilst the development has taken place on a greenfield site, it is not in the Green Belt.

7.69 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.

7.70 The Community Infrastructure Levy

The development is not CIL liable given that the proposals would not create new floor space greater than 100 square metres.

7.71 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.

7.72 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 enjoyment of their property. 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. In any event, in this case it is not considered that Article 1 of the First protocol is infringed by the grant of the planning permission applied for.

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 Planning Permission

- 12.1 Planning permission is sought retrospectively at the existing waste management facility to install and use waste shredding plant and a concrete block noise attenuation wall. The application does not seek to make any changes to any of the currently approved operations authorised by previously issued Planning Permissions.
- 12.2 Thirty-two representations have been received raising concern about the proposal, however it is considered that subject to conditions, the scheme can be operated without unacceptable impacts on amenity and health, the landscape, the highway network, ecology, groundwater and surface water and flood risk.
- 12.5 There are no objections from statutory consultees, the proposed development is considered acceptable and there are no other material considerations indicating it should not be permitted. Accordingly, full conditional planning permission is recommended.

13. Conditions

- 13.1 The development must be carried out in strict accordance with the application form, plans and documents as submitted.

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

- 13.2 Within 3 months of the date of this permission the acoustic barrier hereby approved shall be constructed in accordance with the details shown on drawing titled Shredder Plant Details, drawing number G5_LAN_013, dated August 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.

- 13.3 No operation authorised or required under this permission or under Part 23 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995, 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 to 19:00 weekdays.

07:00 to 17:00 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.

- 13.4 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted a remediation strategy detailing how this unsuspected contamination shall be dealt with and obtained written approval from the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reason: To protect and prevent the pollution of controlled waters from potential pollutants associated with current and previous land uses in line with National Planning Policy Framework (NPPF), paragraphs 170, 178, 179 and Environment Agency Groundwater Protection Position Statements. Contamination can still be missed by an investigation and this condition gives the Local Planning Authority the ability to require a new, or amendments to an existing, remediation strategy to address any previously unexpected contamination.

- 13.5 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.

- 13.6 No additional external lighting shall be installed on the site unless it is maintained such that it will not cause glare beyond the site boundaries.

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

- 13.7 All planting, seeding/turfing and alteration to the bunds comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the completion of each phase of the development, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

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

- 13.8 From the date of this permission the operators shall maintain records of their monthly input of waste and shall make them available to the County Planning Authority at any time upon request. All records shall be kept for at least 6 months.

Reason: In order that the County Planning Authority can monitor the input of waste, to protect the amenity of the area, in accordance with Policy DM12 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.

- 13.9 No material other than municipal waste shall be brought onto the site for shredding.

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

Background Papers

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

Waste Site Specific Allocations Development Plan Document (DPD) 2013

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

Borough Council of King's Lynn & West Norfolk, Core Strategy (July 2011)

https://www.west-norfolk.gov.uk/info/20219/core_strategy/112/core_strategy_explained

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

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

The National Planning Policy Framework (NPPF) (2019)

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

Planning Practice Guidance

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

National Planning Policy for Waste (2014):

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

Our Waste, Our Resources: A Strategy for England (2018)

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/765914/resources-waste-strategy-dec-2018.pdf

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:

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