

# Planning (Regulatory) Committee

Date: **Tuesday 23 April 2024**

Time: **11am**

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

## **Advice for members of the public:**

This meeting will be held in public and in person.

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

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

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

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

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

**Persons attending the meeting are requested to turn off mobile phones**

## Membership

Cllr Brian Long (Chair)

Cllr Graham Carpenter (Vice-Chair)

Cllr Stephen Askew

Cllr William Richmond

Cllr Rob Colwell

Cllr Steve Riley

Cllr Chris Dawson

Cllr Mike Sands

Cllr Alexandra Kemp

Cllr Martin Storey

Cllr Mark Kiddle-Morris

Cllr Tony White

Cllr Paul Neale

## Registering to speak:

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

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

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

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

Hollie Adams on 01603 223029 or email [committees@norfolk.gov.uk](mailto:committees@norfolk.gov.uk)

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

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

# A g e n d a

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

## 2. Minutes

To confirm the minutes from the Planning (Regulatory) Committee meetings held on:

- 26 January 2024
- 22 March 2024

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## 3. Declarations of Interest

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

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

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

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

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

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

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

4. **Any items of business the Chair decides should be considered as a matter of urgency**
  
5. **FUL/2022/0051: Land at Brandon Rail Sidings, Mundford Road, Weeting, Suffolk. IP27 0BA** **Page 41**  
Report by the Lead Director for Communities and Environment
  
6. **FUL/2023/0032: Larkshall Mill, Thetford Road, Wretham, Thetford, Norfolk, IP24 1QY** **Page 91**  
Report by the Lead Director for Communities and Environment
  
7. **FUL/2023/0039: Quarry, Ipswich Road, Dunston** **Page 142**  
Report by the Lead Director for Communities and Environment
  
8. **FUL/2023/0047: South of Lynn Road, Swaffham** **Page 165**  
Report by the Lead Director for Communities and Environment

**Tom McCabe**  
**Chief Executive**  
County Hall  
Martineau Lane  
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NR1 2DH

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## STANDING DUTIES

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

### **Equality Act 2010**

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

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

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

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

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

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

### **Crime and Disorder Act, 1998 (S17)**

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

### **Human Rights Act 1998**

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

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

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

**Planning (Regulatory) Committee  
Minutes of the Meeting Held on 26 January 2024  
at 11am in the Council Chamber, County Hall**

**Present:**

Cllr Brian Long (Chair)

Cllr Steven Askew

Cllr Rob Colwell

Cllr Chris Dawson

Cllr Mark Kiddle-Morris

Cllr Paul Neale

Cllr Mike Sands

Cllr Martin Storey

Cllr Tony White

**Substitute Members Present:**

Cllr David Bills for Cllr Graham Carpenter

**Also Present**

Hollie Adams

James Beasley

Cllr Roly Beazley

Cllr John Billing

Chris Burgess

Charles Colling

Jenna Conway

Ralph Cox

Andrew Harriss

Nick Johnson

Karl Robinson

Andrew Sierakowski

Marcia Solloway-Brown

Phil Taylor

Kieran Yates

Committee Officer

Public Speaker

Public Speaker

Public Speaker

Subject Lead (Planning Team), npLaw

Planning Officer

Public Speaker

Principal Planner

Planning Officer

Head of Planning

Public Speaker

Planning Officer

Public Speaker

Public Speaker

Highway Development Management Officer

**1 Apologies and Substitutions**

1.1 Apologies were received from Vice-Chair Cllr Graham Carpenter (Cllr David Bills substituting), Cllr William Richmond and Cllr Alexandra Kemp.

**1.2 Election of Vice-Chair for meeting**

Cllr Storey was nominated by Cllr Tony White and seconded by Cllr Brian Long. Cllr Martin Storey was duly elected to sit as Vice-Chair for the meeting.

## **2 Minutes**

- 2.1 The minutes from the Planning (Regulatory) Committee meeting held on 24 November 2023 were agreed as an accurate record and signed by the Chair.

## **3 Declarations of Interest**

- 3.1 Cllr Kiddle-Morris declared a declaration of interest related to item FUL 2022 0021 as he was speaking as Local Member. He would abstain from speaking and voting on this item as a Committee Member.

## **4 Urgent Business**

- 4.1 There was no urgent business.

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

## **5 Point of Order**

- 5.1 The Committee agreed to take agenda items 6, "FUL/2022/0021: Land south of Rawhall Lane, Beetley, Dereham, Norfolk, NR20 4HJ" and 7, "FUL/2023/0019: Land adjacent to the Barn, Heron Farm, Bunwell Road, Besthorpe, Attleborough, Norfolk, NR17 2LN" first, followed by item 5, "FUL/2023/0033: Carter Concrete Ltd, Britons Lane, Beeston Regis, NR26 8TP".

## **6 FUL/2022/0021: Land south of Rawhall Lane, Beetley, Dereham, Norfolk, NR20 4HJ**

- 6.1.1 The Committee received the report setting out a planning application for the development of a new sand and gravel quarry on agricultural land south of Rawhall Lane, approximately 1.1 km to the north-west of Beetley, near Dereham.
- 6.1.2 In line with his declaration of interest, Cllr Kiddle-Morris did not take part in discussion, debate or voting on this application as a Member of the Committee, as he was speaking to the Committee about the application as Local Member.
- 6.1.3 The Planning officer gave a presentation; maps, photographs and diagrams shown in the presentation are available to view as part of the Committee report or planning application documents:
- Photographs and maps from the planning application documents and the local plan were shown. There was an area of land which was included in the local plan but excluded from the application as the mineral here was not good.
  - There was proposed to be 6 phases of extraction, with restoration after each phase. Maps detailing the phases were shown. The final works phase would return to the access of the site.
  - There was a proposal to restore the site back to agricultural land.

- The level of extraction was proposed to be kept above the water table.
- A map was shown of site access and photographs of the site access and aspects of the site.

6.2 The Committee asked questions about the presentation:

- Removal of the two substantial trees on the site was queried. The Planning Officer confirmed that these would be retained.

6.3.1 Cllr John Billings spoke as local Parish Councillor for Beetley Parish Council

- Cllr Billings felt that this application threatened to disrupt the peace and safety of the community. Cllr Billings had given his concerns in writing which he felt were not fully represented in the report.
- Cllr Billings felt that the report failed to show accurate highways conditions as the traffic survey was conducted during the Covid-19 pandemic, therefore misrepresenting the impact on the B1146 due to the lower traffic levels during this time.
- Cllr Billings stated that the proximity of the site to Rawhall Lane raised a threat of noise to residents living in East Bilney. The start time of operations raised concerns due to the early opening hours.
- Cllr Billings raise concerns that there would be a doubling of aggregate trucks passing by the local school which would impact on the safety of children. Cllr Billings asked the Committee to consider the implications on the school and preschool of the heavy traffic.
- Cllr Billings queried the disparity between site specific allocation policies Min12 and Min51. Min12 stated that sites must be phased with adjacent permitted sites to ensure only one is worked at any one time.
- Cllr Billings asked the Committee to think about the impact of traffic, noise levels and on school children and delay the approval of this application until existing sites had completed extraction.

6.3.2 Cllr Roly Beazley spoke as Chairman of Gressenhall Parish Council

- Cllr Beazley supported Cllr Billings' comments. He accepted the principal of gravel production but thought this would be better achieved over the long scale.
- There were two other pits in the vicinity of this site which fully met needs.
- Cllr Beazley objected to the doubling of lorry movements on the local road network, which he described as less than adequate.
- Cllr Beazley felt that the application did not comply with CS13, as it did not mention the production of renewable energy on the site, which he felt should be considered in today's environment.

6.3.3 Committee Members asked questions to the speakers:

- The Planning Officer clarified that CS13 required sites to have provision and consideration of renewable energy on site but recognised that this was not always possible. Planning officers had asked the applicant to look into this. They had considered it but found constraints of the site would not allow it.
- The Highways Officer had assessed safety during a site visit. The B1146 was a designated lorry route and there was a quarry opposite; he concluded that

the route was adequate and that highways objections could not be justified. There could be up to 28 trips to the site which was around 2 HGVs per hour which did not constitute severe highways impact. He recommended the HGV routing plan to ensure that HGVs used the lorry route. If so minded, Members could make a recommendation to amend the routing plan to avoid school hours drop off and pick up times.

- A Committee Member asked about lorry movements taking into account other quarries in the area. The Highways Officer was unsure of the number of vehicles from other sites however had carried out a traffic survey on the road.
- A Committee Member suggested that the meeting be adjourned so the full extent of highway impacts could be assessed, noting the possible impact on the wider highway network. Officers clarified that the traffic from the site did not constitute a severe highways impact as this was a designated lorry route and the results of the HGV survey included HGVs from any source. The threshold for a more detailed assessment was an increase in traffic of 10% which was not reached.
- A Committee Member asked how mitigation measures would handle the timetable of HGV arrival. The Planning Officer replied that it was difficult to control HGVs arriving before opening of the quarry other than through opening times and the routing agreement. Proposed operating hours were set out on page 55 of the report.
- The Planning Officer confirmed that there should be a wheel wash on the site.
- It was pointed out that as traffic surveys were said to have been taken during Covid, when figures were measured at a point of low traffic movement then percentage increases would be much higher, but it had been pointed out that they were acceptable.

#### 6.3.4 Jenna Conway from Heaton Planning spoke on behalf of the applicant:

- Longwater Gravel was a family run company based in Norfolk with three quarries producing sand and gravel for use within the County.
- The company was well established in the market and was a local employer, engaging with smaller companies to supply materials.
- The central area of the proposed quarry was in Min51, along with land to the north and south proposed for allocation in the emerging minerals and waste local plan. Norfolk County Council had identified a need to secure additional reserves to meet demand for the county of 12m tonnes of reserve. The National Planning Policy Framework (NPPF) advised that local authorities could give weight to emerging plans according to the stage of allocation; this plan had been submitted and was in its final stage.
- Work had been undertaken to minimise the impact of work where possible, such as the site being at low level behind vegetation and bunds and phased working to minimise the number of working areas at any one time.
- Restoration would be completed at the earliest opportunity with peripheral trees and hedges retained with stand-off areas to ensure they were not impacted by operations. Internal hedges were proposed to be reinstated as part of the restoration plan, with stand-off from the western boundary.

- The new quarry proposed at Beetley would supply reserves when Longwater operations Wymondham and Coxford quarries ceased in the next 5-10 years and was at lower tonnage to increase when these ceased.
- The restoration concept was based on land for agricultural use and the scheme showed an increase of over 100% in-area habitat units and a 13% increase in linear habitat units.
- Liaising with statutory consultees had resulted in amendments to the scheme and additional information provided. Proposals had been provided with no objections from the statutory consultees, subject to conditions and subject to submitting further schemes to measure additional impacts.
- The operation would be carried out in tandem with the works at Middleton Aggregates. The benefits of Middleton's Aggregates already operating was that cumulative impacts could be measured.
- HGV movements were a maximum of three additional movements per hour with no peak hours, progressive across the day, and should not cause problems at school drop off or pick up time.

6.3.5 Cllr Mark Kiddle-Morris spoke to the Committee as local Member for Necton and Launditch:

- Cllr Kiddle-Morris circulated a photograph showing the location of the site; see appendix A of these minutes.
- The site was proposed to extract around 70,000 to 100,000 tonnes of aggregate per annum.
- There were three other active quarries in the division, and two of these also extracted around this amount per annum. Middleton Aggregates was adjacent to this site, and this site had applied to extend its operations to 2037. Longham quarry produced 110,000 tonnes per annum.
- If this application was approved there would be 300,000 tonnes coming out of this division.
- There had been concerns raised that the processing plant was 400m away from the processing plant of Middleton Aggregates, and the cumulative impact of noise, dust and vibrations from the two plants had not been taken into account in the assessment. Cllr Kiddle-Morris felt that more work needed to be done to look at the cumulative impact.
- The transport assessment proposed 18-29 HGV movements per day depending on the extraction rate. Middleton Aggregates produced around the same amount of traffic meaning that this would result in around 36-58 more HGVs per day if this application was approved. Cllr Kiddle-Morris felt that the assessment of highway safety was inadequate and a reduction of the speed limit on Rawhall Junction should be investigated.
- It had been stated that it was not possible to install a renewable energy source on site however Cllr Kiddle-Morris noted that solar panels had been installed at a local quarry which provided 20% of the site's energy.
- Cllr Kiddle-Morris felt that MW1, MW3 and MW6 or the emerging local plan were not met in this case. He felt that the application should be deferred to start at the end of the Middleton quarry extraction, and more work carried out to assess the cumulative impact with Middleton Aggregates.

- 6.3.6 Committee Members asked questions to the speakers:
- Cllr Kiddle-Morris confirmed that the school was 1.5 miles south of Rawhall Lane.
  - A Committee Member asked why renewable energy was not possible on site; the Planning Officer replied that the assessment included in the application concluded there was not enough space on site to accommodate it.
  - A Committee Member asked about the mitigations in place to take care of wildlife. The Planning Officer replied that a licence was needed to undertake work due to the protected species in the area, and mitigations for these species were built into the application.
  - The Vice-Chair felt that a 20mph speed limit past the school would be beneficial. Cllr Kiddle-Morris confirmed that there was a wigwag 20mph advisory speed limit. The Head of Planning advised that since highways impacts were negligible any recommendations to put in place a highways condition would not pass the test needed to put a condition in place.
- 6.4 The Vice Chair **proposed** that the plant operating times be amended so that they were in line with the nearby Middleton Aggregates' operating times to protect local amenity. He understood that the Middleton site closed at 5pm. This proposal was seconded by the Chair. With 6 votes in favour this proposal was **agreed**. *\*after the meeting it was determined that Middleton Aggregates closed at 6pm, not 5pm. The Chair, in consultation with the Head of Planning and Legal Officer, agreed that this condition be changed so that the site close at 6pm, as the intention of this proposal was to keep operating times in line with those at Middleton Aggregates.*
- 6.5 Cllr Colwell **proposed** that the application be deferred to a later date so that the concerns about highways could be looked into in more detail, particularly the cumulative effect on local villages. This was seconded by Cllr Mike Sands with the addition of further investigation into mitigation measures for wildlife. With 3 votes for and 6 against, the proposal was **lost**.
- 6.6 The planning officer reported that the applicant had requested changes to the conditions. These were read out by the planning officer and are attached at appendix B of these minutes. The Chair requested that at future meetings late amendments to conditions were circulated to the Committee as a hard copy, and that an item was added to future agendas for the Committee's consideration of changes made to applications between publication of reports and the meeting and late correspondence received.
- 6.7 Cllr Paul Neale left the meeting at 14:20 and would not vote on this item.
- 6.8 A Committee Member asked about the HGV rerouting. The Planning Officer replied that the HGV rerouting plan would ensure that vehicles would not turn right and go towards the B1146. The Chair noted the importance of businesses acting as good neighbours.
- 6.9 With 7 votes for and 1 vote against, the Committee **agreed** that the Executive Director of Community and Environmental Services be authorised to:

1. Grant planning permission subject to the conditions outlined in Section 11 the amended conditions, set out in appendix B to these minutes, and the proposal agreed by the Committee for the site to close at 6pm to align with the closing time of Middleton Aggregates (agreed at paragraph 6.4 of these minutes)
2. Discharge conditions where those detailed above require the submission and implementation of a scheme, or further details, either before development commences, or within a specified date of planning permission being granted;
3. Delegate powers to officers to deal with any non-material amendments to the application that may be submitted.

6.10 The Committee took a break from 12:40 until 12:45.

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

7.1.1 The Committee received the report setting out a planning application for a change to the use of an area of land from open air storage (plant, materials and aggregates) to an aggregate and soil recovery facility (part retrospective). The application sought to recycle / recover up to 60,000 tonnes per annum of aggregates and soils from imported construction, demolition and excavation waste linked to the adjacent Newall civil engineering business.

7.1.2 The Planning Officer gave a presentation to the Committee; maps, photographs and diagrams shown in the presentation are available to view as part of the Committee report or planning application documents:

- A presentation was given showing maps of the site location, an aerial photo, maps of the proposed site plan including landscaping and a cross section, available in the planning application documents.
- Photographs were shown of the crusher, local highways, the application site, and views of the site from nearby, available in the planning application documents.
- Health and Safety Executive (HSE) best practice guidance advised that crushers should be in a raised position so the operator could be always seen in the hopper. A condition requiring all plant to operate at ground level would go against this and was therefore unreasonable.

7.2 A Committee Member asked how much development had taken place on the site since the planning application submitted in 2021 was refused by the Committee. The Planning Officer replied that there had been waste stored on the site.

7.3.1 Karl Robinson spoke to the Committee as an objector:

- This was the eighth retrospective application for this site related to waste. As the nearest unconnected neighbour to the site, due to the site moving 150m closer Mr Robinson believed the site became worse.
- Planning Applications had been refused for this site in the past due to noise and landscaping issues which had not been resolved. There were no controlled hours of operation at the site which had tipping at all hours.

- There was no planning consent to planning to store waste and Mr Robinson believed that Breckland District Council had allowed them to store it as “material”.
- Mr Robinson stated that the applicant ran lorries at all hours with no control, from 4:30am until midnight through country lanes, which was noisy. There had been objection received from the Parish Council about this, waking local residents. The lorries were reported to travel through Bunwell and New Buckenham, affecting residents here as well.
- There was noise heard locally from excavators, reversing sounds and tipping of waste. There had been no objection from Environmental Health or the Environment Agency however there was an open case with Breckland District Council over noise and over 30 incidents had been reported to the Environment Agency.
- Mr Robinson showed photographs of the view of the site from his back garden, which showed a view of the excavator working in an elevated position and other machinery above the top of the bund and a photograph of the highways; please see appendix C of these minutes. There was a condition on the site from Breckland District Council to have no aggregate crushers on the site and no waste storage, but Mr Robinson believed this indicated this showed waste processing was taking place.
- Mr Robinson asked for a condition to regulate lorry hours as he noted that the noise peaked by 30 decibels over background noise.
- He felt that there was an issue with lorry movements on the nearby roads, as shown in his photographs, at appendix C to these minutes.
- If refused, Mr Robinson felt that Norfolk County Council should work on resolving enforcement issues with waste with Breckland District Council and was concerned about the storage of waste on the site, which Breckland District Council had a condition in place against.

#### 7.3.2 Marcia Solloway-Brown spoke in support of the application:

- Ms Solloway-Brown lived at the closest residential home to the site. She did not have any problems with the site and thought the bund had been put up sensitively.
- She had put trees around her own boundary, and the application site ran alongside her boundary which she said was hard to see from the road. Ms Solloway-Brown liked the location of the house and liked living there and wanted it to be her “forever home”.
- Ms Solloway-Brown felt recycling was important to be carried out by everyone and places were needed for it to take place; it would always have an impact but the negative impact could be reduced. She felt Newall’s had addressed this.
- Ms Solloway-Brown stated that she was not disturbed by the noise and dust from lorries on the site. She was retired, and before this had worked from home; work on the site had not stopped her conducting business at home. Newall’s had worked to limit dust by dampening the road regularly.
- Ms Solloway-Brown reported that before Newall’s began work in the area, it was an agricultural area, with tractors and agricultural work taking place. The work here affected her no more so than the agricultural work had done.

- Ms Solloway-Brown stated that neighbours had encouraged her to disprove of the application however she was happy to live next to the application site.

#### 7.3.3 Phil Taylor spoke to the Committee as applicant:

- Newall's took pride in their reputation and relationship with the community. They welcomed parish councils and residents to visit the site to understand what the site did and its benefits but noted that recycling could be seen as negative. However, recycling was better than sending waste to landfill.
- Mr Taylor was confused by the recommendation to refuse, since all statutory consultees had no objections. Three facts had changed since this application was last submitted: the site previously considered was on a smaller piece of land which was more difficult to work, there was a 5m bund around the land granted by the District Council, and trees which had been planted around the site; see appendix D of the minutes.
- The equipment could be located at ground level. The Council recommended the application for refusal because they could not impose a condition requiring it to be located at ground level due to Health and Safety Executive legislation.
- Mr Taylor felt that the report was confusing on the reasons for refusal. He had not heard of other sites which had been granted permission with controls in place for the height of machinery.

#### 7.3.4 James Beasley spoke to the Committee as applicant:

- Mr Beasley was a qualified health and safety manager and environmental manager. He stated that in their recommendation, the council referenced the best practice guidance by the Health and Safety Executive. This was not a code of practice.
- The Provision and Use of Work Equipment Regulations 1998 stated that clear written instructions must be given when using this equipment. The manufacturer's specifications for the equipment were approved by EU and UK regulations. Neither of these stated that a ramp or platform must be used for loading or operating the equipment.
- Statutory guidance of mobile crushing and screening process guidance also did not state that a ramp or platform must be constructed. Plants recognised Health and Safety Executive guidance, but as stated in this guidance, this was not comprehensive, and Newall's had turned to statutory documentation and advice from Morgan Sindell's Health and Safety advisor which stated that techniques using modern technologies in the form of CCTV to allow operators to view operations and allowing operators to carry out task in a safe manner was key.
- Risks arising from the tasks could be controlled in a safe and manageable level.

#### 7.4 The Committee moved onto debate:

- The Planning officer confirmed that working at ground level had been raised with the applicant, who had looked into other measures such as attaching CCTV cameras to the plant or working using a banksman.
- The highway routing was queried. The Highways Officer had recommended the HGV routing to ensure that HGVs would avoid travelling through Bunwell.

- Cllr Tony White **proposed** to approve the application, seconded by Cllr Chris Dawson, who noted that this was a finely balanced application, due to there not being a clear adverse impact on local amenity and landscape. The Chair clarified that if approved, conditions would need to be put in place. In usual circumstances when this occurred, conditions were delegated to officers in consultation with the Chair and Vice-Chair. In the absence of the Vice-Chair the Chair suggested that instead this was in consultation with the Chair and Cllr Tony White, as the proposer of the motion.
- A Committee Member was concerned having read Health and Safety Executive guidance, which stated that the machinery used at the site could be fatal. The Chair noted it was the responsibility of the site operator to ensure the machinery used on site was used safely.
- A Committee Member asked if anything could be done to manage the antisocial operating hours. The Chair suggested that, if this application was approved, opening times would be taken into account as part of drawing up of conditions. If there were any concerns with the conditions drawn up then they would be brought back to the Committee.
- Cllr White and the Chair **confirmed** that the Committee did not intend to condition the requirement for the site operator to work at ground level.
- A Committee Member noted that it was the company's responsibility to carry out a Health and Safety assessment and ensure they were operating machinery safely on site.

7.5 With 7 votes for, and 2 votes against the Committee **AGREED** to **approve** the planning application, with conditions to be agreed by officers in consultation with the Chair of the Committee and Cllr Tony White.

## 8. **FUL/2023/0033: Carter Concrete Ltd, Britons Lane, Beeston Regis, NR26 8TP**

8.1.1 The Committee received the report setting out a planning application under Section 73 of the Planning Act 1990 for variation of conditions of permission reference FUL/2019/0002 to regularise changes to the approved restoration scheme for the original quarry.

8.1.2 The Committee Officer gave a presentation to the Committee; maps, photographs and diagrams shown in the presentation are available to view as part of the Committee report or planning application documents:

- The location map, site plan and approved restoration scheme and photographs of the site were shown.
- The site was located in an Area of Outstanding Natural Beauty. On balance it was considered that there was demonstration of public benefits of this development continuing within the Area of Outstanding Natural Beauty.
- Photographs of highways access from the site were shown.
- The Planning Officer updated Members on an additional condition recommended since the report was published; see Appendix E to these minutes.

8.2 The Committee moved to debate:

- A Committee Member asked about the safety of the steep sides of the quarry after restoration. The Planning Officer confirmed there would be provision for public access, however people would not be encouraged to venture onto the slopes, which were not proposed to be reduced in steepness. Over time, gorse and shrubs would colonise the slopes and reduce the opportunity for people to climb them.
- Cllr Chris Dawson recommended that the application be approved. The Chair agreed with this proposal to move to the vote on approval.

8.3 The Committee unanimously agreed that the Interim Executive Director of Community and Environmental Services be authorised to:

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

The meeting ended at 13:39

### Chair



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# Proposed Quarry South of Rawhall Lane

**Legend**

- 📍 Feature 1
- 📦 Feature 2
- 🏠 plant



## Planning (Regulatory) Committee

**Item No: 6**

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

**Date of Meeting:** 26 January 2024

**Responsible Cabinet Member:** N/A

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

**Is this a Key Decision?** No

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

There are 7 updates since the planning application committee report was published:

Organization	Comment	Officer Response
Applicant	<p>Requests amendment to draft Condition No. 1 so that the condition states:</p> <p><i>The development to which this permission relates shall cease and the site shall be restored by 31 December 2036 2046 in accordance with Drawing No. LON-002-M.D.015E, Concept Restoration Plan, dated September 2023.</i></p>	<p>This is a typographical correction. The end date is intended to be 2046.</p> <p>Recommended that the requested amendment is accepted.</p>

Applicant	<p>Requests removal of draft Condition No. 7 which states:</p> <p><i>Prior to the first use of the development hereby permitted the vehicular access/crossing over the verge shall be constructed in accordance with a detailed scheme to be agreed in writing with the Mineral Planning Authority in accordance with the highways specification (Industrial) and thereafter retained at the position shown on the approved plan. The scheme shall include details of any hedgerow removal and a specification for any replanted hedgerow to be replanted outside the approved visibility splay in accordance with the requirement of Condition No. 10.</i></p>	<p>The applicant has requested removal of the condition on the basis that details of the access have been submitted. NCC Highways however are not satisfied that the level of detail of the construction of the access required has been supplied and accordingly have requested inclusion of the condition.</p> <p>It is therefore recommended that the condition be retained as worded.</p>
Applicant	<p>Requests an amendment to draft Condition No. 13 to include reference to a caveat for essential maintenance and emergencies outside the normal operational hours to state (additional wording underlined):</p> <p><i>No operation authorised or required under this permission shall take place on Sundays or public holidays, or other than during the following periods:</i></p> <p><i>07.00 - 18.00 Mondays to Fridays</i>  <i>07.00 - 13.00 Saturdays.</i></p> <p><u><i>except for the purposes of essential maintenance and in the event of an emergency.</i></u></p>	<p>This is an acceptable amendment.</p> <p>Recommended that the requested amendment is accepted.</p>
Applicant	<p>Requests an amendment to draft Condition No. 17 to remove reference to heavy goods vehicles, on the basis that HGV's may be delivering to sites that require audible reversing alarm systems, so that the condition states:</p>	<p>This is standard requirement to minimise noise from HGVs and mobile plant and white noise</p>

	<p><i>All heavy goods vehicles and all mobile plant operating on the site will be fitted with broadband ('white-noise') reverse warning systems and maintained in accordance with the manufacturers recommendations for the lifetime of the development.</i></p>	<p>alarms are audible.</p> <p>Accordingly, it is recommended that the condition is retained as worded.</p>
Applicant	<p>Requests that Condition Nos. 24 &amp; 27 are combined to state:</p> <p><i>Prior to any operations commencing on the site a Soil Resource and Management Plan, which shall be prepared in accordance with the Institute for Quarry's Good Practice Guide for Handling Soils in Mineral Workings (2021). Shall be submitted to the MPA for their consideration. The Plan shall identify clearly the origin, intermediate and final locations of soils for use in the restoration, as defined by soil units, together with details balancing the quantities, depths, and areas involved.</i></p> <p><i>All soil handling and storage operations shall be carried out in accordance with the details to be set out in the approved Soil Resource and Management Plan.</i></p>	<p>This is an acceptable amendment.</p> <p>Recommended that the requested amendment is accepted.</p> <p>Subsequent conditions would be renumbered.</p>
Applicant	<p>Requests an amendment to draft Condition No. 28 be amended to remove period of time stated in the condition as this is unnecessary so that condition states:</p> <p><i>Soil shall only be moved when in a dry and friable condition. For all soil types no soil handling shall proceed during and shortly after significant rainfall, and/or when there are any puddles on the soil surface.</i></p> <p><del><i>Soil handling and movement shall not be carried out between the months of October to March inclusive.</i></del></p> <p><i>Plant or vehicle movement shall be confined to clearly defined haul routes, or the overburden surface and shall not cross areas of topsoil and subsoil.</i></p>	<p>This is an acceptable amendment.</p> <p>Recommended that the requested amendment is accepted.</p>

	<p>Requests an amendment to draft Condition No. 35 on the basis that the requirement of the condition is to onerous, so that the condition states:</p> <p><i>Prior to the installation of any fixed external lighting, a <del>Lighting Design Strategy</del> scheme for areas to be lit shall be prepared by a <del>suitably qualified lighting consultant</del> and submitted to the Mineral Planning Authority for written approval. The strategy shall:</i></p> <p><i>(a) Identify those areas/features on site that are particularly sensitive for bats, and those areas where lights are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging;</i></p> <p><i>(b) Show how and where external lighting will be installed (<del>through technical specifications and the provision of appropriate lighting contour plans which shall include lux levels of the lighting to be provided</del>) so that it can be clearly demonstrated that areas to be lit will not cause light pollution and disturb or prevent bats using their territory or having access to their breeding sites and resting places; and</i></p> <p><i>(c) Include the hours of operation for the approved lighting.</i></p> <p><i>The lighting shall be installed in accordance with the specifications and locations set out in the approved strategy and shall be maintained thereafter in accordance with the strategy for the lifetime of the development.</i></p>	<p>Full details of the lighting scheme have not been submitted with the application and any scheme should be designed to take into account the potential presence of bats and designed by suitably qualified lighting consultant.</p> <p>It is therefore advised that the condition be retained as worded.</p>
Applicant	<p>Requests that the monitoring requirement set out in draft Condition No. 37 be deleted (as follows) or amended so that a monitoring report be submitted post each phase of mineral extraction and restoration:</p> <p><i>The development shall be undertaken strictly in accordance with the Proposed Quarry Development, Beetley, Norfolk, Ecology Addendum (BNG Calculations), Wild Frontier</i></p>	<p>Monitoring is required to ensure the delivery of BNG a proposed.</p> <p>Currently guidance allows for up to five years of</p>

	<p><i>Ecology Ltd, dated December 2022, including the implementation of the Proposed Habitats set out in Section 2.3 and the Appropriate Management of Proposed Habitats set out in Section 2.4 to deliver the Change in Biodiversity Unit calculations for the site - Area Based Habitats set out in Table 5 Proposed Hedgerow Unit calculations for the site – Linear Based Habitats set out in Table 6.</i></p> <p><del><i>An annual Monitoring Report to be prepared a competent ecologist shall be submitted to the Mineral Planning Authority by 31st December each year confirming implementation of the Proposed Habitats and the Appropriate Management of Proposed Habitats, following the commencement of soil stripping and extraction works in Phase 2.</i></del></p> <p>It is recommended that this second paragraph is retained with the following amended wording (underlined):</p> <p><i>An annual Monitoring Report to be prepared a competent ecologist shall be submitted to the Mineral Planning Authority by 31st December each year confirming implementation of the Proposed Habitats and the Appropriate Management of Proposed Habitats, following the commencement of soil stripping and extraction works in Phase 2 <u>and until five years after the end date of the final restoration works notified in accordance with Condition No. 2.</u></i></p> <p>As a consequential amendment it is also recommended that Condition No. 2 be amended to state:</p> <p><i><u>Within seven days of the commencement of operations, the operator shall notify the Mineral Planning Authority in writing of the start date and within seven days of the completion of the final restoration works in Phases 1 and 2 (shown on Drawing Refs LON-002-M.D.014E and Drawing Ref. LON-002-M.D.015E), the operator shall notify the Mineral Planning Authority in writing of the end date of the works.</u></i></p>	<p>aftercare, so it is recommended that the condition is retained as worded but with the additional wording to require submission of a monitoring report for a period up to five years after the completion of the final restorations works in phases 1 and 2. This would provide greater certainty to the developer.</p> <p>As a consequential amendment, Condition No. 2 should also be amended to require completion of the works on site.</p>
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# Photographs from Karl Robinson

FUL/2023/0019













# Photographs from Phil Taylor

FUL/2023/0019











## Planning (Regulatory) Committee

**Item No: 5**

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

**Date of Meeting:** 26 January 2024

**Responsible Cabinet Member:** N/A

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

**Is this a Key Decision?** No

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

There are \*\* updates since the planning application committee report was published:

Organization	Comment	Officer Response

There is one amendment to the report since the planning application committee report was published:

Paragraph	Issue	Amendment
11.2 Additional condition and reason for condition	Additional condition required in order to clarify locations of proposed two no. culverts underneath proposed trackway, to facilitate surface water drainage into northeast corner of quarry void, and secure management and maintenance of surface water drainage features	Additional condition and reason:  Notwithstanding the provisions of paragraph 3.3.5 of submitted document titled Environmental Statement; unreferenced; prepared by David L Walker Limited; dated August 2023, and the email reference B92/2 from David L Walker Limited to Norfolk County Council dated 08 January 2024

	(please refer to paragraph 3.98 of Committee Report)	<p>16:23 hours, within three months of the date of this permission details of a scheme for the management of surface water shall be submitted to the County Planning Authority for its approval in writing. The scheme shall also include details of the maintenance and management of all the surface water drainage features.</p> <p>The scheme shall thereafter be implemented in accordance with the approved details and retained in perpetuity, and be managed and maintained in accordance with the approved details in perpetuity.</p> <p>Reason: To ensure the effective management of surface water and to ensure clear arrangements are in place for ongoing operation and maintenance of the surface water drainage system, in accordance with Policy DM4 of the Norfolk Minerals and Waste Core Strategy 2010-2026, and paragraph 175 of the National Planning Policy Framework (2023).</p>

**Planning (Regulatory) Committee  
Minutes of the Meeting Held on 22 March 2024  
at 11am in the Council Chamber, County Hall**

**Present:**

Cllr Brian Long (Chair)

Cllr Mark Kiddle-Morris  
Cllr Mike Sands  
Cllr Martin Storey

**Substitute Members Present:**

Cllr David Bills for Cllr Chris Dawson  
Cllr Ben Price for Cllr Paul Neale

**Also Present**

Hollie Adams	Committee Officer
Wayne Bland	Public Speaker
Chris Burgess	Subject Lead (Planning Team), npLaw
Jack Clemence	Public Speaker
Ralph Cox	Principal Planner
Jon Hanner	Principal Engineer, Highways
Andrew Harriss	Planning Officer
Nick Johnson	Head of Planning
Cllr Robert Kybird	Public Speaker
Kate Lawty	Planning Officer
Cllr Victor Lukaniuk	Public Speaker
Sarah Shipley	Public Speaker
Richard Skehens	Public Speaker

**1 Remarks by Chair – Inquorate meeting**

- 1.1 The Chair informed attendees that seven Committee Members needed to be present for the meeting to take place. The meeting was adjourned for 10 minutes to allow for any late attendees to arrive.
- 1.2 With only six Members of the Committee present the Chair declared the meeting inquorate and confirmed that the meeting would be rearranged.

The meeting ended at 11:20

## Chairman



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# Planning (Regulatory) Committee

Item No: 5

**Report Title:** FUL/2022/0051: Land at Brandon Rail Sidings, Mundford Road, Weeting, Suffolk. IP27 0BA

**Date of Meeting:** 22 March 2024

**Responsible Cabinet Member:** N/A

**Responsible Director:** Steve Miller, Lead Director for Communities & Environment

**Proposal and applicant:** Retention of replacement rail siding (retrospective): Network Rail

**Is this a Key Decision?** No

## Executive Summary

Planning permission is sought for retention of a replacement (second) rail siding at Brandon Rail Sidings. The sidings site is currently operated as an aggregate storage and distribution centre, with the importation of aggregates by rail and export by road. Submission of the application follows the issue of an Enforcement Notice by the County Council which requires removal of the rail siding track.

Objections and concerns are raised by a Local Member (Breckland Council Electoral Ward), the Local Member for the neighbouring Suffolk County Electoral Division and the Local Member for the neighbouring West Suffolk Council Electoral Ward. Concerns are raised by Weeting Parish Council, Brandon Town Council and a Local Member (Breckland Council Electoral Ward). Representation is made by nine members of the public, six of whom make explicit objection to the proposals. Their concerns relate primarily to impacts on residential amenity and traffic movements. 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, landscape and visual impact/design, impact on residential amenity, impact on heritage assets, biodiversity, transport, sustainability, flood risk, groundwater/surface water, safeguarding aerodromes and cumulative impacts.

The environmental impacts of the proposal have been carefully considered. It is considered that the proposal would be in accordance with the policies contained within

the development plan and no material considerations sufficient to outweigh the plan have been identified.

Full details of the application, FUL/2023/0033, and consultation responses, can be found online here: [eplanning.norfolk.gov.uk/Planning/Display/FUL/2022/0051](http://eplanning.norfolk.gov.uk/Planning/Display/FUL/2022/0051)

## **Recommendations:**

That the Lead Director for Communities and Environment be authorised to:

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

## **1. Background**

- 1.1 This report deals with a retrospective planning application for retention of a replacement (second) rail siding on land forming part of the Brandon Rail Sidings site within the parish of Weeting; the rail siding was laid in late 2017.
- 1.2 Submission of the application follows the issue of an Enforcement Notice dated 16 August 2021 by the County Council which requires removal of the rail siding track by 29 November 2022.
- 1.3 The development is located on an area of open ground forming part of an operational rail sidings site, which dates back to the Norwich and Brandon Railway Act 1844, and has historically been used for transfer of freight by rail. It is understood that the site benefited from two railway siding tracks until the early 2000's but historically there were several more. The sidings site is currently operated as an aggregate storage and distribution centre, with the importation of aggregates by rail and export by road.
- 1.4 Given that the application site and wider sidings site has historically operated as a rail site and would have done so under rail related permitted development rights and/or predated the planning system, the application site and wider sidings site has a very limited planning history: the below history covers the application site as well as the wider Rail Sidings / Goods Shed and Porters Room, Brandon Railway Station:
- 1.5 Breckland DC reference **3PL/1983/1091/CU** - Manufacture of packaging materials from waste paper – Conditional Approval 1983
- 1.6 NCC reference **C/3/2017/3004** - EIA Screening Opinion: Proposed Aggregates Storage and Distribution Facility – Issued 16 May 2017 – Officers concluded that proposed development would need to be considered through the process

of Environmental Assessment due to noise and air quality impacts on nearby residential properties, and local landscape/visual impacts due to loss of screening vegetation and storage of aggregate.

- 1.7 NCC reference **C/3/2017/3013** – EIA Screening Opinion: Proposed Aggregates Storage and Distribution Facility – Issued 19 December 2017 – Officers concluded that, on the basis of the information provided, and subject to mitigation measures in relation to noise, dust, biodiversity and landscape to be secured through a unilateral undertaking, the proposed development would not need to be considered through the process of Environmental Assessment (the unilateral undertaking reached an advanced stage but was not ultimately completed).
- 1.8 NCC reference **SCR/2019/0003** – Request for EIA Screening Opinion: Proposed Aggregates Storage and Distribution Facility – Withdrawn December 2019
- 1.9 Following receipt of complaints in relation to noise, dust and HGV movements arising from use of the sidings site for aggregate import and distribution, and protracted negotiation between the County Council, and the operator and landowner, to help resolve the matter the County Council issued a Planning Contravention Notice (“PCN”) dated 21 October 2019. The PCN identified the following matters as appearing to constitute a breach of Planning Control: - Without planning permission: The use of the Land as an aggregate storage and distribution centre; - The construction of a railway siding track.
- 1.10 Following further investigation regarding alleged unauthorised development at Brandon Rail Sidings officers concluded that:
  - The continued use of the site as rail sidings which includes, but is not exclusively for, the import and onward distribution of aggregate has been assessed as not being development and, therefore, not a breach of planning control.
  - The installation of the additional railway siding track is development and is not authorised by any form of planning permission (deemed or express); therefore, it is a breach of planning control. The development could have benefitted from permitted development rights under The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), Schedule 2, Part 18 – Miscellaneous development, Class A – development under local or private Acts or Order but, as the prior approval of the appropriate planning authority was not sought, it cannot benefit from this permitted development right.

[The prior approval process requires the planning authority to consider how the design or external appearance of the development could impact on the amenity of sensitive receptors].
- 1.11 Given the above, officers considered it expedient to invite a retrospective planning application for the additional siding track and take enforcement action

if the landowner / operator refuses to apply for retrospective planning permission.

1.12 As detailed above, an Enforcement Notice dated 16 August 2021 was served on the applicant and site operator by the County Council. The Enforcement Notice took effect on 31 August 2022 and requires that the rail siding track be removed by 29 November 2022).

1.13 The reasons for issuing the Notice are as follows: 1) It appears to the Council that the breach of planning control has occurred within the last four years; 2) The development is not subject to planning control in relation to noise, dust, traffic or hours of operation contrary to development plan policies.

1.14 The supporting Planning Statement states that the applicant disagrees with the County Councils' interpretation and considers that the siding track was lawfully laid under permitted development rights afforded by the Town and Country Planning (General Permitted Development) (England) Order 2015, Schedule 2, Part 8 – Transport related development, Class A – railway or light railway undertakings and that such works do not constitute a breach of planning control. The Planning Statement confirms that this application is made on an entirely 'without prejudice' basis that planning permission was not required for the laying of the siding track.

1.15 Determining authority

1.16 Whilst construction of a railway track/siding in itself would not normally be a "county matter", the sidings site is currently operated as an aggregate storage and distribution centre, with the transport (importation) of aggregates by rail. Therefore, in accordance with the Town and Country Planning Act, Schedule 1, Para 1(1)(e): Local Planning Authorities: Distribution of Functions, the application under consideration is a "county matter" and falls to be determined by the County Council

## **2. Proposal**

### **2.1 SITE**

2.2 The application site amounts to some 0.19ha of open ground forming part of the wider Brandon Rail Sidings site, which extends to some 2ha and surrounds the vast majority of the application site area. The proposed siding track is located south of and roughly parallel to the existing single siding, and runs from the eastern end of the sidings site and ending on the western end just beyond the site offices.

2.3 The wider Sidings site comprises of an area of open ground accommodating: rail infrastructure in the form of a further siding located north of the siding under consideration; aggregate storage bays located south of the proposed siding; site offices and weighbridge located south of the western end of the proposed siding.

- 2.4 The Rail Sidings site is bounded to the north by a number of commercial / industrial units; to the east-northeast by a row of cottages; to the west by the A1065, Mundford Road and a number of residential properties; to the southwest by Brandon Railway Station; and to the south by the mainline Norwich - Ely railway, beyond which are existing commercial / industrial units, and the town of Brandon, assessed in more detail below:
- 2.5 The nearest residential properties are: Redbrick Cottages abutting the east-northeast boundary of the Rail Sidings site; Railway Terrace to the west; and a property to the north.
- 2.6 Existing vehicular access to the site, which is shared with the adjacent Brandon Railway Station, is via an existing vehicular access from the A1065, Mundford Road, to the west.
- 2.7 Relevant Constraints:
- 2.8 The Breckland Council Local Plan Policy Map - Weeting (2020) identifies the site as being:  
-located outside the defined Weeting settlement boundary.  
-located within an area allocated as a 'General Employment Area'.
- 2.9 The adopted NM&W Core Strategy Policies Map and the Breckland Council Local Plan Policy Map - Weeting (2020) identify the site as being located within the Breckland Special Protection Area (SPA) Stone Curlew 1500m Primary Buffer, and SPA Stone Curlew Grid Cells less than 50% coverage.
- 2.10 The rail sidings site is situated some 17m from an area identified in the Forest Heath Area of West Suffolk Site Allocations Local Plan (2019) as existing employment land.
- 2.11 The rail sidings site is located: some 0.28km from Breckland Special Protection Area (SPA) and Breckland Forest Site of Special Scientific Interest (SSSI); approximately 1km from Breckland Farmland SSSI; some 2.17km from Breckland Special Area of Conservation (SAC); and some 2km from London Road Industrial Estate, Brandon SSSI.
- 2.12 The rail sidings site partly abuts the Grade II listed Brandon Railway Station
- 2.13 **PROPOSAL**
- 2.14 Retrospective planning permission is sought for retention of a replacement (second) rail siding at the site (some 228m of new railway track), together with one set of points and signal at the eastern end of the site. Proposed vehicular access to the site would be via the existing vehicular access from the A1065, Mundford Road.

## 2.15 Site Layout

2.16 The application states that the layout has been based on the fact that this is a reinstatement of a former siding, and has additionally been determined by:

- The nature of the site (including land available for the laying out of the siding);
- The existing location of the first railway siding;
- Operational requirements in terms of being able to unload material from both sidings;
- Operational considerations including safe and efficient movement of vehicles and plant into / out of and around the wider sidings site, safe walking routes, and movement of material into the storage areas.

## 2.17 Operation of the Siding/Wider Sidings Site (train access, shunting and unloading)

2.18 The application states that the key reason for the laying of the replacement siding is to make better / more efficient use of the sidings site. The single siding only allows for a maximum train length of 12 wagons, whereas the second siding allows for 24 wagon trains to access the site and be split over the two sidings. This means that a smaller number of train deliveries / train paths are required for the same level of material throughput. The application compares operation of the site on the basis of a single siding with operation of the site with the retained second siding.

## 2.19 Goods Loop and Access to Sidings Site

2.20 Whether one siding is in place or two, before accessing the sidings site the train will always first enter the 'goods loop' from the main line. The goods loop is located to the east of the sidings site. The locomotive will then shunt the train into the sidings site entering the site from the east.

## 2.21 Unloading and train movements/shunting - utilising one siding

2.22 Operating with only one siding in place means that only 12 wagon trains can access the site. The whole train is shunted along the single (northern) siding and the locomotive would be stationed broadly next to Redbrick Cottages. Under the one siding scenario a greater number of trains per week would be required to meet current maximum activity levels. A single 'clamshell' unloader would be used to unload the train, working from the western end towards the eastern end. The unloader would be followed by a dust spray as needed. Unloading operations (including train arriving / shunting / departing site) would take circa 4.5 hours to complete. Once the train is unloaded the locomotive would be started up and would depart the sidings site.

## 2.23 Unloading and train movements/shunting – utilising two sidings

2.24 Operating with two sidings in place means the site can accept longer (24 wagon) trains. The train is first shunted along the northern siding and is then de-coupled to leave 12 wagons on the northern siding. The loco then reverses out pulling the remaining 12 wagons out sufficiently to enable it to then shunt those 12 wagons along the southern siding. Once shunting is complete the locomotive remains stationed on the southern siding and its engine is switched off for the duration of the unloading of the 12 wagons on the southern siding. Due to the longer length of the southern siding the locomotive is positioned further into the site and as such further away from Redbrick Cottages.

2.25 As far as practicable two 'clamshell' unloaders are used to unload the 12 wagons on the southern siding. They work in one of two ways: (a) One unloader positioned at the western end and one positioned at the eastern end. Each unloader would work moving towards the centre of the train where they would meet; (b) Alternatively, one unloader would start at the either end, and the other unloader would be positioned at the centre of the 12 wagons with both unloaders then moving in the same direction. A mobile dust spray would be in operation during unloading operations.

2.26 In the event that both unloaders are not available and operational with drivers, then one unloader would be used in these circumstances.

2.27 Once the 12 wagons on the southern siding are unloaded, the locomotive is used to pull the 12 wagons out of the site and then shunts the wagons back into the site to couple up with the train on the northern siding. The locomotive would be located some distance from Redbrick Cottages to the east.

2.28 Once the train is at full length the train is moved out of the northern siding and pushed back into the southern siding to allow the remaining full wagons to be emptied. The remaining 12 wagons are then unloaded in the same way as the first half (i.e. two 'clamshell' unloaders working either on the basis of unloading option (a) or unloading option (b) above).

2.29 Once unloading from wagons on the southern siding is completed the 24 wagon train is already in position to depart from the site with the locomotive pulling the train out.

### 2.30 Material Throughput and HGV Movements

2.31 The application is made on the basis of an average level of operation of the rail site (with the second siding in place) of two 24 wagon train deliveries per week, with a cap of three trains per week and a yearly cap of 104 trains (which reflects an average of 2 trains per week); this equates to a maximum annual material throughput of 189,696 tonnes. As regards export of aggregate from the site, based on throughput of 189,696 tonnes this would generate 54 two-way

HGV movements per day (27 in / 27 out). The application states that, in business and operational terms, a sustained and consistent operation at these levels is how the site is intended to operate. Whilst this is the ideal there are factors outside of the applicant's control such as availability of train paths or operational issues with the railway line, rolling stock or drivers which can and does impact on operating levels across different weeks.

2.32 As detailed elsewhere in this report, officers have concluded that the continued use of the wider site as rail sidings which includes, but is not exclusively for, the import and onward distribution of aggregate has been assessed as not being development and, therefore, not a breach of planning control.

2.33 The wider site could continue to operate on the basis of the existing single siding without the need for planning permission, and without restriction. This would include: number of trains, material throughput, hours of site operations / unloading, method of unloading and HGV movements.

2.34 Assuming current operational levels are maintained and assuming average level of operation of two trains per week, utilising both sidings would involve an average of two no. full-length train (24 wagons) deliveries per week.

2.35 Assuming the second siding is removed and current operational levels maintained, using the single siding would involve an average of four no. half-length train (12 wagons) deliveries per week.

2.36 The application confirms that (i) if for whatever reason the second siding is not granted planning permission (once all appeal and other options have been considered) the site would revert back to operation on the basis of the single siding, and (ii) the current maximum operational throughput of the sidings site making use of the two sidings, could and would be operated on the single siding (if the second siding were not in place).

2.37 The supporting Planning Statement states that submission of this application allows for detailed physical and operational mitigation measures to be secured by condition and/or legal agreement. In a single siding scenario there would be no mechanism for control and any retained mitigation would be at the goodwill of the operator. The Statement considers that the proposals would bring tangible benefits in terms of amenity considerations.

2.38 Amended application

2.39 In addition to Monday – Friday, the application as originally submitted sought permission for loading and unloading operations to be undertaken on Saturdays. The applicant subsequently amended the proposal such that no rail unloading will be undertaken on a Saturday.

- 2.40 The application as originally submitted was made on the basis of an average level of operation of the rail site (with the second siding in place) of two 24 wagon train deliveries per week, which equates to 100 trains per year. In order to allow an element of flexibility to deal with any missed or cancelled deliveries, the applicant amended the proposal such that the number of train deliveries would be restricted to three trains per week and 104 trains per year, (which reflects an average of 2 trains per week).
- 2.41 Ministerial advice on this subject is that it is sensible and time saving to allow applicants for planning permission to amend details of applications provided the amendments do not materially change the character of the development. Given that: the nature, scope and character of the proposal is not changed in a material way; and, as will be demonstrated, the impact of the proposal on the locality arising from an additional four train deliveries per year is not changed in a material way, it was concluded that the subsequent amendments do not materially alter the basis of the proposal as was originally the subject of advertising. The amended application has been subject to re-consultation.

#### **2.42 ENVIRONMENTAL IMPACT ASSESSMENT**

- 2.43 As detailed elsewhere in this report, the local member for the neighbouring Suffolk County Electoral Division and the local member for the neighbouring West Suffolk District Electoral Ward comment that they do not believe an Environmental Impact Assessment has been carried out to assess the impacts of the aggregate facility in relation to residential amenity, HGV traffic and wildlife/flora. As also detailed elsewhere, a local resident asks whether an Environmental Impact study has been carried out on the site to measure noise and pollution.
- 2.44 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 within the meaning of the EIA Regulations 2017. No Environmental Impact Assessment is therefore required.
- 2.45 Notwithstanding that EIA is not required, as detailed elsewhere in this report the impacts of the proposed development in relation to residential amenity, HGV traffic and wildlife/flora etc. are material considerations.

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

#### **3.1 DEVELOPMENT PLAN POLICIES**

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

Norfolk Minerals and Waste LDF: CS and Minerals and Waste DM Policies  
DPD (2011)

CS13: Climate change and renewable energy generation  
CS14: Environmental protection  
CS15: Transport  
CS16: Safeguarding mineral and waste sites and mineral resources  
DM1: Nature conservation  
DM3: Groundwater and surface water  
DM4: Flood Risk  
DM7: Safeguarding Aerodromes  
DM8: Design, local landscape and townscape character  
DM9: Archaeological sites  
DM10: Transport  
DM11: Sustainable construction and operations  
DM12: Amenity  
DM13: Air Quality  
DM15: Cumulative impact

Norfolk Minerals and Waste Local Development Framework: Revised Policies  
Map (2017)

The rail infrastructure at Brandon Rail Sidings is not identified as 'safeguarded' on the NMWDF Revised Policies Map

Breckland Local Plan (2023)

GEN 01 Sustainable Development in Breckland  
GEN 02 Promoting High Quality Design  
GEN 05 Settlement Boundaries  
TR 01 Sustainable Transport Network  
TR 02 Transport Requirements  
ENV 01 Green Infrastructure  
ENV 02 Biodiversity protection and enhancement  
ENV 03 The Brecks Protected Habitats & Species  
ENV 05 Protection and Enhancement of the Landscape  
ENV 06 Trees, Hedgerows and Development  
ENV 07 Designated Heritage Assets  
ENV 09 Flood Risk & Surface Water Drainage  
EC 03 General Employment Areas  
COM 01 Design  
COM 02 Healthy Lifestyles  
COM 03 Protection of Amenity

Neighbourhood Development Plan

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

### 3.2 OTHER MATERIAL CONSIDERATIONS

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

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

3.3 National Planning Practice Guidance (NPPG), which provides supporting information to the NPPF.

3.4 Emerging Development Plan Policy

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

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

Norfolk Minerals and Waste Local Plan: Publication (2022)

MW1: Development Management Criteria

MW2: Transport

MW3: Climate Change mitigation and adaption

MW4: The Brecks Protected Habitats and Species

MP10: Safeguarding of port and rail facilities

[Policies MW2, MW3 and MW4 did not receive any objections and therefore can be given greater weight]

### 3.6 Breckland Local Plan Review

Breckland Council is currently undertaking a review of the adopted Local Plan that will roll forward the plan to 2046. A period of public consultation on the Regulation 18 Local Plan: Full Update (emerging development strategy) began on January 8 and ran until February 19 2024. The emerging plan is a material consideration but is not yet formally part of the development plan for the area; given the early stage of preparation very little weight is given to the emerging plan.

3.7 Whilst not itself a planning policy, Norfolk County Council's Environmental Policy (2019) is also material to the decision.

### 3.8 CONSULTATIONS

**Breckland District Council** – No objections, subject to conditions suggested by Environmental Protection being imposed

**West Suffolk Council** – No response received

**Suffolk County Council** – No response received

#### **Breckland District Council Environmental Health Officer** –

Recommend approval subject to conditions in relation to: development proceeding in line with application details; programme of ambient air monitoring for minimum period of six months; cap number of train deliveries to no more than 104 in calendar year, and no more than three in any one week (Monday – Sunday), cap annual tonnage of aggregates delivered to site, and cap maximum number of wagons in each train to 24; record dates and times of train arrivals and departures, and tonnage of aggregates delivered to site; no operations outside 7am – 6pm Monday to Friday other than rail freight entering/leaving sidings and essential maintenance; compliance with Dust Management Plan; compliance with Noise Management Plan; replace windspeed monitor/windsock with meteorological station; lighting.

Comments made on the basis that the original siding has a lawful use and can operate without restrictions and that if permission for the second siding is not obtained then the current import by rail and the onward distribution of the aggregates by road would continue at the same capacity as it does now, using only the original siding. Without the use of the second siding the operation would move closer to the residential properties known as Redbrick Cottages.

**West Suffolk Council Environment Team** –

No objection. Comment that: are aware that site impacts air quality of Brandon High Street due to number of HGV movements through town. There has, in the past, been informal agreements to limit movements by diverting lorries via A1065 and A134 to A11, although there is no formal method for enforcing this. Although accept that two 24 wagon deliveries would not increase traffic movements over four 12 wagon deliveries, uncontrolled use of southern siding could result, in theory, in a 24 wagon delivery every day of the week. This could significantly increase the number of HGV movements from the site and with no assessment of the impact of this we could not accept this scenario. Request condition to restrict use of southern siding to maximum of two deliveries per working week (Monday to Friday) with no deliveries on Saturday, Sunday or bank holiday.

**Natural England** – No response received

**Historic England** – On basis of information provided do not need to be notified

**Breckland Council Conservation Officer** – No response received

**Highway Authority (Norfolk County Council)** – Comment that, given existing lawful use of site, access arrangements and current unrestricted activity could not substantiate highway related objection to proposals.

Recommend conditions in relation to: deposit of material on public highway; cap on activity; Dust Management Plan.

**Highway Authority (Suffolk County Council)** – No response received

**Open Spaces Society** – No response received

**Lead Local Flood Authority** – appears development classed as minor development; no comments to make

**County Council Ecologist** - No objection, subject to mitigation measures set out in Preliminary Ecological Appraisal. Welcomes proposed ecological enhancement measures. Is satisfied that development is unlikely to impact on Breckland SPA and SAC, and that no further assessment is required.

**County Council Principal Landscape Architect** – No objection. Would support conditions which limit additional vehicle movement, working hours or storage which may have further visual or amenity impacts.

**County Council Historic Environment Officer (Archaeology)** – Based on currently available information proposal will not have any significant impact on historic environment; no recommendations for archaeological work

**Weeting Parish Council** –

Original submission:

Comment that: Existing layout is intrusive and siding is exacerbating situation; Problems emanating from operation have not diminished; Dust control measures are given 'lip service' and are not particularly effective.

Amended application/additional information:

hours of operation should be between 08:00 and 17:00 only;  
Noise unloading should be kept to absolute minimum;  
Wheel wash is essential; offer to sweep station yard daily will not stop mud and dust being trafficked across station yard and onto Mundford Road, Bridge Street and High Street, Brandon; any mitigation for residents of Redbrick Cottages should be pursued.

**Brandon Town Council (Neighbouring) –**

Original submission:

No objection. Express great concern regarding: use of site for onward transport of materials; onward road transport requires transit through Brandon; insecure loads deposited on roads; residue of material clinging to sides of vehicles is deposited on roads blocking drainage system.

Amended application/additional information:

The comments of the Council have not altered.  
Movement of material through Brandon affects resident's quality of life;  
Material which falls from vehicles or washes off vehicles whilst transiting Brandon makes area unpleasant and unsafe;  
The numerous HGV movements through Brandon result in continual problems incl. damage to drain covers, blocking drainage systems, haunching of verges and increased wear to surfaces, which taxpayers of Brandon must pay the burden and suffer inconvenience of.

**County Councillor Fabian Eagle (The Brecks Electoral Division) –** No response received

**Local Member (Neighbouring Suffolk County Electoral Division) –**

Original submission:

Strongly objects. Expresses concern that: additional siding has allowed doubling of aggregate to be brought into site, which is then transported by HGVs through Brandon, with related problems, e.g. noise, pollution and damage to drain covers;

On 11/09/2019 Brandon's Councillors carried out HGV count from the Station over a five day period between 8am and 4pm, 670 HGV's left the station and travelled through Brandon. This is excessive and unacceptable.

Does not believe EIA has been carried out to assess what effects a substantial aggregate facility would have on a residential area.

Amended application/additional information:

Strongly objects. Additional rail siding would greatly increase quantity of aggregate coming into site; from there it is transported by HGVs through Brandon causing damage and pollution incl. noise.

**Local member (Breckland District Electoral Ward)** – Raises objection  
Comments that: is aware of devastating impact this site has on lives of local residents and impacts of dust, air quality, noise and vibration due to number of vehicle movements and train movements; operator and Network Rail should give consideration to vibration from arrival of trains, which is causing blight for residents.

Recommends conditions in relation to:

- Restrict use of southern siding to maximum of two deliveries per working week (Monday to Friday) with no deliveries on Saturday, Sunday or bank holiday. (this must not then cause a detrimental impact on northern siding).
- Dust suppression during all activities on site
- Automatic noise alarms to be fitted on site for use for loading/unloading which alert staff to the need to stop.
- Sheeting of vehicles on arrival and departure
- site wheel wash for vehicles.

**Local member (Breckland District Electoral Ward)** –

Operation of the pair of sidings has generated more complaints than any other matter in Forest Ward. Principal issues are 1. excessive dust 2. excessive noise especially outside of conditioned hours of operation. 3. locos left with engines running. 4. No effective use of tyre wash facilities.

Conditions must be attached to any approval to regularise use of siding in a manner which enables strict enforcement.

**Local Member (Neighbouring West Suffolk District Electoral Ward)** –

Raises objection

Comments that:

Contaminated Land report has not been conducted.

Additional siding has allowed considerably more than double amount of aggregate materials to be trafficked through Brandon Station.

Queries accuracy of Transport Assessment: Brandon Town and West Suffolk District Councillors carried out count of HGVs leaving site over five day period between 8am and 4pm and observed 670 HGVs leave site, and without exception turn left onto A1065 through Brandon Town Centre.

Believes EIA has not been carried out to determine effects of such a large volume of HGV traffic upon Brandon High Street, Thetford Road (B1107) and Bury Road (B1106). Both Thetford Road and Bury Road are totally unsuitable to carry such volumes of HGV traffic.

Believes no EIA has been carried out to determine effects of operations upon local residents and wildlife/flora in near vicinity.

Recognises that site brings benefit of employment to Brandon, but this does not mitigate the damage this operation brings to Brandon due to constant HGV traffic, dust and noise impact on residents within vicinity of site.

### 3.9 REPRESENTATIONS

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

of correspondence were received from nine members of the public with six of those people explicitly objecting to the planning application. The grounds of objection and concerns raised are summarised as follows:

- Sidings are inadequately equipped and poorly located to facilitate handling of aggregates in such close proximity to residential properties.

- Object to retrospective nature of application.

- Siding should not have been put in place without planning permission

- For five years residents have been subjected to extreme levels of excessive noise and dust. Whilst Environment Health are monitoring the situation, their involvement has done little to better the situation.

- If permission was to be granted, what NCC are essentially promoting is a continued abuse of power by the landowner and operator, and that the health and well-being of residents and the impact operations have on the environment are meaningless.

- Asks whether an Environmental Impact study has been carried out on the site to measure the noise and pollution

- Dust hangs in the air and people are breathing it in

- Dust contamination inside our properties; at least two of the materials handled are carcinogenic i.e. Silica and Gypsum.

- Dust settles on properties, plants and cars

- Dust is carried on vehicles and deposited as they travel through the town

- Dust from unsheeted HGVs

- Air Quality and Monitoring Assessment states that dust control will only be used in certain conditions, as a resident I would expect this to be used at all times

- A misting machine parked at edge of site doesn't deal with it all.

- No wheel wash

- Continuing noise from machinery and trains (sometimes arriving late into night)

- Noise when loading lorries

- Concerned about increased traffic this has caused; doubling capacity of site will only increase productivity.

- Heavy volume of HGV traffic along London Road.

- Between 100 and 150 eight-wheel tippers and articulated bulkers leave siding each weekday and travel up Brandon High Street, they also park up along the High Street, blocking the road.

- Noise and vibration from HGV traffic

- My listed building suffers constant damage from vibration caused by HGV's travelling on Brandon High Street.

- Have to endure late-night carriageway repairs caused by HGV's, the High Street cannot handle the constant HGV traffic.
- HGV movements via very busy railway station car park where there is a lot of pedestrian access.
- it is only a matter of time before someone is injured or..
  
- Material is shed from lorries onto local roads (incl. Brandon)
- Material shed from lorries is washed into drainage system blocking the drains
  
- The Transport Assessment states that a single siding can accommodate the site's current activities, a business model based on two sidings, without permission, would be unwise, if the second siding was to get permission the business model could be changed and the site's activities increased by around 60% which could potentially put a further 60 plus lorries leaving the site per day-this is neither safe or acceptable.
  
- site should be restricted to stated 48 wagons per week
- site movements should be limited to Monday to Friday
  
- Please check how much revenue for the town is generated against the impact financially to the bridge and drain covers and pot holes.
  
- concern with depreciation of property values

### 3.10 **APPRAISAL**

The key issues for consideration are:

- A. Principle of Development
- B. Landscape & Visual Impact / Design
- C. Amenity
- D. Ecology
- E. Impact on Heritage Assets
- F. Transport
- G. Sustainability
- H. Flood Risk
- I. Groundwater/surface water
- J. Safeguarding aerodromes
- K. Cumulative Impacts

### 3.11 A – Principle of Development

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

*“if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, the determination must be*

*made in accordance with the plan unless material considerations indicate otherwise”.*

- 3.12 In terms of the development plan and material policy/guidance, the County Planning Authority considers the relevant documents in relation to this proposal are those listed above.
- 3.13 The application site is identified within the Breckland Local Plan Policy Map as being located outside the defined Weeting settlement boundary, and within a wider area designated as a ‘General Employment Area’, (to which Breckland Local Plan policy EC 03 relates).
- 3.14 NMWLDF CS Policy CS15 requires that, All proposed minerals extraction and waste management facilities must assess and consider positively the potential for non-HGV transportation of materials to and/or from the facilities, principally by rail or water. The supporting text to policy CS15 states that, Alternatives to road freight, such as rail and water-borne freight distribution of minerals and waste, will be strongly encouraged but in Norfolk the majority of bulk materials are likely to continue being transported by road. Whilst not a minerals extraction site itself, Brandon Rail sidings is currently used for the import (by rail) and onward distribution (by road) of aggregates.
- 3.15 Draft Policy MW2 of the emerging MWLP requires that, All proposals for minerals development...must assess the potential for non-HGV transportation of materials to and from the facilities, principally by rail or water and take up these sustainable transport opportunities where available.
- 3.16 It is therefore considered that there would be no conflict with this requirement of Policy CS15 or emerging policy MW2.
- 3.17 NMWLDF CS Policy CS16 states that, The County Council will safeguard existing, permitted and allocated mineral extraction and associated development within a range of categories including: Infrastructure located at railheads, wharves and quarries which can transport or handle minerals. Whilst the rail infrastructure at Brandon Rail Sidings is not identified as ‘safeguarded’ on the NMWDF Revised Policies Map (2017), Brandon Sidings has not been subject of a planning permission determined by the County Planning Authority in relation to aggregates handling; use of the site as a rail sidings includes, but is not exclusively for, the import and onward distribution of aggregate. Furthermore, the replacement rail siding subject of the application under consideration was only laid in late 2017.
- 3.18 Draft Policy MP10 of the emerging MWLP confirms that, The County Council will safeguard, (amongst other things), Existing, planned and potential rail heads...for the bulk transport by rail...of minerals
- 3.19 Breckland Local Plan Policy GEN 01 confirms that the Local Plan will seek to...make the best and most efficient use of previously developed land..., whilst Policy GEN 05 directs that Development outside the defined settlement

boundaries will only be acceptable where it is compliant with all relevant policies set out in the development plan.

- 3.20 Breckland Local Plan Policy EC 03 states that Sites that are identified as General Employment Areas...will be protected for employment use. Proposals to accommodate new employment development (B1, B2 and B8 uses) will be permitted on General Employment Areas subject to criteria, including: scale and appearance of the development being compatible with its surroundings; amenity of neighbouring land uses; and traffic generated does not have a severe adverse impact on local amenity, highway safety or the operation of the highways network.
- 3.21 Breckland Local Plan supporting paragraph 6.44 states that, the majority of employment development will be provided for in the strategic employment allocation outlined in Policy EC 01 and on established employment areas as outlined in Policy EC 03.
- 3.22 Whilst not part of the development plan, policies within the National Planning Policy Framework (NPPF) are also a material consideration. Guidance within paragraph 215 of the NPPF states, "It is essential that there is a sufficient supply of minerals to provide the infrastructure, buildings, energy and goods that the country needs", whilst Paragraph 216 e) provides that, "Planning policies should safeguard existing, planned and potential sites for: the bulk transport, handling and processing of minerals; the manufacture of concrete and concrete products; and the handling, processing and distribution of substitute, recycled and secondary aggregate material"
- 3.23 Concern is expressed by a local resident that the sidings are inadequately equipped and poorly located to facilitate handling of aggregates in such close proximity to residential properties.
- 3.24 The development is located on an area of land forming part of an operational rail sidings site. The site has a long history of rail related use: it is understood that the sidings site dates back to the Norwich and Brandon Railway Act 1844.
- 3.25 The Planning Statement states that the application site forms part of a strategically important rail sidings site: Brandon Rail Sidings Site is identified as a 'Strategic Freight Site'. This status was given at rail privatisation to protect sites for future rail use. These sites are held by the applicant (Network Rail) to avoid the sale of the land outside of the industry when it could be used by the rail sector in the future. As such the Brandon Sidings site (including the application site area) is protected by Network Rail for rail freight use. Whether the second siding is retained or not the site would be expected to be retained in some form of rail freight use for the long term. [Examination of the Network Rail website confirms that Brandon is identified as a strategic freight site].
- 3.26 The principle of the use of the existing rail sidings site is long established and officers have concluded that the operation of the site is lawful. Subject to an assessment of its impacts, the development proposals are not considered to be contradictory to the provisions of the development plan and National Planning

Policy, and it is therefore considered that the proposed development in this location is acceptable in principle.

- 3.27 B - Landscape & Visual Impact / Design
- 3.28 *Landscape & Visual impact*
- 3.29 Policies CS14 and DM8 of the NMWLDF CS, Policies GEN 01, GEN 02, ENV 01, ENV 05, ENV 06, EC 03 and COM 01 of the adopted Breckland Local Plan, and Sections 12 and 15 of the NPPF apply. Due weight is given to Policy MW1 of the emerging Norfolk Minerals and Waste Local Plan.
- 3.30 As detailed elsewhere in this report, the wider sidings site is located within a designated 'General Employment Area', which includes industrial development and areas of open storage. The area surrounding the site encompasses a mix of uses, characterised by industrial/employment development north and south of the site, Brandon railway station to the southwest and a number of residential properties to the east-northeast, and southwest of the site.
- 3.31 The wider sidings site comprises largely of an area of open ground accommodating rail infrastructure, aggregate storage bays, site offices and weighbridge. Existing boundary treatment includes a 2.5m high vegetated bund which partly encloses the western end of the site.
- 3.32 The sidings site is visible from residential properties abutting the east-northeast boundary and partly abutting the southwest boundary, and from Brandon Railway Station and the mainline Norwich - Ely railway to the south.
- 3.33 The proposals provide for retention of a reinstated siding, and one set of points and signal. The application also provides for installation of an Acoustic barrier/fencing measuring 38m (l) x 2.4m (h) affixed to chain link fence to the northern perimeter of the site, in proximity to Redbrick Cottages.
- 3.34 As regards visual impact of the proposed siding itself, given its low-level nature there are very few public vantage points from which the siding would be visible. Whilst freight wagons would be visible on the siding they would be in place for a limited period of time and for a maximum of three days a week. It should be noted that freight wagons would still be a feature at the site even if the second rail siding is not retained. Whilst other operations on the site including material storage do not require planning permission, the height of material stockpiles would be restricted to a maximum height of 7.5m.
- 3.35 The application is made on the basis of all existing boundary treatment for the wider sidings site being retained. The application is also accompanied by a Preliminary Ecological Appraisal which includes landscaping recommendations for the wider sidings site in the form of planting native shrub and small tree species etc. to embankments along the northern and southwestern boundaries. The application further confirms that construction/reinstatement of the second siding did not require removal of any trees and there were no trees in proximity to the works area which were

impacted in any way. The application concludes that, It is not considered that the proposals have any potential to give rise to any perceptible impact in landscape terms. The County Council Landscape Architect has been consulted on the application and whilst raising no objection, would be in support of conditions which limit any additional vehicle movement, working hours or storage which may have further visual or amenity impacts.

3.36 *Design*

3.37 Policies CS14 and DM8 of the NMWLDF CS, Policies GEN 02, ENV 06, EC 03 and COM 01 of the adopted Breckland Local Plan, and Section 12 of the NPPF apply. Due weight is given to Policy MW1 of the emerging Norfolk Minerals and Waste Local Plan

3.38 The proposed development comprises of a section of track comprising steel rails and sleepers. From a design point of view, the proposal is of a functional design and would be in keeping with the existing siding on site. It is considered that the design and layout of the proposal is acceptable in the context of the existing rail infrastructure and layout of the site, and surrounding form of development, and there would be no material harm caused to the established characteristics and quality of the local area. The Council's Landscape Architect has been consulted on the application and raises no objection on design grounds.

3.39 Overall, it is considered that the development would not result in unacceptable adverse impacts to the character and quality of the landscape/townscape. The development is therefore considered to be acceptable in terms of the relevant planning policies and NPPF.

3.40 C – Amenity

3.41 NMWLDF CS Policies CS14, CS15, DM12 and DM13, Policies GEN 02, EC 03, COM 01, COM 02 and COM 03 of the Breckland Local Plan, and NPPF Section 15 apply. Due weight is given to Policies MW1 and MW2 of the emerging Norfolk Minerals and Waste Local Plan

3.42 Concern is expressed by the two local members for the Breckland District Electoral Ward in relation to: impacts of dust, air quality, noise and vibration from vehicle and train movements; absence of a wheel wash. They recommend conditions in relation to: number of deliveries; no deliveries on Saturday, Sunday or bank holidays; dust suppression; noise alarms for loading / unloading; sheeting of vehicles; and provision of a wheel wash.

3.43 The local member for the neighbouring Suffolk County Electoral Division expresses concern with: increased volume of aggregate delivered to the site; noise and pollution impacts in Brandon arising from transport of aggregate through the town; absence of Environmental Impact Assessment (EIA) to assess the effects of the aggregate facility on a residential area.

3.44 The local member for the neighbouring West Suffolk District Electoral Ward expresses concern in relation to: absence of a contaminated land report; dust

and noise impacts; increased amount of aggregate trafficked through the site; damage arising from HGV traffic through Brandon; and absence of an EIA.

- 3.45 Concern is expressed by Weeting Parish Council in relation to: intrusiveness of the existing layout and additional siding; noise and dust control; hours of operation; wheel washing; and mitigation for residents of Redbrick Cottages.
- 3.46 Whilst not raising objection, Brandon Town Council express concern with movement of material through Brandon and material which falls/washes off vehicles in Brandon.
- 3.47 Objections and concerns are raised by local residents on the grounds of: noise and dust impacts; absence of a wheel wash; damage to a building on Brandon High Street arising from vibration from passing HGVs; shedding of material from HGVs onto local roads (incl. Brandon); and carriageway repairs necessitated by HGV's. Concern is also raised that materials handled are carcinogenic.
- 3.48 Local residents ask whether an EIA has been undertaken in relation to noise and pollution, and also raise concerns in relation to increased traffic and future changes to the site's business model.
- 3.49 As regards concerns raised in relation to EIA, as detailed elsewhere in this report, 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 within the meaning of the EIA Regulations 2017. No EIA is therefore required.
- 3.50 Notwithstanding that EIA is not required, the amenity impacts of the proposal, such as noise and dust are material considerations.
- 3.51 The wider sidings site is not located within or in close proximity to an Air Quality Management Area, either in Weeting (Norfolk) or Brandon (Suffolk). The closest residential properties are Redbrick Cottages abutting the east-northeast boundary of the sidings site and Railway Terrace, the closest dwelling of which is separated from the southwest boundary of the sidings site by the shared access road to the railway station/sidings site, and a property some 35m to the north, separated by industrial land.
- 3.52 The wider Sidings Site and Redbrick Cottages are located within a 'General Employment Area' and to the north of a separate employment area, separated by a mainline railway, and surrounded by a number of industrial uses, including manufacturing facilities.
- 3.53 The application is made on the basis of operating hours (for loading and unloading of trains) of 07:00 – 18:00 Monday to Friday, with no such operations on Saturdays, Sundays or public holidays. Operations on the sidings outside of these hours are additionally proposed to be limited to rail freight entering/departing the sidings and essential maintenance in respect of site and track safety. It is proposed that operation of the wider site including

storage and onward distribution of material by road will continue under the applicable permitted development rights.

- 3.54 As regards concerns raised in relation to: noise; dust and air quality; and shedding of material from lorries, the application is accompanied by an Acoustic Comparison Report, and Air Quality and Monitoring Assessment which consider the potential for noise and air quality related impacts from activities on the site operating with the two sidings and with all detailed mitigation measures in place, as compared to how the site would operate in a single siding scenario.
- 3.55 In a two-siding scenario the closest wagon for unloading purposes (on the southern siding) would be located approximately 50m from the nearest sensitive receptor at Redbrick Cottages, whilst in a single (northern) siding scenario the closest wagon would be located approximately 35m from the nearest sensitive receptor at Redbrick Cottages. The two-siding scenario also allows for the locomotive to be positioned further away from Redbrick Cottages during unloading.
- 3.56 A single siding scenario increases the number of trains required to deliver to the site each week as compared to a two-siding scenario. As regards length of time to unload a train, the application states that using a single siding would take 4.5 hours for a half-length (12 wagon) train (using one 'clamshell' unloader), whilst use of both sidings would take 4.5 hours for a full-length (24 wagon) train (using two unloaders). The use of two unloaders in a two-siding scenario means that there would be up to three no. 4.5 hour unloading events per week as opposed to up to six no. 4.5 hour unloading events in a single siding scenario.
- 3.57 Noise
- 3.58 The Acoustic Report concludes that, If the southern siding were to be removed and operations revert back to only using the north siding, then there would be a significant adverse impact on the existing residents, over and above the current sound levels, whereas operating with the southern siding in place, the acoustic screening provided by stationary wagons on the northern track, together with all other physical and operational noise control measures detailed, is substantial.
- 3.59 The Acoustic Report includes a draft Noise Management Plan (NMP) which details a range of operational and physical mitigation measures, the majority of which have been in place for some time, including:

Working hours

In relation to all rail loading and unloading operations.

Management of train/locomotive noise

To include minimising of locomotive idling and stationing of locomotive as far from Redbrick Cottages as practicable

Loading/Unloading activities

To include adoption of a 'quiet' working methodology

Physical mitigation measures

Acoustic barrier/fencing measuring 38m (l) x 2.4m (h) affixed to northern perimeter of site in proximity to Redbrick Cottages

No noise generating activity within triangular-shaped area of land at eastern end of sidings site where the proposed siding converges with the original siding, in proximity to Redbrick Cottages.

Noise attenuation 'long-term' stockpile to west of above-mentioned triangular-shaped land, comprising of aggregate for sale. Not a fixed feature but managed so that it is in place ahead of a train arriving and retained during unloading operations.

provision for additional period of noise monitoring and annual review of NMP

3.60 Air Quality

3.61 The Air Quality and Monitoring Assessment concludes that operation of the site based on the single (northern) siding only (and without the mitigation measures detailed) would have an adverse impact on the existing sensitive receptor locations surrounding the site, in relation to dust and Particulate Matter (PM), whilst operation of the site with the retention of the second siding and with the identified existing and proposed mitigation measures, as evidenced by monitoring work undertaken, should not cause adverse impacts to sensitive receptor locations, in relation to dust and PM, and retention of the southern siding provides clear benefits in air quality terms.

3.62 The application is also accompanied by a Dust Management Plan and Dust Monitoring Plan.

3.63 The Dust Management Plan details a range of dust management and mitigation measures, the majority of which have been in place for some time, including:

Train Unloading Activities

To include dust suppression during unloading of trains

Physical Mitigation Measures

No loading or unloading of trains within triangular-shaped area of land at eastern end of sidings site where proposed siding converges with original siding, in proximity to Redbrick Cottages.

Wider Site Operations/Management

To include: Dust suppression; Material storage (incl. maximum stockpile height); All loaded vehicles to be sheeted before departing site; All vehicles leaving site to be in a condition whereby they would not deposit mud or other loose material on public highway; site speed limit; Dedicated vacuum road sweeper for site access road, Station Car Park and site approaches along public highway.

Windspeed Monitor/Windsock and Meteorological Station

Daily site checks and site monitoring

Maintenance and Replacement of Machinery/Plant

Contact Details, Complaints Procedure and Liaison with Local Residents

Provision for review of Dust Management Plan

- 3.64 The Dust Monitoring Plan provides for extended monitoring to ensure that the mitigation measures detailed in the Dust Management Plan are successful in maintaining the dust levels below the PM10 24-hour mean Air Quality Objective (AQO) and PM10 and PM2.5 annual mean AQOs (respectively), with specific regard to Redbrick Cottages.
- 3.65 Breckland Environmental Health team has been consulted on this application and has made no objection to the development in terms of any potential emissions, subject to conditions relating to: development proceeding in line with application details; programme of ambient air monitoring for minimum period of six months; cap number of train deliveries to no more than 104 in calendar year, and no more than three in any one week (Monday – Sunday), cap annual tonnage of aggregates delivered to site, and cap maximum number of wagons in each train to 24; record dates and times of train arrivals and departures, and tonnage of aggregates delivered to site; no operations outside 7am – 6pm Monday to Friday other than rail freight entering/leaving sidings and essential maintenance; compliance with Dust Management Plan; compliance with Noise Management Plan; replace windspeed monitor/windsock with meteorological station; lighting.
- 3.66 West Suffolk Council Environment Team has been consulted on the application and raises no objection, subject to condition to restrict use of southern siding to maximum of two deliveries per working week (Monday to Friday) with no deliveries on Saturday, Sunday or bank holiday.
- 3.67 As regards concerns in relation to the site layout, as detailed elsewhere in this report, the application states that the layout has been based on the fact that this is a reinstatement of a former siding, and has also been determined by: the existing location of the first railway siding; operational requirements in terms of being able to unload material from both sidings; and operational considerations.

- 3.68 As regards concern that materials handled at the site are carcinogenic, i.e. silica and gypsum, this matter has been pursued with the applicant who confirms that the sidings site is used to import Carboniferous Limestone and that no Gypsum is imported to the site. The operator further responds that the issue of exposure to limestone posing a respiratory risk due to crystalline silica has been previously raised by residents and has led to the Health and Safety Executive (HSE) inspecting the operations on a number of occasions. The material imported was not considered a substance hazardous to health under the Control of Substances Hazardous to Health (COSHH) Regulations.
- 3.69 The HSE statement reference: HSE / guidance / industries / quarries / resources / silica states that, "Silicosis is a disease that has only been seen in workers from industries where there is a significant exposure to silica dust, such as in quarries, foundries, the potteries etc. No cases of silicosis have been documented among members of the general public in Great Britain, indicating that environmental exposures to silica dust are not sufficiently high to cause this occupational disease. In addition to silicosis, there is now evidence that heavy and prolonged workplace exposure to dust containing crystalline silica can lead to an increased risk of lung cancer. The evidence suggests that an increased risk of lung cancer is likely to occur only in those workers who have developed silicosis". Review of the HSE website confirms that different types of stone contain different amounts of silica, with sandstone containing more than 70%, granite up to 30% and limestone up to 2%. Breckland EHO has not raised objection/concerns in relation to the nature of materials to be handled at the site.
- 3.70 As regards concerns raised in relation to absence of a wheel wash, this matter has been pursued with the applicant who confirms that a wheel wash is not proposed as part of this application. As detailed elsewhere in this report, the Dust Management Plan provides for a dedicated vacuum road sweeper for the site. Breckland EHO has not raised objection in relation to absence of a wheel wash.
- 3.71 As regards concerns raised in relation to: noise and pollution impacts arising from HGV traffic through Brandon; dust deposited by vehicles in Brandon; shedding of material from lorries onto roads; and late-night carriageway repairs caused by HGV's etc., West Suffolk Council Environment Team has been consulted on the application and has not raised objection in relation to these issues.
- 3.72 As regards concerns raised in relation to the number of deliveries / volume of aggregate delivered to the site, as detailed elsewhere in this report the application provides for the number of train deliveries to be restricted to 104 trains per year, and three per week, (which reflects an average of 2 trains per week).

- 3.73 As regards West Suffolk Council Environment Team's request for a condition to restrict use of the southern siding to a maximum of two deliveries per working week (Monday to Friday), the applicant's agent has indicated that there are factors outside of the applicant's control such as availability of train paths or operational issues with the railway line, rolling stock or drivers which can and does impact on operating levels across different weeks. The operator is not able to control when train deliveries are to be made at the site, they are only notified within the previous week and must respond accordingly. For these reasons it is critical that flexibility is built in and the site is not so restricted to be unable to respond to external factors as detailed. Given the above it is considered that a condition restricting deliveries to a maximum of two per working week will not meet the tests for conditions in relation to 'reasonable in all other respects'. It is recommended that the annual/weekly number of train deliveries to the site be restricted by planning condition to 104/three respectively.
- 3.74 As regards concerns with vibration from trains accessing the sidings, this matter has been pursued with Breckland EHO who advises that this relates to the original siding that benefits from the lawful use. The original siding runs immediately to the front of Redbrick Cottages and complaints have been received in respect of the wagons arriving and departing. The issue of the normal use of the sidings falls outside the remit of statutory nuisance and all complaints have been directed to Network Rail. Section 122 of the Railways Act 1993 provides Network Rail and train operators with a statutory defence to proceedings for nuisance. Given that this matter relates to the original siding rather than the siding subject of the application under consideration it is considered that it would not be reasonable to seek to control vibration arising from the legitimate use of the original siding within this application.
- 3.75 As regards concerns with damage to a listed building on the A1065, Brandon High Street arising from vibration from passing HGVs, HGVs are not prevented from using this route and HGVs other than those servicing the rail sidings depot could also use the A1065. This matter has been pursued with West Suffolk Council: The Regulatory Services confirm that they do not have any recent complaints relating to damage from HGVs to houses on Brandon High Street, whilst the Conservation Officer responds that they are unaware of issues relating to vibration impact on listed buildings along Brandon High Street. No response has been received to the consultation with Suffolk County Council Highway Authority.
- 3.76 *Contaminated land*
- 3.77 As regards concern expressed in relation to land contamination, the application is accompanied by a Land Contamination Statement which details

that analytical testing of soil samples taken before entry and site preparation works was undertaken, which concluded that all of the samples have shown results that are within guidance parameters and the works associated with the site have not increased any potential risk posed by the site. Breckland Council EHO has been consulted on the application and raises no objection in terms of contaminated land.

- 3.78 Given the above, it is therefore considered that the impact of the proposal on local amenity would not be such as to be unacceptable. Subject to the aforementioned conditions, the development is considered to be acceptable in terms of the relevant planning policies and the NPPF.
- 3.79 D – Ecology
- 3.80 Policies CS14 and DM1 of the NMWLDF Core Strategy, Policies GEN 01, ENV 01, ENV 02, ENV 03 and ENV 05 of the Breckland Local Plan, and Section 15 of the NPPF apply. Due weight is given to Policies MW1 and MW4 of the emerging Norfolk Minerals and Waste Local Plan.
- 3.81 As detailed elsewhere in this report, the NM&W Core Strategy Policies Map and Breckland Local Plan Policy Map identify the site as being located within a Special Protection Area (SPA) 1500m Primary Buffer for Stone Curlew, (designated for the protection of the Stone Curlew which is the special interest feature of the Breckland Farmland SPA), and SPA Stone Curlew Grid Cells less than 50% coverage.
- 3.82 As also detailed elsewhere in this report, the rail sidings site is located: some 0.28km from Breckland Forest Site of Special Scientific Interest (SSSI) and Breckland Special Protection Area (SPA); approximately 1km from Breckland Farmland SSSI; some 2.17km from Breckland Special Area of Conservation (SAC); and some 2km from London Road Industrial Estate, Brandon SSSI.
- 3.83 Breckland LP Policy ENV 02 requires that, All development should demonstrate how net gains for biodiversity are being secured as part of the development, proportionate to the scale of development and potential impacts (if any).
- 3.84 The local member for the neighbouring West Suffolk District Electoral Ward does not believe an Environmental Impact Assessment (EIA) has been carried out to assess the impacts of the development in relation to wildlife/flora. As detailed elsewhere in this report, 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 within the meaning of the EIA Regulations 2017. No EIA is therefore required.

- 3.85 Notwithstanding that EIA is not required, the environmental impacts of the proposal are material considerations.
- 3.86 The habitats present within the wider sidings site comprise of bare ground and hardstanding, with areas of bare ground/ruderals (plants growing on disturbed ground)/ephemerals/scrub mosaic.
- 3.87 The application is accompanied by a Preliminary Ecological Appraisal (PEA) which concludes that, the reinstatement of the second siding does not give rise to any concerns in ecological terms as the habitats impacted are of low ecological value and no notable species were found, and the operation of the siding will not have any impact upon the surrounding Designated Nature Conservation Sites. The PEA confirms that no trees were impacted by the construction of the second siding.
- 3.88 The PEA includes recommendations for the application site and wider sidings site in relation to Habitat Protection including: Dust suppression measures; retention of existing boundary screening; and no external lighting to be installed unless it is low intensity and maintained such that it is directed away from features used by commuting/foraging bats.
- 3.89 As regards the policy requirements, the PEA also includes recommendations in relation to Habitat Enhancement including: retention of 're-wilded' area and hibernaculum within area of land at eastern end of sidings site; and biodiversity enhancements to embankments along the northern and southwestern boundaries.
- 3.90 The Council's Ecologist has been consulted on the application and raises no objection, subject to conditions in relation to mitigation measures set out in the PEA. No response has been received to the consultation with Natural England.
- 3.91 Given the above, it is considered that, subject to the afore-mentioned conditions, no unacceptable adverse ecological impacts would arise from the proposal and the proposal would provide proportionate biodiversity net gains. It is therefore considered that there would be no conflict with the relevant planning policies or the requirements of the NPPF.
- 3.92 Biodiversity Net Gain
- 3.93 The Environment Act 2021 introduced Schedule 7A of the Town and Country Planning Act 1990 and for major planning applications lodged after 12 February 2024 applicants now have to provide mandatory Biodiversity Net Gain (BNG). This application is not subject to BNG on the basis that it was validated prior to 12 February 2024.
- 3.94 Appropriate Assessment

- 3.95 The rail sidings site is situated within five km of the Breckland Special Area of Conservation (SAC) and Breckland Special Protection Area (SPA). The application has been assessed in accordance with Regulation 63 of The Conservation of Habitats and Species Regulations 2017. The supporting PEA concludes that the site operation will not directly / indirectly impact upon the Breckland SAC and SPA, and no further assessment of the Habitats Regulations Assessment Process will need to be undertaken. The Council's Ecologist has been consulted on the application and is satisfied that the development is unlikely to impact on the Breckland SAC and SPA, and that no further assessment is required. Given the above, a full Appropriate Assessment is not needed and NCC as the competent authority can screen out the need for an Appropriate Assessment. Accordingly, no Appropriate Assessment of the development is required.
- 3.96 Nutrient Neutrality
- 3.97 With regards to Natural England's (NE) letter of 16 March 2022 concerning nutrient neutrality, the proposed development would not result in a discharge to the catchment of the River Wensum SAC or any of the SSSIs notified by NE that comprise the Broads SAC/Ramsar. The proposal would therefore not result in an addition to the nutrient load of the designated sites.
- 3.98 E – Impact on Heritage Assets
- 3.99 The Planning (Listed Buildings and Conservations Areas) Act 1990, Policies CS14, CS15, DM8 and DM9 of the NMWLDF Core Strategy, Policies GEN 01, ENV 07 and COM 01 of the Breckland Local Plan, and Section 16 of the NPPF apply. Due weight is given to Policy MW1 of the emerging Norfolk Minerals and Waste Local Plan
- 3.100 *Designated Assets / Non-designated Assets*
- 3.101 The proposed siding is some 43m from the nearest façade of the Grade II listed Brandon Railway Station building. In addition, there are a further 17 listed buildings within a 2km radius of the application site, albeit not located adjacent or close to the site.
- 3.102 The station building's local context is a mix of rail infrastructure, industrial development and housing. The station building abuts the mainline to the south, beyond which is a factory complex, the wider sidings site to the east, and an open car park and access route to the application site and wider sidings site to the north. To the west is housing fronting Mundford Road, with garages to their rear.
- 3.103 There is a clear connection between the station building and wider sidings site and railway infrastructure as they have historically co-existed, with an OS map from 1905 showing several sidings and rail related infrastructure across the

wider sidings site, and the station building. As such, reinstatement of a railway siding is considered appropriate development in this location.

- 3.104 The proposed rail siding would be located adjacent to an existing rail siding and be of similar construction to the existing siding and mainline railway. The existing siding can lawfully be used for the transfer of freight between rail and road. The additional siding would not result in a significant change to the associated site structures including offices, storage bays and weighbridge, or nature of operation.
- 3.105 Trains (passenger and freight) are an intrinsic feature of the setting of the station site: occupation of the proposed siding by a freight train is a related feature of rail sites, whilst trains will regularly pass the station building on the mainline. Occupation of the proposed siding by a freight train would also be a relatively low level and temporary feature.
- 3.106 In addition to the separation distance, an existing intervening vegetated bund on the southwest boundary of the wider sidings site and sidings site structures limit inter-visibility between the proposed siding and the station building. The application under consideration does not seek to make any alterations to existing screening arrangements at the site.
- 3.107 The application is accompanied by a Heritage Statement which concludes that there is no potential for impact from the proposal on the significance of the listed station building.
- 3.108 Historic England has been consulted on the application and comment that, on the basis of the information provided they do not need to be notified. Breckland Council has been consulted on the application and raises no objection on heritage grounds.
- 3.109 As regards concerns with damage to a listed building on the A1065, Brandon High Street arising from vibration from passing HGVs, as detailed elsewhere in this report, HGVs are not prevented from using this route and HGVs other than those servicing the rail sidings depot could also use the A1065. This matter has been pursued with West Suffolk Council: The Regulatory Services confirm that they do not have any recent complaints relating to damage from HGVs to houses on Brandon High Street, whilst the Conservation Officer responds that they are unaware of issues relating to vibration impact on listed buildings along Brandon High Street. No response has been received to the consultation with Suffolk County Council Highway Authority.
- 3.110 Given the above, it is therefore concluded that the proposal will not have a detrimental impact upon or cause any harm to the significance of heritage assets and the application is not considered to be in conflict with the Planning

(Listed Buildings and Conservation Areas) Act 1990, the relevant planning policies, or the NPPF.

3.111 *Archaeology*

3.112 The County Council Historic Environment Officer has been consulted on the application and does not make any recommendations for archaeological work.

3.113 Overall, it is considered that the development would not have any adverse impact on the historic environment and the proposals would not be in conflict with the relevant planning policies or the NPPF.

3.114 F – Transport

3.115 Policies CS15 and DM10 of the NMWLDF CS, Breckland Local Plan Policies GEN 01, TR 01, TR 02, EC 03 and COM 01, and Section 9 of the NPPF apply. Due weight is given to Policies MW1 and MW2 of the emerging Norfolk Minerals and Waste Local Plan

3.116 A local member for the Breckland District Electoral Ward raises concerns in relation to impact of dust, air quality, noise and vibration due to the number of vehicle movements.

3.117 The local member for the neighbouring Suffolk County Electoral Division expresses concern that: the additional siding has doubled the volume of aggregate delivered to the site, which is then transported through Brandon, with related impacts, e.g. noise, pollution and damage to drain covers.

3.118 Concern is expressed by the local member for the neighbouring West Suffolk District Electoral Ward in relation to: increased aggregate transported through the site; accuracy of the Transport Assessment; unsuitability of Thetford Road and Bury Road, Brandon to carry such volumes of HGV traffic; damage arising from HGV traffic through Brandon.

3.119 Whilst not raising objection, Brandon Town Council express concern that: onward transport from the site requires transit through Brandon resulting in problems including damage to drain covers, blocking drainage systems, haunching of verges and increased wear to surfaces; material which falls / washes off vehicles whilst transiting Brandon makes the area unsafe.

3.120 Local residents also raise objection and concerns in relation to: increased traffic and future changes to the site's business model; HGV traffic along High Street and London Road (Brandon); shedding of material from lorries onto roads / into drainage systems (including Brandon), pedestrian safety and carriageway repairs caused by HGV's.

3.121 As regards concerns raised in relation to EIA, as detailed elsewhere in this report, 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 within the meaning of the EIA Regulations 2017. No EIA is therefore required.

- 3.122 Notwithstanding that EIA is not required, the highway impacts of the proposal are material considerations.
- 3.123 As regards material throughput and HGV movements, the application site and wider sidings site have historically generated vehicle movements associated with previous freight handling operations.
- 3.124 The application is made on the basis of an average level of operation of two / maximum of three 24-wagon train deliveries per week, with a yearly cap of 104 trains. This equates to an annual maximum material throughput of 189,696 tonnes. An equivalent level of material throughput could be achieved on a one siding operation (operating under permitted development rights). As such, the operation of the two sidings on the basis of an average of two 24 wagon trains per week could equally be accommodated by a single siding operation, on the basis of an average of four shorter (12 wagon) trains delivering to the site per week. Both scenarios would result in the same level of HGV movements.
- 3.125 As regards HGV movements, on the basis of an annual maximum material throughput of 189,696 tonnes the application details that the export of aggregates would generate a maximum of 54 two-way HGV movements per day (27 in/27 out).
- 3.126 The site would be accessed via the existing access directly onto the A1065, Mundford Road. The application states that up to seven employees would be based at the site including two/three site staff and four train unloading operatives.
- 3.127 The application is accompanied by a Transport Assessment (TA) which considers the proposed development by assessment of the activity on the site based on a single (original) siding operation as compared to the proposed two siding operation. The TA states that, operationally it is understood that it is much more efficient to service the site via two longer trains per week, and that whilst material delivery in shorter length trains (12 wagons as opposed to 24) would require a greater number of train deliveries it would not, however, alter the resulting HGV movements as this is dictated by the material throughput and not whether it arrives on a shorter or longer train.
- 3.128 As regards HGV management, the TA states that HGV routes are largely dictated by contracts and local markets. The TA notes that the A1065 through Brandon is not currently subject to any weight restrictions. However, where possible HGVs will be encouraged to avoid Brandon town centre and travel

to/from the site via the section of the A1065 to the North. The TA states that, all drivers of HGVs under the control of the Site Manager will be made aware of the “preferred” site access routeing arrangements by way of written instructions to drivers, notice boards in facilities used by drivers and verbal communication from the Site Manager.

- 3.129 The TA concludes that, the proposed development would not give rise to any road safety or capacity issues, is a highly sustainable form of development and should, therefore, be considered acceptable on highway grounds.
- 3.130 As regards concerns raised in relation to amenity impacts arising from vehicle movements, these matters are addressed in the Amenity section of this report.
- 3.131 As regards concerns raised in relation to shedding of material from HGVs, as detailed elsewhere in this report, the Dust Management Plan details a range of mitigation measures including: sheeting of loaded vehicles before departing site; All vehicles leaving site to be in a condition whereby they would not deposit mud or other loose material on the public highway; dedicated vacuum road sweeper for the site access road, station car park and site approaches along the public highway.
- 3.132 As regards the HGV count undertaken by local Councillors in September 2019, this matter has been pursued with the applicant who responds that, the site operator has reviewed the data they hold for the whole month of September 2019, and the alleged number of HGVs indicated to have exited the site in a 5 day period is substantially in excess of the number recorded by the weighbridge to have exited the site across the whole month.
- 3.133 As regards concerns with increased traffic, accuracy of the Transport Assessment, and pedestrian safety etc., Norfolk Highway Authority has been consulted on the application and comment that, given the existing lawful use of the site, access arrangements and current unrestricted activity they could not substantiate a highway related objection to the proposals. Should permission be granted the Highway Authority recommend conditions in relation to: deposit of material on the public highway; cap on activity; and Dust Management Plan.
- 3.134 As regards concerns raised in relation to: increased traffic; accuracy of the Transport Assessment; traffic through Brandon and associated impacts; and highway safety etc., no response has been received to the consultation with Suffolk Highway Authority.
- 3.135 As detailed elsewhere in this report, officers have concluded that the continued use of the wider site as rail sidings which includes, but is not exclusively for, the import and onward distribution of aggregate is not

development and, therefore, not a breach of planning control. Theoretically, the site could lawfully operate with a single siding and generate the same level of material throughput, and therefore HGV movements, as with the two sidings in place.

3.136 The application confirms that (i) if for whatever reason the second siding is not granted planning permission (once all appeal and other options have been considered) the site would revert back to operation on the basis of the single siding, and (ii) the current maximum operational throughput of the sidings site making use of the two sidings, could and would be operated on the single siding (if the second siding were not in place).

3.137 As regards highways considerations this means that there would be no restriction on: the number of train deliveries, material throughput and the resulting HGV movements if the site were to operate with only the single siding in place.

3.138 Given the above, it is concluded that the proposal is satisfactory and will not cause any unacceptable impacts in highway terms, and the development is considered compliant with the principles of the relevant planning policies and the NPPF.

3.139 G – Sustainability

3.140 NMWLDF Policies CS13 and DM11, Policies GEN 01, GEN 02, TR 01, TR 02 and COM 01 of the Breckland Local Plan, and NPPF sections 2 and 14 apply. Due weight is given to Policies MW2 and MW3 of the emerging Norfolk Minerals and Waste Local Plan. Although a material consideration, it is considered that only limited weight can be given to Norfolk County Council's Environmental Policy (2019)

3.141 The three facets of sustainable development have been assessed below:

3.142 economic objective

3.143 The proposal would contribute to the local economy during the operational period through use of the rail siding for the import and onward distribution of aggregate, and through employment opportunities.

3.144 social objective

3.145 The proposal would contribute to the wellbeing of the District/County by creating job opportunities for residents during the operational period.

3.146 environmental objective

- 3.147 The counties of Norfolk and Suffolk have no indigenous reserves of hard rock. The application states that, aggregates imported by rail have to date been sourced from quarries in Derbyshire some 180 miles from the sidings site. The Rail sidings site offers sustainability advantages in terms of transfer of freight by rail rather than road. The briefing note titled, 'Why is Rail freight vital for Housing and Construction?' published by the Mineral Products Association and Rail Freight Group (2016) details that CO2 emissions per tonne of material delivered by rail are 76% lower than by road.
- 3.148 As detailed elsewhere in this report, the application is made on the basis that the site can facilitate importation of up 189,696 tonnes per annum of aggregate by rail (assuming an average of two 24-wagon train deliveries per week). In the context of the application under consideration, the maximum payload of each 24-wagon train is 1,824 tonnes which is equivalent to 65 lorries (with a 28-tonne payload) and 130 HGV movements. Import of this amount of material to the local area by rail would result in significant HGV road miles savings and associated CO2 emission reductions.
- 3.149 As detailed elsewhere in this report, it is considered that the proposals would provide biodiversity gains.
- 3.150 For the reasons outlined above, it is considered that the proposal would be sustainable development, and the application is considered to comply with the principles of the relevant planning policies, the NPPF and NCC's Environmental Policy.
- 3.151 H - Flood Risk
- 3.152 NMWLDF Policies CS13 and DM4, Policy ENV 09 of the Breckland Local Plan, and Section 14 of the NPPF apply. Due weight is given to Policies MW1 and MW3 of the emerging Norfolk Minerals and Waste Local Plan.
- 3.153 The application site is located in Flood Zone 1 as defined by the Environment Agency and is considered to be at low risk of fluvial flooding. Essential transport infrastructure which has to cross the area at risk is identified as 'Essential infrastructure' in the table of Flood Risk Vulnerability Classification as set out in Planning Practice Guidance (PPG), whilst storage and distribution is identified as 'less vulnerable'. PPG further advises that 'Essential infrastructure' and 'less vulnerable' uses are appropriate in Flood Zone 1. On this basis, the proposal is considered acceptable in terms of development within flood zone 1.
- 3.154 The application site and wider sidings site have a low probability of surface water flooding, containing no areas of surface water pooling or flow paths of either a 1 in 30-year or 1 in 100-year rainfall event.

- 3.155 In terms of surface water drainage, the application states that, as per the existing siding, the reinstated siding is laid on a ballast bed and no new hardstanding has been laid as part of the related works.
- 3.156 The LLFA have been consulted on the proposal and offer no comments.
- 3.157 It is therefore considered, taking into account the above, that the development would not materially increase the risk of flooding and the proposal would not be in conflict with the relevant planning policies and objectives of the NPPF.
- 3.158 I - Groundwater / Surface Water
- 3.159 Policies CS14 and DM3 of the NMWLDF CS, and Section 15 of the NPPF apply. Due weight is given to Policy MW1 of the emerging Norfolk Minerals and Waste Local Plan.
- 3.160 The development is not located in a groundwater source protection zone. Taking into account the nature of the proposed development it is considered that the proposed development would not adversely impact upon groundwater/surface water quality or resources. It is therefore considered that the proposal would not be in conflict with the relevant planning policies or objectives of the NPPF.
- 3.161 J – SAFEGUARDING AERODROMES
- 3.162 NMWLDF CS Policy DM7 applies. Due weight is given to policy MW1 of the emerging Norfolk Minerals and Waste Local Plan
- 3.163 The site is situated within the consultation areas for RAF Lakenheath and RAF Mildenhall where consultation is required for any building, structure or works exceeding 91.4m in height above ground level. Taking into account the nature of the proposed development it is considered that the proposed development would not cause any risk to these aerodromes.
- 3.164 It is therefore considered that this proposal is compliant with the relevant planning policy.
- 3.165 K – CUMULATIVE IMPACTS
- 3.166 NMWLDF policy DM15, Policy GEN 01 of the Breckland Local Plan and Sections 9, 14 and 15 of the NPPF apply. Due weight is given to policy MW1 of the emerging Norfolk Minerals and Waste Local Plan.
- 3.167 As regards material throughput and HGV movements, the application site and wider sidings site have historically been used for transfer of freight by rail and have generated vehicle movements associated with such operations. The

sidings site is situated both within a 'General Employment Area' and adjacent a separate employment area, occupied by a number of industrial uses, including manufacturing facilities.

3.168 Breckland EHO and West Suffolk Environment Team have been consulted on the application and raise no objection, in terms of emissions/impact upon residential amenity. Norfolk Highway Authority have been consulted on the application and raise no objection in terms of HGV movements. No response has been received to the consultation with Suffolk Highway Authority. The Council's Natural Environment Team have been consulted on the application and raise no objection in terms of landscape or ecology impacts. Taking into account the above, and as detailed elsewhere in this report, it is considered that the proposal would not cause unacceptable cumulative impacts.

3.169 It is therefore considered that this proposal is compliant with the relevant planning policies, and objectives of the NPPF.

### 3.170 **RESPONSES TO REPRESENTATIONS RECEIVED**

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

3.171 A number of concerns/objections were raised, which are summarised in the 'Representations' section of this report. With exception of the issues detailed below, the response of this authority to those comments is discussed above in the 'Appraisal' section of this report and in section 8, 'Human Rights'.

3.172 As regards concern with depreciation of property values, this matter alone is not a material planning consideration: in planning terms the issue is not whether owners of properties would experience financial loss from a particular development, but whether the proposal would have an unacceptable detrimental impact on local amenity, and on the existing use of land and buildings which ought to be protected in the public interest. The potential impacts on amenity which may result from the development proposed are discussed elsewhere in this report.

3.173 As regards the request from a local resident to assess revenue generated for Brandon against the financial impact to the bridge, drain covers and pot holes, no response has been received to the consultation with Suffolk County Council or Suffolk Highway Authority. As detailed elsewhere in this report, HGVs are not prevented from using the A1065, Brandon High Street and HGVs other than those servicing the rail sidings depot could also use the A1065.

### 3.174 **INTENTIONAL UNAUTHORISED DEVELOPMENT**

- 3.175 Objection and concern are raised by local residents in relation to the fact that the siding was installed without planning permission and the retrospective nature of the application.
- 3.176 As regards the retrospective nature of the application, following the Chief Planner's letter of 31 August 2015 to planning authorities, intentional unauthorised development is now a material consideration in the determination of all planning applications received after 31 August 2015. This is therefore capable of being a material consideration in the determination of this application.
- 3.177 In this instance the siding track has been installed on a site outside a defined Green Belt. As detailed elsewhere in this report, whilst the applicant considers that the track was lawfully laid under permitted development rights, the CPA considers that as the prior approval of the appropriate planning authority was not sought, it cannot benefit from permitted development rights.
- 3.178 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 very little weight is given to this in the planning balance.

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

- 4.1 Retrospective planning permission is sought for retention of a replacement (second) rail siding on land forming part of the Brandon Rail Sidings site, which is currently operated as an aggregate storage and distribution centre, with the importation of aggregates by rail and export by road.
- 4.2 The wider sidings site is a strategic freight site and has a long history of rail related use. The wider site could lawfully operate on the basis of the existing single siding under rail related permitted development rights, and without restriction. This would include: number of trains, material throughput, hours of site operations / unloading, method of unloading and HGV movements.
- 4.3 Retention of the second siding would allow for more efficient and effective operation of the existing sidings site. Specifically, it would allow for longer trains to service the site thereby reducing the number of trains which need to access the site and the amount of activity / unloading time. This means that a smaller number of train deliveries / train paths are required for the same level of material throughput.
- 4.4 Whilst the application confirms that many of the existing physical and operational mitigation measures would be in place irrespective of whether the second siding is retained or not, on the basis that they comprise good site working practices, there would be no formal process under which they could be secured. The application under consideration offers the opportunity to formally secure the mitigation measures by way of condition. These mitigation measures would otherwise be provided at the good will of the site operator.

- 4.5 As regards objections and concerns raised in relation to impacts on amenity/air quality, the development is likely to give rise to local impacts. On balance, given (i) the benefits in acoustic screening and air quality terms that would result from operating the site with the southern siding in place, and with the proposed mitigation measures, and (ii) the fact that no objection is raised by the Breckland Council EHO or West Suffolk Council EHO, it is considered that it would not weigh against the proposal on amenity/air quality grounds.
- 4.6 As regards objections and concerns raised in relation to transport impacts, theoretically, the site could lawfully operate with a single siding and generate the same level of material throughput, and therefore HGV movements, as with the two sidings in place. As regards highways considerations this means that there would be no restriction on: the number of train deliveries, material throughput and the resulting HGV movements if the site were to operate with only the single siding in place. On balance, given (i) the fact that no objection is raised by Norfolk Highway Authority, and (ii) no response has been received to the consultation with Suffolk Highway Authority, it is considered that it would not weigh against the proposal on highway grounds.
- 4.7 The proposal contributes to the achievement of sustainable development in accordance with the principles of the relevant planning policies, the NPPF and NCC's Environmental Policy on the basis that: (i) the proposal would contribute to the local economy through use of the rail siding for the import and onward distribution of aggregate, and through employment opportunities; (ii) the proposal would contribute to the wellbeing of the District/County by creating job opportunities for residents during the operational period; and (iii) the Rail sidings site offers sustainability advantages in terms of transfer of aggregates by rail rather than road. Significant weight is given to these material considerations in the planning balance.
- 4.8 The application is retrospective: in this case, the development has taken place on a site outside a defined Green Belt. Whilst regrettable, in this instance it is not felt that the retrospective nature of the application would represent a ground for refusal of planning permission for this development and very little weight is given to this in the planning balance.
- 4.9 Subject to the implementation of appropriate conditions, the proposed development is considered acceptable, accords with the development plan and there are no material considerations that indicate that the application should be refused. Accordingly, full conditional planning permission is recommended.

## **5. Alternative Options**

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

## **6. Financial Implications**

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

## **7. Resource Implications**

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

## **8. Other Implications**

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

8.2 **Human Rights Implications:**

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

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

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

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

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

### **8.4 Data Protection Impact Assessments (DPIA):**

None

### **8.5 Health and Safety implications (where appropriate):**

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

### **8.6 Sustainability implications (where appropriate):**

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

### **8.7 Any Other Implications:**

There are no other implications from a planning perspective

## **9. Risk Implications / Assessment**

9.1 There are no risk issues from a planning perspective.

## **10. Select Committee Comments**

10.1 Not applicable.

## **11. Recommendations**

11.1 That the Lead Director for Communities and Environment be authorised to:

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

### **11.2 CONDITIONS:**

1. Except as modified by the provisions of:
  - the letter from Firstplan Ltd to Norfolk County Council; reference 22061/VW/jc; dated 24 January 2023; received 24 January 2023
  - the email from Firstplan Ltd to Norfolk County Council dated 22 January 2024 10:35
  - another condition of this permission,

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

-Location Plan; Dwg No. TSES-20195-1012-DSN-01; dated July 22  
-Proposed Site Layout Plan and Proposed Levels (Retrospective); Dwg No. TSES- 20195- 1012- DSN- 03; dated 22.07.22  
-Proposed Cross Section (Retrospective); Dwg No. TSES- 20195-1012- DSN- 04; dated 22.07.22

-Planning and Heritage Statement; reference 22061/VW/jc; prepared by Firstplan Ltd; dated 14 October 2022; received 8 November 2022

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

2. With effect from 1st May 2024 the programme of ambient air monitoring to determine particulate levels generated by site activities at the boundary of the site with Redbrick Cottages shall commence in accordance with the provisions of the Dust Monitoring Plan - Revision F; reference NP/VL/P23-2867/01 Rev F; prepared by Create Consulting Engineers Limited; dated 30th January 2024; received 31st January 2024.

The programme shall demonstrate that the particulate levels at Redbrick Cottages do not exceed the national Air Quality Objectives Concentration in England of:

- o Annual mean Particulate Matter (PM10) 40 µg/m<sup>3</sup>
- o 24-hour mean Particulate Matter (PM10) 50 µg/m<sup>3</sup> not to be exceeded more than 18 times during the six month monitoring period or, should the monitoring period be extended, 35 times a year; and
- o Annual mean Particulate Matter (PM2.5) 20 µg/m<sup>3</sup>

In addition, visible dust shall be measured using Frisbee gauges and shall not exceed 150mg/m<sup>2</sup> /day, averaged over a four week period

The dust monitoring programme shall be undertaken for a minimum period of six calendar months (excluding baseline measurement period) and,

(i) in the event that there are no exceedances of the above dust thresholds during the month of October 2024, the monitoring shall cease on 31st October 2024, and within seven days of the cessation of monitoring documentation to demonstrate that the above levels have not been breached during the month of October 2024 shall be submitted to the County Planning Authority for its approval in writing; or

(ii) in the event that the exceedance levels are breached at any time during the month of October 2024 monitoring shall continue until such time as the above exceedance levels are not breached for a period of one calendar month, and within seven days of the cessation of monitoring documentation to demonstrate that the above levels have not been breached during the full calendar month immediately prior to the cessation of monitoring shall be submitted to the County Planning Authority for its approval in writing.

Reason:

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

3. Within three months of the date of this permission, the existing windspeed monitor/windsock shall be replaced by a Meteorological Station in accordance with the provisions of sections 3.6 to 3.9 of the Dust Monitoring Plan - Revision F; reference NP/VL/P23-2867/01 Rev F; prepared by Create Consulting Engineers Limited; dated 30th January 2024; received 31st January 2024 and section 2.1 4. Windspeed Monitor/Windsock and Meteorological Station of the Dust Management Plan - Revision E; reference NP/VL/P23-2867/02 Rev E; prepared by Create Consulting Engineers Limited; dated 15th February 2024; received 16th February 2024.

As specified within section 2.1 4. of the Dust Management Plan - Revision E, the Meteorological Station shall be used to monitor the following parameters as a minimum:

- o Temperature (Degrees Centigrade);
- o Wind Speed (m/s);
- o Wind Direction; and
- o Precipitation (mm), and

in the event that the meteorological station identifies any of the following, immediate dust suppression measures (Dust Fighter and/or water cannon) will be deployed:

- o Wind speeds greater than 3 m/s;
- o Temperatures greater than 18 degrees centigrade for two continuous days;
- o When rainfall has not occurred for three continuous days.

Reason for condition:

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

4. Within three months of the date of this permission, a scheme for biodiversity enhancement in accordance with the principles detailed in

section 6.2 (R5 Habitat Loss and Enhancement), and shown on Dwg C158261-01; Phase 1 Habitat Map of the approved Preliminary Ecological Appraisal; reference RT-MME-158261-01 Rev A2; prepared by Middlemarch Environmental Ltd; dated 3 October 2022, shall be submitted to the County Planning Authority for its approval in writing. The scheme shall include details of plant species, plant sizes, proposed numbers/densities, operations associated with plant establishment, and maintenance.

The enhancement scheme shall be implemented within the first available planting and seeding season in accordance with the approved details. Any plants which, within a period of five years from the date of initial planting die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species.

**Reason**

In the interests of biodiversity enhancement, in accordance with Policy CS14 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026 and Section 15 of the National Planning Policy Framework (2023).

5. Operation of the rail sidings site, with the southern siding retained (as shown on Dwg No. TSES- 20195- 1012- DSN- 03; Proposed Site Layout Plan and Proposed Levels (Retrospective); dated 22.07.22), shall not exceed a maximum of 104 trains (of up to 24 wagons) entering the site over the course of a single calendar year (1st January – 31 December), with no more than three trains in any one week (Monday – Sunday).

No more than 189,696 tonnes of aggregates shall be delivered to the site in a single calendar year.

The number of deliveries during any part calendar year of operation, including from the date of this permission, should be calculated on a pro-rata basis.

**Reason:**

To protect the amenities of local residents, in accordance with Policy DM12 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.

6. From the date of this permission the operators shall maintain records of their annual (1 January to 31 December) and weekly movements into the site by trains, including the dates and times of train arrivals and departures, and the tonnage of aggregates delivered to the site, and shall make them available to the County Planning Authority at any time upon request. All records shall be kept for at least 12 months.

**Reason:**

In order that the County Planning Authority can monitor the input of aggregate, to protect the amenities of local residents, in accordance with Policy DM12 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.

7. Except as modified by the provisions of condition 9 of this permission, and revised mitigation measures as may be approved in writing by the County Planning Authority, the development hereby permitted shall be carried out fully in accordance with Appendix B Noise Management Plan (Draft) of the Acoustic Comparison Report; reference JDB/CS/P19-1747/06; prepared by Create Consulting Engineers Limited; dated October 2022

Reason:

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

8. Except as modified by revised management/mitigation measures as may be approved in writing by the County Planning Authority, the development hereby permitted shall be carried out fully in accordance with the Dust Management Plan - Revision E; reference NP/VL/P23-2867/02 Rev E; prepared by Create Consulting Engineers Limited; dated 15th February 2024; received 16th February 2024.

Reason:

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

9. No rail unloading operations, with the southern siding retained (as shown on Dwg No. TSES- 20195- 1012- DSN- 03; Proposed Site Layout Plan and Proposed Levels (Retrospective); dated 22.07.22), shall take place on Saturdays, Sundays or public holidays, or other than during the following periods:  
07.00 - 18.00 Monday to Friday.

There shall be no operations on the rail sidings outside these hours other than rail freight entering/departing the sidings and essential maintenance in respect of site and track safety.

Reason:

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

10. Except as modified by the provisions of another condition of this permission, the development shall only be carried out in accordance with the mitigation measures detailed in section 6.2 (R3 Habitat Protection and Enhancement) of the approved Preliminary Ecological

Appraisal; reference RT-MME-158261-01 Rev A2; prepared by Middlemarch Environmental Ltd; dated 3 October 2022.

Reason

In the interests of biodiversity protection, in accordance with Policy CS14 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026 and Section 15 of the National Planning Policy Framework (2023).

11. 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.

12. No external lighting shall be installed on site unless details of such lighting, including the intensity of illumination and predicted lighting contours, have been first submitted to, and approved in writing by, the County Planning Authority.

Any external lighting that is installed shall accord with the details so approved.

Reason:

To protect the appearance of the area, the environment, and local residents from light pollution, in accordance with Policy DM12 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.

## 12. Background Papers

- 12.1 Planning Application reference: FUL/2022/0051 available here:  
[eplanning.norfolk.gov.uk/Planning/Display/FUL/2022/0051](http://eplanning.norfolk.gov.uk/Planning/Display/FUL/2022/0051)
- 12.2 Norfolk Minerals and Waste Development Framework Core Strategy and Minerals and Waste DM Policies DPD (2011)  
[Adopted policy documents - Norfolk County Council](#)
- 12.3 Norfolk Minerals and Waste Development Framework Revised Policies Map (2017)  
[Adopted policy documents - Norfolk County Council](#)
- 12.4 Norfolk Minerals and Waste Local Plan: Publication (2022)  
[Norfolk Minerals and Waste Local Plan Review - Norfolk County Council](#)
- 12.5 Breckland Local Plan (2023)  
[Appendix 4 - Breckland District Council Local Plan](#)
- 12.6 Breckland Local Plan Review  
[Local Plan Review - Breckland Council](#)

- 12.7 National Planning Policy Framework (2023)  
[National Planning Policy Framework \(publishing.service.gov.uk\)](https://publishing.service.gov.uk)
- 12.8 National Planning Practice Guidance (NPPG)  
[Planning practice guidance - GOV.UK \(www.gov.uk\)](https://www.gov.uk)
- 12.9 Norfolk County Council Environmental Policy (2019)  
[Environmental policy - Norfolk County Council](#)

### **Officer Contact**

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

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



**A1065 Mundford Road**

**The Site**

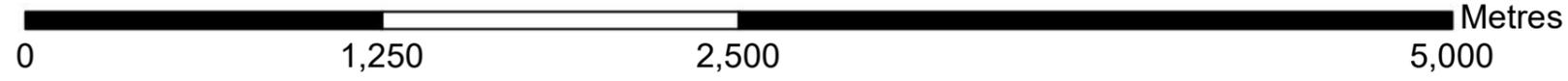
**Brandon Road**

**Rail Lines**

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 Wangford Fen

16 February 2024

**Brandon Rail Sidings Location Plan**



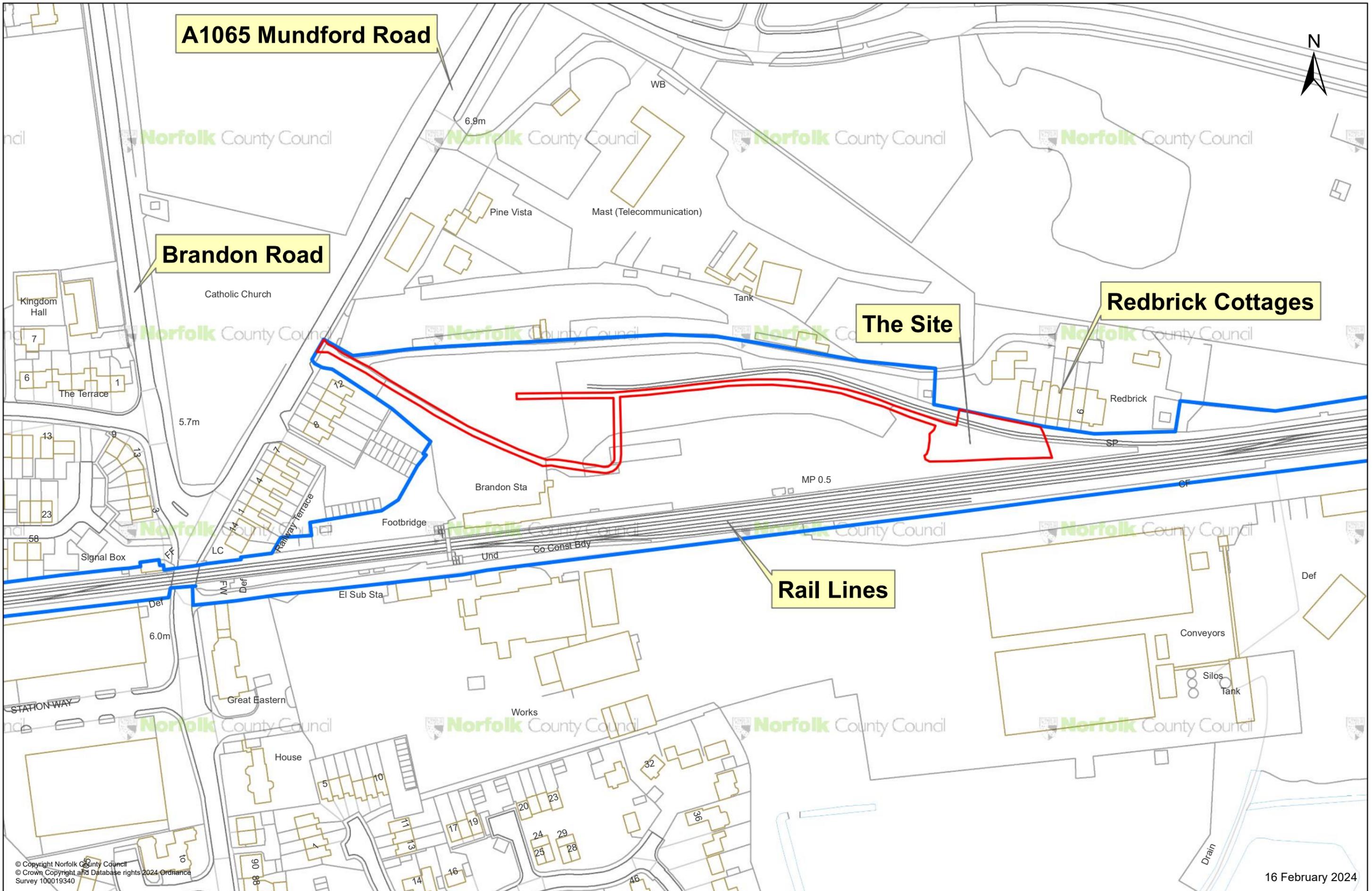
**A1065 Mundford Road**

**Brandon Road**

**Redbrick Cottages**

**The Site**

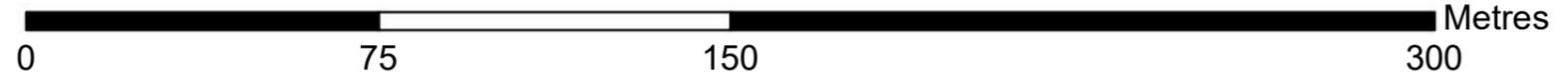
**Rail Lines**



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16 February 2024

# Brandon Rail Sidings Site Plan



**Norfolk County Council**

Appendix B

1:1,500

## Planning (Regulatory) Committee

Item No: 6

**Report Title:** FUL/2023/0032: Larkshall Mill, Thetford Road, Wretham, Thetford, Norfolk, IP24 1QY

**Date of Meeting:** 22 March 2024

**Responsible Cabinet Member:** N/A

**Responsible Director:** Steve Miller, Lead Director for Communities & Environment

**Proposal & Applicant:** Increase in tonnage of Air Pollution Control residue from 30,000 tonnes to 100,000 tonnes in connection with manufacturing of carbon-negative aggregates; additional third production line in the process building; proposed increase in operational hours to 24-hour working, 7 days a week; aggregate processing building; 7 no. additional APCr and cement silos; 1 no. additional CO2 tank; sand storage building; additional conveyor and curing bay; extension to side of process building; acoustic barrier along access; 6m high rainwater harvesting tank; process water tanks; pipe bridge; additional staff and visitor parking; visitor and welfare facilities building; 0.2 hectare extension to site area and associated development - (OCO Technology Ltd).

**Is this a Key Decision?** No

### Executive Summary

Full planning permission is sought for the increase in tonnage of the amount of Air Pollution Control residue (APCr) used in connection with the manufacturing of carbon-negative aggregates at the existing Larkshall Mill site at Thetford Road, East Wretham, Thetford. The application seeks an increase from 30,000 tonnes APCr, which was approved by the Planning (Regulatory) committee under planning application (ref: FUL/2021/0072) in 2022, to 100,000 tonnes APCr.

In order to facilitate the increase in tonnage an additional third production line will be required with associated physical development, including an aggregate processing (dry screening) building, 7 no. additional silos for the storage of powder wastes such as Air Pollution Control residue (APCr) and cement, 1 no. additional CO2 tank, a sand storage building to cover the existing sand storage bay, an additional curing conveyor and curing bay, a low level fully enclosed 'lean to' on the main production building to cover the manufacturing plant, an acoustic barrier along the northern boundary of the access into the site, a rainwater harvesting tank measuring 6m in height, process water tanks, a pipe bridge for the supply of CO2 and a visitor centre building with welfare facilities.

The application also seeks a 0.2 hectare extension to the site area to accommodate the proposed additional parking and welfare facilities.

To achieve the additional throughput with the operation of the third line, the application also seeks an increase in operational hours of the site to allow 24-hour working, 7 days a week.

In accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 ('the EIA Regs') an Environmental Statement has been submitted with this application, by virtue of the scale of the proposed development and also the location of the application site being in proximity to the Breckland Special Protection Area (SPA) and the Breckland Special Area of Conservation (SAC). In accordance with the Council's constitution the application therefore needs to be reported to, and determined by, this committee.

The key issues:

- Ecological impacts;
- Visual / landscape impacts;
- Amenity impacts - noise, dust and light etc (including vehicle movements).

No objections have been received from consultees, and 6 no. third party representations have been received.

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

### **Recommendation:**

That the Interim Executive Director of Community and Environmental Services (or equivalent) be authorised to:

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

### **1. Background**

- 1.1** Planning permission was approved in 2022 for the change of use of the site from a Materials Recycling Facility (MRF) to a facility for the manufacturing of carbon-negative aggregates involving hazardous waste (ref: FUL/2021/0072). Work is currently underway to implement the physical works associated with this permission.
- 1.2** Prior to this, the site was used as a waste management and recycling plant following the grant of planning permission by the Planning (Regulatory) Committee in 2006 (Ref: C/3/2004/3014). This planning permission allowed a throughput of up to 75,000 tonnes of household, commercial and industrial materials each year for recycling, along with incidental non-recyclable waste and pre-sealed clinical waste for storage.
- 1.3** As mentioned above the application has been supported by an Environmental Statement submitted under the Town and Country Planning (Environmental

Impact Assessment) Regulations 2017 ('the EIA Regulations'), to assess the impacts of the 'project' as a whole. Whilst there are no outstanding objections to the planning application, in accordance with the Council's Constitution, the application needs to be determined by the Planning (Regulatory) Committee.

- 1.4 The site is within the Parish of Wretham and within the jurisdiction of Breckland District Council.

## **2.0 Proposal**

### **2.1 SITE**

- 2.1 The application site is located approximately 6 miles northeast of Thetford and approximately 27 miles southwest of the city of Norwich.
- 2.2 Access to the site is directly from Thetford Road, (the A1075) which links to the surrounding road network with the A11 approximately 3 miles to the south.
- 2.3 The site entrance road is hard surfaced and there is a gravel covered car park area adjacent to the main site area. The main yard is concrete surfaced and enclosed by steel palisade fencing.
- 2.4 The site comprises existing buildings, hard surfacing and parking areas used in connection with the former waste transfer station/materials recovery facility, and two weighbridges. Works to implement the previous permission are currently underway which include the demolition of the existing storage shed, construction of feed hopper and conveyor, curing bay shed, covered aggregate conveyor system, 7 no. silos, a CO2 tank and other associated works.
- 2.5 In the northeast corner of the application site is a lagoon forming part of the site's drainage infrastructure.
- 2.6 The application site is part of an industrial estate created on the site of the former Larkshall Mill, which extends to the south and to the south east of the application site, and comprises several large industrial units, areas of hard standings and car parking. A petfood manufacturer and an agribusiness facility are located to the south of the site and share the same vehicle access.
- 2.7 To the east of the application site are three reservoirs associated with agricultural/agribusiness uses in the area.
- 2.8 To the north and north east is an area of grassland and scrub, beyond which is a tree belt forming part of 'Sawpit Plantation'. There are poultry sheds north of the tree belt.

- 2.9 A pair of semi-detached properties is located immediately adjacent to the car park on the northern side of the entrance to the site. These properties are owned by the applicant. The other nearest private dwellings are Saw Pit Farm to the north of the site boundary and a private dwelling on the A1075 to the southwest.
- 2.10 The site is located within 415 metres of Breckland Forest Site of Special Scientific Interest (SSSI) that forms part of the Breckland Special Protection Area (SPA) and within 645 metres of East Wretham Heath SSSI, that also forms part of the Breckland SPA as well as the Breckland Special Area of Conservation (SAC). East Wretham Heath Nature Reserve, to the southwest of the application site, is located within the SSSI designation.
- 2.11 The nearest Scheduled Monument is Roudham deserted medieval village, located 3.6km to the southeast of the site. There are no listed buildings within the site or in the immediate surrounding area.
- 2.12 The site is located within Flood Zone 1 and therefore has a low probability of flooding.
- 2.13 Although the site is located within part of an industrial estate this is not an identified allocated employment site within the Breckland Local Plan.
- 2.14 **PROPOSAL**
- 2.15 This application seeks planning permission for the following:
- An increase in the tonnage of Air Pollution Control residue from 30,000 tonnes to 100,000 tonnes in connection with the manufacturing of carbon-negative aggregates.
- 2.17 To accommodate the tonnage sought under this planning application the following additional infrastructure will be required:
- a new visitor and welfare facilities building and parking;
  - a small extension to the eastern elevation of the process building measuring 6.5m<sup>2</sup> in area to accommodate the addition of a third production line;
  - the addition of a second conveyor from the process building to the curing bay building;
  - an extension to the curing bay building to provide additional curing bay space;
  - 7 no. additional silos for the storage of APCr and cement at 16.2m in height;
  - 1 no. additional CO<sub>2</sub> tank at 13m high;
  - a new sand storage building measuring 12.5m in height to cover the sand storage bay;
  - a new screening plant building at 8.6m in height;

- a pipe bridge from the CO<sub>2</sub> tanks to the Direct Air Capture (DAC) pilot plant (not subject of this application);
- a 3m high acoustic barrier along the north of the access;
- a rainwater harvesting tank measuring 6m in height;
- 2 no. additional water tanks measuring 4.5m in height; and one tank at 3.7m
- 4 no. EV charging points.

- 2.18 To accommodate the additional infrastructure the proposal also seeks:
- a 0.2 hectare extension to the north western corner of the application site approved under ref: FUL/2021/0072, to accommodate the visitor and welfare facilities and parking.

To achieve the required 100,000 tonnes throughput the application also seeks:

- an increase in operational hours to 24-hour working, 7 days a week.

- 2.19 The process would result in the manufacture of an aggregate (building material for use in concrete products such as blocks) that is carbon negative, meaning that the product's carbon footprint is less than zero and it absorbs (captures) carbon dioxide (CO<sub>2</sub>). The process is called 'accelerated carbonation' and uses Air Pollution Control residue (APCr) from Energy from Waste (EfW) facilities in the process. APCr is classified as a hazardous waste. It is noted that other powder waste materials can be used in the process, and it is not limited to APCr.
- 2.20 The process involves 3 key stages:
- 2.21 Stage 1: APCr is delivered in sealed bulk powder tankers and blown through pipes into enclosed storage silos. The APCr is transferred by sealed conveyors into enclosed mixers, where it is treated with carbon dioxide to chemically and physically change it using the patented process known as Accelerated Carbonation Technology (ACT). This initial process causes the calcium in the materials to be converted into calcium carbonate, which both chemically and physically stabilises the materials, lowering the PH and reducing the potential leaching of any contaminants.
- 2.22 Stage 2: The carbonated output from Stage 1 is blended with binders and fillers (typically sand and cement) to produce the appropriate properties for pelletisation. This is completed in sealed mixers. Material movements are fully automated with no manual handling of the ingredients.
- 2.23 Stage 3: Pelletising is undertaken to achieve the strength and pellet size requirements (for use as an alternative product replacement in the manufacturing of blocks). The manufactured aggregate is then stored under cover to allow it to full harden before delivery to the customers.
- 2.24 Much of the buildings and infrastructure needed to operate the facility are already in place. As referred to above, the site already has planning permission for the manufacturing of carbon-negative aggregates involving

hazardous waste (ref: FUL/2021/0072) and this permission repurposed many of the buildings already on the site.

- 2.25 In terms of site operation, APCr and cement will be delivered to the site using bulk tankers which fill the silos pneumatically, preventing windborne dust. CO2 would be discharged under pressure from the tanker to the tank on site.
- 2.26 The process uses imported non waste inputs of sand, cement, and CO2 in the manufacturing process which by tonnage and volume outweigh the APCr as follows:
- APCr: circa 100,000 tonnes per annum (tpa) imported by articulated tanker HGV with 25 tonne max. payload  
Sand: circa 90,000 tpa Imported by articulated bulker HGV with 29 tonne max. payload.  
Cement: circa 25,000 tpa Imported by articulated bulker HGV with 29 tonne max. payload.  
CO2: circa 5,000 tpa by Imported using tanker HGV with 20 tonne max. payload.
- 2.27 The aggregate to be exported would amount to approximately 250,000 tpa exported using 29 tonne max. articulated bulker HGV, although HGVs delivering sand/filler often backhaul the finished aggregate. This is normally up to 25% of the sand/filler HGVs.
- This equates to HGV traffic of 52 in and 52 out on an average weekday. The majority of the HGV movements will be between 7am and 4pm as these will follow the aggregates and construction industry working hours.
- 2.28 The proposal seeks 24 hours operation, 7 days a week. This would include the 24 hour manufacture of aggregate including production, curing and moving cured materials into the storage areas and the delivery of APCr and cement to the facility and loading of silos. There would, however, be limited deliveries between 2200 – 0600 of approximately three vehicle movements.
- 2.29 The export of aggregate and the import of sand and CO2 is proposed to be between Monday – Saturday: 0600 – 1700, with no export or deliveries of sand on Sundays or Bank Holidays.
- 2.30 The proposed facility would seek to employ 48 staff on the site consisting of 36 operatives and 12 support staff and administrative staff. The operative staff will be split across a 3-shift work pattern with between 10 and 12 operatives per shift. The shift pattern is likely to be 0600 – 1400, 1400 – 2200 and 2200 – 0600.

### **3.0 Impact of the Proposal**

#### **3.1 DEVELOPMENT PLAN POLICIES**

The following policies of the Norfolk Minerals and Waste Development Framework (adopted 2011) (NMWDF), Adopted Breckland Local Plan 2023 (adopted September 2023), Core Strategy and Development Control Policies (2009) (Saved policies) provide the development plan framework for this planning application. Neighbourhood Plans also form part of the development plan however there is not one currently in place for this area.

Norfolk Minerals and Waste Development Framework Core Strategy and Minerals and Waste Development Management Policies Development Plan Document 2010-2026

CS5: General location of waste management facilities  
CS6: General waste management considerations  
CS7: Recycling, composting, anaerobic digestion and waste transfer stations  
CS13: Climate change and renewable energy generation  
CS14: Environmental protection  
CS15: Transport  
CS16: Safeguarding mineral and waste 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 and townscape character  
DM10: Transport  
DM11: Sustainable construction and operations  
DM12: Amenity  
DM13: Air Quality  
DM15: Cumulative impact

Breckland Local Plan 2023

GEN 01 - Sustainable Development in Breckland  
TR01 - Sustainable transport network  
TR02 - Transport requirements  
ENV 01 - Green Infrastructure  
ENV02 – Biodiversity protection and enhancement  
ENV03 – The Brecks protected habitat and species  
ENV05 – Protection and enhancement of the landscape  
ENV 06 - Trees, Hedgerows and Development  
ENV 08 - Non-Designated Heritage Assets  
ENV09 – Flood risk and surface water drainage  
ENV 10 Renewable Energy Development  
EC 04 - Employment Development Outside General Employment Areas  
COM 01 – Design  
COM 02 - Healthy Lifestyles  
COM 03 - Protection of Amenity

### 3.2 OTHER MATERIAL CONSIDERATIONS

The Revised National Planning Policy Framework (NPPF) was published in December 2023 and sets out the Government's planning policies for England

and how these should be applied. Whilst not part of the development plan, policies within the NPPF are also a further material consideration capable of carrying significant weight. The NPPF places a presumption in favour of sustainable development. Paragraph 47 states that planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The following sections are of relevance to this application:

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

3.3 Planning policy with respect to waste is set out in the National Planning Policy for Waste (NPPW published on 16 October 2014). Additionally, both the National Waste Management Plan for England (2021) (NWMPE), which is the overarching National Plan for Waste Management, and the Government's Waste Strategy, Our Waste, our resources: a strategy for England (2018), are both further material consideration in planning decisions.

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

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

3.6 Norfolk Minerals and Waste Local Plan Draft Document May 2022  
Policy MW1: Development Management Criteria  
Policy MW2: Transport  
Policy MW3: Climate Change mitigation and adaption  
Policy MW4: The Brecks Protected Habitats and Species  
Policy WP2: Spatial Strategy for waste management facilities  
Policy WP3: Land suitable for waste management facilities  
Policy WP6: Transfer, storage, processing and treatment of hazardous waste  
Policy WP16: Design of waste management facilities

### 3.7 **CONSULTATIONS**

**Breckland District Council** – No objection – advise the need to give due weight to the following matters and ensure that satisfactory mitigation and monitoring processes are in place by way of condition and/or legal agreement as necessary:

- Inclusion of conditions if permission is granted to secure the approval and implementation of ongoing measures to control and mitigate for noise, dust, light and air pollution resulting from the operation of the site on the surrounding rural area throughout operations on site.

- The additional impacts of the proposals on the residential amenity and visual amenity of the surrounding rural area and countryside noting the proximity to nearby dwellings.

- Appropriate consideration and assessment of the effects of the proposed development on Breckland SPA under the Conservation of Habitats and Species Regulations 2017, and if necessary, what and how any necessary mitigation would be secured with respect to any affected Habitat Sites in the surrounding area.

**Breckland District Council Environmental Health Officer** – No objection – request that the conditions relating to dust and lighting on the earlier permission are carried over. I understand that the development will operate in line with an Environment Agency permit and that noise and odour from the ongoing operation of the development will be controlled within the permit rather than conditions within any planning permission that may be granted.

**Environment Agency** – No objection - The current Waste Management Licence is due to be surrendered as this is a preoperational condition of the Installation Permit EPR/BP3702MC which was issued to O.C.O Technology Limited on 10/08/2023.

The Installation activities will be regulated against the Environmental Permit EPR/BP3702MC. The proposed developments must not result in non-compliance of the permit conditions. The operator should consider the effect of change on their Environmental Management Systems and their Environmental Permit conditions.

**Natural England** - No comments – but gave general advice and references to Natural England Standing Advice.

**Department for Levelling Up, Housing and Communities** – No response received regarding the Environmental Statement

**Highway Authority** – No objection – conditionally. Given both the previous & existing lawful use of the site coupled with the other existing users of the access, on balance, I could not substantiate an objection to the proposals. Recommend conditions to limit the throughput of material / aggregate to the levels proposed, implement new road markings proposed at the existing

vehicular access onto the A1075, provide and retain visibility splays and provide and retain the vehicle parking/manoeuvring areas.

**Lead Local Flood Authority** – No comments

**County Council Ecologist** – No objection – conditionally. Recommend conditions to ensure development is carried out in strict accordance with the recommendations set out in section 8.7 of the Environmental Statement. Also full details of 1) bird and bat boxes and 2) external lighting to be provided either prior to determination or secured by condition.

**County Council Arboriculturist** – (most recent comments) No objection – The submitted arboricultural method statement dated 13th Dec 2023 details that there are no tree losses and is considered fit for purpose.

**County Council Landscape Officer** - (most recent comments) No objection –Minor amendments have been made to the LVIA to show correct tables and titles, I am now broadly happy with the content of the assessment. I also note that table 11.7 now references that vegetation loss is restricted to scrub removal only. Provided that this is the only loss occurring I have no further objections.

**Wretham Parish Council** – Supports the application.

**Norfolk Fire Service** – The proposal will need to comply with Building Regulations set out in Approved Document B, Volume 2, Buildings other than Dwellings, 2019 edition incorporating 2020 amendments – for use in England. Failure to meet these requirements may result in an objection and an unsatisfactory proposal. Comments on the internal layout will be made at the Building Regulation application stage.

**County Council Sustainability Manager** - No objection

**RSPB** - No response received.

**Local Member (The Brecks) (Cllr Eagle)** - No response received.

### 3.8 REPRESENTATIONS

The application was advertised by means of neighbour notification letters, site notices, and an advertisement in the Eastern Daily Press newspaper. Six letters of correspondence (One objecting and five in support) have been received from the public and the comments relate to the following:

- The proposed increase of 233% will obviously lead to a huge increase in heavy goods traffic.
- Given the amount of traffic already using the A1075 and the many agricultural vehicles (and others) already turning in and out of the current entrance, serious consideration should be given to some form of

controlling mechanism to ensure local traffic has ready access to the main road and that road safety is not compromised.

- Concerns regarding the increase in noise pollution.
- Fully support this application because it will help to prove Norfolk's commitment to "tackling climate change and achieving a net zero Norfolk" as stated on their website.
- It will provide long-term job security for the existing Brandon based staff and opportunities for others to join the business.
- Support this application; It allows the company to expand in the local area and will create a number of new job opportunities.
- Working currently for OCO Technology, this will provide job security for myself and my family and will benefit from me not having to move from the area to seek equivalent employment.
- Climate change is happening, it will affect us all, therefore carbon capturing is essential in today's world.
- OCO Technology are willing to invest in the local area, its people and its economy and this should be seen as a positive move by the council.
- It is a great position for Norfolk to embrace the investment that O.C.O Technology is bringing to the area. To have a true carbon capture company in Norfolk and that being one of the top 10 Carbon capture companies in the world should be seen as a unique opportunity to put Norfolk on the world stage and prove that Norfolk is serious about climate change.
- This will this bring employment to the area and will maximize the use of what was a derelict site. The location is excellent, and this site is proven to be right for the waste use and has only a positive impact on the environment by locking up CO2.
- With Breckland Council trying to achieve Net Zero by 2030 it would be extremely negative not to allow this "world's first" company to prosper and support the locality.
- It is great that a true carbon capture company wishes to expand its operation in Norfolk. Ours and our children's futures depend on a carbon reduction strategy and O.C.O technology is certainly in 1st place to help Norfolk and Breckland achieve their Net Zero targets.
- The increase in sustainable jobs in the Wretham is also a great reason why this proposal should be approved. The assessments presented show no reason why this application should not be permitted.

- The effort that O.C.O have taken in keeping the local community informed of their progress and the help to maintain the local village magazine is commendable.
- Locationally this is an excellent site that is proven to be right for a waste use and has no significant impacts on amenity or the environment. It will also provide additional local employment on site & through OCO's supply chain.

### 3.9 APPRAISAL

The key issues for consideration are:

- A. Planning application procedure and background
- B. Principle of Development
- C. Landscape & Visual Impact / Design
- D. Amenity
- E. Ecology
- F. Impact upon Heritage Assets
- G. Transport
- H. Sustainability
- I. Flood Risk
- J. Groundwater/surface water
- K. Cumulative Impacts
- L. Socio-Economic Effects

### 3.10 A - Planning application procedure and background

- 3.11 Prior to the submission of this application the applicant undertook discussions with the Planning Inspectorate and NCC to ascertain if the proposed development would fall within the definition of a Nationally Significant Infrastructure Project (NSIP) under section 14 of the Planning Act 2008 (PA 2008). Part (1) (p) of section 14 lists the construction or alteration of a hazardous waste facility as a nationally significant infrastructure project where it falls within the definitions and criteria set out in Section 30 of the same Act.
- 3.12 Sections 30(1) and 30(2) of the PA 2008 relate to development involving the construction of a new hazardous waste facility and Sections 30(3) and 30(4) relate to the alteration of a hazardous waste facility.
- 3.13 Section 30 (2) refers to the capacity of a new hazardous waste facility, stating that the construction of a hazardous waste facility falls within section 14(1)(p) if the capacity of hazardous waste is more than 30,000 tonnes per year.
- 3.14 Section 30 (4) refers to the capacity of the alteration of a hazardous waste facility, stating that the construction of a hazardous waste facility falls within section 14(1)(p) if the effect is to increase by more than 30,000 tonnes per year the capacity of the facility.
- 3.15 For this proposed development the resulting capacity of the facility would exceed 30,000 tonnes per year and in terms of capacity the proposal falls

under the definition of a Nationally Significant Infrastructure Project (NSIP). However, the criteria of Sections 30 (1), (2), (3) and (4) set out that for this tonnage restriction to apply, the final disposal or recovery of hazardous waste has to be the main purpose of the facility. In this case, the processing of hazardous waste is one process, but the other key purpose of the facility is the production of carbon-negative aggregates which can be used in the construction industry.

- 3.16 Following legal advice and consensus of all parties involved, it is considered that the proposed development does not, by definition, constitute an NSIP and, therefore, NCC should determine the planning application in their role as the minerals and waste planning authority.
- 3.17 It should be noted that when initial discussions took place it was first considered this proposal was classed as an NSIP application for which the Planning Inspectorate would be the determining authority. On the basis of this initial advice, the applicant restricted the capacity of the previous planning application (ref: FUL/2021/0072) to a maximum of 30,000 tonnage due to the belief at the time that anything over 30,000 tonnes of hazardous waste per annum would need to be considered through a Development Consent Order (DCO) under the Planning Act 2008.
- 3.18 The applicant has stated that, given that the DCO process takes significantly longer to come to a determination than through the Town and Country Planning Act route and the time pressures upon the applicant at the time for the need to relocate from their site in Brandon, Suffolk, the initial 30,000 tonnes per annum was sought. The applicant has confirmed in their Planning Sustainability Statement that if this Town and Country Planning Act route had been agreed when the previous application was submitted, the original application would have been submitted at 100,000 tonnes per annum and not 30,000 tonnes per annum. This is because the applicant always anticipated the facility to operate at 100,000 tonne per year.
- 3.19 Members should be aware that the previous planning permission (ref: FUL/2021/0072) has been implemented and this is a material consideration. The principle of this use on the site has, therefore, previously been found to be acceptable. The key issues for consideration below focus on the differences between the development previously approved and the current proposal to increase the capacity of the site. However, it should be noted that if this planning permission is approved, the existing permission and conditions would fall away in the event the new permission is granted and implemented.
- 3.20 **B – Principle of Development**
- 3.21 A basic principle when assessing planning applications is outlined in Section 38(6) of the Town and Country Planning Compulsory Purchase Act 2004 which states:

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

- 3.22 Relevant development plan policy is, as detailed above, is set out in the Norfolk Minerals and Waste Development Framework (NM&WDF) Core Strategy, Adopted Breckland Local Plan 2023 (adopted September 2023), Core Strategy and Development Control Policies (2009) (Saved policies).
- 3.23 Planning permission was approved last year for the use of the site as a facility for the production of carbon-negative aggregates involving the use of Air Pollution Control residues (APCr), which, is classed as hazardous waste. APCr is classed as hazardous mainly due to the high pH level (pH11 - 13) and can, from some sources, have sufficiently high concentrations of heavy metals (notably copper) to give it Hazard Property (HP) 14 - ecotoxic. In most cases, however, the concentrations of heavy metals are only just over the relevant thresholds.
- 3.24 Information contained within the applicant’s Planning Statement confirm that APCr is considered no more, or no less, hazardous than cement powder. Both are fine powders, very alkaline with low levels of heavy metals. The handling of both materials has identical PPE requirements and carries the same risks to the environment and human health.
- 3.25 At the time of the consideration of this earlier planning application (ref: FUL/2021/0072) the site was in operation as a waste management use. Local policy supports the development of new and expanded waste management facilities on land that is already in a waste management use, on existing industrial or employment land and/or on other previously developed and contaminated or derelict land. As stated above, this recent permission has already been implemented. The principle of the use of the site for waste management and more specifically the production of carbon-negative aggregates involving the use of Air Pollution Control residues (APCr) has, therefore, already been established.
- 3.26 The NM&WDF Core Strategy, and in particular Policies CS3, CS4, CS5, CS6 and CS7 are of relevance.
- 3.27 Policy CS3, which is concerned with the amount of waste management capacity to be provided over the plan period, sets out that the aim of the overall strategy is to provide sufficient waste management capacity to meet the expected arisings of municipal and commercial and industrial waste. Policy CS4 sets out in more detail the amount of different types of capacity to be provided.
- 3.28 Policy CS5, which is concerned with the general location of waste management facilities, sets out the broad spatial strategy for the location of new waste management capacity and identifies that strategic or major waste management facilities should be well related to the major centres of

population and waste arisings in Norwich, Great Yarmouth, King's Lynn or Thetford. Although the site is located within 6 miles of Thetford, the facility would not in any case be dealing with household or industrial waste generated from the town or the surrounding area. Instead, the waste stream would emanate from energy from waste facilities across the east of England, including the Midlands and London (as the facility at Brandon already does). Given the unique nature of the waste stream, and the proximity to the A11 providing good transport links, this was previously considered to be acceptable in the context of Policy C7 when application ref: FUL/2021/0072 was determined and remains the case (see below).

- 3.29 The two other relevant key policies in relation to the principle of the development are Policies CS6 and CS7. Policy CS6 sets out general considerations in relation to proposed waste management uses and makes clear that proposals on land already in a waste management use will be considered to be acceptable. This applies to this current proposal. The additional qualifying test to be applied requires no unacceptable environmental impacts. These are considered in more detail below.
- 3.30 Policy CS7 which is concerned with applications for recycling, composting, anaerobic digestion and waste transfer stations, to handle all types of waste states that these will be considered favourably, so long as they would not cause unacceptable environmental, amenity and/or highways impacts.
- 3.31 In terms of the principle, it is noted that this development has previously been found to be policy compliant. None of the policies referred to above have witnessed significant change since the consideration of the previous planning application for the same use of a smaller scale. Clearly the scale of the operation, and the impacts of this, are the key issues for consideration, but in terms of principle, subject to the additional consideration of the environmental, amenity and highways impacts, the application can be considered to be acceptable and in compliance with the development plan policy, including, Core Strategy Policies CS3, CS4, CS5, CS6 and CS7 as detailed above. As such and in accordance with paragraph 7 of the National Planning Policy for Waste (NPPW) there is no need for the applicant to have to demonstrate the quantitative or market need for new or enhanced waste management facilities.
- 3.32 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 recovery of hazardous waste and diverting it from landfill, therefore driving waste management up the waste hierarchy. The NPPW also underlines that the need for a facility is only required to be demonstrated where a proposal is not consistent with an up to date plan. Because of the compliance with the land use policies detailed

above, there is not a requirement to demonstrate a need for this facility at this location.

3.33 Government guidance also states that the waste planning authority should not assume that because a particular area has hosted, or hosts, waste disposal facilities, that it is appropriate to add to these or extend their life. It is important to consider the cumulative effect of previous waste disposal facilities on a community's wellbeing. Impacts on environmental quality, social cohesion and inclusion and economic potential may all be relevant. Engagement with the local communities affected by previous waste disposal decisions will help in these considerations. These elements are considered in more detail below.

3.34 In summary, the principle of the development is considered acceptable in relation to relevant development plan policy.

### 3.35 **C - Landscape & Visual Impact**

3.36 Adopted NMWDF Policy CS14: Environmental Protection requires that there are no unacceptable impacts and ideally improvements to the character and quality of the landscape, and NMWDF Policy DM8: Design, Local Landscape and Townscape character requires that developers show how their proposals will address impacts on the local landscape. In addition, Policy ENV 05 of the Breckland Local Plan November 2023 requires proposals to have particular regard to maintaining the aesthetic and biodiversity qualities of natural and man-made features within the landscape, including a consideration of individual or groups of natural features such as trees, hedges and woodland or rivers, streams or other topographical features.

3.37 In this case most of the infrastructure required to achieve the 100,000 tonnes throughput is additional tanks or silos, extensions to existing buildings, a building to cover the existing sand storage bay and an additional conveyor from the process building to the curing bay building.

3.38 The additional proposed infrastructure is below the height of the existing structures on the site and the highest new structures, the cement silos at approximately 16.2m, would be located towards the northern boundary, screened by the existing waste processing hall building and the existing established trees to the north.

3.39 The proposed new silos, building and conveyor are all lower than the existing buildings on the site. Their design is functional and not out of keeping for this existing site surrounded by other industrial uses. The external materials proposed for the additional infrastructure is functional and generally has a grey finish which will complement the existing buildings on site and the surrounding buildings. In context the siting and design of these industrial structures will not be unexpected in terms of visual impact.

3.40 As part of the Environmental Statement, a Landscape and Visual Impact Assessment (LVIA) has been undertaken by David Jarvis Associates (DJA). Fieldwork carried out by DJA established that site is visually contained to the

north by a tree belt, to the east by two embanked reservoirs and to the south and southeast by hedgerows and woodland.

- 3.41 Whilst there are some views of the upper elements of the existing principal waste facility building on the site, such views are very localised and limited to a short section of Thetford Road to the southwest and restricted byway Wretham RB8 to the southeast. Overall, the LVIA concludes that the repurposing of the site's existing facility and the proposed additional infrastructure on the site for the manufacture of carbon negative aggregate will have very limited effects on local landscape character and visual amenity and the proposed development would be successfully assimilated into the wider landscape.
- 3.42 It is unlikely that there would be visibility of the additional cement and APCr silos from Peddars Way National Trail. If visible, however, they would constitute a very small proportion of view and would not be readily perceptible to the casual observer.
- 3.43 Any limited public views of the structures will be seen largely against or adjacent to existing buildings. Given that the proposed new silos, building and conveyor are all lower in height than the existing buildings, they will not appear unduly prominent within the landscape. Views of the proposed new acoustic barrier adjacent to the access road would be filtered and oblique from the A1075 (Thetford Road).
- 3.44 The County Principal Landscape Architect (PLA) is content that the LVIA has been undertaken following industry standard guidance and is appropriate and proportionate for the proposed development. The PLA confirms she is broadly in agreement with the conclusions drawn in the LVIA, stating that the site is well contained, and the proposals have been designed in a sensitive way towards the surrounding landscape. She is content that based on the provided assessment the proposals would have limited effects on the local landscape character and visual amenity, and raises no objection to the proposal, subject to the development being carried out in strict accordance with the submitted plans, as laid out in the ES and according to the mitigation laid out in table 11.7, which include the repurposing of existing buildings, the reduction in height of the ACPr silos from 21m to 16.2m, the retention of on-site trees along the access route and north of the visitors centre and the careful siting of additional buildings and structures within the site. This can be secured by planning condition.
- 3.45 During the course of the planning application the Arboricultural Officer requested additional information regarding the potential loss of trees on the site, in particular the oak trees to the northern boundary. As a result, an Arboricultural Method Statement (AMS) was conducted and submitted to support the application. This confirmed that no trees are proposed to be removed to facilitate this proposal. It was noted that some of the trees have a limited safe useful life expectancy, but all trees are to be retained to ensure continued tree cover.

- 3.46 The AMS also confirmed that the modular nature of the proposed welfare building, which is new build closest to the existing trees, will have simple pad foundations which means that minimal excavation will be required. However, tree protection measures are proposed during construction to prevent any potential damage to tree roots.
- 3.47 The Arboricultural and Woodland Officer has confirmed that the submitted arboricultural method statement dated 13th Dec 2023 details that there are no tree losses and is considered fit for purpose.
- 3.48 The proposals therefore are considered consistent with the development plan policies outlined above and the NPPF.
- 3.49 **D – Amenity**
- 3.50 Policy DM12: Amenity of the adopted NMWDF states that development will only be permitted where it can be demonstrated that the scale, siting and design of a proposal is appropriate and that unacceptable impacts to local amenity will not arise from the construction and/or operation of a facility. This echoes policy NMWDF CS14: Environmental protection which also seeks to avoid unacceptable impacts on amenity.
- 3.51 Breckland Adopted Local Plan policies GEN 02 and COM 03 also give regard to the protection of residential amenity. Policy GEN 02 requires high quality design that protects high levels of amenity. Policy COM 03 refers that development which causes unacceptable effects on the residential amenity of neighbouring occupants or does not provide for adequate levels of amenity for future occupants will not be permitted. Para 191 of the NPPF refers that decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development.
- 3.52 NMWDF policy DM13 relating to 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 180 requires that new and existing development should be prevented from contributing to unacceptable levels of air pollution.
- 3.53 As referred to above, a small number of residential properties lie in proximity of the application site. The nearest are a pair of semi-detached dwellings which are immediately to the north of the car park at the western end of the site. These properties are in the ownership of the applicant. The farmhouse to Saw Pit Farm is to the nearest dwellinghouse to the north, separated from the application site by a band of trees. The nearest private dwelling to the south east is sited along the A1075.
- 3.54 No public rights of way run through or abut the site.

### 3.55 Noise

- 3.56 As part of the Environmental Statement, Chapter 12 focuses on noise, with appendix 12.1 providing details of the baseline noise survey results. Chapter 12 reports on the likely significance of noise effects to arise from the operation of the proposed scheme, describing the policy context, the method used to assess the potential impacts and likely effects, the baseline conditions at and surrounding the site, the likely noise effects considering embedded mitigation, the need for additional mitigation and enhancement, and the significance of residual effect. Consideration has also been given to cumulative impacts arising from other development.
- 3.57 The EIA Scoping Opinion assessed prior to the submission of the application concluded that vibration effects were scoped out of the assessment on the basis that vibration generated during the construction phase would be limited in duration and of a scale unlikely to result in negative impact on nearby receptors, and that the process does not generate any significant amounts of vibration.
- 3.58 As part of the noise assessment a noise survey was undertaken in 2022 to establish the prevailing noise levels at each of the identified receptors. The assessment identified three noise sensitive receptors, including the residential properties located at the entrance to the site, Saw Pit Farm and the private dwelling to the south of the site.
- 3.59 A noise model of the site was developed and used to assess the likely effects of noise sources within the study area. The model takes into account existing topography, proposed site layout and the completed development HGV flows. Noise levels from proposed internal and external plant were informed by measured noise data collected at an operational site in Leeds, which is also owned by the applicant.
- 3.60 During the consideration of the previous planning application for the use of the site for the 30,000-tonne facility (Ref. FUL/2021/0072), Breckland Council Environmental Protection stated that the use should not generate a noise level measured at the boundary of the nearest noise sensitive premises greater than 5 dBA above the existing day or night-time background levels. This noise measurement has been used in the assessment of the current proposed development.
- 3.61 From the modelling undertaken, the assessment finds that the noise emissions from the site are expected to meet the Breckland Council requirements in all cases except for one period of time and to one receptor. The assessment reveals that there would be a moderate impact and significant effects may be experienced during night-time periods for occupants of the adjoining residential properties when APCr tanker HGVs access the site during night-time periods.
- 3.62 The applicant has provided information within the Transport Assessment indicating no more than 2 APCr tankers are expected to access the site during

night time periods. The figures indicate that vehicle movements between the hours of 2200-0600 will be limited to 3 movements a day, equivalent to one tanker leaving and one arriving and leaving once unloaded. The majority of HGV movements would be associated with haulage of product, which would be during the normal working day.

- 3.63 In order to provide attenuation at these properties from HGVs using the site access, a 3 m high noise barrier is proposed along the boundary of the application site car park and the site access road. This would provide a 6dB attenuation at the receptor boundary along the site access road and 4dB attenuation at the first floor window location that is most exposed to HGV noise along the site access road. The fence will be constructed of wooden reflective panels.
- 3.64 When APCr tankers do not access the site during night-time periods, the predicted significance of effect is expected to reduce to a Lowest Observed Adverse Effect Level (LOAEL), i.e., equal to the Breckland Council limit of +5dB over the background noise level.
- 3.65 The application site is adjacent to other industrial uses and the night-time noise climate at the assessed receptors is dominated by noise emissions from these other adjacent industrial uses. Therefore, night-time noise emissions emanating from the application site would not be deemed to be out of context with the existing noise climate which may reduce the significance of effects perceived by the closest receptor.
- 3.66 Last year planning permission was granted for a carbon capture pilot project involving Direct Air Capture (DAC) technology on the site for a period of two years (NCC Ref. FUL/2022/0071). The pilot plant is to be located in the north eastern part of the site, south of the soakaway. Noise emissions would predominately be associated with fan noise, which draws the air into process for carbon capture. The Noise Survey confirms that the noise emissions from the Mission Zero Technologies equipment would be designed to not exceed background noise levels and therefore, provided this occurs there will be no significant impact on noise levels.
- 3.67 The Planning Statement concludes that the ES has demonstrated that with the inclusion of mitigation, which includes the section of fence to the northern boundary, the impact of the facility singularly and in combination with other existing or planned developments will not be significant in terms of noise.
- 3.68 The ES finds that the proposed development accords with NPPF paragraph 180(e), NPPW Appendix B (j), NMWDF policy DM12 and Breckland Local Plan Policy COM 03 in that the application has provided a description and assessment of the of the noise generating aspects.
- 3.69 The Breckland Council Environmental Protection Officer has reviewed the information provided and comments that the development will operate in line with an Environment Agency permit and that noise from the ongoing operation

of the development will be controlled within the permit rather than conditions within any planning permission that may be granted.

- 3.70 NPPF para 194 refers that the focus of planning policies and decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or permissions (where these are subject to separate pollution control regimes). Planning decisions should assume that these regimes will operate effectively. Accordingly, should planning permission be forthcoming, it is not considered necessary to propose any conditions to control matters of noise in this case, given that it will be controlled through the permitting regime.
- 3.71 The previous application (Ref FUL/2022/0071) included a planning condition restricting hours of operation of the site. In this case, given that the results of the noise modelling show there will be no expected amenity concerns and the permitting regime in place, it is not considered necessary to impose restrictions on the days and times of operation.
- 3.72 The proposal accords with the provisions of development plan policies listed above relating to noise and amenity and in this regard the application can be supported.
- 3.73 Air Quality and Dust
- 3.74 The submitted Environmental Statement (ES) includes an Air Quality Assessment (AQA) (Volume 1: Chapter 10 of the ES) along with an Air Quality Technical Appendix (Appendix 10.1) which considers the potential impacts to air in relation to pollutants potentially arising from the proposed development. The technical appendix sets out in detail the modelling approach taken in the air quality assessment, including the modelling methodology and the model verification process used to calibrate the model.
- 3.75 This proposal seeks the handling of a larger volume of dry materials on the site and potentially, therefore, an increase in dust emissions which could affect local air quality and amenity. Additionally, there is potential to increase emissions to air through construction activities and also from increased road traffic to and from the site using the road network. Emissions from construction and transport vehicles have the potential to impact local air quality.
- 3.76 The key pollutants associated with vehicle emissions are nitrogen oxides (NO<sub>x</sub>) and particulate matter. The amount of road-going and Non-Road Mobile Machinery (NRMM) involved in construction will be minimal, and consequently the impact of emissions from road traffic and NRMM during construction has been scoped out of the ES.
- 3.77 The AQA assessed the potential key impacts associated with air quality emissions from the operational phase of the facility, with particular reference to the impact of dust emissions on amenity, assessing the air quality impacts arising from HGV movements associated with the proposed scheme. A dust

assessment was undertaken and found the risk of significant effects on amenity to be negligible, since the greater part of materials processed will be enclosed. APCr and cement are delivered to the site using bulk tankers which fill the silos pneumatically, preventing windborne dust. Transfer of these materials takes place using a pneumatic system to transfer it to the silos and from the silos it is blown into the mixer. At no point in the process are APCr or cement powders exposed.

- 3.78 Sand is delivered by sheeted bulk tippers and tipped in the sand storage bay. The proposed sand storage building will prevent windblown sand becoming a nuisance.
- 3.79 The processing will take place indoors and the processed aggregate is then shown to be transported along a covered belt conveyor system to the proposed aggregate curing bays. The conveyor is covered to avoid dust arising from the aggregate.
- 3.80 The dust assessment found the risk of significant effects on amenity to be negligible, since the process materials and product are entirely contained in silos or in buildings, dust emissions are controlled to the extent that the risk to human health or amenity is considered to be negligible. Consequently, dust emissions were not considered further in the submitted air quality assessment.
- 3.81 There are no emissions, smoke or steam produced at any stage of the process. Both the process and end product are odourless.
- 3.82 Dispersion modelling was undertaken to assess traffic related pollution levels at existing sensitive receptors, including sensitive ecological receptors.
- 3.83 The annual mean and one hour mean NO<sub>2</sub> Air Quality Objective (AQO) are forecast to be met at the façade of all existing receptors. The PM<sub>10</sub> and PM<sub>2.5</sub> concentrations are also forecast to meet their respective long and short term AQO by a considerable margin for all modelled receptors.
- 3.84 An assessment of the associated transport emissions on designated ecological sites adjacent to the affected road network finds that there is also no likely significant effect.
- 3.85 Based upon the above, no further air quality mitigation measures are recommended for the operational phase of the proposed scheme.
- 3.86 An assessment of the operational air quality impact has been undertaken for the development. The impact on air quality is negligible with no significant effect. In regard to air quality, it can therefore be concluded that the proposed scheme is not considered to conflict with national, regional and local planning guidance.
- 3.87 As per 3.70, with respect to the actual regulation of an operation such as this, in accordance with paragraph 194 of the NPPF and the National Planning

Policy for Waste, the County Planning Authority needs to focus on whether proposed development is an acceptable use of land, rather than the control of processes or emissions.

- 3.88 The Environmental Protection Officer at Breckland Council has requested that the conditions relating to dust on the earlier permission are carried over. However, a Dust Management Plan was a standard requirement as part of the Environment Agency permitting application and, for the reasons given above, it is not considered necessary to add a condition to control dust given that this is already covered by the Environmental Permit.
- 3.89 Noise, Dust and Air Quality - In summary, the accompanying ES contains noise, dust and air quality assessments which have considered the relevant receptors to the site. The assessments conclude that the proposed development can operate safely without causing nuisance and, where necessary, have recommended mitigation measures or management plans.
- 3.90 It is therefore considered that the proposed development complies with Policies CS14, DM12 and DM13 of the Norfolk Core Strategy as well as emerging local plan policy.
- 3.91 **E – Ecology**
- 3.92 NMWDF Core Strategy Policy CS5 notes the significant environmental constraints affecting the major settlements. With reference to Thetford, it states that development in or near Thetford (and also Swaffham and Watton) is highly constrained by the presence of the Breckland Special Protection Area (SPA) and Breckland Special Area of Conservation (SAC). Given the noise and disturbance of waste management operations, any new waste management facilities close to Thetford are likely to be more acceptable in the area immediately east of Thetford only.
- 3.93 NMWDF Core Strategy policies CS14 and DM1 both seek to protect adverse impacts on biodiversity including nationally and internationally designated sites and species.
- 3.94 Emerging Minerals and Waste Local Plan\_Policy MW4 refers specifically to The Brecks Protected Habitats and Species, stating that development will only be permitted where sufficient information is submitted to demonstrate that the proposal will not adversely affect the integrity of the SPA or SAC.
- 3.95 Breckland Local Plan Policy ENV02 relating to biodiversity protection and enhancement states that development likely to have an adverse effect (either directly or indirectly) on a site of national, regional or local biodiversity, or geological interest will not be permitted unless it meets certain criteria. It also states that all development should demonstrate how net gains for biodiversity are being secured as part of the development, proportionate to the scale of development and potential impacts (if any).

- 3.96 Breckland Local Plan Policy ENV03 refers more specifically to the Brecks protected habitats & species and states that development will only be permitted where it can be demonstrated that the proposal will not adversely affect the integrity of the SPA or the SAC.
- 3.97 The application site lies within 450m of the Breckland Special Protection Area (SPA) and 620m of the Breckland Special Area of Conservation (SAC)).
- 3.98 The application has been supported by an ES ecology chapter based on CIEEM (2019) guidelines, a shadow Habitat Regulations Assessment (HRA) and a bat survey. This reflects the matters raised as being of relevance in the Scoping Opinion of the Planning Inspectorate regarding ecology.
- 3.99 Protected species
- 3.100 The submitted Preliminary Ecological Appraisal (PEA) and desk study considered the presence or potential of the site to support each species/group and whether it was appropriate for further survey work to be undertaken. Consideration was given to the site and surroundings, including nearby trees and ponds.
- 3.101 The only identified species where potential adverse impacts were possible and where further survey and consideration is required, were bats, birds and other wild mammals, including hedgehogs.
- 3.102 Section 8.7 of the ES sets out five recommendations relating to 1) Safeguarding of retained trees; 2) Roosting bats; 3) Nesting birds; 4) Safeguarding wild mammals; 5) Net gains in biodiversity.
- 3.103 Recommendation 3 sets out actions if nesting birds are found on site and times of working to avoid bird nesting season. Recommendation 4 sets out best practice safeguarding during construction to protect wild mammals should they enter the site during construction works and to discourage them from entering the site.
- 3.104 The Principal Ecologist raises no objection to the proposal in this regard. His comments regarding bats and net gains in biodiversity are referred to below.
- 3.105 Bat Survey
- 3.106 A Preliminary Roost Assessment (PRA) and Ground Level Tree Assessments (GLTAs) have been conducted in support of this application.
- 3.107 The Process Building (identified as Building B1a in the PRA) was considered to support two separate roosts. An occasional day/night roost of common pipistrelle was identified within the wall cavity, accessed by a weep hole on the southern aspect and an occasional day/night roost of brown long-eared bat within the loft void.

- 3.108 The main office building (identified as Building B2 in the PRA) was also considered to support two separate roosts. An occasional day/night roost of common pipistrelle behind the signage on the western aspect and an occasional day/night roost of brown long-eared bat within the loft void.
- 3.109 Other buildings on site were assessed as not suitable for roosting. Five trees were identified as having bat roost potential but, on inspection, all of them were found to have low suitability for roosting bats.
- 3.110 The bat survey for the previous planning application (ref: (FUL/2021/0072) did not identify the presence of the brown long-eared bat roost in the loft of the Process Building. It should be noted, however, that the applicant has confirmed that a bat licence has already been issued to enable the implementation of the internal works in the building which would cause disturbance of the brown long-eared bat roost in the loft.
- 3.111 Section 8.7 of the ES sets out recommendations and confirms that the proposed development would not alter the distribution or impact the favourable conservation status of the species within the site or local area. Since no impacts to roosting bats are to occur as a result of this planning application, no mitigation or additional licensing is required. In order to achieve a net gain in biodiversity, however, Section 8.7 of the ES recommends that at least two bat boxes are erected as part of these proposals.
- 3.112 The Principal Ecologist notes that the Preliminary Ecological Appraisal (dated April 2022) has been completed and the subsequent Bat Activity Surveys carried out to a suitable standard.
- 3.113 He refers to the confirmed day roosts for individual Common Pipistrelle and Brown Long-eared bats in the two buildings (identified as B1a and B2) and noted that neither of these buildings will be directly affected by the proposed development.
- 3.114 However, the Principal Ecologist notes that the applicant does propose to install additional lighting on the conveyor and silos. It is important that any such lighting is carefully designed so as to avoid disturbing this roost site, as well as minimising impacts on foraging bats more generally. It is recommended that this should include the use of LED warm lights, PIR sensor activated on a short timer and careful directing of lighting.
- 3.115 The Principal Ecologist raises no objection to the proposal subject to conditions to ensure the development is carried out in strict accordance with the recommendations set out in section 8.7 of the Environmental Statement and external lighting to be provided either prior to determination or secured by condition.
- 3.116 Net gains for biodiversity

- 3.117 The application has been submitted in advance of the national mandatory requirement to provide 10% biodiversity net gain (BNG) under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021), so is not required to demonstrate a 10% uplift in better quality natural habitat.
- 3.118 That said, Breckland Local Plan Policy ENV02 relating to biodiversity protection and enhancement, states that all development should demonstrate how net gains for biodiversity are being secured as part of the development, proportionate to the scale of development and potential impacts (if any).
- 3.119 In this case the majority of the site contains buildings in commercial use or is hard surfaced. The level of soft planting and landscaping is low. However, part 5 of the Section 8.7 of the ES sets out recommendations to provide a number of net gains for local wildlife through the installation of at least five bird boxes and two bat boxes, to be secured as part of the proposed development.
- 3.120 The Principal Ecologist raises no objection to this approach but states the proposal for additional wildlife facilities currently lacks details regarding the exact locations and specifications for the installation of the two bat boxes and five bird boxes. In response to this the applicant has now provided the required details and it is recommended that the implementation and retention of the boxes are secured by way of a planning condition.
- 3.121 Based on the results of survey work undertaken to date and reasonably predictable results of outstanding survey work, the proposed development will have no significant adverse ecological impacts and has been sensitively designed to adopt the avoid-mitigate-compensate hierarchy. The proposals also present the opportunity for securing minor net gains in biodiversity at the site in the form of the provision of additional roosting opportunities for bats and additional nesting opportunities for birds and in this respect, there is no conflict with policy.
- 3.122 Habitat Regulations Assessment
- 3.123 A Habitat Regulations Assessment (HRA) Technical Note has been prepared by Artemis Ecological Consulting Ltd (dated 4 August 2023) and accompanies the ES to provide the County Planning Authority with sufficient information to make an HRA of the proposed development. This accords with the provisions of Policy MW4 of the emerging Norfolk Minerals and Waste Local Plan (2022) which requires applicants to submit to the Council suitable information to enable it to undertake an HRA of proposals for development that are likely to have a significant effect on the Breckland Special Protection Area (SPA) and/or Breckland Special Area of Conservation (SAC).
- 3.124 The HRA Technical Note considers the likely significant effects of the proposed development on breeding stone curlew (loss of breeding habitat, disturbance and changes in air quality) and also breeding woodlark (changes in air quality) associated with the Breckland SPA. The potential likely

significant effects on changes in air quality on habitats within the Breckland SAC have also been considered.

- 3.125 While stone curlews are known to nest in the locality, the proposed development takes place on an existing site and does not remove any habitat. The areas used for nesting are considered to be a sufficient distance from the site to not be affected by noise or lighting from the site.
- 3.126 All trees surrounding the site will be retained.
- 3.127 The HRA Technical Note states that disturbance and air quality are the only realistic impact pathways linked to the development that could impact on the interest features of the two protected sites. No likely significant effects on the interest features of the two sites have been identified. A significant effect is any effect that would undermine the conservation objectives for the respective National Site Network (NSN).
- 3.128 The HRA Technical Note concludes that the impacts of the project alone on the two NSN sites are considered to be negligible. There are no other projects within the immediate vicinity of this site that are considered likely to act in combination with this scheme and result in likely significant effects.
- 3.129 Accordingly, no mitigation is required to be included in the scheme design to address potential impacts on the NSN sites. The inclusion of mitigation measures would require the project to be subject to appropriate assessment.
- 3.130 On this basis, it is concluded that this proposal will not have an adverse effect on the integrity of the designated sites identified above, either alone or in combination with other plans and projects.
- 3.131 The Principal Ecologist has reviewed the HRA Technical Note and its findings and confirms he is satisfied with its conclusion that the proposal would be unlikely to have an adverse effect on designated sites, either alone or in combination with other developments. It is important to note that the HRA has been produced by the applicant, and it is the responsibility of NCC as the competent authority to produce the HRA and be accountable for its conclusions. In this case the Principal Ecologist confirms that, as stated in section 6.6, the submitted HRA Note is 'adopted' by the LPA to fulfil its duty as competent authority.
- 3.132 Appropriate Assessment
- 3.133 As referred above, the site is situated within 450m of the Breckland Special Protection Area (SPA) and 620m of the Breckland Special Area of Conservation (SAC)). The application has been assessed in accordance with Regulation 63 of The Conservation of Habitats and Species Regulations 2017 and based on the information submitted to the County Planning Authority (CPA), it is considered that, due to the nature of the development, the proposal would not have a significant impact on these or any other protected

habitat. Accordingly, it can be confirmed that no Appropriate Assessment of the development is required.

### 3.134 Nutrient Neutrality

3.135 On 16 March 2022 Natural England wrote to a cohort of 42 councils including the County Council reviewing its position on nutrient neutrality. In this instance the proposed site is not located within Natural England's identified nutrient neutrality Site of Special Scientific Interest (SSSI) catchment, would not create new overnight accommodation or additional discharges, and therefore there are no outstanding issues in regard to nutrient neutrality.

3.136 In terms of ecology, given the information submitted it is considered that the proposed development complies with Policies CS14 and DM1 of the Norfolk Core Strategy as well as emerging local plan policy.

### 3.137 **F – Impact upon Heritage Assets**

3.138 NMWDF Policy CS14 seeks to ensure that that there are no unacceptable adverse impacts on heritage assets and their setting and Policy DM8: Design, local landscape and townscape character states development will only be permitted where it could affect the setting of, inter alia, Listed Buildings where the applicant can demonstrate the development would not adversely impact on the historic form, character and or setting of these locations.

3.139 Policy ENV 07 Designated Heritage Assets of the Breckland Local Plan November 2023 states that development that will affect any designated heritage asset will be subject to comprehensive assessment and should conserve or, wherever possible, enhance the architectural and historic character, appearance and setting of the asset.

3.140 In addition to the above development plan policy, Listed Buildings are afforded additional protection by both the requirements of the Planning (Listed Buildings and Conservation Areas) Act 1990, and by section 16 of the NPPF: Conserving and enhancing the historic environment.

3.141 In this case there are no listed buildings within the site or within the immediate surrounding area. The nearest Scheduled Monument is Roudham deserted medieval village which is located 3.6km to the southeast of the site.

3.142 As this is an existing waste site and all new works are contained within the existing site, the proposed development is not considered to have any negative impacts on cultural or heritage assets in the locality. The contained nature of the site also means there are limited views from any heritage assets in the wider area. There are no implications for designated or non-designated heritage assets in this case.

3.143 The Scoping Opinion found that as the site is previously developed land with no heritage assets located in proximity to the site, significant effects upon

heritage assets are unlikely and agreed this matter could be scoped out of the ES.

3.144 The proposals are considered consistent with the development plan policies outlined above and the NPPF and can be supported.

**3.145 G – Transport**

3.146 NMWDF Policy CS15: Transport states that all proposed waste management facilities development must not result in unacceptable risks to road users and pedestrians, unacceptable impacts on the capacity or efficiency of the highway network, or on air quality, the natural and historic environment or physical impacts on the highway network (e.g., road or kerbside damage).

3.147 Policy DM10: Transport requires all planning applications for new waste sites or proposals that generate an increase in traffic movements or traffic impacts, to be accompanied by a Transport Statement or Transport Assessment.

3.148 Section 9 of the NPPF refers to promoting sustainable transport with paragraph 104 stating that transport issues should be considered from the earliest stages of plan-making and development proposals, Paragraph 115 states that ‘development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highways safety, or the residual cumulative impacts on the road network would be severe.’

3.149 Paragraph 117 of the NPPF states that ‘all developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed.’

3.150 The National Policy Statement for Hazardous Waste (2013) includes a section on traffic and transport impacts (section 5.13), but this document has been designed to be used by the Secretary of State regarding decisions on development consent applications for hazardous waste infrastructure that fall within the definition of a Nationally Significant infrastructure Project (NSIP). It has been established that this proposal is not an NSIP.

3.151 NCC adopted the Local Transport Plan (LTP4 2021-2036) in 2022. This document sets out the County Council’s strategy and policy framework for transport and transport infrastructure. As well as working towards carbon neutrality when making changes and improvements to the transport network, the LTP4 encourages a proactive approach when it comes to innovating and adopting new technologies and seeks to mitigate any adverse effects of new development on the transport network.

3.152 A Transport Assessment (TA) is included at Appendix 13 of the ES that accompanies this planning application. The content and scope of the TA has been set out in a scoping report that was sent to the Local Highway Authority (LHA), and to National Highways on 7 June 2022.

- 3.153 The TA includes a report on the baseline conditions including sustainable forms of transport, forecasts the traffic generation and trip distribution, includes a traffic analysis, describes the traffic associated with the construction phase of the development and provides a summary and conclusions.
- 3.154 The construction phase of the project is not expected to generate significant traffic as the majority of the facility will have been constructed following approval of the earlier planning permission. Much of the additional development necessary to increase the tonnage at the facility such as silos and tanks are modular, requiring little construction on site. Each silo, for example, is delivered by a single articulated HGV.
- 3.155 As described above, once operational the process requires the importation of the following:
- i. APCr: circa 100,000 tpa by truck
  - ii. Cement/ binder: circa 25,000 tpa by truck
  - iii. CO2: circa 5,000 tpa by truck
  - iv. Filter/ Sand: circa 90,000 tpa by truck
  - v. Water: by pipeline
- 3.156 Additionally, the process results in the exportation from the site of circa 250,000 tpa of aggregate by truck. The APCr is expected to arrive by tanker type trucks throughout the day whilst articulated tipper type trucks will collect the aggregate on a continuous basis, again throughout the day.
- 3.157 The development approved under planning permission ref; FUL/2021/0072 was expected to have 40 full time equivalent employees of which 28 would be site operatives working shifts i.e., 14 at a time, and 12 will be office based staff. Office staff would operate 'normal' working hours, likely to be 0700-1800 Monday to Friday. This included site operatives working shifts of 0600-1400 or 1400-2200, and HGV movements taking place between the hours of 0600-2200 Monday to Saturday.
- 3.158 By comparison, as detailed above, this current proposal is expected to have 48 full time equivalent employees (8 more) of which about 36 (8 more) will be site operatives working shifts (10 to 12 operatives per shift) and 12 (no change) will be office based staff. Office staff will operate 'normal' working hours that are likely to be 0700-1800 Monday to Friday (no change). Site operatives will work shifts likely to be 0600-1400, 1400-2200 and 2200-0600 (an additional overnight shift). HGV movements will take place Monday to Saturday with some small numbers of truck movements on a Sunday (some additional movements between 2200 and 0600 and on Sundays).
- 3.159 The development approved under planning permission ref; FUL/2021/0072 was expected to generate 44 daily HGV movements and 80 daily staff vehicle movements, or a daily total of 124 movements. On a Monday to Saturday, it was forecast there would be 22 trucks in and 22 trucks out from the site per day. There would also be 40 cars in and 40 cars out generated, which was considered to be a worst-case scenario.

- 3.160 Under the current proposal, the facility is expected to generate 104 daily HGV movements and 80 daily staff vehicle movements, or a daily total of 184 movements. On a Monday to Saturday, it is forecast that there will be 52 trucks in and 52 trucks out from the site per day. There will also be 40 cars in and 40 cars out generated, which is considered to be a worst-case scenario.
- 3.161 The applicant has analysed the figures and compared them against those of the former use of the site as a Materials Recovery Facility/Waste Transfer Station which was in use prior to the consideration of application ref; FUL/2021/0072. This found the proposed traffic generation figures represents a net reduction in traffic generated by the site. Even if the gross increase is considered only, then the analysis of the daily movements on the A1075 south of the site access indicates that this would represent a daily increase of no more than 1.8% of general traffic and 17.8% of HGVs. This is considered to represent a negligible adverse impact compared to the current traffic situation, or a benefit compared to the former land use situation.
- 3.162 The applicant has existing contracts in place for receipt of APCr. This would mean that the trucks delivering this material would arrive at the site from the A11 direction. This will also be the case for CO2 and cement. Some of the sand, estimated to be about 50%, is expected to be supplied locally from Watton. The rest of the sand will come from the A11 direction. Aggregates are mostly supplied to destinations served by the A11. Back haul of aggregate from sand lorries is also expected.
- 3.163 Access to the application site is taken directly from the A1075 Thetford Road which is a strategic County A-road. The section of the road where the access is located is straight and with good forward visibility. The established access forms a simple priority junction arrangement with large radii and good minor road sightline visibility. It is not proposed to physically change this access in any way as the site entrance is considered suitable for the new proposed use.
- 3.164 Details of the access arrangements have been provided on the submitted plans, including sightline visibility splays from the junction for a 50mph road of 'x' distance of 2.4m by 'y' distance of 160m. The drawing shows that this visibility splay can be achieved in either direction from the minor arm of the junction. Additionally, the forward visibility to the junction from both directions on the major road is fully complied with.
- 3.165 The submitted drawing also shows the swept path for a 16.5m articulated lorry which is the largest sized lorry that can operate on UK roads. The swept path analysis shows that the large junction mouth can accommodate a truck of this size to and from either direction on the A1075.
- 3.166 As part of the previous permission ref: FUL/2021/0072, improvements were required to be made to the road markings at the access into the site as they had become faded. Condition 9 of this permission required this to be

undertaken prior to the commencement of the use, and this has already been completed.

- 3.167 This current proposal shows an increase in size of the application site to increase the number of parking spaces on site to accommodate the additional staff and servicing of the site. This is located within an area adjacent to the access to the site, to the north of the main entrance, which means cars are kept separate from trucks entering and leaving the site.
- 3.168 The TA assesses the impact of the proposal against the existing baseline transport conditions for the site and the A1075 Thetford Road outside of the site. The A1075 is a strategic county road that connects to the A11, which is a strategic regional road.
- 3.169 As part of the TA, traffic surveys were undertaken in September 2021 and May 2022 at the site access, on the A1075 and at the junction with the A11. The traffic counters showed that the A1075 typically carries about 6,500 vehicles two-way on a weekday. Of these, about 8% are HGVs. The AM and PM peak hour periods for general traffic on the A1075 are 0700-0800 and 1700-0800. The site access carries about 750-950 vehicles two way on a weekday. Of these about 10% are HGVs. The peak periods for the site access are 0600-0800 in the morning and then traffic movements remains largely constant in the afternoon between 1300-1900.
- 3.170 The TA finds that much of the development traffic takes place outside of the peak periods for general traffic. Overall, the development traffic represents a negligible difference to hourly traffic flows, and less than the existing daily variations in general traffic flow.
- 3.171 The traffic capacity of the A1075 Thetford Road/ A11 roundabout junction has been considered for the future year of 2028 with and without development. The results of modelling the capacity of the junction indicate that it will continue to operate without queues or delays in 2028 with or without development.
- 3.172 The construction phase of the development has been considered. There is very limited new build proposed and most of the construction is expected to consist of mechanical and electrical works, which will be mostly internal to the buildings. New tanks and silos will arrive on site in one piece. Whilst the construction impacts are expected to be minimal, it is proposed that a CTMP is prepared to manage construction traffic movements. This can be controlled by way of a planning condition.
- 3.173 An accident analysis of the A1075 Thetford Road corridor extending as far as the A11 has considered the personal injury accidents for the past five years. For the area analysed, there were 23 recorded accidents resulting in 40 casualties. The severity of the accidents has been classified as 23 'slight', 13 'serious' and 4 'fatal'. There were no accidents involving a pedestrians or cyclists. There were no accidents involving HGVs.

- 3.174 The TA concludes that the proposed development will result in no detrimental impacts on the local highway network. Therefore, there should be no reasons on transport and highways grounds why this proposal should not be acceptable.
- 3.175 The Highways Officer has evaluated the submitted information. He acknowledges that, whilst permission is sought to increase the importation of APCr by 70,000 tonnes per annum (from 30,000 to 100,000 tonnes per annum), the applicant has also provided an assessment comparing the previous use of the site as a Waste Transfer Station (to 75,000 tonnes per annum) to that of the proposed operation with a 100,000 tonne APCr input. This is to demonstrate that, whilst when compared to application FUL/2021/0072 the proposals represent an increase in traffic, however, when compared to its previous use as a Waste Transfer Station the likely daily traffic levels associated with the application would be comparable and in fact lower.
- 3.176 During the course of the application further clarification has been sought with regard to information contained within the assessment, and in particular the calculations and assumptions applied in calculating the traffic figures associated with the latest proposals. Following consideration, the Highways Officer confirms he is satisfied with the further clarification provided.
- 3.177 Given both the previous and existing lawful use of the site, coupled with the other existing users of the access, the Highways Officer confirms that, on balance he could not substantiate an objection to the proposals. The Highways Officer recommends planning conditions are imposed with regard to limiting the throughput of material / aggregate to the levels proposed, the provision and retention of visibility splays, vehicle parking and manoeuvring areas parking for construction workers, the provision of and compliance with a Construction Traffic Management Plan. Should planning permission be forthcoming it is recommended these are conditions are imposed.
- 3.178 The proposed development is considered to comply with Policies CM15 and DM10 of the Norfolk Core Strategy as well as emerging local plan policy. In accordance with the provisions of Paragraph 115 of the NPPF, there is no reason to prevent the development on highway safety grounds subject to the imposition of the recommended conditions.
- 3.179 **H – Sustainability**
- 3.180 NMWDF policy CS13: Climate change and renewable energy encourages developers to generate renewable energy on site and policy DM11: sustainable construction and operations require sustainable development to be promoted in waste sites.
- 3.181 As underlined in paragraph 8 of the NPPF, achieving sustainable development means that the planning system has three overarching objectives, i.e., economic objective, social objective and environmental objective.

- 3.182 Paragraphs 158 – 164 of the NPPF provide policies in relation to the need to plan for climate change. Para 157 states that the planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.
- 3.183 Paragraph 163 states that: "When determining planning applications for renewable and low carbon development, local planning authorities should: a) not require applicants to demonstrate the overall need for renewable or low carbon energy...; and b) approve the application if its impacts are (or can be made) acceptable.
- 3.184 Government legislation has also committed the UK to Net Zero by 2050 through a 100% reduction in emissions and to reduce carbon emissions by 68% by 2030 compared to 1990 levels.
- 3.185 The application has been supported by a Climate Change and Carbon Assessment which assesses the potential effects of the facility on climate change, specifically greenhouse gas (GHG) emissions/sequestration, and the resilience of the facility to the effects of climate change. The assessment of GHG emissions has been undertaken in line with the Institute of Environmental Management and Assessment (IEMA) guidance Assessing Greenhouse Gas Emissions and Evaluating their Significance, 2022 (referred to as the IEMA 2022 Guidance).
- 3.186 The IEMA 2022 Guidance stresses the need to incorporate measures to reduce GHG emissions at an early stage. The guidance provides a mitigation hierarchy structure set out as 'eliminate, reduce, substitute and compensate'.
- 3.187 The facility is a net sequester of carbon, due to the carbon stored in the aggregate product during the manufacturing process. Therefore, in this context the mitigation hierarchy has been followed at the first point of call – the purpose of the development is to reduce global greenhouse gas emissions, so the facility itself is a mitigation measure against GHG emissions.
- 3.188 Furthermore, the aggregate product will go on to be construction material for other developments, therefore aiding other future developments to use low carbon solutions and be more resource efficient.
- 3.189 In terms of designing the buildings to be resilient to the impacts of climate change, there are several elements that apply. Some of these key elements including choosing a site location in an area which has a very low risk of surface water, fluvial, reservoir or groundwater flooding. Noting that the buildings comply with building regulations which ensure resilience to climatic extremes. Ensuring the facility contingency plan allows for enough raw

material and APCr storage to allow the continuation of operation for 2 days, and 7 days of aggregate storage, should no deliveries or collections be able to access site in this time. Ensuring the APCr will be sourced from multiple different location rather than a single location.

- 3.190 In summary, ES Chapter 15 and ES Appendix 15.1 demonstrate that the facility will result in the net sequestration of 8,215 tonnes of CO<sub>2</sub>-equivalent (CO<sub>2</sub>e). When compared to the baseline, this results in a net annual carbon benefit of 9,500 tonnes CO<sub>2</sub>e per annum. The facility accords with the UK's legal obligations on the reduction in greenhouse gas emissions and the net zero target.
- 3.191 Adopted NMWDF policy CS13 seeks to secure at least 10% of a site's energy requirements should be renewable energy created on site from micro-renewables (such as PV panels). This policy applies to extensions to existing sites as well as new ones. The roofs of the existing waste reception and processing halls are already fitted with photovoltaic panels which are proposed to be retained and reconnected. This will contribute significantly towards meeting the 10% requirement for onsite generation.
- 3.192 Decommissioning – The PINS Scoping Opinion considered the ES should make clear the likely operational lifespan of the proposed development and include an assessment of the decommissioning phase of the facility, where likely significant effects could occur.
- 3.193 The submitted planning statement refers to an assumption that the facility will have an operational lifetime of 25 years, albeit it is likely to operate for longer. The statement refers that in a scenario where all plant and machinery had reached the end of useful economic life, a decision would be made at the appropriate time as to whether it would be replaced after 25 years based upon an investment decision considering the market conditions prevailing at that time.
- 3.194 At the end of its working life, the facility would be decommissioned, removed and the site reinstated to a similar state as before the facility operated. For the purposes of the ES, any decommissioning phase is assumed to be of a similar duration to the construction phase.
- 3.195 Whilst not part of the development plan or even a planning policy per se, Norfolk County Council's Environmental Policy is a material consideration in determination of this application. The County Council has made a commitment to use the policy to guide all the Council's future decision-making and therefore it has some, albeit very limited, weight in considering this proposal.
- 3.196 In this context the proposed development accords with the key sustainable objectives, including NCC's drive to support investment in green jobs and infrastructure, while ensuring that the environment is both protected and enhanced.

- 3.197 The NCC Sustainability Manager raises no objection to the proposal.
- 3.198 In summary, the proposed development involves the recovery of a material that would have otherwise ended up at a hazardous landfill and results in a net annual carbon benefit of 9,500 tonnes CO<sub>2</sub>e per annum. The process used in the manufacturing of carbon-negative aggregates does not generate any waste material. The proposed development is considered to comply with the provisions of policies CS13 and DM11 of the Norfolk Core Strategy as well as emerging local plan policy.

### 3.199 **I. Flood Risk & Drainage**

- 3.200 In terms of policy, Breckland Local Plan 2023 Policy ENV 09 - Flood risk and surface water drainage and NMWDF Policy DM4: Flood risk requires developers to demonstrate waste management sites can function without unacceptable flood risk to both the site itself and also that flood risk is not increased as a result of the proposed development. NMWDF Policy DM3: Groundwater and surface water requires that developers demonstrate that proposed developments would not adversely impact upon groundwater quality or resources and surface water quality or resources. NMWDF Policy CS14: Environmental protection seeks to ensure there are no unacceptable adverse impacts on Norfolk's natural and built environments, with special reference to the Breckland Special Protection Area (SPA).
- 3.201 The topics of Flood Risk Assessment and Drainage Strategy were considered within the scoping opinion by PINS which confirmed that the ES should be supported by the results of a Flood Risk Assessment (FRA), presenting the baseline conditions, impacts of the development, mitigation measures and describe the methodology applied to the FRA, including the information sources and assumptions made, and ensure the latest climate change projections are considered.
- 3.202 Although the whole site is located in Flood Zone 1 (the lowest risk of flooding) a Drainage and Flood Risk Assessment (D&FRA) was undertaken by Callidus Transport and Engineering Ltd. and submitted with the application. This is included at Appendix 9 of the accompanying ES in accordance with the NPPF and PPG on the basis the site area exceeds 1 hectare.
- 3.203 The potential for flooding from a wide range of sources has been considered in the D&FRA, including fluvial, tidal, groundwater, overland, and from canals and reservoirs. Additionally, the impacts on the water environment are considered in a separate Hydrological Risk Assessment report that accompanies the application.
- 3.204 The site's surface water currently drains to a lagoon within the site where the water infiltrates into the ground. Drainage on the site is through a piped drainage system with two spill tanks and a catchpit prior to discharging into the lagoon.

- 3.205 The proposed development will utilise virtually the same buildings and yard as the existing site usage. Therefore, it is proposed to retain the existing surface water drainage arrangement as far as possible by draining the proposed development areas to the lagoon using the same piped network, which has been surveyed and shown to be in good condition.
- 3.206 Existing discharge rates from the piped surface water drainage system are to remain as calculated, and associated attenuation is already provided by the lagoon, which acts as a storage structure. There is no positive discharge from the lagoon, which discharges via infiltration only.
- 3.207 Rainwater harvesting will be used on the site. However, for the purposes of assessing the surface water drainage, the D&FRA confirms that the additional storage capacity associated with the rainwater harvesting has not been included in the discharge assessment. The flood risk assessment therefore represents a worst-case scenario.
- 3.208 Foul flows generated by the development will be collected by the two existing bio-digester tanks. These will be cleaned out and maintained. After treatment of the foul sewage, the bio-digester tanks discharge to the surface water network, and then to the lagoon, and this arrangement will remain.
- 3.209 Overall, the drainage system on the site, which discharges to a lagoon for infiltration, satisfies the top level of the sustainable drainage system (SuDS) hierarchy.
- 3.210 The D&FRA demonstrates that the proposed development is appropriate and shows that the existing drainage system can be maintained so as not to put the development at a high risk of flooding. The site is operating a SuDS compliant solution to drainage, and this will be continued.
- 3.211 The FRA concludes that the risk of flooding downstream of the site will not be increased as a result of the application proposals and there should be no reasons why the approving Authority would not accept the application on flood risk or drainage grounds.
- 3.212 The Lead Local Flood Authority (which has responsibility for managing surface water flooding) has made no comments on this application.
- 3.213 The Environment Agency has no objection to the proposal. They comment that the site is already regulated by a permit under the Environmental Permitting Regulations 2010 and note that the proposed developments must not result in non-compliance of the permit conditions. The operator should consider the effect of change on their Environmental Management Systems and their Environmental Permit conditions.
- 3.214 The proposal is considered to accord with adopted and emerging development plan policy and the NPPF with regards to flood risk.
- 3.215 **J- Groundwater/surface water**

- 3.216 NMWDF policy DM3: Groundwater and surface water seeks to ensure that developments do not adversely impact on ground water quality or resources, or surface water quality or resources. This policy underlines NMWDF policy CS14: Environmental Protection which seeks to ensure there are no unacceptable impacts on natural resources, including water and that there are no unacceptable adverse impacts on Norfolk's natural and built environments, with special reference to the Breckland Special Protection Area (SPA).
- 3.217 As referred to above, the proposed development will utilise the existing drainage infrastructure on site. The existing drainage system that discharges to the lagoon from which the surface water infiltrates into the ground will be retained. The entire site is drained this way using mostly gullies connected to a piped network system. Along the north side of the site where the drainage network is quite shallow, kerb drains are used to collect surface water before discharging to the piped network. The piped network has been surveyed and shown to be in good condition.
- 3.218 Between the piped network and the discharge to the lagoon there are spill tanks, to capture hydrocarbons and suspended sediments, as well as a sluice gate to shut down the discharge to the lagoon in case of emergency.
- 3.219 Foul drainage flows from the site are treated by two onsite septic tanks. These clean the water and then discharge as grey water into the surface water system for discharge to the lagoon. The site's two welfare facilities are connected to the two septic tanks.
- 3.220 The drainage system on the site, which discharges to the lagoon for infiltration, satisfies the top level of the SuDS hierarchy and this arrangement will continue through this proposed development.
- 3.221 The application has also been supported by a Hydrological Risk Assessment as the site is located within a sensitive groundwater setting. The potential pollution risks to hydrogeological receptors from the proposed site use has been undertaken. This found that the proposed construction and demolition on-site are not considered to present a potential risk to water receptors. The manufacturing process is undertaken indoors on concrete flooring and is completely contained until the product is in both a chemically and physically stable and non-hazardous state. Transport and screening of the product is only undertaken when it is in a non-hazardous state. Therefore, no source of contamination has been identified from the proposed manufacturing, transport or screening activities.
- 3.222 Considering the mitigation measures in place of oil interceptor tanks and shut-off valves preventing any accidental spills from reaching the lagoon, no direct pathway linkage for hydrocarbon spills to surface water or groundwater is considered to exist.
- 3.223 The Hydrological Risk Assessment identified nearby watercourses, springs, waterbodies and surface water abstractions along with sites of ecological and

conservation interest, geology and hydrogeology. The Hydrological Risk Assessment confirmed there would be no risk to the ecologically sensitive meres and pingos (natural lakes that have formed in hollows within glacial outwash deposits located 1.2 km southwest of the site) in the locality, all of which are upstream to the development located within a SSSI, within the Breckland SPA and SAC. Therefore, no impact on groundwater levels or from potential contamination to the meres and pingos is anticipated.

3.224 With reference to water usage, the Water Usage and Supply Assessment (ES Appendix 9.3 (doc. ref. 3.4.5)) demonstrates the scale of water usage constraints in the area and that the proposed development is a non-significant variation. The development includes a large mitigation in the form of the rainwater harvesting tanks on top of the embedded reuse of water by the facility itself. The residual risk on the wider environment as a result of the development is considered very small and no further mitigation is considered required.

3.225 The Lead Local Flood Authority (which has responsibility for managing surface water flooding) has made no comments on this application.

3.226 The Environment Agency has no objection to the proposal. They comment that the site is already regulated by a permit under the Environmental Permitting Regulations 2010 and note that the proposed developments must not result in non-compliance of the permit conditions. The operator should consider the effect of change on their Environmental Management Systems and their Environmental Permit conditions.

3.227 In summary, the proposal would not pose a risk to surface or ground water resources and the proposal accords with NMWDF policy DM3 as well as emerging local plan policy.

**3.228 K - Socio – Economic Effects**

3.229 The application has been supported by a Socio-Economic Assessment, the findings of which are included within Chapter 14 of the ES (doc. ref. 3.2.14). The Assessment sets out the socio-economic benefits of the facility from hazardous waste management services, carbon capture and aggregate supply.

3.230 The facility will recover up to 100,000 tonnes of APCr per annum which would have otherwise been sent to hazardous landfill. The facility represents a long-term sustainable source of carbon-negative aggregates in the east of England, producing 250,000 tonnes per annum. The aggregate makes an important contribution to the decarbonisation of the construction industry and will help reduce carbon emissions with a net annual carbon benefit of 9,500 t CO<sub>2</sub>e per annum, helping the government meet its net zero target by 2050.

3.231 As a result of the previous planning permission the applicant is in the process of relocating their existing facility at Brandon, Suffolk to the site. This allows for the retention of approximately 25 jobs plus additional jobs created for

additional shifts in the area and the continued use of local suppliers and services.

- 3.232 The increase in tonnage sought under this planning application will generate additional operational phase employment with 25 additional staff required. The requirement for additional operational stage employment will impact on the local labour market and may have the effect of reducing unemployment and improving labour participation rates in the district.
- 3.233 The construction phase also generates employment for local contractors in the re-purposing of the buildings and civil contract works.
- 3.234 The Socio-Economic Assessment finds that the development is considered to provide national, regional and local socio-economic benefits. Most notably it will contribute to the provision of hazardous waste management on a national level. At a lower level it will provide additional direct and indirect employment opportunities in different specialisms, including semi-skilled and skilled roles as well as technical and management.
- 3.235 The proposal accords with the provisions of Policy EC 04 of Breckland Adopted Local Plan.

**3.236 L - Cumulative Impacts**

- 3.237 Core Strategy Policy DM15 refers to cumulative impacts of proposals and states that planning applications must be supported by information demonstrating how proposals relate to other development nearby and details of how any cumulative effects are proposed to be mitigated satisfactorily.
- 3.238 A Cumulative and Combined Effects Assessment has been prepared as part of the accompanying ES (Chapter 17 (doc. ref. 3.2.17)). An assessment of the combination of the various effects on receptors from the facility has focused on those receptors where potential significant effects have been predicted in respect of at least one topic and/or where the technical assessments have shown that potential individual effects are nearing the thresholds of established national criteria.
- 3.239 It is only predicted that thresholds of significance are being neared in respect of noise – for all other technical assessments, effects are predicted to be negligible or not significant. In terms of noise effects, as the assessment has demonstrated, the site is expected to meet the Breckland Council requirement and mitigation measures are proposed.
- 3.240 The assessment concludes that the proposed development is unlikely to result in significant adverse cumulative effects for any of the common receptors identified and therefore complies with NMWDF Policy DM15 as well as emerging local plan policy.

**3.241 ENVIRONMENTAL IMPACT ASSESSMENT**

3.242 In accordance with the Town and Country Planning Environmental (Impact Assessment) Regulations 2017 an Environmental Statement has been submitted. The assessment of the matters in the statement is set out above under the headings A – L above.

3.243 In summary, the Environmental Impact Assessment finds that, with the proposed mitigation measures in place there are no identified overriding, significant or adverse environmental effects arising from the proposed development at Larkshall Mill, Wretham.

### **3.244 RESPONSES TO REPRESENTATIONS RECEIVED**

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

3.246 Six representations have been received: one objecting and five in support.

3.247 The objection refers to the increased traffic generation, particularly heavy goods traffic, and consideration being given to some form of controlling mechanism to ensure local traffic has ready access to the main road and that road safety is not compromised. Concerns have also been raised regarding the increase in noise pollution.

3.248 The impacts of increased traffic and noise resulting from the proposal have been identified and considered in the relevant chapters earlier in this report. The Highway Authority has not identified a need for traffic control based on the predicted increased level of traffic and the noise levels will not result in significant amenity issues, subject to mitigation.

3.249 Support from five representatives has been given to the positive benefits of carbon capture working towards Norfolk's commitment to "tackling climate change and achieving a net zero Norfolk", the opportunity for one of the top 10 Carbon capture companies in the world to be located in Norfolk, the excellent location, the provision of sustainable job creation and job security and the effort that the applicant has taken in keeping the local community informed of their progress and the help to maintain the local village magazine is commendable. The supporting comments are noted.

### **3.250 INTENTIONAL UNAUTHORISED DEVELOPMENT**

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

3.252 In this instance however, no unauthorised development is known to have occurred.

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

- 4.1 As an existing waste management site, Larkshall Mill is considered to be a suitable location for this proposed development to expand its function, which represents a sustainable use for the site, utilising the latest technology to capture carbon in the manufacturing of aggregates for the construction industry.
- 4.2 The application is accompanied by an Environmental Statement (ES) following an Environmental Impact Assessment (EIA) of the potentially significant environmental impacts of the proposed development. The ES presents the findings, with a full assessment of the potential impacts, the significance of the impacts, and mitigation proposals for the development proposal, based on technical work covering a wide range of issues. In conclusion no significant adverse environmental impacts are predicted during the life of the development.
- 4.3 In terms of policy the proposed physical works required to enable the increased throughput at the facility are of appropriate design and scale for this existing industrial site. Any public views of the site are screened by existing landscaping, or the new structures will be visible against a backdrop of existing buildings.
- 4.4 The applicant has demonstrated that the proposal can be implemented with no significant impact on amenity in terms of noise or air quality. An Environmental Permit will need to be secured for a development of this scale covering the control of emissions/pollutants such as noise, odour and dust.
- 4.5 The only protected species likely to be affected by the proposal is a brown long eared bat which was found to be roosting in a building beyond the site boundary. It is recommended that any additional lighting on the site is controlled by planning condition to ensure minimum harm to habitats.
- 4.6 The submitted HRA shows that overall, these proposals will not have an adverse effect on the integrity of the designated nature conservation sites in the vicinity, either alone or in combination with other plans and projects.
- 4.7 The proposal will retain the existing drainage arrangements and it has been shown that there are no identified flood risk issues as a result of the increased throughput of the facility.
- 4.8 The proposal contributes to the achievement of sustainable development in accordance with the NPPF on the basis that development involves the recovery of a material that would have otherwise ended up at a hazardous landfill and results in a net annual carbon benefit of 9,500 tonnes CO<sub>2</sub>e per annum. There will be limited physical development required to implement the increased throughput and the process used in the manufacturing of carbon-negative aggregates does not generate any waste material. In terms of socio-economic benefits, it would also retain and create a workforce in the area.

- 4.9 The applicant has demonstrated there are no highway safety implications as a result of the proposal. Similarly, the proposed works will have no implications for any trees and will not have any significant impact on the historic environment.
- 4.10 The proposed development is considered acceptable and accords with the development plan and there are no material considerations why it should not be permitted. Accordingly, full conditional planning permission is recommended.

## **5. Alternative Options**

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

## **6. Financial Implications**

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

## **7. Resource Implications**

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

## **8. Other Implications**

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

### **8.2 Human Rights Implications:**

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

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

instance it is not considered that the human rights of adjoining residents would be infringed.

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

### **8.3 Equality Impact Assessment (EqIA):**

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

### **8.4 Data Protection Impact Assessments (DPIA):**

It is not considered that there are any data protection implications in regard to the above report.

### **8.5 Health and Safety implications:**

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

### **8.6 Sustainability implications:**

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

### **8.7 Any Other Implications:**

## **9. Risk Implications / Assessment**

9.1 There are no risk issues from a planning perspective.

## **10. Select Committee Comments**

10.1 Not applicable.

## **11. Recommendations**

11.1 That the Interim Executive Director of Community and Environmental Services (or equivalent) be authorised to:

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

## 11.2 CONDITIONS:

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

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

2. The development must be carried out in strict accordance with the application form and plans detailed below and the Environmental Statement (including its recommendations):
  - Drawing No. 2843-10-14-2 DR-0001-S4-P1, Site Location Plan
  - Drawing No. 2843-10-14-2 DR-0005-S4-P3 Proposed Site Layout
  - Drawing No. 2843-10-14-2 DR-0007-S4-P2 Proposed Site Elevations
  - Drawing No. 2843-10-14-2; -DR-0008-S4-P2 Proposed Curing Bay Building Elevations
  - Drawing No. 2843-10-14-2; -DR-0009-S4-P2 Proposed Silo and Co2 Tank Layout and Elevations
  - Drawing No. 2843-10-9-3; -DR-00010-S4-P2 Proposed Sand Storage Building Elevations
  - Drawing No. 2843-10-14-2; -DR-0011-S4-P2 Proposed Screening Plant Building Elevations
  - Drawing No. 2843-10-14-2; -DR-0012-S4-P1 Proposed Pipe Bridge Details
  - Drawing No. 2843-10-14-2; -DR-0013-S4-P1 Proposed Visitor and Welfare Facilities Building Elevations and Floorplan
  - Drawing No. 2843-4-5-2 DR-0001-S4-P1 Bat and Bird Box Locations and Specifications

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

3. The total quantity of Air Pollution Control residues (APCr) waste throughput between 1 January and 31 December of any year at the site shall not exceed 100,000 tonnes. Records shall be maintained for the lifetime of the development and made available for inspection.

Reason: In the interests of highway safety and to accord with the waste strategy objectives of Norfolk Minerals and Waste Core Strategy DPD 2010-2026.

4. The development hereby permitted shall be carried out in strict accordance with the recommendations set out in Section 8.7 of the Ecology section of the Environmental Statement.

Reason: To protect areas of nature conservation interest in accordance with Policies GEN02, COM01 and COM03 of the Breckland Council Local Plan (2023), Policy DM12 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026, and sections 2 and 15 of the National Planning Policy Framework (2023).

5. Notwithstanding the details shown on Drawing No. 2843-4-5-2 DR-0001 S5-P1 and included in Section 8.7 of the Ecology section of the Environmental Statement, the bat and bird boxes shall be installed in the locations shown prior to the operation of the development hereby permitted and thereafter retained.

Reason: In the interests of protected species in accordance with Policies GEN02, COM01 and COM03 of the Breckland Council Local Plan (2023), Policy DM12 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026, and sections 2 and 15 of the National Planning Policy Framework (2023).

6. The development hereby permitted shall be carried out in strict accordance with the mitigation measures set out in Table 11.7 of the Landscape and Visual Impact Assessment Document by David Jarvis Associates, Reference: 3.2.11 (Version P3, dated 20 December 2023) contained at Chapter 11 of the Environmental Statement.

Reason: To protect visual amenity in accordance with Policy ENV 05 of the Breckland Local Plan (2023), Policy DM8 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026, and sections 2 and 15 of the National Planning Policy Framework (2023).

7. All external lighting should be hooded and angled down and installed and maintained in accordance with the manufacturers design. Lighting should be sensor activated with LED warm lights used. No other external lighting shall be installed on the site without the prior written approval of the local Planning Authority.

Reason: To protect the amenities of the surrounding area in accordance with Policies GEN02, COM01 and COM03 of the Breckland Council Local Plan (2023), Policy DM12 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026, and sections 2 and 15 of the National Planning Policy Framework (2023).

8. Notwithstanding the details provided, prior to the commencement of the development hereby permitted a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the County Planning Authority. The CEMP shall provide details of how demolition and construction works are to be undertaken and include:

- i) The identification of stages of works;

- ii) Details of working hours, which unless otherwise agreed with the County Planning Authority shall be limited to 08.00 to 18.00 Monday to Friday and 08.00 to 13.00 on Saturdays);
- iii) Details of all plant and machinery to be used during demolition and construction stage;
- iv) Details of community engagement arrangements;
- v) Details of storage of materials,
- vi) Details of access routes for machinery;
- vii) Details of disposal of rubbish and hazardous materials such as oil;
- viii) Details of consideration for reducing impact on protected species such as bats, birds and invertebrates.

Reason: To safeguard residential amenity, protect areas of nature conservation interest in accordance with Policies GEN02, COM01 and COM03 of the Breckland Council Local Plan (2023), Policy DM12 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026, and sections 2 and 15 of the National Planning Policy Framework (2023). This needs to be a pre-commencement condition because it relates to the construction phase.

- 9. Prior to the first use of the development hereby permitted visibility splays shall be provided in full accordance with the details indicated on the approved plan (drawing 2843-10-14-2 DR-0005-S4-P3). The splay(s) shall thereafter be maintained at all times free from any obstruction exceeding 0.6 metres above the level of the adjacent highway carriageway.

Reason: In the interests of highway safety in accordance with the principles of the NPPF and Policy DM12 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.

- 10. Prior to the first use of the development hereby permitted the proposed access/on-site car parking/servicing/loading/unloading/turning/waiting area shall be laid out, demarcated, levelled, surfaced and drained in accordance with the approved plan (drawing 2843-10-14-2 DR-0005-S4-P3) and retained thereafter available for that specific use.

Reason: To ensure the permanent availability of the parking/manoeuvring areas, in the interests of satisfactory development and highway safety.

- 11. Prior to the commencement of any works a Construction Traffic Management Plan which shall incorporate adequate provision for addressing any abnormal wear and tear to the highway together with wheel cleaning facilities shall be submitted to and approved in writing by the County Planning Authority.  
Reason: In the interests of maintaining highway efficiency and safety. This needs to be a pre-commencement condition as it deals with safeguards associated with the construction period of the development.

- 12. For the duration of the construction period all traffic associated with (the construction of) the development will comply with the Construction Traffic Management Plan.

Reason: In the interests of maintaining highway efficiency and safety.

## 12. Background Papers

- 12.1 Planning Application reference: FUL/2023/0032 available here:  
<https://eplanning.norfolk.gov.uk/Planning/Display/FUL/2023/0032#undefined>

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/article/39049/Adopted-policy-documents>

Norfolk Minerals and Waste Local Plan Review:  
<https://www.norfolk.gov.uk/mineralsandwastelocalplanreview>

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

National Planning Policy Framework - Guidance - GOV.UK  
(<https://www.gov.uk/government/publications/national-planning-policy-framework--2>)

Planning Practice Guidance (2023):  
<http://planningguidance.planningportal.gov.uk/>

Breckland Local Plan 2023  
[https://www.breckland.gov.uk/media/16659/Adopted-Breckland-Local-Plan/pdf/Appendix\\_4\\_-\\_Breckland\\_District\\_Council\\_Local\\_Plan\\_text\\_final-optimized.pdf?m=637818113682070000](https://www.breckland.gov.uk/media/16659/Adopted-Breckland-Local-Plan/pdf/Appendix_4_-_Breckland_District_Council_Local_Plan_text_final-optimized.pdf?m=637818113682070000)

Norfolk County Council's Environment Policy  
<https://www.norfolk.gov.uk/environmentpolicy>

Officer Contact

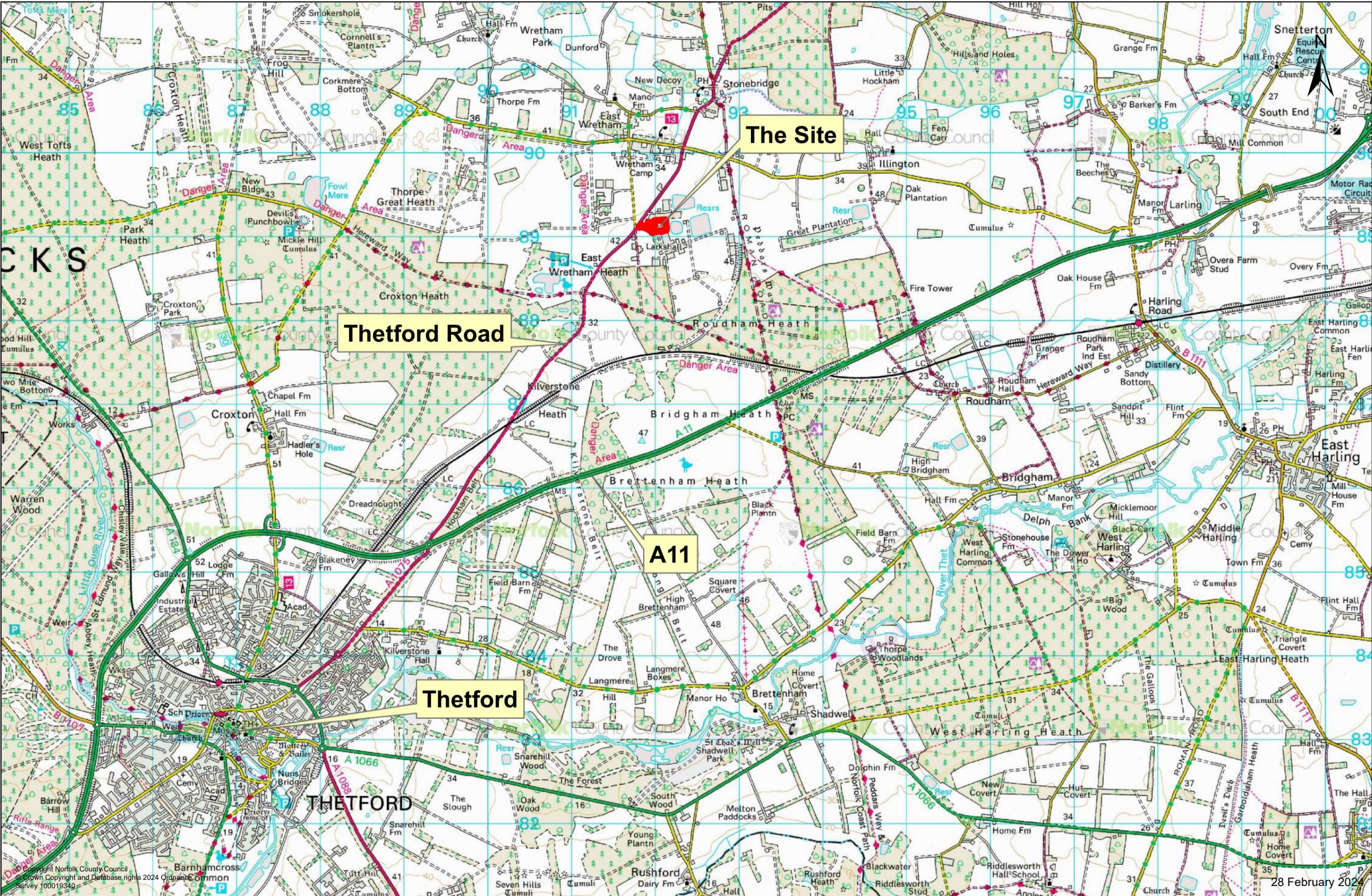
If you have any questions about matters contained within this paper, please get in touch with:

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

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**Larkshall Mill  
Location Plan**



28 February 2024

**Thetford Road**



40.5m

THETFORD ROAD

Sawpit Plantation

Pond

2  
1

Recycling  
Business

WB

WB

Larkshall

Tank

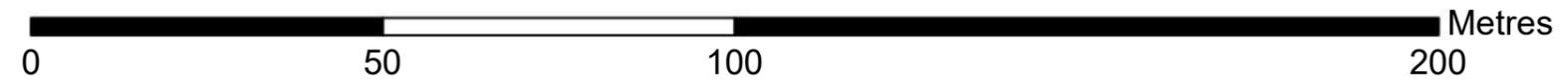
**The Site**

Playing Field

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Survey 100019340

28 February 2024

# Larkshall Mill Site Plan



**Norfolk** County Council

Appendix B

1:1,000

# Planning (Regulatory) Committee

Item No: 7

**Report Title:** FUL/2023/0039: Quarry, Ipswich Road, Dunston

**Date of Meeting:** 22 March 2024

**Responsible Cabinet Member:** N/A

**Responsible Director:** Steve Miller, Lead Director for Communities and Environment

**Proposal & Applicant:** Non-compliance with conditions 2 and 29 of permission reference C/7/2016/7013 to extend deadline for restoration of the site until 31 December 2027 (Tarmac Trading Limited)

**Is this a Key Decision?** No

## Executive Summary

Planning permission is sought under section 73 of the Town and Country Planning Act 1990 to amend conditions 2 and 29 of permission reference C/7/2016/7013, to extend the period to restore the quarry until 31 December 2027.

The key issues relate to the impact of the delayed restoration on the landscape, heritage assets, ecology, the highway network, and amenity.

The application is being reported to this committee in accordance with the constitution on the basis that it was submitted with an Environmental Statement. No objections have however been received from consultees or third parties.

It is considered that the proposal is in accordance with the policies contained within adopted NMWDF Core Strategy.

Full details of the application, FUL/2023/0039, and consultation responses, can be found online here: [eplanning.norfolk.gov.uk/Planning/Display/FUL/2023/0039](https://eplanning.norfolk.gov.uk/Planning/Display/FUL/2023/0039)

## Recommendations:

That the Lead Director for Communities and Environment be authorized to:

1. **Grant planning permission subject to the conditions outlined in section 11 and the signing of a Deed of Variation for the existing S106 Agreement;**
2. **Discharge conditions where those detailed above require the submission and implementation of a scheme, or further details,**

**either before development commences, or within a specified date of planning permission being granted;**

- 3. Delegate powers to officers to deal with any non-material amendments to the application that may be submitted.**

## **1. Background**

- 1.1 The proposal relates to an existing quarry that was first permitted under permission reference C/7/2004/7017 in December 2005. In February 2015 the quarry was extended southwards in a permission, reference C/7/2014/7030 that consolidated the proposed new area with the existing one with working and restoration due to cease by October 2023. That permission was then also varied under reference C/7/2016/7013 to allow amendments to the approved restoration scheme to allow for effective drainage in the post restoration landform.
- 1.2 In addition, various ancillary and other operations have been permitted within the quarry including an aggregate bagging plant. The most recent of those was for the establishment of a recycling facility and highways depot under reference FUL/2020/0078. That activity was also due to cease in October 2023 but is the subject of a separate current application, reference FUL/2023/0027, which currently seeks to extend operations until December 2033.
- 1.3 The quarry falls predominantly in two parishes, Swardeston and Stoke Holy Cross Parish Councils with a small part of the northwestern corner of the quarry falling also within Caister St Edmund and Bixley Parish.
- 1.4 Following the developer's request for a Scoping Opinion in accordance with Regulation 6 of the Town and Country Planning (Environmental Impact Assessment Regulations 2017 (the EIA Regulations) the County Planning advised the applicant in August 2023 on the scope of the Environmental Statement that would need to accompany this application. Therefore, the application has been submitted with an Environmental Statement, and all Environmental Information has been considered in reaching this recommendation.

## **2. Proposal**

### **2.1 SITE**

- 2.2 The site is an existing operational quarry currently undergoing restoration following the extraction of sand and gravel. The permitted quarry extends to 41.5 hectares with some 18 hectares of this being the southern extension authorised in 2015.
- 2.3 The quarry lies adjacent to the A140 Ipswich Road which is to the east to site and provides access/egress from the public highway. The site is otherwise bound by agricultural land. The quarry is truncated by Mangreen Lane which

separates the south of quarry (phases 6-8) from the rest of the site. Some 125 metres to the south of the site is the National Grid's Norwich Main substation. To the west of the site are the nearest residential properties and four listed buildings which include the Grade II\* Mangreen Hall. The Venta Icenorum: Roman town and associated prehistoric, Anglo Saxon and medieval remains Scheduled Ancient Monument also lies only some 140 metres to the east of the site on the other side of the A140.

## **PROPOSAL**

- 2.4 Planning permission is sought, under section 73 of the Town and Country Planning Act 1990, as amended, to extend the period to restore the quarry until 31 December 2027. Whilst all extractive operations have ceased, restoration of a number of phases 1, 2, 5 (part), 6, 7 and 8) has not, and this extended timeframe will allow the restoration and landscaping works to take place.
- 2.5 The applicant has advised that it has experienced delays in securing an Environmental Permit from the Environment Agency required to allow importation of inert waste to the site to bring the landform to the required levels. The applicant anticipates up to 936,000 tonnes or 520,000 metre<sup>2</sup> of material is still required to restore the site.
- 2.6 The two conditions, numbers 2 and 29, of the most recent permission that the applicant seeks to amend relate to the date that the site must be restored, and the date by which the highway works for Mangreen Lane must be removed (which provided the haul road crossing point), and the land reinstated. Both of the dates that the developer wishes to amend were 2 October 2023 with both seeking to be replaced by the new end date of 31 December 2027.
- 2.7 There would be no changes to the restoration scheme itself which will see the land reinstated to a combination of productive agricultural use and nature conservation which would include woodland scrub, open water and ponds with aquatic margins, and lowland meadow grassland and wet grassland.

## **2.7 ENVIRONMENTAL IMPACT ASSESSMENT**

In accordance with the Town and Country Planning Environmental (Impact Assessment) Regulations 2017 an Environmental Statement has been submitted. The assessment of the matters in the statement is set out below under the appropriate headings.

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

### **3.1 DEVELOPMENT PLAN POLICIES**

The following policies of the Norfolk Minerals and Waste Development Framework (adopted 2011) (NMWDF), Joint Core Strategy for Broadland

Norwich and South Norfolk (adopted 2014) (JCS), and the South Norfolk Development Management Policies (2015) provide the development plan framework for this planning application. The following policies are of relevance to this application:

**Norfolk Minerals and Waste Development Framework**

CS1: Minerals Extraction;  
CS2: General Locations for Mineral Extraction and Associated Facilities;  
CS5: General location of waste management facilities  
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  
DM7: Safeguarding Aerodromes  
DM8: Design, Local landscape and townscape character  
DM10: Transport  
DM12: Amenity  
DM14: Progressive working, restoration and afteruse  
DM15: Cumulative impact  
DM16: Soils

**Joint Core Strategy for Broadland, Norwich and South Norfolk**

Policy 1: Addressing climate change and protecting environmental assets.  
Policy 2: Promoting Good Design

**South Norfolk Development Management Policies (2015)**

DM 1.4 Environmental Quality and local distinctiveness  
DM 3.8: Design Principles applying to all development  
DM 3.11: Road Safety and the free flow of traffic  
DM 3.13: Amenity, noise and quality of life  
DM 3.14: Pollution, health and safety  
DM 4.2: Sustainable drainage and water management  
DM 4.5 Landscape Character and River Valleys  
DM4.8: Protection of Trees and Hedgerows  
DM4.9: Incorporating landscape into design  
DM4.10: Heritage Assets

**Adopted Neighbourhood Plan**

None of the parishes in which the application site is located have adopted a Neighbourhood Plan, or have notified the district council that they have commenced work on an emerging one.

**3.2 OTHER MATERIAL CONSIDERATIONS**

The Revised National Planning Policy Framework (NPPF) was published in December 2023 and sets out the Government's planning policies for England and how these should be applied. Whilst not part of the development plan, policies within the NPPF are also a further material consideration capable of

carrying significant weight. The NPPF places a presumption in favour of sustainable development. Paragraph 47 states that planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

- 3.3 Planning policy with respect to waste is set out in the National Planning Policy for Waste (NPPW published on 16 October 2014). Additionally, the National Waste Management Plan for England (NWMPE) is the overarching National Plan for Waste Management and is a further material consideration in planning decisions.
- 3.4 Paragraph 48 of the NPPF states, in summary, that local planning authorities may give weight to relevant policies in emerging plans according to the stage of preparation of the emerging plan; the extent to which there are unresolved objections to relevant policies and the degree of consistency of the relevant policies in the emerging plan to the NPPF.

### 3.5 Emerging Development Plan Policy

Policies within emerging plans are capable of being material considerations.

#### **Norfolk Minerals and Waste Local Plan**

The County Council is currently preparing a Minerals and Waste Local Plan to extend the plan period to the end of 2038. The pre-submission version of the Minerals and Waste Local Plan, relevant background documents and the representations received have now all been submitted to the Secretary of State for public examination by a Planning Inspector in 2024. So whilst at an advanced stage, it is not yet formally part of the development plan for the area and therefore the following policies can be given some weight in the planning balance.

Policy MW1: Development Management Criteria

Policy MW2: Transport

Policy MP6: Cumulative impacts and phasing of workings

Policy MP7: Progressive working, restoration and after-use

#### **Greater Norwich Local Plan**

The GNLP has been found sound by an Independent Inspector and can be adopted as part of the local plans for Broadland, Norwich and South Norfolk, subject to the inclusion of the recommended main modifications. So whilst at an advanced stage, it is not yet formally part of the development plan for the area and therefore the following policies have been given significant weight in the planning balance.

Policy 2: Sustainable Communities

Policy 3: Environmental Protection and Enhancement

Policy 6: The Economy

3.6 Furthermore, because this is a planning application for the County Council's own development, whilst not itself a planning policy, Norfolk County Council's Environmental Policy adopted in November 2019 is also material to the decision.

### 3.7 CONSULTATIONS

**South Norfolk District Council:** No response received.

**District Council Environmental Health Officer:** No objection.

**Environment Agency:** No objection – have no concerns with the development.

**Natural England:** No response received.

**Historic England:** Is not offering advice.

**Highway Authority:** No objection – the application purely spreads the previously approved traffic over a longer period.

**Norwich International Airport:** No further comments to raise.

**UK Power Networks:** No response received.

**Cadent Gas:** No response received.

**The Ramblers:** No response received.

**The Open Spaces Society:** No response received.

**Lead Local Flood Authority:** No comments to make.

**County Council Ecologist:** No objection subject to condition.

**County Council Landscape Architect:** No objection provided the restoration is undertaken by the proposed date of 31 December 2027.

**County Council Public Rights of Way Officer (PROW):** no objection but highlight that Swardeston Bridleway 9 bridleway (PROW) is aligned adjacent to the Western boundary of the site. and must remain open and accessible for the duration of the development.

**County Council Historic Environmental Officer (Archaeology):** No comments to make.

**National Planning Casework Unit (DCLG):** No response received.

**Swardeston Parish Council:** No response received.

**Stoke Holy Cross Parish Council:** No response received.

**Caister St. Edmund & Bixley Parish Council:** No response received.

**Cllr Daniel Elmer (Forehoe Electoral Division):** No response received.

**Cllr Victor Thomson (Henstead Electoral Division):** No response received.

### 3.8 REPRESENTATIONS

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

### 3.9 APPRAISAL

The key issues for consideration are:

- A. Principle of Development
- B. Landscape & Visual Impact
- C. Amenity
- D. Ecology
- E. Impact of Heritage Assets
- F. Transport
- G. Sustainability
- H. Flood Risk
- I. Groundwater/surface water
- J. Loss of Agricultural Land

#### 3.10 A – Principle of Development

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

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

3.11 The application relates to a quarry originally permitted in 2005 and then latterly extended both in duration and in land take in 2016. Whilst all extraction activities have now ceased, the principle of the land use at this location has already been established acceptable, and the proposal accords with adopted NMWDF policies CS1 and CS2.

3.12 Although the proposal will delay the restoration of the land which was required to be delivered by October 2023, this has been due to the delay the operator has had in being able to secure an environmental permit from the Environment Agency to infill the void with inert waste. Furthermore, the

applicant has also shortened the period that is the subject of the application from a potential ten years to now only four years following advice from the County Planning Authority following the submission of a Scoping Opinion in 2023. Restoring the final phases of the quarry is still considered achievable in this timescale and on this basis the proposal is also in accordance with NMWDF policy DM14. With regards to the principle of inert waste disposal to achieve the desired restoration levels and profile, this has already been established through the original planning permissions. Although disposal falls at the bottom of the waste hierarchy, it is considered acceptable as a means of restoring the site so it can be returned predominantly to agriculture.

### 3.12 B - Landscape & Visual Impact

The quarry is not within any statutory landscape designations nor is it within one of the County's core river valleys which are afforded a higher level of protection within the development plan. No changes are proposed to the site's restoration scheme itself which will see the land reinstated to a combination of productive agricultural use, and nature conservation, which would include woodland scrub, open water and ponds with aquatic margins, lowland meadow grassland and wet grassland.

3.13 Although the delay is regrettable it is a short term one, and once delivered the restoration will be of a high quality. The County Landscape Architect raises no objection to the proposals provided that restoration is undertaken by the proposed date of 31 December 2027, and the proposal accords with NMWDF policies CS14 and DM8, JCS Policy 2 and SNLP policy DM4.5.

### 3.14 C – Amenity

Whilst extraction and processing operations at the quarry have now ceased, restoration activities still have the propensity to have an impact on amenity from the tipping of waste itself, and from the HGVs delivering the infill material.

3.15 The site is in close proximity to a number of receptors including both residential properties being with Mangreen Hall Farm some 135 metres from the edge of phase 6 which is still to be restored, and the PROW Swardeston BR9 some 400 metres away from this phase.

3.16 As stated above the delay in restoration has come about due to the applicant obtaining an Environmental Permit to be able to infill the southern part of the site (phases 6-8). With regards to the actual regulation of an operation such as this, in accordance with paragraph 194 of the NPPF and the National Planning Policy for Waste, the County Planning Authority needs to focus on whether proposed development is an acceptable use of land, rather than the control of processes or emissions, and the CPA needs be satisfied that the facility can in principle operate without causing an unacceptable impact on amenity by taking advice from the relevant regulation authority (the Environment Agency). However, it is the role of the Environmental Permit (which the facility would also require before it can operate) as issued by the

Environment Agency (EA) to actually control emissions/pollutants such as noise and dust through conditions, and Planning Authorities should assume this regime will operate effectively.

3.17 In commenting on the application the EA advised that it has no concerns about the development and the South Norfolk's Environmental Health Officer also raised no objection. The site does not have a history of complaints from local residents. The modest extension to allow the land to be restored is not expected to have unacceptable impacts on local residents or users of the PROW, and the proposal is compliant with NMWDF policies CS14 and DM12 and SNLP Policy DM 3.13.

3.18 D – Ecology

The proposal does not seek to make any changes to the restoration scheme itself, only the timeframe over which it is delivered. The Environmental Statement and accompanying Ecological Appraisal did however note the presence of a Sand Martin colony with over 50 nesting in a sand bank within phase 1 of the quarry which would be removed as part of the restoration proposals. The County Ecologist's advice therefore was not only that the applicant be advised that the nesting features should not be removed whilst the nest is in use or being built, in order to comply with the Wildlife & Countryside Act 1981 (as amended), but also that the loss of this nesting feature is compensated for by the provision of an artificial Sand Martin nesting feature elsewhere within the application site, and that this be secured by condition. It is therefore recommended a scheme be requested by a new condition, within three months of the date of permission, setting out an alternative location for the provision of the Sand Martin nesting feature.

3.19 The original permission which extended the site southwards, reference C/7/2014/7030, bound that application to a S106 Legal Agreement which amongst other issues has a long-term wildlife management for the site, once it has been restored. In the event permission is granted, those obligations including the management plan, will continue to apply once the site is restored, by virtue of a further Deed of Variation.

3.20 Biodiversity Net Gain

The Environment Act 2021 introduced Schedule 7A of the Town and Country Planning Act 1990 and for major planning applications lodged after 12 February 2024 applicants now have to provide mandatory Biodiversity Net Gain (BNG). This application is not subject to BNG on the basis that applications submitted under section 73 of the Town and Country Planning Act are not caught by the BNG legislation.

3.21 Appropriate Assessment

The site is situated within 8.9 kilometres of from the Yare and Broads Marshes which form part of the Broads Special Area of Conservation (SAC), and also the Broadland Special Protection Area (SPA). The application has

been assessed in accordance with Regulation 63 of The Conservation of Habitats and Species Regulations 2017, and based on the information submitted to the County Planning Authority (CPA), it is considered that, due to both the nature of the development and the distance from the European Sites, the proposal would not have a significant impact on these or any other protected habitat. Accordingly, no Appropriate Assessment of the development is required.

3.22 With regards to Natural England's letter of 16 March 2022 concerning nutrient neutrality, the proposed extension of time would not result in a discharge to the catchment of the River Wensum SAC or any of the SSSIs notified by NE that comprise the Broads SAC/Ramsar. The proposal would therefore not result in an addition to the nutrient load of the designated sites. The application is compliant with NMWDF Core Strategy policies CS14 and DM1 which seek to ensure there are no adverse impacts on biodiversity including nationally and internationally designated sites and species.

3.23 E – Impact on Heritage Assets

As stated at 2.3, the site is in close proximity of a number of Listed Buildings including the Grade II\* Mangreen Hall and is some 140 metres west of The Venta Icenorum: Roman town and associated prehistoric, Anglo Saxon and medieval remains Scheduled Ancient Monument. Although Listed Buildings are afforded protection by the requirements of the Planning (Listed Buildings and Conservation Areas Act 1990, Scheduled Monuments are not. However both are protected by the development plan policy and the NPPF. Whilst Historic England was consulted, it advised it did not wish to comment on the planning application.

3.24 The proposal would not encroach on the heritage assets, however it would prolong the operation of the quarry which is within the setting of the Listed Buildings. In accordance with the Planning (Listed Buildings and Conservation Areas) Act 1990 and paragraph 208 of the NPPF, it is considered that the delay in restoration would result in less than substantial harm to the Listed Buildings but at the lower end of the scale particularly given the area where the soil storage bunds are located is adjacent to the heritage assets. However, there are public benefits that weigh against this harm namely that it will allow further time for the approved restoration to be delivered, which is of a high quality and will assimilate with the surrounding topography (rather than the land being left unrestored and/or left at a lower level).

3.25 All extraction operations have been completed and it is only infilling and restoration of the land that is proposed to take place in the extended period. Therefore the County Archaeologist had no comments to make on the planning application. On this basis the proposal is compliant with NMWDF policies CS14, DM8 and section 16 of the NPPF.

3.26 F – Transport

The application was submitted with an updated Transport Statement setting out the HGV movements that would be generated to import the inert waste required to bring the site to the approved ground levels. It is envisaged that the inert waste would be imported at a rate of 200,000 tonnes per annum with this creating 80 two-way movements (i.e. 40 HGVs) per day. Although HGV movements associated with quarrying operations (extraction, recycling and other ancillary operations) will reduce as those activities wind down, the total for the whole quarry would be 180 two-way movements (i.e. 90 HGVs) should permission also be granted for the continuation of the operator's highway depot which is the subject of application reference FUL/2023/0027.

3.27 For phases 6-8 (the area which now has the benefit of an Environmental Permit) the material would be imported via the main quarry access on the A140 and transported to these phases to the south of Mangreen Lane via the existing authorised crossing point. The crossing point is the subject of condition 29 of the extant permission which requires its removal and reinstatement of the land to its previous condition on the cessation of quarrying activities. This application seeks to extend that period until 31 December 2027. In addition, the current activities are bound by a S106 Legal Agreement, which amongst other issues requires the removal of the right hand turn lane and associated highway works on the A140 once the site has been restored. In the event permission is granted, those obligations would be secured through a further Deed of Variation to the current Agreement. As proposed by this application, The Transport Statement concluded that there would not be a severe impact on the capacity or safety of the local highway network.

3.28 The Highway Authority commented that there are no objections to the application on the basis the application purely spreads the previously approved traffic associated with the site's restoration over a longer period of time. Accordingly, the proposal is considered compliant with NMWDF policies CS15 and DM10.

3.29 G – Sustainability

Policy CS13 of the NMWDF seeks to promote the use of on-site renewable energy at existing minerals and waste sites, however in this instance it would not be viable to install PV panels for example for such a short period of time.

3.30 Whilst not part of the development plan or even a planning policy per se, County Council's Environmental Policy is a material consideration in determination of this application. The County Council has made a commitment to use the policy to guide all the Council's future decision-making and therefore it has some, albeit very limited, weight in considering this proposal. The Policy refers to both conserving and enhancing natural beauty, and approval of this application would not undermine this objective as it would

simply allow further time for the land to be restored to agriculture and nature conservation.

**3.31 H – Flood Risk**

The application only seeks to delay the timeframe of the delivery of the approved restoration scheme and not the final landform, which will be similar to the previous pre-extraction ground levels. No issues have been raised either by the Environment Agency or the Lead Local Flood Authority and it is not expected that the extended period for completion of restoration of the site would give rise to an increased risk of flooding on or off site. Accordingly, the proposal is compliant with NMWDF policy DM4.

**3.32 I – GROUNDWATER AND SURFACE WATER**

The justification for the extension of time, the subject of the application, has been due to the applicant's delay in securing the required Environmental Permit to infill the southern part of the site with inert waste. The applicant has now obtained this from the Environment Agency which has advised that it has no concerns with the development.

**3.33** The Environmental Permit will, inter alia, regulate the risk of pollution to groundwater which is significant given the quarry is located within the EA's groundwater protection zone 1. The operator is only authorised to use inert waste to infill the void created from the mineral extraction (the principle of which has already been established). Given that the EA is content with the proposal, which only seeks to extend the timeframe for restoring the land, it is considered that it would not pose an unacceptable risk to groundwater or surface water and is compliant with NMWDF policy DM3.

**3.34 J – LOSS OF AGRICULTURAL LAND**

The approved restoration scheme will result in much of the site being returned to agricultural land once infilling has taken place so it is not lost in perpetuity. Topsoil previously stripped from the land and currently stored in the south west corner of the site would be reinstated and management of the land will then enter a five period of aftercare so it is brought back to the best standard possible for agricultural use. Whilst it is regrettable that the delivery of the restoration and agricultural land will now be delayed by some four years, the proposal is compliant with NMWDF policy DM16 given that there are no proposals to change the restoration scheme, only the timeframe that it will come to fruition.

**3.35 RESPONSES TO REPRESENTATIONS RECEIVED**

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

3.36 No representations were received from third parties.

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

- 4.1 Planning permission is sought under section 73 of the Town and Country Planning Act 1990 to amend conditions 2 and 29 of permission reference C/7/2016/7013, to extend the period to restore the quarry until 31 December 2027.
- 4.2 The application has been submitted with an Environmental Statement and all Environmental Information has been examined and considered in assessing the application in accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.
- 4.3 Significant weight is given in the planning balance to the need for the developer to meet its obligation to restore the quarry to the approved landform and planting schedule etc. Therefore, a short-term extension to allow sufficient inert waste to be imported to facilitate this restoration is considered acceptable. This is also significantly less than the proposed ten-year extension to restore the quarry that was set out in the applicant's Scoping Opinion which preceded this planning application.
- 4.4 There would not be unacceptable impacts on the local landscape, heritage, ecology, the local highway network or groundwater resources as a result of the proposed extended duration of restoration, subject to the conditions set out in section 12 below. The proposal contributes to the achievement of sustainable development in accordance with the NPPF on that basis.
- 4.5 On this basis the proposal is considered to accord with the development plan. There are not sufficient material considerations that warrant determining the application otherwise than in accordance with the development plan and therefore the application is recommended for approval subject to conditions. In accordance with Regulation 26 of the EIA Regulations the reasoned conclusion of the CPA is that there would not be significant impacts on the environment subject to the conditions set out in section 12 below.

## **5. Alternative Options**

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

## **6. Financial Implications**

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

## 7. Resource Implications

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

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

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

## 8. Other Implications

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

### 8.2 Human Rights Implications:

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

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

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

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

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

**8.4 Data Protection Impact Assessments (DPIA):** There are no data protection implications.

**8.5 Health and Safety implications (where appropriate):**

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

**8.6 Sustainability implications (where appropriate):**

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

**8.7 Any Other Implications:**

There are no other implications from a planning perspective.

## **9. Risk Implications / Assessment**

9.1 There are no risk issues from a planning perspective.

## **10. Select Committee Comments**

10.1 Not applicable.

## **11. Recommendations**

11.1 That the Lead Director for Communities and Environment be authorised to:

- 1. Grant planning permission subject to the conditions outlined below and the signing of a Deed of Variation for the existing S106 Agreement;**
- 2. Discharge conditions where those detailed above require the submission and implementation of a scheme, or further details, either before development commences, or within a specified date of planning permission being granted.**
- 3. Delegate powers to officers to deal with any non-material amendments to the application that may be submitted.**

11.2 **CONDITIONS:**

1. The development shall be carried out in strict accordance with condition 2 of planning permission ref. C/7/2016/7013, except where amended by the following sections of the submitted Environmental Statement (Revision A) dated 23 October 2023:
  - Section 3: The Application
  - Section 4: Planning Statement
  - Section 5.4: Highways & Traffic & Appendix 7: Transport Statement, reference SJT/ NS 25256-01, dated 26 September 2023
  - Section 7: Mitigation Recommendations of the Preliminary Ecological Appraisal, reference KD.MANG.ER.001V2, dated September 2023.

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

2. The development hereby permitted shall cease and all restoration shall be completed by 31 December 2027.

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

3. No development shall take place within the areas indicated in Figure 2 of the approved Archaeological Written Scheme of Investigation, other than in accordance with the approved Archaeological Written Scheme of Investigation held on file ref. C/7/2016/7013.

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

4. No operation authorised under this permission or under the Town and Country Planning (General Permitted Development) Order 2015, including the movement of vehicles and operation of any plant, shall take place on Sundays or Bank Holidays or other than during the following period:  
0700 – 1800 Mondays to Fridays  
0700 – 1300 Saturdays

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

5. With the exception of soil-stripping, the construction and removal of baffle mounds, soil storage mounds and spoil heaps, construction of new permanent landforms, the free field Equivalent Continuous Noise Level [LAeq, 1 hr] at any noise sensitive property adjoining the site shall not exceed 55 dB LAeq 1hr. Measurements shall be made no closer than 3.5 metres from the façade of properties or other reflective surface and shall be corrected for extraneous noise.

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

6. In the case of soil-stripping, the construction and removal of baffle mounds, soil storage mounds and spoil heaps, construction of new permanent landforms, the free field Equivalent Continuous Noise Level [LAeq, 1 hr] at any noise sensitive property adjoining the site shall not exceed 70 dB LAeq 1hr. Measurements shall be made no closer than 3.5 metres from the façade of properties or other reflective surface and shall be corrected for extraneous noise.

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

7. No vehicle, plant, equipment and/or machinery shall be operated at the site unless it has been fitted with and uses an effective silencer. All vehicles, plant and/or machinery and shall be maintained in accordance with the manufacturer's specification at all times.

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

8. No vehicles and/or mobile plant used exclusively on site shall be operated unless they have been fitted with white noise / non-tonal reversing alarms to ensure that, when reversing, they do not emit a warning noise that would have an adverse impact on residential or rural amenity.

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

9. The development should be carried out in accordance with Dust Management Plan approved under planning permission C/7/2015/7016 which includes a scheme to minimise dust emissions from the approved development. The approved dust suppression measures shall be retained, implemented and maintained for the duration of the development hereby permitted.

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

10. Any access gate(s), bollard, chain or other means of obstruction shall be retained for the duration of the development and be hung to open inwards, set back, and thereafter retained a minimum distance of 15 metres from the near channel edge of the adjacent carriageway.

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

11. The visibility splay measuring 4.5 x 70 metres provided to each side of the access (es) (as shown on drawing no. 12223-06 on file reference C/7/2004/7017) where it meets the highway and such splays shall thereafter be maintained at all times free from any obstruction exceeding 0.225 metres above the level of the adjacent highway carriageway.

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

12. The signage indicating drivers of the movement of heavy plant crossing the road shall be erected on the 78023 Mangreen Lane as shown on plan Proposed Access Road Lining and Signage; C1128-102 rev A. The signage shall be retained for the duration of this permission.

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

13. Vehicles accessing and egressing the site via the main entrance and at the crossing point on Mangreen lane shall not be in a condition whereby they would deposit mud or other loose material on the public highway.

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

14. No 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 and the surrounding area, in accordance with the Norfolk Minerals and Waste Development Framework Core Strategy DPD 2010-2026 Policy DM12.

15. 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 by the County Planning Authority.)

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

16. Before the topsoil is replaced a layer of at least 600mm of subsoil substitute shall be created through the use of soils, sand, overburden and/or excavation spoil derived from the site. This layer shall be cross-ripped to a depth of at least 500mm to relieve compaction.

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

17. An even layer of topsoil shall be re-spread on the subsoil layer to an even depth of at least 300mm.

Reason: To ensure the proper and expeditious restoration of the site, in

accordance the Norfolk Minerals and Waste Development Framework Core Strategy DPD 2010-2026 Policy DM14.

18. Measures including ripping and/or subsoiling shall be carried out after soil replacement so that the compacted layers and pans are broken up to assist free drainage.

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

19. All stones and deleterious materials in excess of 15cm 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 the Norfolk Minerals and Waste Development Framework Core Strategy DPD 2010-2026 Policy DM14.

20. No dewatering of excavations shall be carried out.

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

21. No material other than inert wastes (as defined within Schedule 1 of the Landfill Regulations 2002) shall be brought onto the site.

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

22. Prior to commencement of Phase 8 workings, as identified on plan S375/PL13/03 Rev A Oct 2014, details of visual mitigation measures to be implemented for the duration of Phase 8 works shall be submitted and agreed in writing with the County Planning Authority.

Reason: To protect the landscape of the surrounding area in accordance with policy DM8 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.

23. The highway works for Mangreen Lane shall be removed and the land reinstated to its previous condition by 31 December 2027.

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

24. Within three months of the date of this permission, an updated restoration scheme shall be submitted which makes provision for artificial Sand Martin nesting feature. The scheme shall ensure the new nesting feature is in situ prior to the removal of the sand bund currently utilised by sand martins.

Reason: To provide Biodiversity Mitigation for the Sand Martins on site and to ensure the restoration is achieved in accordance with the Norfolk Minerals

and Waste Development Framework Core Strategy DPD 2010-2026 Policies CS14, DM1, DM8 and DM14.

## 12. Background Papers

12.1 Planning Application reference: FUL/2023/0039:

[eplanning.norfolk.gov.uk/Planning/Display/FUL/2023/0039](http://eplanning.norfolk.gov.uk/Planning/Display/FUL/2023/0039)

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/-/media/norfolk/downloads/what-we-do-and-how-we-work/policy-performance-and-partnerships/policies-and-strategies/minerals-and-waste-planning/core-strategy-and-minerals-and-waste-development-management-policies-development-20102026.pdf>

Norfolk Minerals and Waste Local Plan Review:

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

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

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

South Norfolk Development Management Policies Document (2015):

<https://www.southnorfolkandbroadland.gov.uk/current-local-plan/adopted-south-norfolk-local-plan>

Greater Norwich Local Plan Main Modifications (2023):

<https://www.gnlp.org.uk/>

The National Planning Policy Framework (NPPF) (2023):

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

National Planning Practice Guidance:

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

National Planning Policy for Waste (2014):

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

Norfolk County Council's Environment Policy (2018):

[Environmental policy - Norfolk County Council](#)

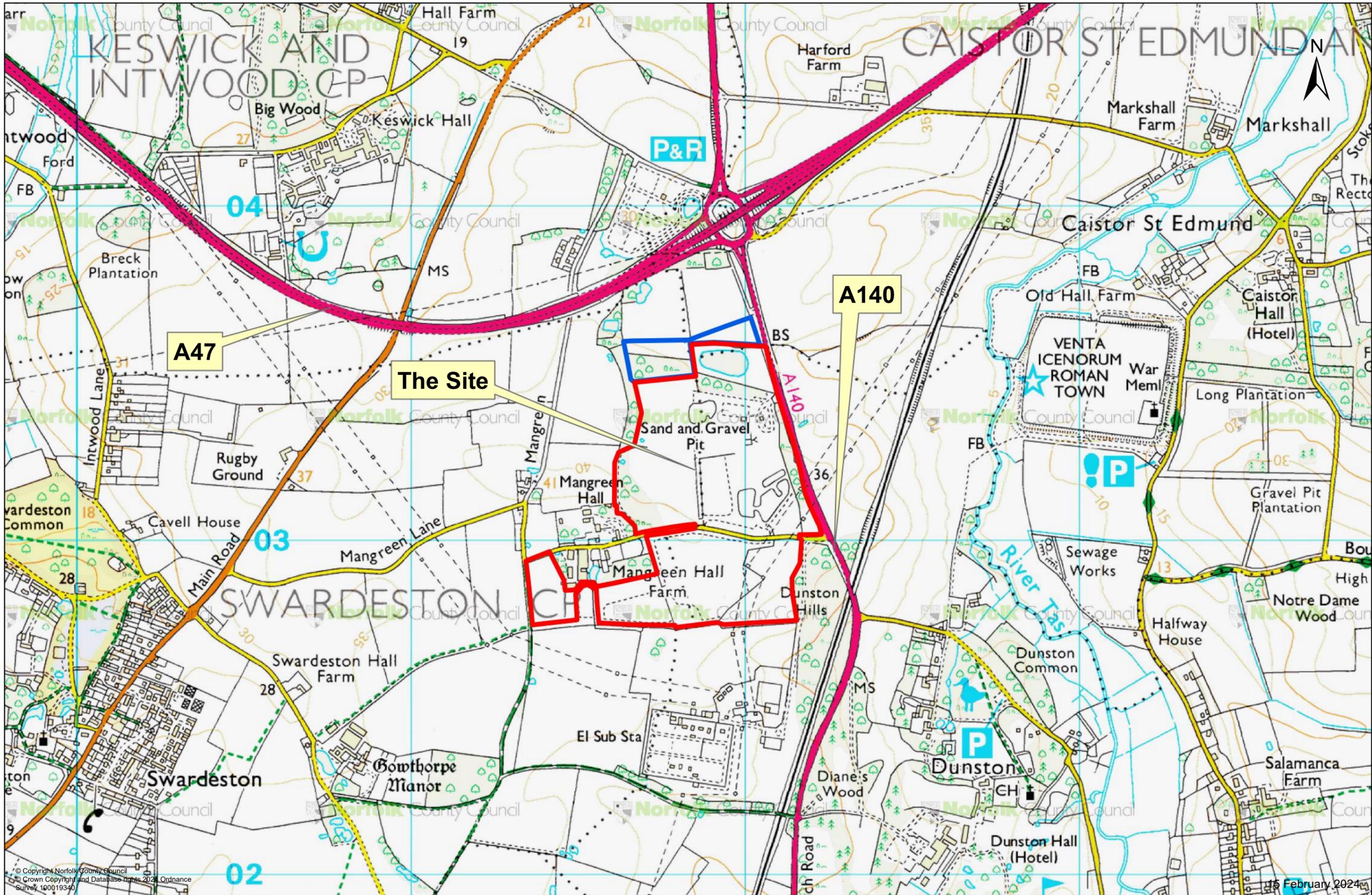
## Officer Contact

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

**Officer name:** Ralph Cox  
**Telephone no.:** 01603 223318  
**Email:** ralph.cox@norfolk.gov.uk



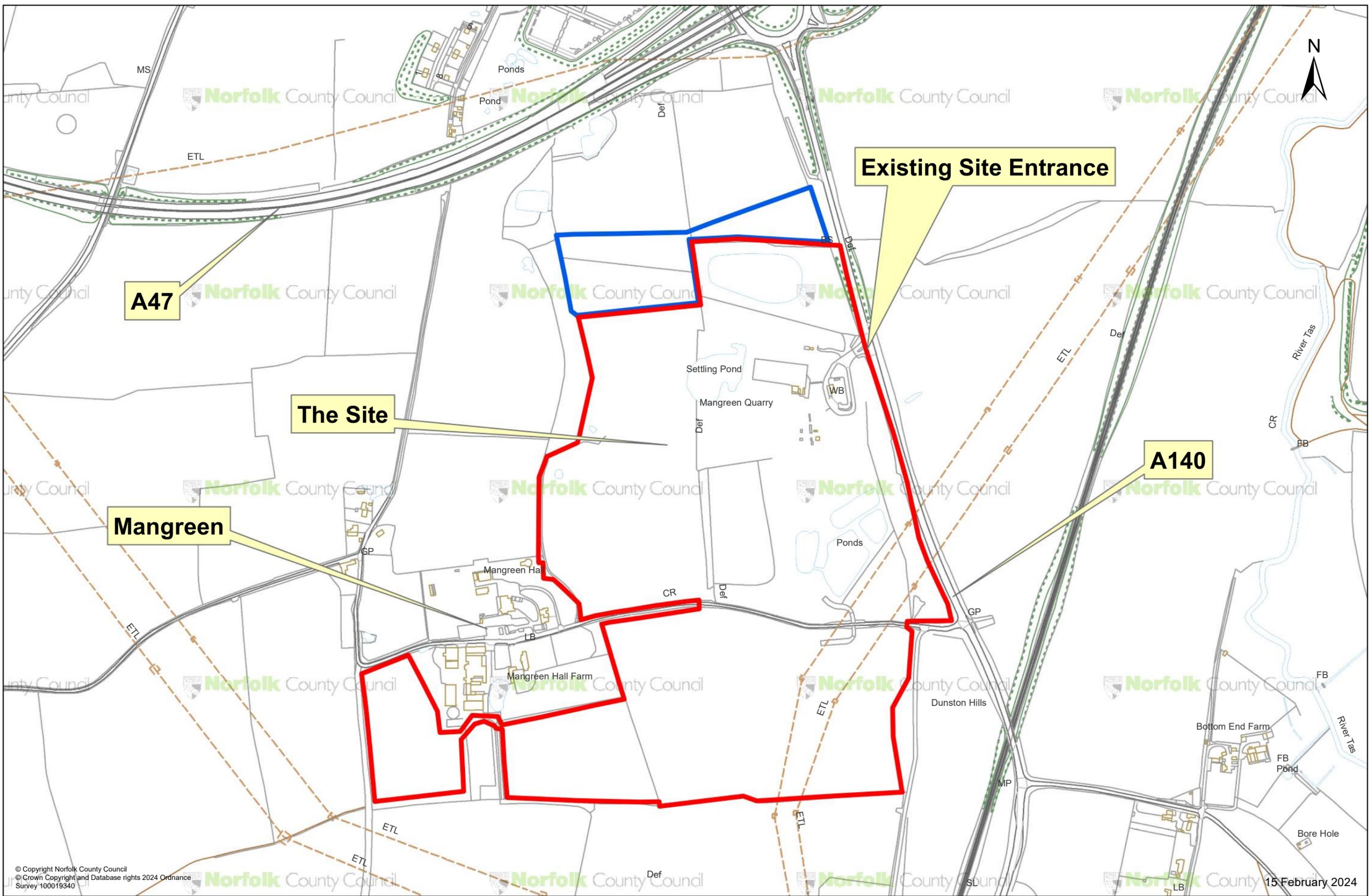
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**Mangreen  
Location Plan**



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15 February 2024

# Mangreen Site Plan



**Norfolk County Council**

Appendix B 1:5,000

## Planning (Regulatory) Committee

Item No: 8

**Report Title:** FUL/2023/0047– South of Lynn Road, Swaffham

**Date of Meeting:** 23 April 2024

**Responsible Cabinet Member:** N/A

**Responsible Director:** Steve Miller, Lead Director for Communities & Environment

**Proposal & Applicant:** Proposed new 224 place Special Educational Needs (SEN) school, new vehicular access road, shared cycle/pedestrian path, staff & visitor car park with pick-up and drop-off area, hard and soft sports pitches, play spaces, fencing, landscaping, associated plant and ancillary works – Executive Director of Children’s Services

**Is this a Key Decision?** No

### Executive Summary

Full planning permission is sought for the construction of a new 224 place Special Educational Needs (SEN) school with associated vehicular access, drop off points, staff and visitor parking, shared cycle/pedestrian path hard and soft sports pitches, play spaces, fencing, landscaping on land to the south of Lynn Road, Swaffham.

The application site is located outside the settlement boundary for the town of Swaffham and for this reason has been considered a departure from the development plan. Accordingly, in accordance with the Council’s constitution, the application needs to be reported to, and determined by, this committee.

The key issues:

- Location in the countryside / outside development limit
- Visual / landscape impacts
- Ecological impacts
- Traffic
- Amenity impacts - noise, dust and light etc (including vehicle movements).

8 no. objection letters have been received from 5 no. third parties. Given the number of objections received the application is required to be determined by this committee under the terms of the constitution.

Although considered a departure from the development plan there are material considerations that can be considered to justify the development, including an identified need for a new SEN school in this part of the county and policies within the

development plan that support new community uses in locations outside the settlement boundary where appropriate. Accordingly, the report recommends approval of the proposed development.

Full details of the application, FUL/2023/0047, and consultation responses, can be found online here:

<https://eplanning.norfolk.gov.uk/Planning/Display/FUL/2023/0047>

### **Recommendations:**

That the Lead Director for Communities & Environment be authorised to:

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

### **1. Background**

- 1.1 Norfolk County Council (NCC) Children's Services is seeking to build a new 224 place Special Educational Needs (SEN) school to meet its county wide identified need of pupils who would benefit from learning in a SEN school environment.
- 1.2 The application site is part of a field located to the eastern side of the town of Swaffham, on the southern side of Lynn Road. It is currently in agricultural use with no buildings on the site.
- 1.3 The proposed school building has been designed to accommodate a range of ages and educational needs to include primary, secondary and sixth form levels and includes a specialist autism unit and Social Emotional Mental Health needs (SEMH). It comprises a series of single storey to three storey components, located centrally to the site, with access to the building from Lynn Road to the north.
- 1.4 The proposed works also include the creation of a parking and drop off area, hard play/hard standing and school playing fields.
- 1.5 The application site is within the parish of Swaffham which is in Breckland District. There is no relevant NCC or Breckland Council planning history for this site.
- 1.6 In accordance with the Council's Constitution, the application is being reported to the Planning (Regulatory) Committee because it is considered to be a departure from the development plan due to its location outside the settlement boundary. Also, the number of representations that raise planning related

objections exceeds that for which officers have delegated powers to determine, where the recommendation is for approval.

- 1.7 It is considered that, whilst sited outside the development boundary of the town of Swaffham identified within the Breckland Local Plan, on balance the proposal would provide necessary improved community facilities which accords with other policies contained within the local and neighbourhood plan and that, in accordance with the National Planning Policy Framework, significant weight should be afforded to the need for an enhanced education provision to cater for the growing needs of the catchment area. Conditional full planning permission is therefore recommended.

## **2. Proposal**

### **2.1 SITE**

- 2.2 The proposed application site is located to the north west of the town of Swaffham. Lynn Road runs east west, linking the town centre in the east through to the A47(dual carriageway) to the west.
- 2.3 The application site is located on the southern side of Lynn Road, with mixed commercial and residential development on the opposite side of the road to the north and a mobile home park to the east. The proposed application site is surrounded by land in general agricultural and grazing use to the south and west.
- 2.4 There is a significant slope on the site, with levels falling from south to north towards Lynn Road.
- 2.5 The site is screened by existing, established trees, hedgerow and vegetation along the site frontage to Lynn Road.
- 2.6 The site measures 1.75 hectares and access to the school site is proposed to be Lynn Road to the north boundary.
- 2.7 The site is situated within Flood Zone 1 (low risk), an area where flooding from rivers and the sea is very unlikely.
- 2.8 Parts of the site to the north are at risk of 1 in 1000 (low risk) chance of surface water flooding as defined by the Environment Agency, with the remainder of the site being very low risk.
- 2.9 The Disused Railway County Wildlife Site is located approximately 765m to the west of the site.
- 2.10 The nearest part of Breckland Special Protection Area (SPA) is located approximately 1818m to the south west of the site.
- 2.11 The site is within the Stone curlew 1km orange cells area which could potentially provide functionally linked land for breeding.

2.12 The land is classified as Grade 3 Good to Moderate Agricultural Land Classification.

### 2.13 PROPOSAL

2.14 The proposed development relates to the construction of a new Special Education Need (SEN) school, access road and associated works on land south of Lynn Road, Swaffham. The key components are:

- Erection of SEN school (part single storey, mainly two storey and part three storey) for up to 224 pupils (with a variety of needs);
- Creation of new vehicular access onto Lynn Road (in the north west corner of the site);
- A shared cycle/pedestrian path;
- A staff & visitor car park with pick-up and drop-off area;
- Hard and soft sports pitches;
- Play spaces and fencing;
- Associated plant and ancillary works; and
- Landscaping.

2.15 The main school building is located towards the centre of the site, set back 60m from the front of the site. It is a mix of single, two and three storeys in height and has a dual frontage with a central crank point so that the footprint has the appearance of a boomerang. The building design includes a mix of materials to the elevations including red or buff brick and zinc standing seam metal cladding. The roof design incorporates elements of both pitched and flat roof, with Photovoltaic Panels (PV) proposed to be fitted across as much of the roof span as possible.

2.16 The layout of the school building has been specially designed to reflect the specific requirements of a SEN school. Consideration has been given to the way the pupils function, learn and interact. Provision is made for pupils from primary Key Stage 1 through to secondary and sixth form age and the layout incorporates a dedicated autism facility, dedicated sports and therapy area. Each cohort will have a separate area within the school building with classrooms and facilities Entrances to these will be colour coded, accentuated with contrasting materials, along with recesses and canopies.

2.17 The gross internal floor area of the new school building is just under 5,000 sqm with most of this at ground floor level. The first floor (1,480sqm) is less than half of the ground floor size (2,928 sqm) and the second floor (514 sqm) is less than a fifth of the ground floor size.

2.18 The vehicle and pedestrian access points are to the north from a single access point on Lynn Road. The proposal includes staff and visitor parking with 197 spaces, as well as drop off points for cars, coaches and minibuses. 18 of these will have electric charging points and 9 will be accessible spaces. A cycle and pedestrian route connects with Lynn Road and shelters are provided for up to 24 cycles.

- 2.19 The north and west side of the site closest to Lynn Road is dedicated to access, parking and drop off whilst the south and east side, within the inner secure line, is designed as outdoor learning and recreation space. Outdoor class bases are located adjacent to the building on both sides with informal hard play areas sited to the rear of the school building. The multi-use games area is in the south-east corner of the site with the playing field area to the south.
- 2.20 Areas of soft landscaping and tree planting are shown throughout the site. New native hedging is proposed to the full length of the site boundaries to the east, west and south and a replacement hedge shown set back from the northern boundary. Planting has also been included in the car park and at the front of the building. More tree planting is shown to the eastern side of the new school building with an outdoor forest school proposed.

### 2.21 ENVIRONMENTAL IMPACT ASSESSMENT

The application was screened on receipt and re-screened at the determination stage and it is not considered that the development would have significant impacts on the environment. No Environmental Impact Assessment is therefore required.

## 3. Impact of the Proposal

### 3.1 DEVELOPMENT PLAN POLICIES

The following policies of the Breckland Local Plan and the Adopted Neighbourhood Plan for Swaffham provide the development plan framework for this planning application. The following policies are of relevance to this application:

#### **Breckland Local Plan (adopted September 2023)**

Policy GEN01 – Sustainable Development in Breckland

Policy GEN02 – Promoting High Quality Development

Policy GEN03 – Settlement Hierarchy

Policy GEN05 – Settlement Boundaries

Policy ENV 01 - Green Infrastructure

Policy ENV 02 – Biodiversity protection and enhancement

Policy ENV 03 - The Brecks Protected Habitats & Species

Policy ENV 04 - Open Space, Sport & Recreation

Policy ENV 05 – Protection and Enhancement of the Landscape

Policy ENV 06 – Trees, Hedgerows and Development

Policy ENV 08 - Non-Designated Heritage Assets

Policy ENV 09 – Flood risk and Surface Water Drainage

Policy COM 01 – Design

Policy COM 02 - Healthy Lifestyles

Policy COM03 – Protection of Amenity

Policy COM 04 – Community Facilities

Policy TR01 – Sustainable Transport Network

Policy TR02 – Transport Requirements

#### **Swaffham Neighbourhood Plan, adopted May 2019**

HBE2: Well-designed developments  
HBE5: Entrances and gateways to Swaffham  
HBE6: Community safety  
TRA1: Traffic volume  
TRA2: Walking and cycling  
TRA3: Private parking  
ENV1: Air pollution  
ENV2: Climate change  
ENV4: Important public local views and vistas  
ENV5: Dark skies  
COM1: Sports and leisure facilities  
COM3: Community buildings  
COM5: School and preschool provision

### 3.2 OTHER MATERIAL CONSIDERATIONS

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

#### **National Planning Policy Framework (2023)**

- 2. Achieving sustainable development
- 8. Promoting healthy and safe communities
- 9. Promoting sustainable transport
- 11. Making effective use of land
- 12. Achieving well-designed and beautiful places
- 14. Meeting the challenge of climate change, flooding and coastal change
- 15. Conserving and enhancing the natural environment

#### MHCLG National Design Guide (2021)

Ten characteristics reflect the Government's priorities and provide a common overarching framework. These are summarised as:

- Context – enhances the surroundings.
- Identity – attractive and distinctive.
- Built form – a coherent pattern of development.
- Movement – accessible and easy to move around.
- Nature – enhanced and optimised.
- Public spaces – safe, social and inclusive.
- Uses – mixed and integrated.
- Homes and buildings – functional, healthy and sustainable.
- Resources – efficient and resilient.
- Lifespan – made to last

- 3.3 National Planning Practice Guidance (NPPG) provides supporting information to the NPPF but has lower standing than the NPPF as it is not consulted upon or subject to external scrutiny, unlike the NPPF.
- 3.4 Paragraph 48 of the NPPF states, in summary, that local planning authorities may give weight to relevant policies in emerging plans according to the stage of preparation of the emerging plan; the extent to which there are unresolved objections to relevant policies and the degree of consistency of the relevant policies in the emerging plan to the NPPF.
- 3.5 Breckland Local Plan Review Breckland Council is currently undertaking a review of the adopted Local Plan that will roll forward the plan to 2046. A period of public consultation on the Regulation 18 Local Plan: Full Update (emerging development strategy) began on January 8 and ran until February 19, 2024. The emerging plan is a material consideration but is not yet formally part of the development plan for the area; given the early stage of preparation very little weight is given to the emerging plan.
- 3.6 Whilst not constituting development plan policy, in November 2019, Norfolk County Council adopted an Environmental Policy to support the Council's commitment to foster the environmental, social and economic well-being of the community from an enhanced environment and quality of life. Whilst not carrying the status of development plan policy for planning application determination purposes, as NCC would be both applicant and determining authority, it identifies a key driver for NCC developments.
- 3.7 CONSULTATIONS

**Breckland Council** – No objection – subject to technical matters with regard to highways, ecology, trees and hedgerows and drainage being adequately resolved. The Council would question the approach to the replacement hedgerow and would suggest a more sympathetic and appropriate replacement hedgerow to mitigate the impact would be to plant this in line with the replacement trees along the site frontage at the back of the cycleway/footway.

**Swaffham Town Council** – No objection - but commented - Swaffham Neighbourhood Plan identified traffic congestion issues in the Town centre. We note that all traffic movements for this site will come through the Town Centre apart from those to the west. The Policy TRA1 requires that all new developments likely to generate significant traffic movements should be supported by a transport statement or assessment.

This site sits within an identified important public local view under Policy ENV5. A 3D visualisation should be provided to assess the impact on the view of the Town.

Consideration should be given to Policy ENV5 Dark Skies when considering lighting schemes, particularly as the site is adjacent to open countryside.

Every effort should be made to comply with Policy ENV2 Climate Change where practical.

**Anglian Water** – No objection – commented about the need to consider AW Assets Affected by design or divert as necessary, Confirmed the foul drainage for this development is in the catchment of Swaffham Water Recycling Centre that will have available capacity for these flows, Confirmed the sewerage system at present has available capacity for these waste water flows.

Surface Water Disposal – AW make no comment on suitability of surface water management as there is no connection to the Anglian Water sewerage network for surface water and the proposed method of surface water management does not relate to Anglian Water operated assets.

**Sport England** – No objection – but commented on matters relating to the design, layout and use of the proposed facilities. Request detailed specifications of the surface and line marking of the Multi Use Games Area (MUGA) prior to the commencement of the construction of the MUGA. Request a planning condition be imposed on any planning permission requiring the submission and approval of an assessment of the ground conditions of the area proposed for playing pitch use. Also, they recommend following the Sport England guidance on sports halls regarding flooring, heating, lighting and ventilation. They also seek that the community use of the school's facilities be secured through the completion of a community use agreement (between the school governing body and the Council) secured through a planning condition imposed on any planning permission.

**Natural England** – no response received.

**Environmental Health Officer** – No objection – providing the development proceeds in line with the application details and subject to a condition to provide a Construction Environmental Management Plan (CEMP)

**Norfolk Fire & Rescue Service (Community Fire & Protection)** – No objection – unless the proposal does not meet the required building regulations.

**Norfolk Fire & Rescue Service (Water Department)** - No objection - request pre-commencement condition re: scheme for fire hydrant capable of delivering a minimum of 35 litres per second of water.

**Historic Environment** – No objection – conditionally. The fieldwork has been undertaken but recommend the development shall not be put into operation until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the approved archaeological written scheme of investigation and the provision to be made for analysis, publication and dissemination of results and archive deposition has been secured.

**Highway Authority** - No objection - subject to imposition of suitable conditions relating to the vehicular access/crossing over the verge being constructed in accordance with a detailed scheme to be agreed in writing, provision and retention of visibility splays, provision and retention of parking, unloading and turning areas, detailed drawings for the off-site highway improvement works and implementation thereof, and the submission of a Travel Information Plan prior to first occupation.

**Active Norfolk** – No objection - We agree with the proposed Planning Conditions from Sport England and would welcome discussions on how Active Norfolk could support the development of community use agreements.

**LLFA** –No objection - subject to a planning condition ensuring that the development is built in accordance with the submitted Drainage Strategy Report, supported by further information in Response to LLFA Comments, Drainage Strategy Plan NPS-XX-XX-D-C-600 P10 dated 13 February 2024 along with the supporting information of Construction Surface Water Management Plan and the Surface Water Drainage Maintenance and Management Plan. Also, that the approved scheme is implemented prior to the first use of the development.

**NCC Ecologist** – No objection – Bat and bird boxes are in place on the correct facing of the building following previous Ecology comments. Hedgehog gap locations in the boundary fence have been indicated; however, it is important to have information for implementation that these gaps should be 13x13 cm.

**NCC Arboriculturist** - No objection - While the retention of the hedge along the northern boundary is highly desirable, if the wider benefits of the scheme are considered to outweigh the loss of this established landscape feature, if there is no alternative to the loss of the hedge and this hedge is replaced within the site as proposed with an alternative linear hedge feature on site then no objection is raised to this application on arboricultural grounds.

**NCC Principal Landscape Architect** – No objection - Landscape and Visual Impacts: The submitted Landscape and Visual Impact Assessment is fit for purpose – no outstanding concerns.

Design of proposals: The applicant has reflected on the unique location of the school as a gateway into the development and has utilised the findings from the Landscape and Visual Impact Assessment to inform the design including massing and mitigation measures – no outstanding concerns.

Landscaping Proposals: The Landscaping proposed around the ground, both soft and hard appears to have been well-considered on a number of accounts.

It is noted that an approximate 250m length of protected species-rich hedgerow is proposed for removal along the northern boundary. Whilst it is an established and important landscape feature that we'd prefer to not see lost, if there is no alternative then suitable replacement by way of a linear hedge feature elsewhere on the site is a suitable alternative in this case. It is however

encouraging to hear that some of the hedge can be retained following the removal of the shared footpath/cycle path to the west of the new access. In respect of all the information submitted whilst it is disappointing the hedge cannot be retained, the reasons why are understood and there is no further holding objection on landscape/visual grounds.

**Designing Out Crime Officer, Norfolk Constabulary**– No objection - but raised queries regarding cycle storage for staff and visitors, surveillance matters, (particularly the area around the Sports Hall), lighting and the provision of CCTV.

**Local Member (Swaffham) (Cllr Nunn)** - No response received.

### 3.8 REPRESENTATIONS

The application was advertised by means of neighbour notification letters, site notices, and an advertisement in the Eastern Daily Press newspaper. 8 letters of correspondence have been received from the public with 1 of these submitted by a Breckland District Councillor on behalf of local residents. 7 letters object or raise concerns to the planning application whilst 1 letter supports the principle but raises concerns. The grounds of objection and concerns raised are summarised as follows:

- This building is far too big for the site; it will tower over the 16 single storey park homes (which are smaller than most bungalows) adjacent to the site.
- The traffic that will be in and out of the site will not improve the air quality and noise levels for residents along Lynn Road
- The traffic will not make it easier to cross the road on foot or get the car out of Whitsands Road on to Lynn Road.
- The school will look out a place and not blend in with the surrounding area and will be a blot on the landscape.
- Residents are concerned that the proposals involve the removal of the mature hedgerow along Lynn Road. This would be very unfortunate particularly with the impact on biodiversity.
- Urge the County Council as the applicant and determiner of the application to consider revising plans and looking at alternative solutions that would negate the need to remove the existing hedgerow whilst allowing this development to proceed and provide much needed additional places for children with special needs.
- The 30mph speed limit was imposed about a year ago and the design is based on a 30mph speed limit. In the light of the Norfolk Transport Plan 4 and the Norfolk Speed Management strategy a 20mph limit is more appropriate not least given the relocated bus stops, a new pedestrian crossing and the significant vehicular movements around the site given the 197 car spaces and taxi/bus movements.
- It is premature to 'hardwire' a new path/cycleway along the south of Lynn Road in anticipation of possible future development beyond the school site.
- The school is a significant visual intrusion on our historic market town and is effectively 'unplanned' for given the departure from the local plan.

- Is there any likelihood that the 20m strip fronting the road will subsequently be offered up for development and will NCC retain control of the land?
- No consideration that the school is adjacent to the flight path of RAF Marham with very significant noise levels being projected into the area on a regular basis. In my estimation the noise is as high as 85dBA for intensive periods each week
- The proposed footway and cycle path is not needed because of an alternative path entering the school within the curtilage of the application site.
- The removal of an existing hedge to facilitate a footpath along the entire site frontage and enable visibility splays. This removal is to a great extent unnecessary because there is an existing footpath on the other side of the road and a new section will make a safe connection from the Whitsand Road junction into the nearest corner of the site. Furthermore, if a 20mph model is used, the visibility splay requirements will not need as much hedge removal.
- Include a S106 in with the planning and with part of those funds we would ask for a TRO (Traffic Regulation Orders) of 20mph speed limit to cover an area wide of Swaffham.
- There is no up to date information from Marham about the current aircraft movements so the conclusions from the further noise report are questionable
- Comments about the speed limit have been ignored.
- Interesting to see a small section of hedge is now being retained but the justification for the removal of the remainder of the hedgerow is poor
- The request from Sport England for some community use has been dismissed and rebuffed which suggests that the school will be set apart from the community rather than being part of it.

### 3.9 APPRAISAL

The key issues for consideration are:

- A. Principle of Development (& Need)
- B. Design/Layout/Sports Pitches
- C. Landscape/ Trees
- D. Landscape & Visual Impact
- E. Ecology and Biodiversity Net Gain
- F. Heritage Assets
- G. Transport/Highways
- H. Sustainability
- I. Amenity
- J. Flood Risk/Drainage
- K. Contamination and Air Quality
- L. Crime Prevention

#### 3.10 A. Principle of Development

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

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

- 3.12 The development proposes a new Special Education Need (SEN) school, access road and associated works on the southern side of Lynn Road, to the western side of Swaffham. The site is currently part of an agricultural field, with residential and commercial uses to the north and residential areas to the east. To the south and west the land is open and mainly in agricultural use.
- 3.13 Policy GEN 03 of the Breckland Local Plan, which relates to settlement hierarchies, identifies Swaffham as a ‘Market Town’. This is the second highest sustainable settlement in the hierarchy for the District. Policy GEN 03 states that most new development needs will be met through the proposed sustainable settlement hierarchy.
- 3.14 However, whilst the town is identified as a sustainable settlement, the proposed application site is outside the settlement boundary in a location where new development is strictly controlled. Policy GEN 05 states that ‘outside the defined settlement boundaries development is restricted to recognise the intrinsic character and beauty of the countryside. Development outside the defined settlement boundaries will only be acceptable where it is compliant with all relevant policies set out in the development plan’. Accordingly, this proposal for a new SEN school has been considered as a departure from development plan policy.
- 3.15 The proposal is for a new community use. In terms of development for community uses, such as a school, Breckland Local Plan Adopted Policy COM 04 (Community Facilities) states: ‘The creation, enhancement and expansion of community facilities will be supported where this would enhance the existing offer, benefit the local economy and be of a suitable scale and type for its location and in locations in close proximity to the area that they will serve’. This policy does not specify that such development should be located within the settlement boundary but rather that it should be located in close proximity to the area that it will serve.
- 3.16 Swaffham Neighbourhood Plan Policies (Sports and leisure facilities), COM3 (Community buildings) and COM5 (School and preschool provision) are relevant. Policy COM1 supports the provision of new and improved sports and leisure facilities, which, it says, should be located within reasonable distance of main link roads, cycle and footpaths and public transport as well as provide parking. Policy COM3 supports new community buildings in the neighbourhood plan area which extends beyond the local plan settlement boundary, referencing D1 (Non-residential institutions) uses in the pre-ambles to the policy.
- 3.17 With regard to schools, Policy COM5 states that proposals for the expansion of existing school properties will be supported and that new or improved

preschool provision will also be supported. Whilst support for new schools specifically refers to preschool provision only, the policy makes no comment on the location of new build i.e. whether such facilities should be within the settlement boundary identified within the Local Plan.

- 3.18 In terms of specific national guidance, para 99 of the NPPF (2023) states it is important that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should:
- a) give great weight to the need to create, expand or alter schools through the preparation of plans and decisions on applications; and
  - b) work with schools' promoters, delivery partners and statutory bodies to identify and resolve key planning issues before applications are submitted.
- 3.19 The Breckland Adopted Local Plan shows that the site is also within the Stone curlew 1km orange cells area, which is an area that could potentially provide functionally linked land for breeding. Accordingly, given the policies in place, the proposal to locate the school on this site needs to be justified by strong material considerations to overcome policy objection.
- 3.20 The application has been supported by an Educational Statement of Need which sets out the justification for the proposed new school. The need for additional SEN school provision has been identified since 2018. Initially the Fred Nicholson Complex Needs School in Dereham was identified within the SEND (Special Educational Needs and Disability) Transformation Programme for expansion of provision on the existing site but, on further investigation, it was found that expansion would be very difficult or impossible to achieve. The provision of the new SEN school in Swaffham would enhance significant provision in Norfolk in a location, where there is currently no SEN school.
- 3.21 In regard to the location of the proposed development, the applicant, Norfolk County Council Children's Services, confirms that following the 2018 identified need, a site search exercise was undertaken in 2019 to identify potential locations to provide a SEN school in Swaffham. A total of 14 sites were assessed as potential new school sites around the town, of which 8 were considered to represent poorly in terms of the comparison criteria, including topography, flood risk, landscape and heritage impacts. Following the site search exercise, this Lynn Road, edge of town site was chosen as being the most appropriate and deliverable.
- 3.22 In summary, given that the site is outside the settlement limits of the village, the proposed replacement school has been considered as a departure from the development plan. No significant policy changes at either national or local level have been witnessed to consider otherwise. However, the applicant has provided sufficient information to show there is a justified need for additional school places in this area. The location of the proposed new school site,

adjacent to the settlement boundary, is well located in relation to the town centre and the local road network.

- 3.23 Accordingly, in this case regard has been made to the policies of the development plan and it is considered there is a strong public benefit, as supported by NPPF advice (in paragraph 99), to justify a new school in principle. There is also general policy support for community buildings and facilities, including Local Plan Policy COM 04 and NP policies contained within the Community and Services chapter. For this reason, subject to the proposal having no significant adverse impact and is in accordance with other relevant policies of the development plan, the principle of a new school on this site can be supported.
- 3.24 B. Design/Layout/Sports Pitches
- 3.25 Local Plan and Neighbourhood Plan policies refer to the promotion of high-quality, well-designed developments. Local Plan Policies GEN 02, COM 01 and COM 03 are particularly relevant, along with HBE2 of the Swaffham Neighbourhood Plan. Policies ENV 05, ENV 06 of the Local Plan and Swaffham Neighbourhood Plan Policy HBE5 refer to protection and enhancement of the landscape.
- 3.26 NP Policy HBE5 refers specifically to entrances and gateways into the town. This states that wherever practical, new development located at the town entrances should enhance the visual approach or gateway to Swaffham, for example through the provision of hard or soft landscaping measures, signage, tree, shrub and flower planting, hedgerows and buildings in character with the town. Approaches should maintain visual connections with the countryside.
- 3.27 The application is accompanied by a Design and Access Statement, which sets out the design aims and objectives, approach to building layout, appearance and the design rationale. Additionally, the submitted Planning Statement refers that given the gateway location of the site and the prominent position that the proposed SEN school will occupy, the design has been very carefully considered and evolved significantly since pre-application advice was initially sought in October 2022 to address key tests of development plan policies GEN02, HBE2, HBE5 and ENV4.
- 3.28 The proposed design and layout of the buildings has been carefully devised to respect its context. The siting of buildings and spaces have been influenced by the site-specific features, opportunities and constraints, notably in relation to topography, access requirements and neighbouring uses / residential amenity.
- 3.29 Land levels change across the site so that land to the south east corner is higher than the north west. The proposed, detached school building is located in the central part of the site, at the mid-point in land levels, and generally distant from most nearby housing to the north and the east. The school building is set back well into the site, with vehicle access from Lynn Road to the north west corner of the site.

- 3.30 The DAS states that the proposed building has been developed in response to the school's specific design brief, Building Bulletin 104, and the schedule of accommodation which relates to the education aspirations and local catchment area demand. The 224 place SEN school is required to provide a dedicated Autism facility for 24 pupils, KS1 and KS2 primary school facilities for 70 pupils, KS3 and KS4 secondary school facilities for 100 pupils, KS5 sixth form facilities for 30 pupils, office and administration accommodation, dining facilities and a dedicated sports and therapy area.
- 3.31 In view of the specific function of the school and in response to the requirements to deliver the SEN educational use, parts of the school building are three storey in height with other elements being single and two storey. The school building is shown to be set in a dual facing form, with a footprint similar to the shape of a boomerang. The longest edge of the building would face the main road with a crank point that turns towards open countryside to the north and west. Car parking is shown to be located to the north west and western side of the building with school playing fields and hard pitches to the southern end of the site.
- 3.32 The proposed school building is made up of two interlinked elements. The main expanse of building closest to Lynn Road accommodates most of the school uses including primary, secondary, sixth form, dining and staff facilities. To the rear of the main building is a smaller linked building which houses the sports facilities and two additional class bases.
- 3.33 The design of the main building incorporates several design features which add interest and variety to its visual form. Not only do the roof forms incorporate a mix of pitched and flats roof elements, relief in the elevations through the stepping back of sections of the walling and adding canopies at ground floor level add variety. Additionally, the proposed materials show a combination of red and buff brick and zinc standing seam metal cladding which all add interest and help to break up the mass of the building.
- 3.34 The proposed flat roof elements allow scope to fit solar panels to the roof and the use of higher parapet walls to part of the roof helps screen the panels and plant from longer views. The DAS shows that the variation in roof types and built form reflect the design of the more traditional buildings found in the town centre. It is considered that the roof formation and design is crucial to a successful scheme on an open site at the edge of the town, particularly when viewed from longer viewpoints, and this mix of heights and styles will sit well within the site.
- 3.35 It is considered that the choice of brick colours and other external building materials reflects building characteristics found locally and helps to promote local distinctiveness in accordance with the requirements of local and national policy including Local Plan Policy COM 01 and NP Policy HBE2. The use of canopies around the doorways for each separate part of the school creates a distinctive point for the pupils to recognise and identify their place at the school. The use of different colours for each doorway helps identification and adds interest to the building.

- 3.36 The more modest scale components of the buildings would be for use by younger pupils and the use of different colours would create an identity for each part of the building, developing a user-friendly approach and creating familiarity for pupils.
- 3.37 The design is proposed to include sustainability features and energy efficiency measures, which are detailed in the accompanying supporting Sustainability Statement. Reference has been made to the proposal incorporating design strategies to mitigate environmental impact.
- 3.38 The proposal is accompanied by a comprehensive landscaping scheme which responds to the shape of the site and helps to assimilate the school building and the ancillary uses into the landscape. New planting is proposed across the site as well as the site boundaries. This is covered in more detail at section C, below.
- 3.39 The application will result in the removal of an established roadside hedge along the southern side of Lynn Road to accommodate the vehicle access visibility splays, the shared use cycle/footpath and the works associated with it. Setting a new hedge behind the visibility splay and new shared footpath is not an option due to the location of a water main. Accordingly, a replacement hedge is proposed to be set in parallel with Lynn Road but set back approximately 35m from the front of the site. Whilst the removal of the hedge will have an impact on the street scene, and the character will change, the benefits of the new facilities for the community need to be recognised along with the improvements to biodiversity from the replacement and new planting across the site as a whole. This is part of the planning balance.
- 3.40 The surrounding development is mainly a mix of single and two storey dwellings and buildings. Clearly the massing of the school building will not match the domestic scale of the nearby residential and commercial properties, however, the dimensions of the building are necessary to deliver the required educational use and the building is set some distance away from these existing buildings.
- 3.41 The layout of the school responds to the particular need of the pupils and the DAS states that the aim was to design an inspirational modern building that meets the needs of the user and create a school which the pupils and staff feel at ease with attending on a regular basis. The concept for the elevations was to create a building which feels less like an institution but more of a destination which pupils want to attend and take pride in their association with Swaffham SEN, while at the same time relating to Swaffham market square.
- 3.42 The external area proposals, including school playing fields, hard and soft playing areas, informal areas and habitat area, have been developed alongside recommendations following discussion with user groups.
- 3.43 The landscape design incorporates some landscaping features to break up the large areas of car parking needed within the site to meet the high staff to

pupil ratio requirements for a SEN School. Consideration has also been given to the use of paving types and materials to ensure easy accessibility and also to help to break up the dominance of this hard landscaped part of the site This is referred to in section C below and the approach accords with the requirements of policies ENV02, ENV05 and ENV06.

- 3.44 Details of all boundary fencing and boundary treatment have been provided within the submission. These will be a minimum of 2.4m in height and be constructed of appropriately spaced posts and panels of anti-climb weldmesh with no horizontal footholds. Hedgehog gaps have been incorporated into the design.
- 3.45 Following initial comments received from Norfolk Fire & Rescue Service (NFRS) regarding the requirement that the fire hydrant should have capacity to deliver 35 litres of water per second, further liaison has been undertaken by the applicant with Anglian Water who confirm this capacity is achievable. For that reason, the pre-commencement condition initially recommended by NFRS has been satisfied. It is recommended, however, that a condition be imposed to ensure this is implemented.
- 3.46 In terms of policy, Policy COM 01 refers to 'Design', and makes clear that new development should be designed to the highest possible standards, ensuring it integrates to a high degree of compatibility with the surrounding area, in terms of: layout, form, style, massing, scale, density, orientation, materials, and design, in order to reinforce the positive and distinctive local character and amenity as described in the Breckland Historic Characterisation Study (2017). Also parts c – g and k – o of the same policy are particularly relevant in this case. Development that does not fully address the criteria above will not be permitted.
- 3.47 Section 12 of the NPPF seeks well-designed places that function well, are visually attractive, sympathetic to local character, establish or maintain a strong sense of place, optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development and create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users. Para 139 refers that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design.
- 3.48 In this regard the proposed school building and layout will provide the necessary community facilities, will function well and respond to local character through sympathetic building materials and will assimilate into the area through the implementation of details shown within the submitted landscaping scheme.
- 3.49 The land is classified as Grade 3 (good to moderate quality agricultural land) in the agricultural land classification (ALC) and falls within the best and most versatile (BMV) agricultural land. Government guidance is to aim to protect BMV agricultural land from significant, inappropriate or unsustainable

development proposals. Para 180 of the NPPF (2023) says that economic and other benefits of the best and most versatile agricultural land should be recognised.

- 3.50 Planning authorities must consult Natural England on all non-agricultural applications that result in the loss of more than 20 hectares (ha) of BMV land if the land is not included in a development plan. In this case although the size of the site is less than 3.3 ha, Natural England has been consulted and no comments have been received. It is considered that the proposal is sustainable development in terms of its location adjacent to the settlement boundary and close to the town centre and the public benefits outweigh the loss of this Grade 3 land.
- 3.51 During the course of the application third party objection has been received to the building being too big for the site and concerns it will tower over the 16 single storey park homes (which are smaller than most bungalows) adjacent to the site. However, the building is sited more than 37m away from the shared boundary with the properties to the east and being this distance apart will not over dominate the smaller properties.
- 3.52 Concern has also been raised regarding the future use of the front part of the site and if it will be offered up for development or if NCC will retain control of the land. The proposal shows no development upon this part of the site and the application has to be considered as shown. If there is a future proposal for this part of the site it will be considered on its individual merits in line with policy in place at the time of the planning application once submitted.
- 3.53 In design terms it is considered that the proposal is compliant with relevant development plan policy, including Local Plan Policies GEN 02, COM 01 and COM 03, ENV 05 and ENV 06, Policies HBE2 and HBE5 of the Swaffham Neighbourhood Plan and section 12 of the NPPF (2023).
- 3.54 Playing/Sports Pitch Provision - In terms of external areas, proposals have been developed alongside recommendations contained with BB104 Part B. The DAS confirms that the proposed scheme fulfils the recommended areas outlined in BB104 for the site. Furthermore, following consultations with Fred Nicholson School, the design incorporates easily accessible play areas directly from class bases with level thresholds.
- 3.55 The site includes a hard-surfaced multi-use games court (MUGA) to the south east of the school building. This area will be laid out as a single dedicated porous tarmac MUGA. It is proposed that the space be enclosed by a 3m high dark green sports weldmesh fence and associated gates.
- 3.56 Sport England have been consulted in regard to this planning application. They assess this type of application considering the National Planning Policy Framework (NPPF) and against its own planning objectives, which are to protect the right opportunities in the right places; to enhance opportunities through better use of existing provision; and to provide new opportunities to meet the needs of current and future generations. Sport England support this

application, as it is considered to meet objective 3 – to provide new opportunities to meet the needs of current and future generations.

- 3.57 They recommend that three planning conditions are imposed; one seeking details of the multi-use games area design specifications including the surfacing and line markings, one seeking the submission and approval of an assessment of the ground conditions of the area proposed for playing pitch use, and one seeking the submission of a community use scheme to consider access to outdoor and indoor sports facilities for use by groups outside the school.
- 3.58 The applicant has responded to the Sports England request for conditions relating to the MUGA stating that the application proposes a hard PE area which consist of a 33m x 39m marked out for a 5-a side football, netball and basketball, and enclosed with a 3m high fence with no floodlights. The proposed formal soft play area will include a 5v5 mini football pitch (37m x 27m) and the rest of the playing field will accommodate informal physical activity. The sports hall will have anti-slip sheet vinyl flooring with height adjustable basketball hoops and climbing frame.
- 3.59 The design of hard play, sports hall and pitch arrangement has been specifically devised for children with SEN requirements, with sport and physical activity often small scale in nature, and formal sports are often not appropriate, and football and other team sports are often best catered for within an informal setting. Thus, the size requirement from Sports England specification will conflict with the primary objective of the design proposal.
- 3.60 The applicant considers the requested planning condition for the MUGA and U7/U8 Games area is not justified or necessary for this application given the SEN nature of the school and the needs of the pupils this will serve.
- 3.61 In regard to Sport England's request for a community use condition, the applicant states it will take time for the existing cohort to migrate from the existing school site to the new environment, as well as accommodating the increase in pupil number. As a result, it will take the SEN provider time to adjust to the operation of the larger school on this site to meet the specific needs of this cohort of students.
- 3.62 The proposed security of the building and site is designed specifically for the SEN cohort which involves multiple layers of access control, unconventional fire strategies, off site monitoring facilities, etc. Therefore, it will be difficult to allow public access to a specific part of a building such as the sports hall.
- 3.63 The sports area is designed specifically to create an informal setting for the students to feel more comfortable in which will not be to Sports England specification. Thus, this is not suitable for the community to rent out and use for conventional sports.

- 3.64 Based on the above, the applicant believes that the planning condition for a community use agreement to be prepared prior to first occupation is not justified and, in this case, such a condition is unreasonable without creating an adverse impact to the SEN school and its students.
- 3.65 Accordingly, given the specific requirements of the SEN school it is not considered the conditions proposed by Sport England relating to the MUGA and community use are necessary in this case. It is, however, recommended that the condition relating to ground conditions is imposed.
- 3.66 Third party objection has been made that the community use recommended by Sport England has been dismissed which suggests that the school will be set apart from the community rather than being part of it. In this case the reasons given by the applicant are noted and justified in terms of planning policy. However, whilst not imposing this as a planning condition this will not prevent the managers of the school from choosing to rent or share their accommodation or sports facilities in the future if it is something they wish to pursue.
- 3.67 In summary, the proposed development provides adequate and appropriate sports facilities for its purpose and for this reason it is considered there is no conflict with the aims and objectives of Policy ENV 04 of the Local Plan 2023, NP Policy COM01 or the provisions of Chapter 8 of the NPPF.
- 3.68 C. Landscaping/ Trees
- 3.69 Local Plan and Neighbourhood Plan policies refer to the promotion of high-quality, well-designed developments. Local Plan Policies GEN 02, COM 01 and COM03 are particularly relevant, along with HBE2 of the Swaffham Neighbourhood Plan. Policies ENV 05, ENV 06 of the Local Plan and Swaffham Neighbourhood Plan Policy HBE5 refer to protection and enhancement of the landscape.
- 3.70 As stated above, the site is an important, undeveloped gateway site. Breckland Landscape and Settlement Character Assessment, April 2022 pg. 28 identifies views of particular community importance (as identified in the Swaffham Neighbourhood Plan). The view looking towards the town from the A47 to the west has been identified as one of particular community importance. Neighbourhood Plan Policy HBE5 is particularly relevant.
- 3.71 The application is supported by an Arboricultural Report which includes a Tree Survey and an Arboricultural Impact Assessment (AIA). A Landscape Layout Plan and Landscape Management and Maintenance Plan have also been submitted.
- 3.72 A comprehensive and high quality landscaping scheme has been submitted in support of the new school proposal. The sensitive greenfield location of the application site at the edge of the town means it is even more important to

ensure the building and associated development is adequately enhanced by quality planting and good landscape design.

- 3.73 A landscape plan has been submitted with a detailed planting and 10 year maintenance specification that ensures sufficient mitigation for any tree and habitat loss and will achieve a net gain in biodiversity on the site. Overall, the amount of new planting far exceeds the amount of planting on site and brings about significant ecology and biodiversity benefits. However, the AIA confirms that the loss of approximately 0.13km of native hedge species is expected along the northern site boundary as a result of the new entrance, visibility splay, the shared pedestrian footpath/ cycleway and the works associated with it. The AIA states that loss of hedgerow will have a moderate impact to the amenity and biological value of the site, and while the loss will have an immediate impact on landscape value, replacement planting shown on the Landscape Layout Plan of 0.72km of new native species hedgerow, will mitigate for the loss and provide an alternative habitat in the long term.
- 3.74 The NCC Arboricultural and Woodland Officer and Principal Landscape Architect have been consulted. The Arboricultural and Woodland Officer recognises that the hedge may not be able to be retained due to other factors which may make this unachievable. He notes that while the retention of the hedge along the northern boundary is highly desirable, he recognises that there are wider benefits of the scheme that are considered to outweigh the loss of this established landscape feature. If there is no alternative to the loss of the hedge, and it is replaced within the site as proposed with an alternative linear hedge feature on site, then no objection is raised to this application on arboricultural grounds.
- 3.75 The applicant has confirmed that the removal of the hedgerow is necessary to enable the construction of the new footpath to the South of Lynn Road. For some sections of the proposed footpath, there is direct conflict with the existing hedge. Along other sections of the path, excavation near to roots would put the hedge at risk due to its proximity. There would also be conflict with the required location for lighting columns. The proposed footpath is not only necessary for access to the school but will also improve the circulation around the surrounding area. The character of the existing hedge is defined by its continuity along the road edge. Piecemeal retention of some sections may be more detrimental than removing the full stretch of hedgerow in character terms.
- 3.76 If permission is forthcoming, this should be subject to complying with the submitted arboricultural method statement, landscape layouts, planting strategy and landscape management and maintenance plan. It is recommended that the provisions of these elements are secured by appropriately worded planning conditions.
- 3.77 The Principal Landscape Architect comments that the landscaping proposed around the ground, both soft and hard appears to have been well-considered

on a number of accounts. The wide landscaped buffer to the east offers visual screening to the properties adjacent to the site. Reviewing the planting proposals the species chosen are suitable offering a range of differing planting areas suitable to providing both screening and interest.

- 3.78 She welcomes the range of heights, structures and seasonality that has been considered in the planting choices to create identity in different areas of the school site and is very supportive of the introduction of Rain Gardens and the consideration given to the best species for these to be not only attractive but also effective.
- 3.79 Planting in the parking areas will help to minimise landscape and visual impacts and the choice to include native hedges with trees to the north and west boundaries will reflect the local landscape. The choices for hard landscaping materials are suitable and the variation in materials will additionally help to break up the massing on the site. A variety of fencing is proposed, and it is noted that the key includes reference to hedgehog gaps. A separate plan has now been provided showing where these will be situated and confirming their dimensions.
- 3.80 The Principal Landscape Architect refers to the loss of the roadside hedge which is an established and important landscape feature. Although its retention would be preferred, she notes that if there is no alternative then a suitable replacement by way of a linear hedge feature elsewhere on the site is a suitable alternative in this case. She notes it is encouraging to hear that some of the hedge can be retained following the removal of the shared footpath/cycle path to the west of the new access and confirms that whilst disappointed the hedge cannot be wholly retained, she notes the other benefits of the scheme are understood and outweigh the loss. Accordingly, she raises no objection on landscape/visual grounds.
- 3.81 Officers have discussed the loss of this amount of hedgerow with the applicant at length. The applicant confirms that due to the need for the visibility splays, the width of the shared cycle/footpath and the required location for lighting columns, the hedgerow will need to be removed. Amended plans have been submitted removing the footpath running west of the vehicle access point on Lynn Road, which means that more of the section of hedgerow to the west of the access point can be retained. However, the run of hedge to the east of the vehicle access point still needs to be removed.
- 3.82 The applicant explains that due to the position of the water main below ground it is not practically possible to set a hedge immediately adjacent to the proposed new footpath, which could have retained some of the character of the street scene. However, a replacement hedge is proposed further back in the site in mitigation. Also, there will be sufficient space for some tree planting to soften this boundary. Whilst it is acknowledged that the character of the streetscene will change from a wholly soft boundary to a more open characteristic, the clear public benefits of the new SEN school and the improved pedestrian and cycle provision facilities should be acknowledged.

This is a material consideration and part of the planning balance of the proposal.

- 3.83 The removal of an established hedge of this nature is not normally considered acceptable in policy terms unless adequate justification for the removal has been provided to demonstrate that circumstances are such that it is unavoidable. In this case it considered that, given the practical issues on site preventing the retention of the hedge and its replacement close by, the clear public benefits of the new SEN school and the improved pedestrian and cycle provision facilities, coupled with the robust mitigation planting strategy and enhanced planting across the whole site, the benefits of the proposal outweigh the harm and the scheme can be supported as amended.
- 3.84 During the course of the planning application third party objection has been made to the loss of the hedgerow and, for the reasons given above, this is part of the planning balance of key concerns and benefits brought about by the proposal. Details have been submitted of all hard surfacing including materials, boundary treatments including gates and fencing and structures including canopies/planters, along with a materials palette for all structures. These are considered appropriate for the site.
- 3.85 In summary, subject to the imposition of planning conditions the proposal is in accordance with the spatial planning objectives and Local Plan Policies GEN 02, ENV 05, ENV 06, COM 01 and COM03, along with HBE2 and HBE5 of the Swaffham Neighbourhood Plan, along with the objectives of sections 14 and 15 of the NPPF (2023).
- 3.86 D - Landscape & Visual Impact
- 3.87 The site is visually important when entering the town from the west as it lies to the edge of the settlement and adjoins the existing built form. Currently it is open, devoid of buildings, with an established hedgerow along the road frontage. The levels across the site change so that the north west corner of the site closest to Lynn Road is lower than the south east corner nearest to Shouldham Lane. Any development on this site would have a significant impact on the character of this part of the town.
- 3.88 Local Plan and Neighbourhood Plan policies refer to the promotion of high-quality, well-designed developments. Local Plan Policies GEN 02, COM 01 and COM03 are particularly relevant, along with HBE2 of the Swaffham Neighbourhood Plan. Policies ENV 05, ENV 06 of the Local Plan and Swaffham Neighbourhood Plan Policy HBE5 seek the protection and enhancement of the landscape.
- 3.89 Also, Swaffham Neighbourhood Plan Policy HBE5 requires new development located at the town entrances to enhance the visual approach or gateway to Swaffham. It says that approaches should maintain visual connections with the countryside and The Brecks, where appropriate, and that development that would have an unacceptable adverse impact on The Brecks landscape will not be supported.

- 3.90 Importantly, Neighbourhood Plan Policy ENV4 relating to important public local views and vistas, refers specifically to the view from the A47 coming from the west, towards the town centre. It states that development proposals within or which would affect an Important public local view and vista should ensure that they respect and take account of the view concerned. Developments, which would have an unacceptable adverse impact on the landscape or character of the view or vista concerned, will not be supported.
- 3.91 In terms of the built form, the application proposes a large building which is mainly two storey in height but has elements of three and single storey height. Other elements include the creation of the new vehicle access and significant areas of hard surfaced car parking and drop off points, as well as outdoor sports and play facilities. In order to achieve the required visibility splays for the new access and the shared footpath along the front of the site the existing roadside hedge will need to be removed. In terms of soft landscaping the proposal includes significant new areas of replacement and new boundary planting, as well as grassed and landscaped areas across the site.
- 3.92 The application has been supported by a Landscape Visual Impact Assessment (LVIA) undertaken by Wynne Williams Associates, which has informed the massing, landscape mitigation measures and material proposed in the scheme (especially for the skyline features), given the sloping nature of the site and the edge of town location.
- 3.93 The LVIA explains that the layout of the site shows the proposed building has been sited in a location that will minimise the impact of the large structure. It will be within the centre of the site, away from all site boundaries to limit the dominance to the adjacent areas. The building is mainly spread across 2-storeys with limited sections extending to 3- storeys. Variations in building height will help to break up the skyline and minimise impact. No elements of the building will protrude higher than the stand out elements within the surrounding areas (Water tower, St Peter and St Paul Church, Wind turbines).
- 3.94 The LVIA states that the materials used and façade design of the building have been designed in a way to limit the visual impact, by keeping to a colour palette that is complimentary to the surroundings and its character.
- 3.95 The submitted LVIA provides a detailed consideration of the likely landscape and visual effects of the proposed development on the existing landscape, using topography and built form to establish the greatest potential for effects. This identified greater potential for effects across the countryside to the north, south and west.
- 3.96 The LVIA considers the landscape type and values surrounding the application site, its context and considers landscape and visual receptors as well as the magnitude of change and the significance of the effects of the development. The visibility of the proposed development was considered using a selection of publicly accessible viewpoints into the site from the surrounding area.

- 3.97 In terms of the character change, the LVIA finds that the development will introduce a highly localised change in character to the area. However, the introduction of new built form to the south of Lynn Road will be in keeping with the extension of the Swaffham development area on the northern side of the road. This new development is therefore unlikely to bring considerable change in character to the Swaffham settlement edge as a whole.
- 3.98 Overall, it has been assessed that the proposed development will lead to a minor adverse landscape effect. This will be mitigated through the proposed hedge and tree planting across various parts of the site and the overall building design and material choice, which will be in keeping with the surrounding character. This represents a high level of localised change but by year 15 visual change will be at a medium level, leading to a moderate/substantial adverse visual effect.
- 3.99 Visual effects on residential receptors will be highest for properties directly adjacent to the site in the housing within Acorn Drive and those on Highfield Avenue, as well as properties north of Lynn Road and to the caravan park east. There will be views above the retained and proposed boundary planting of the new development.
- 3.100 Views from surrounding public rights of way will be minimal, with existing topography, other built form and vegetation screening most views to the site. In general, the retention and installation of boundary vegetation and adjacent existing development will act to enclose the proposed development from many views to the north and east. Landscape and visual effects will therefore be limited to a small geographical extent. Further mitigation will come from the selection of appropriate materials and elevation design to complement the local vernacular.
- 3.101 The conclusions of the LVIA indicate that, even with the highest point of the school being three storeys high, the impact of the proposal will introduce a change to the character of the site, but it will be in keeping with the wider area generally, including the existing development on the northern side of Lynn Road. The visual effects will be localised and contained, with the materials and planting helping to assimilate the building and development into the area.
- 3.102 The proposal has been carefully located within the centre of the site to minimise the impact of the large structure and prevent overdominance of the adjacent properties. The materials have been chosen to be in keeping with the area and the design of the building ensures that the massing of the building is broken up and not overly prominent.
- 3.103 The design of the proposed scheme includes significant tree and hedge planting which has been informed by the submitted LVIA that considered the impact from longer views, including the west as a gateway site. This level of landscaping should help the proposal assimilate into the currently open site and help provide a visual connection between the start of the built form of the town with the open character when entering the town from the west.

- 3.104 It is noted that the established roadside hedge will need to be removed in order to create the required visibility spays, provide the shared footpath and cycle way and lighting. Due to easements of water mains in the area it is not possible to set a hedge at the back of the footpath as a replacement that would retain the same character of the streetscene, but a replacement is incorporated into the layout, set much further back in the site to soften the boundary fence line. Although the character will change it should not be to the detriment of the overall visual approach from the west given that there will be significant planting along the western site boundary. The high quality landscaping scheme will ensure the impact of the built form is softened and this will improve over time as the landscaping becomes more established. It is considered that the proposal accords with Local Plan Policies GEN 02, ENV 05, ENV 06, COM 01 and COM03, HBE2 and HBE5 of the Swaffham Neighbourhood Plan.
- 3.105 It is considered that the proposed development has adequately taken account of the views concerned and has sufficient respect to the site and surrounding development so as not to create an unacceptable adverse impact on the landscape or character of the view or vista concerned. There is no conflict with NP Policy ENV4.
- 3.106 E. Ecology and Biodiversity Net Gain
- 3.107 Policies ENV 03, ENV 05, COM 01 of the Breckland Local Plan, along with the objectives of sections 14 and 15 of the NPPF (2023) are relevant.
- 3.108 The site is within a particularly sensitive area in terms of ecology. Map 5.1 of the Adopted Breckland Local Plan 2023 shows the Special Protection Area Primary and Secondary Buffers along with 1km orange cells for stone curlew. This is also shown on the Proposal Map.
- 3.109 The site falls within the SPA Stone Curlew Grid Cells and within these areas a likely significant effect upon breeding areas of stone curlews is presumed until project level Habitats Regulations Assessment provides additional information. It will be necessary to address this fully.
- 3.110 Local Plan Policy ENV 03 deals specifically with The Brecks Protected Habitats & Species. This states that development within the SPA boundary, or located less than 1500m away from the SPA boundary or identified areas that have a functional link (see Map 5.1) will not normally be permitted. This policy also confirms that where a proposed building is outside the SPA but within 1500m of the SPA boundary or identified or possible areas that have a functional link (see Map 5.1), there may be circumstances where a project level Habitats Regulations Assessment is able to demonstrate that the proposal will not adversely affect the integrity of the SPA. Similarly, large developments adjacent to, or just outside the primary or secondary buffer, particularly where occurring in an isolated area with few other buildings, are likely to also require project level assessment.

- 3.111 Paragraph 5.23 of the Local Plan states that when preparing applications applicants should consider the potential effects of the application on biodiversity demonstrating that potential effects have been avoided, and where this is not possible, adequately mitigated for. Biodiversity net gains and contribution to ecological networks should be sought for all development, and this should be proportionate to the scale of the proposal and any potential impacts. It should be noted that the application was submitted in advance of the national need to provide 10% BNG through The Biodiversity Gain (Town and Country Planning) (Modifications and Amendments) (England) Regulations 2024, so is not obligated to provide a set amount of BNG for a 30 year period.
- 3.112 The information submitted with the application states that in view of the undeveloped nature of the site, it is important to identify and mitigate any impact on ecological impacts plus pay due regard to NCC Environmental Policy (plus the requirements of the 2021 Environment Act). Regardless of not being required to provide the 10% BNG and a 30 year management and maintenance commitment, the policy requirements are such that the application stills need to demonstrate that it can deliver a biodiversity net gain (BNG) as set out in local plan Policy ENV 02. Similarly, if the applicant is not able to demonstrate that the proposal will not adversely affect the integrity of the SPA, then permission cannot be given.
- 3.113 The application has been supported by an Ecological Appraisal & BNG Report (Oct 2023), a Lighting Assessment (dated 09/10/2023) and External Lighting Plan, and a Landscape Management and Maintenance Plan (dated June 2023) which includes hard and soft landscaping maintenance and biodiversity management.
- 3.114 The submitted Ecological Appraisal assessed the impact of the proposed development upon designated sites. Breckland Special Protection Area (SPA) and Breckland Forest Site of Special Scientific Interest (SSSI) are approximately 1.9km south-west of the site. No impacts upon the identified features of the Breckland SPA (nightjar, woodlark and stone curlew) and Breckland Forest SSSI (including breeding habitat for woodlark and nightjar, plants and fauna) are predicted.
- 3.115 The Ecological Appraisal found that, in terms of landscape value, a minor but insignificant negative impact will occur as the result of the direct loss of arable habitat considered to be of low biodiversity value. No more than minor-negative impacts are anticipated through the removal for the section of hedgerow to the front of the site required to facilitate access and visibility splays.
- 3.116 Calculations for Biodiversity Net Gain (BNG) have been undertaken using the DEFRA Biodiversity Metric 4.0, which was the most up to date metric at the time of submission. Overall, based on the proposed habitat types and areas created (calculated using the Landscaping Plan) the development will provide a 16.18% increase in BNG for habitats and 107.96% BNG for hedgerows.

That is providing habitats created are managed to 'good' condition and linear features (hedgerows) are managed to 'moderate' condition.

- 3.117 A BNG Management and Monitoring Plan (MMP) has been provided as part of the Ecological Appraisal at Appendix 5 which seeks to achieve measures and a target time frame of habitat delivery. For the Management and Monitoring Plan to succeed, the Principal Contractor (yet to be determined) will need to ensure the correct documents are provided in addition to the information already provided. This includes detailed landscape planting schedules, management proposals, a construction handover checklist, a timetable for implementation and a specification of those responsible for activities. This can be provided in advance through a BNG Implementation Plan, which can be secured by way of a planning condition.
- 3.118 In terms of protected species, the Ecological Appraisal finds there are no features within the survey area considered suitable for roosting bats. However, boundary hedgerows along the northern and southern boundaries may be used by foraging bats. The anticipated loss of a section of roadside hedgerow to facilitate this is not expected to result in significant negative impacts to foraging bats and overall, the Ecological Appraisal found there to be a potential minor-negative impact to any on-site bat population via light disturbance, which is to be mitigated by adopting a wildlife-sensitive lighting scheme.
- 3.119 No signs or evidence of badger were observed within the site or within 50m the site and the likelihood of badger being present within the site is rated as low. Although no signs or evidence of hedgehog or brown hare were observed, the habitats within the site were considered to be suitable for both species, providing both foraging and sheltering opportunities. A potential for a minor negative impact on local badger, hedgehogs and brown hare, which can be mitigated by fitting any open excavations with escape ramps and having precautionary methods of material storage and movement. The Ecological Appraisal recommends any trenches dug for construction must be covered over at night or else should have a shallow graded end to prevent animals getting trapped, building materials should be stored raised off of the ground by pallets and any perimeter fencing erected surrounding the site should include 'hedgehog gaps' (13cm x 13cm) in numerous locations along its length.
- 3.120 The Ecological Appraisal found that hedgerows along site boundaries provide excellent habitat for breeding birds. Likewise, the arable habitat within the site provided moderate suitability for ground nesting birds. A potential for a minor-negative impacts to on-site nesting birds, which is to be mitigated by the timing of vegetation clearance and by otherwise using watching briefs to confirm nest absence.
- 3.121 There is no requirement for any wildlife licencing to obtain planning permission. The Ecological Appraisal advises there is potential for further site biodiversity enhancement by providing bat roost boxes, bird nest boxes and using native species for any soft landscaping.

- 3.122 The application has been reviewed by the County Council's Ecologist. The County Ecologist's initial comments raise no objections to the application, noting that he is satisfied with the conclusion that the proposed development is unlikely to negatively impact on the Breckland SPA (or any other statutory sites) and therefore no further assessment is required.
- 3.123 The County Ecologist advised that the applicant provides further information regarding the provision and location of bird and bat boxes to included include revisions to the Elevation Drawings indicating the locations of 5 bat roosting features and 5 bird nesting features. Also, that full details regarding the provision of hedgehog gaps in the boundary fence line should be provided either prior to determination or secured by condition. In response to these comments the applicant has now provided details of the location of the bat and bird boxes on the elevation plans along with locations of the proposed gaps in the fencing for hedgehog travel.
- 3.124 The County Ecologist also states that the development should be implemented in strict accordance with the mitigation measures for breeding birds and hedgehogs as set out in the submitted Ecological Appraisal & BNG Report, which is recommended to be secured by planning condition.
- 3.125 Whilst not objecting to the proposal, the County Ecologist 's initial comments stated that efforts should be made to retain the northern frontage hedgerow wherever possible and, as stated above, several rounds of discussion have taken place to consider retaining as much of the roadside hedge as possible. Although the amount to be removed has been reduced during the course of the application, a significant amount will need to be removed to allow for the visibility splays and shared footpath facility. The setting of the new hedge further back in the site will assist greatly in terms of ecology and biodiversity, illustrated by the 107.96% BNG for hedgerows on the site, although it will impact on the visual appearance of the streetscene.
- 3.126 In terms of policy, subject to the imposition of appropriately worded conditions relating to the implementation of the works in accordance with the approved plans and the ecology mitigation measures, the securing of BNG management and the use of appropriate lighting, the applicant has demonstrated that the proposal accords with the provisions of Local Plan Policies ENV 03, ENV 05, COM 01, along with the objectives of sections 14 and 15 of the NPPF (2023).
- 3.127 Appropriate Assessment
- 3.128 The site is situated approximately 1818m from Breckland Special Protection Area (SPA). The application has been assessed in accordance with Regulation 63 of The Conservation of Habitats and Species Regulations 2017 and based on the information submitted to the County Planning Authority (CPA), it is considered that, due to both the nature of the development and the distance from the European Sites, the proposal would not have a significant impact on these or any other protected habitat. Accordingly, no Appropriate Assessment of the development is required.

- 3.129 With regards to Natural England's (NE) letter of 16 March 2022 concerning nutrient neutrality, the proposed new school and associated works would not result in a discharge to the catchment of the River Wensum SAC or any of the SSSIs (Special Site of Scientific Interest) notified by NE that comprise the Broads SAC/Ramsar. The proposal would therefore not result in an addition to the nutrient load of the designated sites.
- 3.130 F. Heritage Assets
- 3.131 The Planning (Listed Buildings and Conservation Areas) Act 1990 provides specific protection for buildings and areas of special architectural or historic interest. Paragraph 200 of the NPPF states that in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. Paragraph 201 states that local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise.
- 3.132 Breckland Local Plan Policy ENV 07 relates to development affecting designated heritage assets such as listed buildings and conservation areas, while Policy ENV 08 relates to development affecting non-designated heritage assets such as important, traditional buildings in the borough. NP Policies HBE4 and HBE5 are also relevant.
- 3.133 The parish of Swaffham has 102 listed buildings and ancient monuments, and these are mainly located in the town centre. Swaffham also has a conservation area, centred on the heritage assets of the historic core. There is not a local list of non-designated assets in the Local Plan, but the Neighbourhood Plan identifies character buildings and historic features that help reinforce the local distinctiveness and character that is important to Swaffham. These 25 buildings are listed in Policy HBE4 of the Neighbourhood Plan and depicted on an accompanying plan.
- 3.134 None of the listed buildings or important character buildings or features are in proximity to the application site. Similarly, the site is approximately 300m from the nearest part of the conservation area. Accordingly, given the separation distances, the proposed development raises no issues regarding its impact on listed buildings, Swaffham Conservation Area, important character buildings or their settings.
- 3.135 In terms of below ground archaeological potential, the proposed development site has already been subjected to archaeological trial trenching which has identified an area of undated human cremation burials. The exact number, extent and date of these burials has not yet been determined. Consequently, heritage assets with archaeological interest (buried archaeological remains) will be present at the site and their significance will be adversely affected by

the proposed development. The fieldwork and written scheme of investigation has now been undertaken.

- 3.136 Whilst no objection is raised by the Historic Environment Officer, this would be subject to an appropriate planning condition to ensure the development shall not be put into operation until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the approved archaeological written scheme of investigation ('Land south of Lynn Road, Swaffham, Norfolk: Written Scheme of Investigation', Oxford Archaeology, March 2024) and the provision to be made for analysis, publication and dissemination of results and archive deposition has been secured in accordance with the requirements of paragraph 211 of the NPPF.
- 3.137 Subject to condition, the proposed development raises no planning policy issues in regard to heritage assets and is in accordance requirements set out in paragraphs 200 and 201 of the NPPF, Breckland Local Plan Policies ENV 07 and ENV08 and NP Policies HBE4 and HBE5.
- 3.138 G. Transport/Highways
- 3.139 Policies TR01, TR02 of the Adopted Local Plan apply. Also, the objectives of the Norfolk Local Transport Plan 2021-2036 and section 9 of the NPPF (2023) are relevant to this proposal.
- 3.140 Access and parking are key issues in any new school proposal. In terms of location the proposed school is in proximity to the town centre and would allow pupils and staff to access the town by foot (10-minute walk). The site is served by a range of travel modes including, bus, walking and cycling, and connections to the A47 to the west. Lynn Road is a 30mph speed limit road with streetlighting and a footway on the northern side of Lynn Road, opposite the site, and footways on both sides of the road towards the east, going towards the town centre.
- 3.141 The proposed vehicular and pedestrian access for the new school will be from Lynn Road to the north, creating a new vehicular access road to the north western corner of the site and a new shared pedestrian and cycle path at the north eastern corner. The proposed site access for vehicles would achieve a visibility splay of 2.4m x 59m in both directions that complies with Manual for Streets standards for the observed traffic speed on this section of Lynn Road. Pedestrians and cyclists will have a 3m wide path from the school and its cycle parking area to Lynn Road via a segregated route from vehicles that will aid safety.
- 3.142 The school has been designed to meet the full requirement for accessibility, including on site car-parking provision with disabled / visitor and staff parking suitable for all users. This is based on the staff pupil ratios required to support SEN pupil at the school. The site layout provides 197 car spaces, that will help ensure sufficient space for staff plus 11 visitor car spaces and disabled car parking spaces. This meets Norfolk County Council parking guidelines. EV charging provision is for 18 car spaces, 24 cycle spaces in a shelter and 6

motorcycle parking spaces which also meets NCC parking guidelines.

- 3.143 The layout of the proposed site ensures there is extensive provision along the building frontage for set down and pick up by taxis and minibuses, and sufficient space within the car park for queuing of vehicles at the end of the school day. There is also sufficient space for all vehicles including service vehicles to enter the site and exit in a forward gear.
- 3.144 The site access road is of sufficient width for two vehicles to pass each other, and the proposed gates are set back within the site to help ensure that when the gates are closed during the day, waiting vehicles are off Lynn Road and do not pose a hazard to other road users.
- 3.145 The application has been supported by a Transport Statement which identifies and describes the transport matters that relate to the proposed development. It considers all transport modes along with public transport infrastructure that impacts upon the proposed development, identifying measures to mitigate the effects of the development if required, and considers methods for encouraging a modal shift towards more sustainable forms of transport.
- 3.146 The Transport Statement confirms that the off-site improvements, which include new shared use footway cycleway, will ensure there are good links to the school from the wider development with an emphasis on safe and sustainable travel. The provision for improved pedestrian crossing of Whitsands Road and new crossing at Lynn Road will provide safer routes for pedestrians benefiting both school users and the wider community.
- 3.147 Analysis of accident data in the existing locality demonstrates that there are no issues within close proximity to the school relating to highway safety. The Transport Statement confirms the site has good public transport links locally and access to national transport infrastructure, therefore non-car modes of travel are viable and the site is sustainable.
- 3.148 In conclusion the Transport Statement states that the proposed site provides good opportunities for safe and sustainable travel, encouraging non-vehicular use and is therefore in accordance with regional, national and local transport policy.
- 3.149 The application has been supported by a Travel Plan which aims to put in place the management tools deemed necessary to enable the employees and visitors of the site to make more informed decisions about their travel, which at the same time minimises the adverse impacts of their travel on the environment. Such management tools include the appointment of a Travel Plan Coordinator who will have ultimate responsibility for implementing the Travel Plan measures and liaising with other parties, as well as producing progress reports of the Travel Plans and progressing actions accordingly.
- 3.150 The Highway Authority has been consulted as part of the application process. In terms of site layout, the Highways Authority confirm this is acceptable and

the parking provision, including EV and accessibility provision is in line with their adopted parking standards. The parking provision also accords with Local Plan Policy TR01 and TR02 and Appendix 2 relating to parking standards.

- 3.151 They consider that the applicant has achieved safe and suitable access to the highway and is proposing suitable mitigation to achieve safety and sustainability objectives. Consequently, in relation to highways issues only, they do not wish to restrict the grant of consent, subject to the imposition of relevant planning conditions.
- 3.152 The proposal shows a series of highways improvements including a shared use footpath, a zebra crossing, relocated bus stops, tightening of junction radius, tactile crossing points and the resurfacing of the road. The Highway Authority confirms that in terms of off-site highway mitigation, this range of measures will need to form part of a S278 highway improvement agreement.
- 3.153 In terms of policy, Local Plan Policy TR 01 promotes and encourages walking and cycling, creating and improving links to existing routes and new developments and for locating development so as to ensure wherever possible, new development is accessible to sustainable modes of transport and makes provision for improved public transport.
- 3.154 NP Policy TRA2 also refers that the design of new development should incorporate safe access to and from the site by pedestrians and cyclists, for example, through crossing points.
- 3.155 Para 108 of the NPPF requires that within development proposals opportunities to promote walking, cycling and public transport use are identified and pursued. It also states that patterns of movement, streets, parking and other transport considerations are integral to the design of schemes and contribute to making high quality places.
- 3.156 It is considered that the scheme as proposed meets these policy objectives through the provision of shared cycle/ footways and the drop off points for shared transport required by SEN pupils.
- 3.157 Third party objection has been made relating to increased traffic making it difficult for residents to cross the road on foot or obtain vehicle access out of Whitsands Road on to Lynn Road. However, the Highway Officer raises no concern over the safe movement of traffic as a result of the development proposal.
- 3.158 Concern has been raised that the Norfolk Transport Plan 4 and the Norfolk Speed Management strategy recommends a 20mph limit is more appropriate outside schools. Given the relocated bus stops, a new pedestrian crossing and the significant vehicular movements around the site along with the 197 car spaces and taxi/bus movements, it would be beneficial to implement this. In response it is noted that these NCC documents both promote the use of sustainable modes of transport for pupils to arrive at school, including walking,

cycling and the used of shared transport including coaches and mini-buses. The design of this scheme promotes this approach.

- 3.159 The Norfolk Speed Management Strategy November 2022 notes it has been an aspiration of Members for some time to introduce 20 mph speed limits outside all schools, which has not been possible to date with the current government funding levels. Therefore, there is no program to install these outside every school, but Parish/Town Councils are permitted to bid under the Parish Partnership Initiative - where the County Council match funds half the cost. Alternatively, local County Councillors can decide to use their highways Local Member Fund (LMF) or place a bid under the Road Safety Community Fund (RSCF). The part-time 20 mph restrictions only apply during periods of high activity (e.g. drop off and pick up times) to avoid motorists being unnecessarily restricted throughout much of the day.
- 3.160 Another objector suggested a 20mph speed limit across the whole town of Swaffham. However, only the development proposed can be considered as part of the determination of this planning application and suggestions that go beyond the scope of the proposal are not for discussion through this means.
- 3.161 Comment has been made that if the traffic speed is reduced to 20mph the visibility splays would be less and the hedgerow could be retained. However, the reason for the removal of the hedgerow is due to the need to obtain satisfactory visibility splays and also for the provision of the shared cycle/footway and lighting infrastructure.
- 3.162 Third party objection has been received to the proposed new shared footway and cycle path, stating is not needed because of an alternative path entering the school within the curtilage of the application site. A new shared cycle/footpath is shown to enter the site from Lynn Road at the north east corner of the site, and run across to the school building, linking the school with Lynn Road. However, the shared footway and cycle path along the Lynn Road frontage will provide facilities for local residents and users of this road and also allow drop off provision outside the school if required. There are, therefore, wider community benefits to this proposed layout.
- 3.163 Third party objection has been received stating it is premature to 'hardwire' a new path/cycleway along the south of Lynn Road in anticipation of possible future development beyond the school site. In this respect the shared footway has been removed to the west of the proposed new vehicle access into the site. Whilst it is good practise to plan for potential future improvements, the removal of this footway will allow a section of the existing hedgerow to be retained.
- 3.164 The access, parking and travel arrangements have been considered in the light of the tests set out in the relevant development plan policies including Polices TR01, TR02 of the Adopted Local Plan and the objectives of section 9 of the NPPF (2023). The objectives of the Norfolk Local Transport Plan 2021-2036 have also been considered. The proposal accords with their overarching aims and objectives and, subject to appropriate conditions, can be supported.

### 3.165 H. Sustainability

- 3.166 In June 2019, the Government made an amendment (2050 Target Amendment) to the Climate Change Act 2008 by way of introducing a target of a 100% reduction of greenhouse gas emissions by 2050 compared to the 1990 levels. In 2019, Norfolk County Council redeclared its Environmental Policy and set a goal of reaching net zero carbon by 2030. This goal set out a target to work collectively, with regional partners, to achieve 'net zero' carbon emissions on NCC's estates by 2030, but within wider areas, work towards 'carbon neutrality' also by 2030 and, where possible, absolute zero carbon.
- 3.167 The NCC Climate Strategy (approved May 2023) sets out how the council will work not only to reduce its own carbon emissions, but to drive down emissions across the county, protect the unique environment of Norfolk, and to seize the opportunities the move to a green economy represents, securing investment and growth for Norfolk. Supporting active and sustainable transport, including bus improvements and electric vehicle charging, providing space for nature, encouraging greater biodiversity and promoting energy efficiency are ways to help shape local climate action.
- 3.168 At a more local level Breckland Local Plan Policy GEN01 and NP Policy ENV2 are particularly relevant. Policy GEN01 seeks development that improves the economic, social and environmental objectives of Breckland through the application of national and locally distinctive sustainable development principles. Included in these principles are to mitigate and adapt to climate change. protect and enhance the natural, built and historic environment and co-ordinate development with transport provision ensuring good access to existing community facilities, services and open space, together with new facilities and services where necessary.
- 3.169 Policy ENV2 on climate change refers that where practical, all developments should be designed to anticipate climate change. Support will be given to buildings that have cost effective and efficient passive solar gain, solar PV panels, use grey water where possible and have electric car charging points. The layout and massing of development should take account of local climatic conditions, including daylight and sunlight, wind, temperature and frost pockets.
- 3.170 The application has been supported by a Net Zero Carbon Statement & Sustainability Strategy, which is echoed in the Design and Access Statement. The design brief has been to achieve a high EPC rating by utilising high standard fabric performance and low zero carbon / renewable technologies, for which Air Source Heat Pumps (ASHP's) and photovoltaic (pv) panels, are currently proposed.
- 3.171 The proposal incorporates design strategies to mitigate environmental impact, using a 'fabric first', design philosophy with low thermal transmittance and air permeability to reduce heat loss and the demand for energy. Passive design techniques incorporating natural ventilation and daylighting principles are also

incorporated to reduce the reliance on mechanically driven ventilation systems and artificial lighting.

- 3.172 Energy efficient LED lighting will be installed, and absence control will be incorporated where appropriate to switch off the lighting when areas are unoccupied. The power and lighting electricity consumption will be separately sub-metered to enable the building users to readily identify their energy demand and encourage them to take practical steps to reduce their energy use and operating costs.
- 3.173 Passive solar techniques will be integrated into the building design to utilise useful heat gains in winter and avoid glare and excessive heat gains during summer. Solar control will comprise overhanging canopies.
- 3.174 Additionally, the Planning Statement recognises that there still needs to be car parking provision, and this will provide electric vehicle charging infrastructure to support site users as they switch to zero emission cars. Matters of sustainable drainage have also been considered and are covered in the drainage section of this report.
- 3.175 The NCC Sustainability Manager has been consulted and supports the proposal.
- 3.176 It is considered that the proposal accords with the provisions of Policy 'GEN01 and NP Policy ENV2 as well as the aims and objectives of NCC Environment Policy and Climate Strategy.
- 3.177 I. Amenity
- 3.178 Local Plan Policies GEN 02, COM 01 and COM 03, Neighbourhood Plan Policy ENV5 and sections 8 and 12 of the NPPF (2023) refer to matters of amenity. Policy COM 03 lists relevant criteria used in assessing the impact of development on the living conditions of occupants.
- 3.179 The use of a site for school provision is generally considered a compatible use in a residential area, however, the impact of the proposed development upon residents needs to be considered on its individual merits. The amenity impacts relevant to this proposal include the visual impact from the development and potential for adverse impacts from outdoor activity and sports noise, lighting and operation of the proposed mechanical extraction and ventilation units.
- 3.180 Potential amenity impacts are likely to be on the occupiers of the residential properties sharing a common boundary with, or facing the site, and should consider matters such as overlooking, loss of light, overshadowing, noise, disturbance and traffic implications. Additionally, consideration needs to be given to the relationship with residential properties to limit any impact from general activity including the consideration of boundary fencing to restrict the potential for balls / objects entering into neighbouring gardens.

- 3.181 General – The proposal will result in a new school building, parking area, playing fields and vehicular access situated in an area in proximity to residential properties. To the east the park homes on the residential caravan site accessed from Whitsands Road back onto the application site. To the north is a mixture of commercial and residential properties located on the northern side of Lynn Road.
- 3.182 The main school building is located towards the centre of the site. The nearest part of the building is set at least 37m from the shared boundary between the school and the gardens of the park homes to the east. These nearest parts of the building are either single or two storey in height. The school building is set more than 60m back in the site from Lynn Road and the nearest dwellings to the north are yet further away, sited behind front gardens on the opposite side of the road.
- 3.183 Some of the service buildings, substation and plant room are located closer to the eastern boundary, but these are single storey buildings or structures, and a distance of approximately 30m to the boundary will remain with landscaping between. Vehicle and cycle parking spaces, along with a shared cycle and pedestrian access, located to the north eastern part of the site will be in proximity to the residences to the east.
- 3.184 Given the distances between the proposed new building and the existing dwellings to the north and east it is not considered that the proposal would cause any significant detrimental impact upon residential amenity in the form of overlooking of windows of habitable rooms and private amenity space, overbearing impact/visual dominance, overshadowing of private amenity space or loss of daylight and/or sunlight to existing windows of habitable rooms.
- 3.185 The car and cycle parking will introduce new activity into this part of the site at certain times of the day close to the eastern boundary, but it is not considered to result in significant detriment to amenity to nearby residents.
- 3.186 In terms of outdoor activity, the proposed layout shows the main soft formal/social space to the south of the site and a hard surfaced multi games area south east of the school building. Play equipment and a forest school are located to the eastern part of the site, set in an area shown to be landscaped.
- 3.187 The provision of sports facilities means the proposal would likely introduce a degree of noise and activity into an area where there is currently none. That said, it is not considered that this arrangement would result in such an increase in general noise and disturbance that would result in a significant detrimental impact upon residential amenity such as to warrant refusal of the development.
- 3.188 Lighting – A lighting assessment has been provided giving details of the types of lighting proposed to the building perimeter, car park area, emergency lighting and pathways. An external lighting scheme will be provided to ensure safe access and movement for pedestrians, cyclists, and vehicles alike. The

external lighting scheme will also contribute to the overall security of the school.

- 3.189 The Lighting Assessment finds that the impact of the proposed lighting scheme will not add significantly to the existing evening light levels. Lighting will be controlled by photocells and time switch off control and the additional lighting levels will not extend into late evening night periods when there is potential for complaint.
- 3.190 Low energy luminaires with an appropriate level of shielding will be provided with no direct upward light, to minimise sky glow and minimise light pollution. Consideration will be given to the surrounding areas to reduce light trespass from the school in accordance with the 'Clean Neighbourhood and Environment Act' 2005
- 3.191 Swaffham Town Council comment that consideration should be given to NP Policy ENV5 Dark Skies when considering lighting schemes, particularly as the site is adjacent to open countryside.
- 3.192 In terms of neighbour amenity, the proposed lighting scheme avoids lighting that shines directly into any neighbouring residential properties. Given the layout of the site and its relationship with adjoining residential properties, the position of the lighting units within the site and the type of lighting units proposed utilising a timed system to control the use of the lighting, it is considered that there should be no significantly detrimental impact upon the amenity of the occupants of future properties as a result of the lighting scheme. Neighbourhood Plan Policy ENV5 refers that any new developments should limit impact on dark skies and, following consideration of the details submitted, there is no policy conflict in this regard.
- 3.193 The Environmental Quality Team for Breckland Council has been consulted in connection with the proposal. Having reviewed the application documentation, they raise no objection to the proposed development and have no requirements for conditions relating to lighting. It is recommended, however, that conditions are imposed relating to the lighting being installed in accordance with the information provided and to control the hours of its use, for the benefit of amenity.
- 3.194 Noise – In terms of operation, the new school building has been designed to be heated by means of 8 Air Source Heat Pumps (ASHPs) located in their own dedicated external compound to the north-east of the school building. The plant is intended to be operated 24 hours per day, but that the overnight operation will use a low power mode of 75% load.
- 3.195 A Noise Impact Assessment has been submitted to assess plant noise based on the likelihood of adverse impact on the nearest residential receptors. Noise surveys to establish background noise were conducted within the site at the intended position of the ASHP's, which is 10m away from the nearest receptor to the east and 60m from Lynn Road in the north.

- 3.196 The Noise Assessment has calculated that the noise level of noise generating mechanical plant at the nearest noise-sensitive receptor would be 5-6 dB below the background sound level. Accordingly, the Noise Assessment concludes that the likelihood of adverse impact at the nearest dwellings from proposed plant the is low.
- 3.197 In terms of construction, there is potential for noise and disturbance during this temporary phase of development A construction considerations statement/ traffic routing plan (CCS) has been submitted with the application to give certainty to nearby residents of the approach and working arrangements to limit disturbance during this period. This includes details of the hours of construction works as well as the monitoring of noise levels.
- 3.198 The Environmental Protection Officer (EPO) for Breckland Council raises no objection to the application, subject to conditions. She recommends that prior to commencement a Construction Environmental Management Plan (CEMP), to include a Dust Management Plan (DMP), should be submitted for review. However, information on how the site will be managed to reduce the impact on neighbouring properties and wider environment during the construction phase of the works is already provided within the submitted CCS. Accordingly, a condition securing the implementation of this CCS is recommended to be attached.
- 3.199 Third party concern has been raised stating that there has been no consideration that the school is adjacent to the flight path of RAF Marham with very significant noise levels being projected into the area on a regular basis. The objector estimates the noise to be as high as 85dBA for intensive periods each week. In response to this the acoustic consultant has analysed the data set in closer detail to examine whether there was any flight path sound picked up during the noise surveys. They concluded that the survey included noise from military aircraft, and they have no reason to believe that noise levels at this site are likely to regularly exceed those measured. They comment that it would be difficult to find a site in Norfolk where military aircraft noise is not audible at times, but do not anticipate this causing significant disruption to teaching at this particular location.
- 3.200 Overall, subject to the aforementioned conditions, it is not considered that the proposal would have a significantly detrimental effect on the residential amenity of occupiers of adjacent properties, either during or after construction, and accords with relevant development plan Policies Local Plan Policies GEN 02, COM 01 and COM 03, Neighbourhood Plan Policy ENV5 and sections 8 and 12 of the NPPF (2023).
- 3.201 J. Flood Risk/Drainage
- 3.202 Policy ENV 09 of the Adopted Local Plan and Section 14 of the NPPF apply.
- 3.203 Flood Risk / Surface Water Drainage – Policy ENV 09 refers to the need for development to be located to minimise flood risk, mitigating any such risk through design and implementing sustainable drainage and to incorporate

appropriate surface water drainage mitigation measures to minimise its own risk of flooding and should not materially increase the flood risk to other areas.

- 3.204 Policy ENV09 states that developers will be required to show that the proposed development would: i) not increase green field run off rates and vulnerability of the site, or the wider catchment, to flooding from surface water run-off from existing or predicted water flows; ii) wherever practicable, have a positive impact on the risk of surface water flooding in the surrounding area adjacent to the development; and iii) address potential impact of infiltration upon groundwater Source Protection Zones and/or Critical Drainage Catchments. This will be minimised through the installation of infiltration and attenuation measures to dispose of surface water in accordance with sustainable drainage system (SuDS) principles and the refinements to, and evolution of, the technical evidence base and guidance.
- 3.205 The application site is located wholly within Flood Zone 1 so there is a low risk of flooding. Non-residential educational establishments are identified as 'more vulnerable' in the table of Flood Risk Vulnerability Classification as set out in Planning Practice Guidance (PPG). PPG further advises that 'more vulnerable' uses are appropriate in Flood Zone 1. On this basis, the proposal is considered acceptable in terms of development within Flood Zone 1.
- 3.206 The application is supported by a Flood Risk Assessment and Drainage Strategy (FRA) and Drainage Strategy Plan. A surface water drainage strategy to manage the surface water runoff serving the new school building and parking areas has been produced.
- 3.207 The FRA confirms that the site is at very low risk from all other sources of flooding and there are no recorded historical flood events that have directly affected the site. The location meets the sequential requirements of the NPPF Guidance requiring development to be located firstly in areas at lowest flood risk.
- 3.208 The NPPF requires the surface water drainage strategy to follow a sustainable (SuDS) approach. The emphasis of SuDS is to first consider source control (i.e., disposal of runoff within the plot boundary, followed by site control (site wide disposal) and then regional control (appropriate for larger development with strategic drainage infrastructure. Where possible the drainage strategy should target a zero runoff from the immediate development area.
- 3.209 Using the surface water hierarchy, the applicant has set out the most appropriate method of surface water management and disposal for this site. Ground investigation has established that it is possible to utilise infiltration for the whole of the development conforming to the first stage of the surface water hierarchy.
- 3.210 The drainage strategy refers that roof areas will primarily drain to a deeper geocellular soakaway located to the south of the site. The main vehicular access will also discharge to a deeper soakaway located to the west of the main site access. Utilising slightly deeper soakaways will allow a gravity

discharge of the surface water within the site boundary negating the requirement for pumping and piping off-site and will also provide discharge which is more sustainable than the deep borehole soakaway which the Anglian Water sewer discharges to.

- 3.211 The design access road drainage also incorporates a swale to provide multi-function SuDS benefits of water quality enhancement, amenity and biodiversity. The access road water will flow via the swale and a downstream defender, which acts as intermediary treatment intercepting gross solids and sediment, before entering the soakaway.
- 3.212 The parking areas are designed to drain directly to constructed permeable pavements with either a gravel bodpave or permeable tarmac finish. The hardplay area and resin bound footpaths are also designed to drain via a constructed permeable pavement with either permeable tarmac or resin bound finish.
- 3.213 The drainage strategy shows that Geocellular soakaway storage volumes and the volumes of storage required within the permeable pavements have been calculated for the 100 year plus climate change event using Micro Drainage software.
- 3.214 Exceedance flows above the 100 year + climate change storm event from the Site will be routed away from the new school building towards parking areas and playing fields, thus ensuring both proposed and existing development is protected from flooding. The applicant has also submitted a Maintenance and Management Plan document.
- 3.215 The Lead Local Flood Authority (LLFA) has been consulted on the application. Following the submission of additional information, they now have no objection to the proposed development subject to a condition requiring the development to be implemented in accordance with the updated drainage strategy information, and management plans.
- 3.216 Anglian Water has been consulted on the application. They have assets in the vicinity and request this information is included in any decision. In regard to surface water disposal they confirm they are unable to provide comments in the suitability of the surface water management and that the advice of the Lead Local Flood Authority should be followed.
- 3.217 In summary it is considered that the development would not materially increase the risk of flooding and, subject to the imposition of the conditions requiring development to be implemented in accordance with the updated drainage strategy and management plans, the proposal would not be in conflict with the relevant planning policies and objectives of the NPPF.
- 3.218 Groundwater / Foul Drainage -. Foul water is proposed to be disposed of via a private network to the Anglian Water foul sewer in Lynn Road.

- 3.219 Anglian Water has been consulted and they confirm that the foul drainage from this development is in the catchment of Swaffham Water Recycling Centre. They confirm the Anglian Water system can accommodate foul sewerage flows and has available capacity to accommodate the new school.
- 3.220 Given the above, it is considered that adequate provision has been made to dispose of foul sewage and the proposed development would not cause any adverse effects in terms of groundwater pollution. The proposal accords with the relevant planning policies and is in compliance with the NPPF, Planning Policy Guidance and the Non-Statutory Technical Standards for Sustainable Drainage Systems.
- 3.221 K. Contamination and Air Quality
- 3.222 A fundamental principle of sustainable development is that the condition of land, its use and its development should be protected from potential hazards. Para 180 of the National Planning Policy Framework (NPPF) refers that planning decisions should prevent unacceptable risks from pollution and land instability. At a local level, Breckland Local Plan Policies TR 01 regarding Sustainable Transport Networks, COM 01 on Design, COM 02 relating to air quality and COM 03 to amenity and pollution are relevant. Neighbourhood Plan Policies TRA1 on traffic volume, ENV1 relating to air pollution and ENV2 regarding climate change are most relevant.
- 3.223 In support of this current application a Ground Investigation Report (GIR) has been undertaken by Hamson Barron Smith Limited (Report 23-12- - 108920/GIR1 Rev A, dated June 2023) to investigate potential land contamination.
- 3.224 This GIR includes a contamination risk assessment, and no contamination has been identified on the site. Similarly, no potential sources of groundwater contamination were identified. Therefore, no remedial works are required in connection with contamination.
- 3.225 The application has been supported by an Air Quality Assessment (AQA), undertaken by RSK Environment Ltd which considers the existing air quality in the area as well as any potential risk of construction phase impacts and operational impacts. The AQA assesses the impact upon human and ecological receptors in light of two potential sources of emissions, namely exhaust emissions during construction and operation and dust emissions from site activities.
- 3.226 The Environmental Quality Team for Breckland Council has been consulted in connection with the proposal. Having reviewed the application documentation, they raise no objection to the proposal but recommend the Air Quality Report by RSK dated 21 April 2023 be updated to include the traffic information provided in the Travel Plan by BHA Consulting dated 15 November 2023.

- 3.227 The emissions to air from construction traffic and plant and from operational phase road traffic based on the figures contained within the Travel Plan have now been included in the updated document, dated 26th January 2024, which has been submitted and considered. The report confirms there is one Air Quality Management Area (AQMA) located in Swaffham town centre which is located approximately 0.6 km from the proposed development and therefore the site is near to an AQMA. The school is expected to hold approximately 224 pupils with the majority requiring one to one support. From information provided by the applicant, it is assumed a large portion of students will travel by taxi or minibus and a large number of vehicles will travel from the west. BHA consulting has provided the likely modal split for staff which suggests 138 annual average daily trips. It is possible that there could be a change in traffic flows of more than 100 annual average daily traffic (AADT) through the Swaffham AQMA.
- 3.228 The AQA found that the future users of the proposed redevelopment are unlikely to be exposed to poor ambient air quality as a result of the development. During the construction phase the AQA found that the potential risk of impacts from dust soiling was predicted to range from low to medium risk depending on the type of works, and on human health was predicted to be low risk. Impact of traffic and plant from the proposed development will be limited to a relatively short period and can be suitably controlled by the employment of mitigation measures, so is unlikely to materially impact on local air quality.
- 3.229 At operational stage exceedances of any of the relevant air quality standards are not anticipated at the site and air quality is likely to be good. Although Information regarding traffic generation from the development is not available at this stage as it is not operational, it is anticipated that most pupils will travel from the west along Lynn Road rather than through the town centre AQMA, and this route should be recommended for pupils and staff in the Travel Plan. However, the introduction of a new 224 pupil SEN School has the potential to cause significant changes in traffic flows, although the travel split between west and east on Lynn Road cannot yet be fully assessed until it is operational. Accordingly, the AQA recommends that this is substantiated and that further quantitative air quality assessment is undertaken if an exceedance of the EPUK-IAQM 2017 screening criterion of 100 AADT (Light duty vehicles) is likely in the Swaffham AQMA. This can be covered by planning condition.
- 3.230 The EHO also requests that prior to commencement a Construction Environmental Management Plan (CEMP), which includes a Dust Management Plan (DMP), should be submitted for review. However, information on how the site will be managed to reduce the impact on neighbouring properties and wider environment during the construction phase of the works is already provided within the submitted Construction Considerations Statement (CCS). Accordingly, a condition securing the implementation of this CCS is recommended to be attached.
- 3.231 In summary, subject to the implementation of conditions relating to the future need for air quality assessment and the implementation of the CCS, it is

considered the proposal accords with the provisions of Policy TR 01, COM 01, COM 02, COM 03 of the Breckland Local Plan 2023 and paras 109 and 192 of the NPPF, 2023.

### 3.232 L. Crime Prevention

3.233 Local authorities are duty bound to adhere to Section 17 of the Crime and Disorder Act 1998 and exercise their functions with due regard to their likely effect on crime and disorder and do all that they reasonably can to prevent crime and disorder.

3.234 Chapter 8 of the NPPF states that planning decisions should promote safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion. At a local level, Policy COM 01 of the Breckland Local Plan states that development should be designed to reduce opportunities for crime and antisocial behaviour, creating safe, secure and accessible environments. NP Policy HBE6 states that, where appropriate, the design of new development should have regard to creating a safe environment, taking account of best practice in designing out crime.

3.235 The Design and Access Statement (DAS) makes several references to the school security strategy, confirming that child welfare and security is paramount. The design of the building, including its layout and relationship with outside uses, and the position of security fencing and boundary treatment has been carefully considered in regard to safety and crime prevention.

3.236 The design follows pre-application advice from the Designing Out Crime Officer at Norfolk Constabulary, where most of the elements have been incorporated into the site layout and building design.

3.237 Consequently, the Designing Out Crime Officer raises no objection to the proposal overall. Supporting comments have been made regarding the layout, the provision of security fencing, location of landscaping, car parking arrangements and drop off points.

3.238 The Designing Out Crime Officer notes that the requirement for vehicle drop off points limits the location of cycle store within view of the main reception reducing guardianship, but notes they are sited within the secure fence line and monitored by CCTV.

3.239 Although in support of the proposal, the Designing Out Crime Officer raised queries regarding cycle storage for staff and visitors, surveillance matters, (particularly the area around the Sports Hall), lighting and the provision of CCTV.

3.240 In response, the applicant has confirmed that most of the cycle stores will be dedicated to staff and visitors use, and are sited within the secure line, monitored by CCTV and adjacent to the proposed cycle/footpath off Lynn Road. Following the Travel Plan carried out and discussion with the end-users, the cohort of students will be unlikely to commute via cycling due to

their complex needs. There is limited space at the front of the building as it is mostly occupied by secure external play areas for the students and the proposed location suggested by the SBD officer conflicts with the Fire Hydrant location.

- 3.241 Regarding the area around the Sports Hall, the applicant notes that natural surveillance is an important design factor and they have endeavoured to avoid blank elevations where possible. However, the two areas mentioned around the sports hall and single storey wing were designed to suit the student's needs where they have requested for no windows at these areas (as it can trigger and distract the students in their learning environment). The teaching ratio will be 1:1 or 1:2 and the teaching staff will be always supervising the students.
- 3.242 In terms of external lighting & CCTV, the lighting design strategy is intended to achieve the required illumination levels for vehicles and pedestrians during the normal school operational hours. This amenity lighting will be controlled via time clock to limit the period when external lighting can operate and photocell to ensure lighting operates only in hours of darkness. Time clocks will initially be set to switch off at 19:00 hours and reset at 07:00 hours but will be programmable to provide lighting to meet the school requirements. The scheme also incorporates emergency lighting for the evacuation routes to the fire assembly point.
- 3.243 The CCTV has been designed as requested by the school to monitor pupil behaviour and for pupil safety, the CCTV has not been requested for site security although the CCTV design incorporates CCTV coverage around the perimeter of the new school building, main vehicular entrance and internal circulation CCTV. The final design shall be carried out by the security contractor and will incorporate off site monitoring facility.
- 3.244 Overall, Norfolk Constabulary are supportive of the application and consider this application could attain the prestigious Secured by Design Commercial Developer Award through their engagement on the SBD scheme.
- 3.245 In summary, it has been satisfactorily demonstrated that crime prevention and security measures have been designed into the proposed school scheme, in order to reduce the opportunities for crime and disorder. There is no conflict with planning policy in this respect.

### 3.246 **RESPONSES TO REPRESENTATIONS RECEIVED**

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

- 3.247 The issues raised relating to the scale and visual impact of the building, implications of increased traffic, traffic speeds the removal of the roadside hedge, aircraft noise and community use of the building have each been addressed in the relevant sections of the report above.

### 3.248 INTENTIONAL UNAUTHORISED DEVELOPMENT

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

3.249 In this instance however, no unauthorised has occurred.

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

- 4.1 This application for a new SEN school on this site has been considered as a departure from development plan policy given the location of the site outside of the town settlement boundary.
- 4.2 The application has been accompanied by a comprehensive range of planning documents to support the proposal. The Planning Statement and DAS show that the current full application seeks to provide the identified need for SEN school provision in this part of the county in line with the provisions of para 99 of the NPPF (2023).
- 4.3 The key issues to be assessed in the determination of this full application have been addressed above and include matters of access, traffic, pedestrian safety and parking, amenity impacts, design, landscaping and ecology. Drainage, sustainability, contamination, archaeology, have also been addressed and raise no policy concerns subject to the imposition of appropriately worded planning conditions on any grant of planning permission.
- 4.4 Concerns from third parties regarding the loss of the established roadside hedge along the southern side of Lynn Road are noted, and the applicant has provided information to justify its removal. The removal of an established roadside hedge is not normally considered acceptable in policy terms unless adequate justification for the removal has been provided to demonstrate that circumstances are such that it is unavoidable. In this case it is considered that, given the practical issues on site preventing the retention of the hedge and its replacement close by, the clear public benefits of the new SEN school and the improved pedestrian and cycle provision facilities, coupled with the robust mitigation planting strategy and enhanced planting across the whole site, the benefits of the proposal outweigh the harm and the scheme can be supported as amended.
- 4.5 Third party representations received have been primarily concerned with the scale of the building, impact of increased traffic, traffic speeds and the loss of the hedgerow. The issues raised have been addressed, clarified or resolved through amendments to the scheme during the course of the application.
- 4.6 On balance, although considered a departure from the development plan in terms of its location outside the settlement boundary, there are development plan policies that support community facilities beyond the boundary where

appropriate to do so. Your officers consider the application accords with the development plan in this regard as there is a need to provide school facilities in the locality. It can be considered to be a sustainable form of development in line with the advice set out in the NPPF, subject to implementation of the proposal to comply with relevant planning conditions.

4.7 When considering the loss of the existing roadside hedge significant weight is given in the planning balance to the benefits to the community of the new purpose built SEN school facility, the provision of a new shared cycle footpath and improved non-motorised access links together with the significant increase in biodiversity and new landscaping and the practical reasons for setting the replacement hedge further back in the site. The loss of Grade 3 agricultural land is also outweighed by the public benefits of the school in a sustainable location.

4.8 There are no other material considerations that indicate that planning permission should not be permitted. Accordingly, conditional planning permission is recommended subject to the conditions set out in Section 11 below.

## **5. Alternative Options**

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

## **6. Financial Implications**

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

## **7. Resource Implications**

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

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

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

## **8. Other Implications**

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

8.2 **Human Rights Implications:**

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

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

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

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

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

### **8.4 Data Protection Impact Assessments (DPIA):**

It is not considered that there are any data protection implications in regard to the above report.

### **8.5 Health and Safety implications:**

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

### **8.6 Sustainability implications:**

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

### **8.7 Any Other Implications:**

## **9. Risk Implications / Assessment**

9.1 There are no risk issues from a planning perspective.

## **10. Select Committee Comments**

10.1 Not applicable.

## 11. Recommendations

11.1 That the Lead Director for Communities & Environment be authorised to:

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

### 11.2 CONDITIONS:

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

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

2. The development shall be carried out in strict accordance with the application form and the following plans and documents:
  - Drawing No. NPS-00-ZZ-D-A - 100 Rev P02 –Site Location Plan
  - Drawing No. NPS-00-ZZ-D-A - 110 Rev P4 – Proposed Site Plan
  - Drawing No. NPS-ZZ-00-D-A-0112 Rev P1 – Proposed Site Plan (with hedgehog gap locations in fence)
  - Drawing No. A -140 Rev P01 – Proposed Site Sections
  - Drawing No. NPS-Z1-00-D-A-200 Rev P01 – Proposed Ground Floor Plan
  - Drawing No. NPS-Z1-01 -D-A-210 Rev P01 – Proposed First Floor Plan
  - Drawing No. NPS-Z1-02-D-A-220 Rev P01 – Proposed Second Floor Plan
  - Drawing No. NPS-Z1-04-D-A-230 Rev P01 – Proposed Roof Plan
  - Drawing No. NPS-Z1-ZZ-D-A-0610 Rev P01 - Proposed Elevations and Curtilage sheet 1
  - Drawing No. NPS-Z1-ZZ-D-A-0611 Rev P01 - Proposed Elevations and Curtilage sheet 2
  - Drawing No. NPS-Z1-ZZ-D-A-0620 Rev P01 - Proposed Elevations sheet 1
  - Drawing No. NPS-Z1-ZZ-D-A-0621 Rev P02 - Proposed Elevations sheet 2
  - Drawing No. NPS-Z1-ZZ-D-A-0622 Rev P01 - Proposed Elevations sheet 3
  - Drawing No. NPS-00-ZZ-D-A-0623 Rev P01 - Proposed Elevations Services Yard
  - Drawing No. NPS-XX-00-D-C- 615 Rev P2 – Construction Details
  - Drawing No. NPS-XX-XX-D-C- 600 Rev P10 – Drainage Strategy
  - Drawing No. NPS-XX-00-E-001 Rev P1 – Electrical Services Site Plan
  - Drawing No. NPS-XX-00-E-002 Rev P1 – Electrical Services External Lighting
  - Drawing No. 2247-WWA-LS-ZZ-D-L-0103 S3 Rev P11 – Landscape Layout Plan
  - Drawing No. 2247-WWA-LS-ZZ-D-L-0300 S01 Rev P07 - Planting Strategy

- Drawing No. 2021.329 Rev 3 - Tree Asset Plan
- Drawing No. 2021.329 Rev 3 - Tree Protection Plan
- Drawing No. NPS-00-XX-DR-C- 315 Rev P2 - Vehicle Tracking (Fire Tender)
- Drawing No. NPS-00-XX-DR-C- 316 Rev P1 - Vehicle Tracking (Refuse Vehicle)
- Drawing No. NPS-00-XX-DR-C- 317 Rev P1 - Vehicle Tracking (Delivery Van)

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

3. The external materials and finishes used in the construction of the development hereby permitted shall be as detailed on the approved Drawings and as detailed in Section 5.3 Materials Palette of the Design and Access Statement.

Reason: To ensure the satisfactory appearance of the development, in accordance with Policies GEN02 and COM 01 of the Breckland Local Plan (adopted September 2023), Policies HBE2 and HBE5 of the Swaffham Neighbourhood Plan (adopted May 2019) and Chapter 12 of the NPPF (2023).

4. Prior to the first occupation of the development hereby permitted the vehicular access/crossing over the verge shall be constructed in accordance with a detailed scheme to be agreed in writing with the Local Planning Authority in accordance with the highways specification (to be specified within the s278) and thereafter retained at the position shown on the approved plan. Arrangement shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway.

Reason: To ensure construction of a satisfactory access and to avoid carriage of extraneous material or surface water from or onto the highway in the interests of highway safety in accordance with the principles of section 9 of the NPPF (2023).

5. Prior to the first occupation of the development hereby permitted visibility splays shall be provided in full accordance with the details indicated on the approved plan of 2.4m x 59m. The splay(s) shall thereafter be maintained at all times free from any obstruction exceeding 1.05 metres above the level of the adjacent highway carriageway.

Reason: In the interests of highway safety in accordance with the principles of section 9 of the NPPF (2023).

6. Prior to the first occupation of the development hereby permitted the proposed access/on-site car and cycle parking/ servicing/ loading/ unloading/ turning/ waiting area shall be laid out, demarcated, levelled, surfaced and drained and EV charging provided in accordance with the approved plan and retained thereafter available for that specific use.

Reason: To ensure the permanent availability of the parking/ manoeuvring areas, in the interests of satisfactory development and highway safety in accordance with the principles of section 9 of the NPPF (2023).

7. The development shall be implemented in accordance with the scheme detailing provision for on-site parking for construction workers for the duration of the construction period.

Reason: To ensure adequate off-street parking during construction in the interests of highway safety in accordance with the principles of section 9 of the NPPF (2023).

8. Notwithstanding the details indicated on the submitted drawings no works above slab level shall commence on site unless otherwise agreed in writing until detailed drawings for the off-site highway improvement works comprising inter alia footway construction, junction radius amendment to Whitsands Road, zebra crossing and associated courtesy crossing points as indicated on Drawing No.NPS-OO-XX-DR-C-125 Rev P5 has/have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the highway improvement works are designed to an appropriate standard in the interest of highway safety in accordance with the principles of section 9 of the NPPF (2023) and to protect the environment of the local highway corridor.

9. Prior to the first occupation of the development hereby permitted the off-site highway improvement works referred to in condition 8 of this permission shall be completed to the written satisfaction of the Local Planning Authority.

Reason: To ensure that the highway network is adequate to cater for the development proposed in accordance with the principles of section 9 of the NPPF (2023).

10. Prior to first occupation a Travel Information Plan shall be submitted to and approved in writing by the Local Planning Authority. The Travel Information Plan shall include information to ensure sustainable travel options are identified as relevant to the development, it shall be updated as necessary and implemented as long as any part of the development is occupied.

Reason: To ensure that the development offers a wide range of travel choices to reduce the impact of travel and transport on the environment in accordance with the principles of section 9 of the NPPF (2023).

11. The development shall be built in accordance with the submitted Drainage Strategy Report for the New SEN School, Lynn Road, Swaffham by BHA Consulting, Rev: Final V3, dated: October 2023 supported by further information in Response to LLFA Comments (BHA Ref: 3924/KE/14-02-24), Drainage Strategy Plan NPS-XX-XX-D-C-600 P10 dated 13 February 2024 along with the supporting information of Construction Surface Water Management Plan (Version 2 – February 2024) and the Surface Water Drainage Maintenance and Management Plan (Version 6 – February 2024). The approved scheme will be implemented prior to the first use of the development.

Reason: To prevent flooding in accordance with the provisions of Policies GEN 01 and ENV 09 of the Breckland Local Plan (adopted September 2023) and National Planning Policy Framework paragraph 173, 175 and 180 by ensuring the satisfactory management of local flood risk, surface water flow paths, storage, and disposal of surface water from the site in a range of rainfall events and ensuring the SuDS proposed operates as designed for the lifetime of the development.

12. The development shall not be put into operation until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the approved archaeological written scheme of investigation ('Land south of Lynn Road, Swaffham, Norfolk: Written Scheme of Investigation', Oxford Archaeology, March 2024) and the provision to be made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason: To provide for the proper programming of archaeological works in accordance with Policy ENV 08 of the Breckland Local Plan (adopted September 2023) and Section 15 of the National Planning Policy Framework (2023).

13. The landscaping scheme hereby permitted (as set out on Drawing No. 2247-WWA-LS-ZZ-D-L-0103 S3 Rev P11 – Landscape Layout Plan and Drawing No. 2247-WWA-LS-ZZ-D-L-0300 S1 Rev P07 – Planting Plan) shall be implemented within the first planting season (October to March), following completion of the development. Any plants which, within a period of five years from the completion of the planting, die, are removed or become seriously damaged or diseased, shall be replaced with others of a similar size and species. All planting shall be retained for a period of five years after initial planting has been completed and any trees and shrubs which are substantially damaged, seriously diseased or die, shall be replaced within twelve months of removal or death, with plants of a similar species and size.

Reason: To ensure the satisfactory appearance of the development, in accordance with Policies GEN02, ENV 02, ENV 05, ENV 06 and COM 01 of the Breckland Local Plan (adopted September 2023), Policies HBE2 and HBE5 of the Swaffham Neighbourhood Plan (adopted May 2019) and Chapter 12 of the NPPF (2023).

14. The development shall be carried out in strict accordance with the Landscape Management & Maintenance Plan by Wynne-Williams Associates ref: 2247-WWA-LS-ZZ-T-L-0603 version PO1, dated June 2023 and the BNG Management and Monitoring Plan (MMP) contained at Appendix 5 of the Ecological Appraisal and Biodiversity Net Gain Assessment Report: Swaffham SEN School, Land off Lynn Road, Swaffham, Final v2 by Wildlife Trust Consultancies ref: 2022.088, dated 20/10/2023, unless agreed in writing by the Local Planning Authority.

Reason: To ensure the satisfactory appearance of the development, in accordance with Policies GEN02, ENV 02, ENV 05, ENV 06 and COM 01 of the

Breckland Local Plan (adopted September 2023), Policies HBE2 and HBE5 of the Swaffham Neighbourhood Plan (adopted May 2019) and Chapter 12 of the NPPF (2023).

15. The approved Arboricultural Impact Assessment for Swaffham SEN School, Lynn Road, Swaffham, Norfolk, Ref: NWS 2021.329\_Swaffham SENv4 by Wildlife Trust Consultancies, dated October 2023 Issue V1 shall be adhered to and implemented through the construction phases strictly in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard existing trees and/or hedgerows on site and prevent damage during construction works and in the interests of the visual amenity of the area in accordance with Policies GEN02, ENV 02, ENV 05, ENV 06 and COM 01 of the Breckland Local Plan (adopted September 2023), Policies HBE2 and HBE5 of the Swaffham Neighbourhood Plan (adopted May 2019) and Chapter 12 of the NPPF (2023).

16. Notwithstanding the details already submitted, the development shall be carried out in strict accordance with the mitigation measures set out in section 6 and the enhancements referred to at section 7 of the Ecological Appraisal and Biodiversity Net Gain Assessment Report: Swaffham SEN School, Land off Lynn Road, Swaffham, Final v2 by Wildlife Trust Consultancies ref: 2022.088, dated 20/10/2023 unless agreed in writing by the Local Planning Authority.

Reason: In the interests of protecting and enhancing biodiversity, in accordance with UK and European Law and in accordance with Policies GEN02, ENV 02, ENV 05, ENV 06 and COM 01 of the Breckland Local Plan (adopted September 2023), Policies HBE2 and HBE5 of the Swaffham Neighbourhood Plan (adopted May 2019) and Chapter 15 of the NPPF (2023).

17. Notwithstanding the details contained within in the Lighting Assessment, the external lighting shall not at any time be on except between 07:00 and 18:00 Monday to Friday, 07:00 to 13:00 Saturdays and not at all on Sundays or Bank Holidays.

Reason: In the interests of amenity of the locality in accordance with Policies GEN02, ENV 02, ENV 05, ENV 06 and COM 01 of the Breckland Local Plan (adopted September 2023), Policies HBE2 and HBE5 of the Swaffham Neighbourhood Plan (adopted May 2019) and section 8 of the NPPF (2023).

18. The construction of the development shall be carried out in accordance with the principles set out in the NPS Group Construction Consideration Statement (CCS) dated 26.06.23, Version P1. Implementation of the works in accordance with the CCS shall occur throughout each phase of the development.

Reason: In the interests of the amenities of the locality in accordance with Policies COM 03 of the Breckland Local Plan (adopted September 2023), ENV1

of the Swaffham Neighbourhood Plan (adopted May 2019) and section 8 of the NPPF (2023).

19. No building shall be occupied until the hydrant serving the property has been provided to the satisfaction of the Council in consultation with Norfolk Fire and Rescue Service.

Reason: To ensure adequate water infrastructure provision is made on site for the local fire service to tackle any property fire in accordance with the provisions of Policies GEN02 and COM 01 of the Breckland Local Plan (adopted September 2023), Policy HBE2 of the Swaffham Neighbourhood Plan (adopted May 2019) and Chapter 12 of the NPPF (2023).

20. No development of the natural turf playing field shall commence until the following documents have been submitted to and approved in writing by the Local Planning Authority after consultation with Sport England:
  - (i) A detailed assessment of ground conditions (including drainage and topography) of the land proposed for the playing field which identifies constraints which could affect playing field quality; and
  - (ii) Based on the results of the assessment to be carried out pursuant to (i) above, a detailed scheme which ensures that the playing field will be provided to an acceptable quality. The scheme shall include a written specification of soils structure, proposed drainage, cultivation and other operations associated with grass and sports turf establishment and a programme of implementation.

The approved scheme shall be carried out in full and in accordance with a time frame agreed with the Local Planning Authority. The land shall thereafter be maintained in accordance with the scheme and made available for playing field use in accordance with the scheme.

Reason: To ensure that the playing field is prepared to an adequate standard and is fit for purpose and to accord with Policy ENV 04 of the Breckland Local Plan 2023, Swaffham Neighbourhood Plan Policy COM01 and the provisions of Chapter 8 of the NPPF

21. External lighting shall be installed in accordance with the proposals identified within the Electrical Services Lighting Assessment Swaffham SEN by NPS Property Consultants Limited dated 09/10/2023 unless agreed in writing by the Local Planning Authority.

Reason: To safeguard amenity of neighbouring residential occupiers and ensure the provision measures to safeguard them from any disturbance in accordance with Policy COM 04 of the Breckland Local Plan 2023, Swaffham Neighbourhood Plan Policy ENV5 and Paragraph 135 of the NPPF (2023).

22. Notwithstanding the details already submitted, the development shall be carried out in strict accordance with the mitigation measures set out in paragraph 6.3 section and section 7 of the Air Quality Assessment by RSK, Report No.: 445223-01 (05), dated January 2024.

Reason: In the interests of the amenities of the locality in accordance with Policies COM 03 of the Breckland Local Plan (adopted September 2023), ENV1 of the Swaffham Neighbourhood Plan (adopted May 2019) and section 8 of the NPPF (2023).

## 12. Background Papers

12.1 Planning Application reference: FUL/2023/0047 available here:

<https://eplanning.norfolk.gov.uk/Planning/Display/FUL/2023/0047#undefined>

The National Planning Policy Framework (NPPF) (2023):

<https://www.gov.uk/government/publications/national-planning-policyframework--2>

National Planning Policy Framework - Guidance - GOV.UK

(<https://www.gov.uk/government/publications/national-planning-policyframework--2>)

Planning Practice Guidance (2023):

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

Breckland Local Plan 2023

[https://www.breckland.gov.uk/media/16659/Adopted-Breckland-Local-Plan/pdf/Appendix\\_4\\_-\\_Breckland\\_District\\_Council\\_Local\\_Plan\\_text\\_final-optimized.pdf?m=637818113682070000](https://www.breckland.gov.uk/media/16659/Adopted-Breckland-Local-Plan/pdf/Appendix_4_-_Breckland_District_Council_Local_Plan_text_final-optimized.pdf?m=637818113682070000)

Breckland Local Plan Review

<https://www.breckland.gov.uk/local-plan-review>

Norfolk County Council's Environment Policy

<https://www.norfolk.gov.uk/environmentpolicy>

### Officer Contact

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

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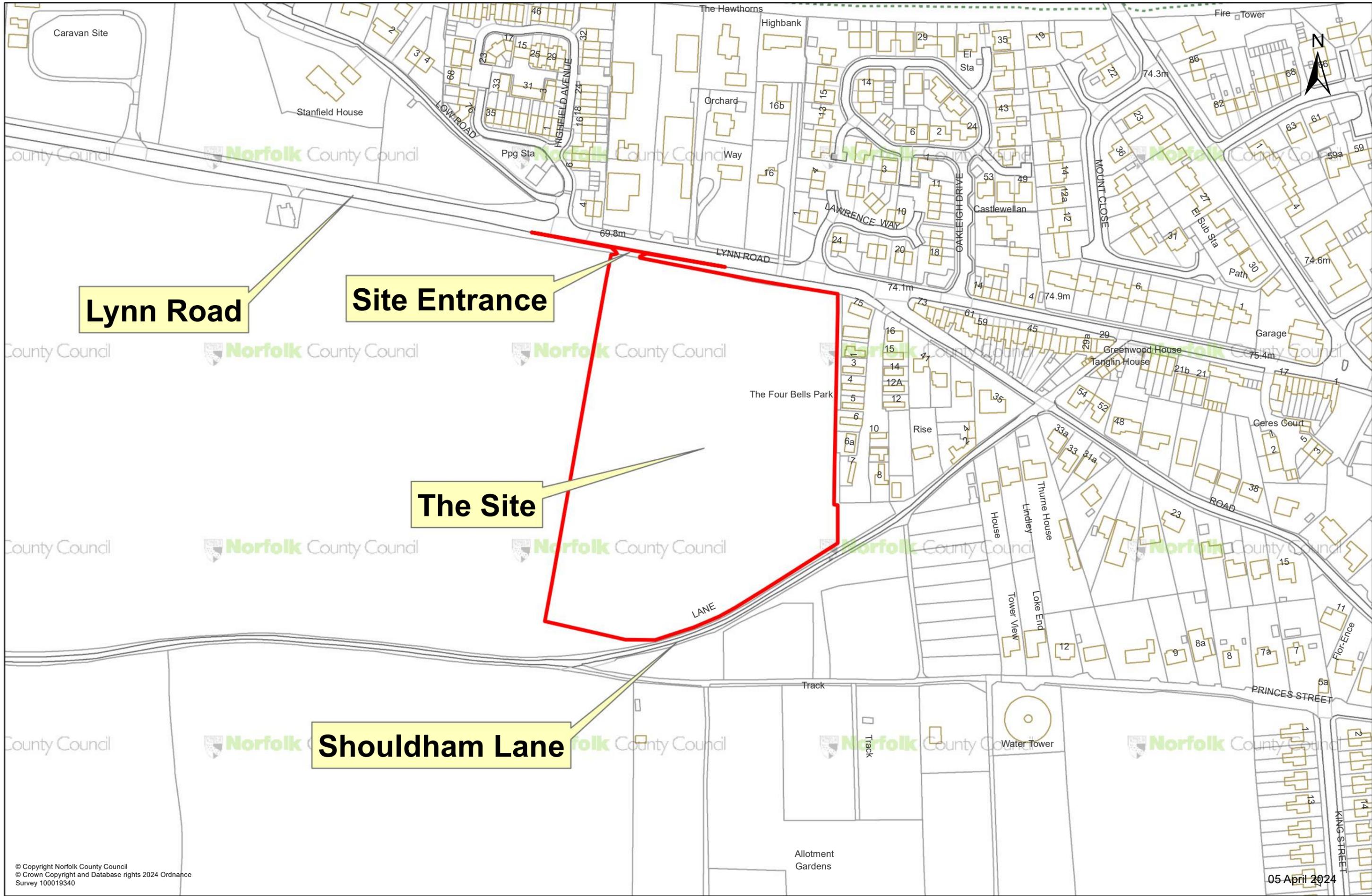
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# Swaffham SEN School Site Plan

