

Planning (Regulatory) Committee

Date: **Friday 24 May 2024**

Time: **11am**

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

Advice for members of the public:

This meeting will be held in public and in person.

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

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

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

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

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

Persons attending the meeting are requested to turn off mobile phones

Membership

Cllr William Nunn (Chair)

Cllr Mark Kiddle-Morris (Vice-Chair)

Cllr Stephen Askew

Cllr William Richmond

Cllr Graham Carpenter

Cllr Steve Riley

Cllr Rob Colwell

Cllr Mike Sands

Cllr Alexandra Kemp

Cllr Martin Storey

Cllr Brian Long

Cllr Tony White

Cllr Paul Neale

Registering to speak:

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

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

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

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

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

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

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

A g e n d a

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

2. **Minutes**

To confirm the minutes from the Planning (Regulatory) Committee meeting held on 23 April 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/2022/0056: Land off Crab Apple Lane, Haddiscoe** **Page 37**
Report by the Lead Director for Communities and Environment
6. **FUL/2023/0005: Land off Holt Road, Sheringham** **Page 133**
Report by the Lead Director for Communities and Environment
7. **FUL/2020/0079 & 0080, FUL/2022/0018: Spixworth Quarry, Church Lane, Spixworth, Norwich** **Page 177**
Report by the Lead Director for Communities and Environment

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

Date Agenda Published: 16 May 2024



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STANDING DUTIES

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

Equality Act 2010

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

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

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

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

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

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

Crime and Disorder Act, 1998 (S17)

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

Human Rights Act 1998

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

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

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

**Planning (Regulatory) Committee
Minutes of the Meeting Held on 23 April 2024 at
11am in the Council Chamber, County Hall**

Present:

Cllr Brian Long (Chair)
Cllr Graham Carpenter (Vice-Chair)

Cllr Steven Askew	Cllr Martin Storey
Cllr Rob Colwell	Cllr Steve Riley
Cllr Alexandra Kemp	Cllr Tony White
Cllr Mark Kiddle-Morris	
Cllr Paul Neale	

Substitute Members Present:

Cllr David Bills for Cllr Chris Dawson
Cllr Robert Savage for Cllr Will Richmond
Cllr Brenda Jones for Cllr Mike Sands

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
Jonathan Hanner	Principal Engineer (Developer Services)
Andrew Harriss	Planning Officer
Isabel Horner	Public speaker
Kate Lawty	Planning Officer
Cllr Victor Lukaniuk	Public speaker
Angela Masterson	Public speaker
Crysta Pestano	Public speaker
Sarah Shipley	Public speaker
Richard Skehens	Public speaker
Cllr Phil Wittam	Public speaker

1 Apologies and Substitutions

- 1.1 Apologies were received from Cllr Chris Dawson (Cllr David Bills substituting), Cllr Will Richmond (Cllr Robert Savage substituting) and Cllr Mike Sands (Cllr Brenda Jones substituting).

2 Minutes

- 2.1 The minutes from the Planning (Regulatory) Committee meeting held on 26 January and 22 March 2024 were agreed as an accurate record and signed by the Chair.

3 Declarations of Interest

- 3.1 No interests were declared.

4 Urgent Business

- 4.1 There was no urgent business.

Applications referred to the Committee for determination.

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

- 5.1.1 The Committee received the report setting out an application 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 followed the issue of an Enforcement Notice by the County Council which required removal of the rail siding track. An update report had been circulated to the committee, appended to these minutes at appendix A.
- 6.1.2 The planning officer gave a presentation. The maps, photographs and diagrams shown are available to view in the agenda report or in planning application documentation.
- Maps of the application site and proposed site layout were shown.
 - Photographs from the edge of the site of the storage bays and location of nearby housing in relation to the proposed site were shown.
 - The second siding would allow for a smaller number of train deliveries for the same throughput and unloading would be further away from the nearby housing at Redbrick Cottages.
 - The six-step unloading schedule at the site was shown and explained.
 - The application allowed for acoustic and dust mitigation measures to be secured under conditions.
 - Photographs were shown of road access to the site. HGV routes were dictated by contracts and local markets. The transport assessment that had been carried out stated that HGVs would be encouraged to avoid Brandon town centre.
 - No objections were raised by statutory consultees subject to suitably worded conditions being imposed.

- 6.2 The Committee asked questions about the presentation:

- The Planning Officer confirmed the acoustic fencing next to Redbrick Cottages was made of acoustic panels with wet weather membrane around it. A Committee Member queried whether the appearance for residents was adequate. The Planning Officer replied that this fencing had been put in place in discussion with residents as part of a range of acoustic measures. Some Committee Members were concerned that the acoustic fence would not provide adequate acoustic buffering. The Planning Officer stated that an acoustic survey had been carried out as part of the planning application process and a noise management plan had been submitted.
- The Planning Officer clarified that the hibernaculum was vegetation placed on an unused patch of land to provide a habitat for reptiles. Committee Members raised concerns about the appearance of the hibernaculum not being aesthetic.
- Heavy lorries and their impact on local roads was queried. The Principal Engineer (Developer Services) clarified that HGVs from the site had lawful use of the road network and the proposals in the planning application would not go over and above this.
- The Chair confirmed that the applicant was permitted to put in sidings, but this application was being considered by committee due to the aggregate use.
- A Committee Member spoke about the traffic survey data submitted by public speaker Cllr Lukaniuk, included at appendix B of these minutes. She queried why there had not been a wheel wash installed on site given these high numbers of vehicle movements. The Principal Engineer (Developer Services) replied that the figures in this survey were for HGVs travelling on the A1065 over a 5-day period. It showed that 462 HGVs originated at the site. The applicant had put forward suggestions of 52 vehicle movements per day, 26 in and 26 out. There were no controls on the site at the moment, but conditions could be secured to ensure throughput of aggregate was limited and mitigate dust and other impacting issues.
- The Planning Officer clarified that the application did not provide for installation of a wheelwash and the applicant had advised that the site layout and weigh bridge would have to be reconfigured to allow for a wheel wash to be installed on site. The applicant had proposed using a vacuum sweeper to sweep the site and nearby roads twice a week. A Committee Member voiced concerns about the impact this would have on traffic travelling through Brandon.

6.3 The Committee heard from public speakers.

6.3.1 Wayne Bland spoke as an objector to the application:

- Mr Bland was a resident of Brandon living close to the site.
- He noted that the application was retrospective. He believed that the second siding had been constructed without permission and without regard to planning law. He did not feel it was appropriate for conditions to be left to the operator to monitor but that Norfolk County Council should take responsibility of monitoring them such as counting trains, lorries, the size of the heap and checking air quality.
- Mr Bland stated that the cloud of dust from the site could be seen from Google Earth images.

- Mr Bland was concerned that the operator would be able to put in another machine and transport a further half a million tonnes of aggregate through Brandon.
- Mr Bland felt that due to the designation of the site it was unlikely to be refused but that Norfolk County Council Should take responsibility to monitor conditions and ensure additional aggregates and traffic movements could not come down Brandon High Street, as well as ensuring a wheel wash was on site as he felt a road sweeper was not sufficient.

6.3.2 Sarah Shipley spoke on behalf of Cllr Robert Kybird and on her own behalf as Assistant Director of Health and Housing at Breckland council with responsibility for Environmental Health

- Officers from Breckland had worked closely with Norfolk County Council planning officers.
- Since the current operators had been operating on site there had been several complaints related to noise dust and vibration especially from Redbrick Cottages residents who were closest to the site
- This application did not impact on the existing sidings which could operate without conditions or restrictions. The use of the second siding would allow the train to be split in two on arrival and unload at the furthest point from the cottages. Without use of second siding the train would remain whole and travel along the original siding to the area to the area immediately outside the cottages.
- All railway operators had a duty to run a safe and efficient transport system including sidings. This duty did not exempt them from action under the Environmental Protection Act 1990 for noise and dust, but action would fail if it could be proven that the operator had used best practicable means.
- The use of the second siding would allow the operator to act within best practical means as it would allow unloading as far away from the residential properties as possible. If the application was not approved, it would make future complaints about noise and dust from the site difficult to enforce under statutory nuisance legislation.
- several voluntary measures had been put in place to reduce disturbance to nearby residents. Planning permission for the second siding would enable these measures to become formal through conditions such as:
 - restricted access in front of Redbrick Cottages,
 - an area of rewilding,
 - an annual level on the maximum number of trains and wagons that can enter the site,
 - a condition that does not increase the amount of aggregate arriving on site,
 - no unloading on the second siding between 7:00 a.m. and 6:00 p.m,
 - dust monitoring and
 - a weather station to ensure dust control is employed.
- Breckland Council environmental health had worked very closely with County planners on this matter as well as the current site operator Network Rail and local residents to help reach the best available solution and believed that the best solution to help minimize long-term issues with noise and dust in the

immediate vicinity of the sidings was to Grant permission for the second sidings with the suggested conditions

6.3.3 Cllr Phil Wittam Chair of Brandon town council:

- when the A11 was dualled the A134 became the approved route for traffic to join the A11, as indicated on Norfolk County Council highway signage.
- Cllr Wittam felt it was wrong that a Norfolk County Council planning application should impose on West Suffolk. He stated that HGV traffic from the site travelled through Brandon causing damage to Thetford Road and Bury Road which were B roads, Brandon High Street and London Road and this damage cost West Suffolk Council and Suffolk County Council money to repair.
- Cllr Wittam also noted the impact for people living on Brandon High Street, London Road Thetford Road and Bury Road from the HGVs travelling on them.
- Cllr Wittam felt that if traffic from the site was diverted to join the Mundford roundabout and join the A11 this would mitigate issues caused by the HGV traffic.

6.3.4 Jack Clemence spoke on behalf of the applicant:

- Rail connected this site which acted as an aggregate depot for import and then export by road. It played an important role in the local and regional economy and rail use here dated back to the nineteenth century.
- Use of rail to import aggregate reduced HGV miles and was important as it allowed importation of non-local aggregates to Norfolk.
- The site was indicated as a strategic rail site. The planning application had been submitted to retain existing use of the rail track with an additional track to give a second rail siding to improve efficacy of the site.
- The applicant had tried to work positively with the Council and mitigate issues which had been raised. The site could operate on one siding without restrictions, but the additional siding had advantages to the operations and amenity by allowing more efficient use of the site such as longer 24 wagon trains so that less deliveries could be brought on to the site by less trains. It would also mean that the locomotive could be positioned further into the site and further away from residential properties.
- There was no formal mechanism to secure implementation of measures outside of the planning process and was at the discretion of the operator who had worked with planners and the Breckland District Council Environmental Health team.
- The acoustic fencing was installed at the request of the residents of Redbrick Cottages and was made longer following their request. It was designed with an acoustic engineer on board.
- The hibernaculum was located away from operations to provide a reptile habitat.
- It was not possible to provide a wheel wash at that time, but it was being considered for the future.

6.3.5 Cllr Lukaniuk, Suffolk County Councillor for Brandon, spoke as Local Member. Documents circulated to Committee Members by Cllr Lukaniuk before the meeting are appended at appendix B of these minutes:

- Cllr Lukaniuk objected to the siding which would increase aggregate travelling through Brandon. He stated that the rail sidings at Brandon used to be used for a wood depot and for troop movements.
- He felt that as a compromise, two conditions on this application would improve the environment for local residents: a wheel wash facility, which would mitigate against the dust and mud produced on site, and a redirection of HGVs right along the A1065 and A134 to avoid Brandon. Concrete works opposite to the site were subject to a section 106 agreement by Breckland District Council requiring vehicles from this site to take this route.
- Suffolk County Council, with the permission of Norfolk County Council, carried out an HGV count in October, 5-day period 459 trucks entered the facility; they use articulated lorries carrying 20 tonnes per unit which was 450,000 tonnes annually which was over the operator's figures set out in the report.
- In 2019 Brandon Town Council recorded a weekly figure of vehicles leaving the site, as set out in a logbook provide by Cllr Lukaniuk
- Cllr Lukaniuk stated that the residents of Redbrick Cottages were unhappy with the mitigating measures in place.

6.4 Committee Members asked questions about points raised by speakers:

- The Chair felt that asking for the operator to install a wheel wash was a reasonable condition to put on the application considering the concerns which had been raised by the speakers.
- A Committee member asked about the possibility of putting a condition in place enforcing an HGV route. The Principal Engineer (Developer Services) confirmed that a routing agreement to avoid Brandon town centre would be within the remit of Suffolk County Council Highways Authority to recommend. However the Planning Officer confirmed that they did not feel that activity on the site would increase and did not object.
- A Committee Member asked for more information on the rewilding area. The Planning officer replied that there was an area of land at the eastern end of the sidings site where operations would not be undertaken in order to safeguard the amenity of Redbrick Cottages and which would be left to revegetate. Committee Members discussed that re-wilding was not the correct term for the process being used in this case and raised concerns about the appearance of this area.
- Committee Members asked how many complaints had been received about the site. Angela Masterson, Environmental Protection Officer at Breckland Council, replied that Breckland Council had worked with residents and the operator to address complaints. As this was an operating siding statutory nuisance was limited so the operator had to show they were not operating un-reasonably; it was not unreasonable for trains to enter the site and be unloaded. Measures had been put in place and agreed with the site operator, noise consultants and residents and there were now fewer complaints with most issues dealt with by the operator.

- Carpenter noted the panels of the acoustic screening were thicker than they appeared on the screen.

6.5 Committee Members debated the application:

- A Committee Member pointed out that the tonnage handled at the site was different as indicated in the report and by speakers. The Planning Officer replied that the operator had indicated that 189,696k tonnes of aggregate would be delivered per year split over a maximum of 104 train deliveries. This limited HGV trips from the site. It was recommended that a condition was put on the application capping the aggregate input onto the site.
- Cllr Tony White **proposed** that acoustic fencing should be installed in the form of 10 ft posts with heavy board fencing. With no seconder, this proposal was **lost**.
- It was confirmed that a routing plan could not be conditioned as this action was within the remit of Suffolk County Council.
- Cllr Paul Neale proposed a that a wheel wash should be installed on the site. The Chair agreed that this would allow vehicles to be cleaned before leaving site and mean that the sweeper would not be needed. The Principal Planner noted that condition 11 stated “Vehicles leaving the site shall not be in a condition whereby they would deposit mud or other loose material on the public highway.” A Committee Member pointed out that a condition of this nature would improve the environment for residents and that one of the photos of the site showed puddles.
- The Chair **proposed** that condition 11 be amended to include provision of a wheel washing facility on the side to improve amenity for local residents, seconded by Cllr Colwell. With 12 votes in favour and one against, the proposal was **agreed**.
- The chair proposed that an HGV haulage route traffic management plan was put in place to direct traffic along the A134 seconded by Cllr Colwell. With 8 votes for and 5 against, the proposal was passed.
- A Committee Member was concerned about the traffic management plan impacting on vehicles travelling south and using small country roads, and that this condition may not be enforceable.
- A Committee Member discussed traffic issues experienced in Brandon Town

6.6 With 12 votes for and one abstention, the Committee agreed that the Lead Director for Communities and Environment be authorised to:

1. Grant planning permission subject to the conditions outlined in section 11 with the addition of the following two conditions:
 - A condition requiring the operator to develop an HGV route management plan. Final wording to be agreed by the Chair and Vice Chair with Planning Officers.
 - A condition requiring a wheel wash to be installed on site. Wording to be agreed by the Chair and Vice Chair with Planning Officers.
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.

6.7 The committee took a break from 12:35 until 12:45

7. FUL/2023/0032: Larkshall Mill, Thetford Road, Wretham, Thetford, Norfolk, IP24 1QY

7.1 The Committee received the report setting out an application for an 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.

7.2 The planning officer gave a presentation. The maps, photographs and diagrams shown are available to view in the agenda report or in planning application documentation.

- A location plan, site plans, elevation diagrams of the proposed visitor and welfare building, silos, sand storage building, curing bay building, and screening plant building, showing the height of the buildings was lower than those already on site.
- The application included a proposed extension to the site to accommodate a new visitor and welfare building. It was also proposed to install additional silos, a processing building, a second conveyor, a storage building and curing bays.
- Photographs of road access to the site were shown. No changes to road access were proposed.
- The nearest residential property to the development site was owned by the applicant. Part of the application included installing a metre high fence in front of the property for noise mitigation.
- Photos were shown of boundaries of the site; the welfare building would be built in a location which would not impact established trees or their roots.

7.3 Committee Members asked questions about the presentation:

- A Committee Member asked about consultations with the residents of the property owned by the applicant. The Planning Officer confirmed that consultations were made with neighbours as part of the application through neighbour letters and press notices and only one rejection was received. The nearest neighbours after the property owned by the applicant were shown on a map.
- The possibility of the escape of material during filling of the bulk tankers was queried. The Planning Officer replied that the tanks were filled pneumatically. This was done in the open air but as the containers were linked during the process there should not be any leakage.

- The Principal Engineer (Developer Services) clarified to the Committee a small error in one of the conditions set out in the report. Condition 9 on page 70 of the agenda should read: 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: Site Access : 1460-CAL-DR-22-DR-D-SK002 Rev P02*) exceeding 0.6 metres above the level of the adjacent highway carriageway.

7.4 The Committee heard from registered speakers:

7.4.1 Richard Skehens from OCO Technology spoke as the applicant:

- The company had promised the community when they first received planning consent that they would set up a community liaison group. This group had been set up and now met once every 3 months, chaired by Cllr Fabian Eagle with attendance from Breckland District Council, the Parish Council and the Environment Agency. This group allowed the company to talk to the community about what was happening on site and for them to ask questions. This group was effective and as a result the parish council supported this application.
- The Company employed 20 local people and from the application presented today aimed to employ a further 10 local people.
- The Environment Agency had issued a permit for the site for 100,000 tonnes and when they visited site they commented that it was excellent to see a model waste recovery facility in operation and asked to use it as a model of how things should be done.
- The company had received international visitors to look at the technology on site, and had built a facility in Japan and Spain

7.5 The Committee debated the application:

- Committee Members voiced their support of the application:
- Committee Member noted the community liaison group as positive. The chair commented that this showed their role as a good neighbour.

7.6 With 12 votes for and 1 abstention, the Committee **AGREED** 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.

8. Point of Order

8.1 The Committee resolved to take item 8, “FUL/2023/0047– South of Lynn Road, Swaffham” next, and then return to the running order as set out on the agenda.

9. **FUL/2023/0047– South of Lynn Road, Swaffham**

- 9.1 The Committee received the report setting out a proposal for a 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
- 9.2 The planning officer gave a presentation. The maps, photographs and diagrams shown are available to view in the agenda report or in planning application documentation. An update report had been circulated to the committee, appended to these minutes at appendix C.
- Maps showing location plans of the site were shown.
 - Residential and commercial properties were on the northern side of the site, a mobile home park was to the east and open land was to the west. The application site was outside of the settlement site for Swaffham.
 - A proposed site layout was shown, and the design and layout of the school site was explained. The proposed landscape plan was shown and explained.
 - Elevation diagrams of the school and floor plans were shown.
 - Photographs of the highways alongside the site were shown. A hedge would need to be removed on Lynn Road to accommodate a shared footpath and allow visibility.
- 9.3 Cllr Brenda Jones left at 1:15.
- 9.4 The Committee heard from registered speakers:
- 9.4.1 Isabel Horner spoke on behalf of the applicant:
- This application was an important scheme for the County Council, which would increase places for children with Special Educational Needs and Disabilities
 - The school would provide a replacement location for a Special Educational Needs and Disabilities School in Dereham. This school had around 90 pupils in 2008, but by 2019 had 151 pupils, creating challenges for school leaders.
 - The increase in pupils was due to increased demand for special school places nationally. The current number of pupils on roll at the school was 190.
 - The report set out that a site assessment was carried out on the current school in Dereham to assess the capacity for expansion; this was not possible due to ongoing disruption for pupils and as it was not possible to gather the required land around it.
 - As part of the Special Educational Needs and Disabilities expansion programme, another school was identified in Easton which was now open. A shortfall of places was identified in West and Central Norfolk so it was found that a site further west of Dereham would be preferable. As Swaffham has good road links it was a good location.
 - There was no specific catchment area for Special Educational Needs and Disabilities schools, but their locations were being extended to reduce travel time as much as possible. There was also a requirement for Special

Educational Needs and Disabilities schools to be located as close to a market town as possible.

- The external layout of the school was changed to reduce the impact on the closes neighbours of being overlooked.
- The new site would allow the school to expand the age range to provide education for young children up to the age of sixth form.

9.5 The Committee asked questions to the Planning Officer and speaker:

- A Committee Member asked if consideration had been given to the proximity of the site to RAF Brandon, taking into account the impact of the sound of low flying planes on autistic pupils. Crysta Pestano, the architect for the application, confirmed that she had considered noise from the site and external noise and the building was designed with the best acoustics in mind. It was considered that it was important to both protect the children but also to prepare them for the adult world. The Committee Member noted that the SEN Swaffham ambient noise report did not refer to aeroplane noise. The Planning Officer replied that aeroplane noise was raised during consultation and checked, and noise monitoring stated that this was picked up during the initial survey.
- A Committee Member asked about provision of active travel on the site, noting the high number of car parking spaces compared to cycle provision. The Planning Officer confirmed that cycle parking was separate from the vehicle entrance and parking. The Principal Engineer (Developer Services) explained that there would be a junction realignment on Whitsands Road with a footpath joining to existing provision and a zebra crossing. It was clarified that there would be around 180 full time equivalent staff and so a suitable number of parking spaces needed to be provided for them as well as professionals visiting the site to work with pupils to minimise the impact on the wider area from parking. Most cycle and pedestrian traffic would be from staff.
- It was queried whether there was additional capacity on the site for more pupils in the future or to expand the site if needed. Isabel Horner confirmed that there was not an intention to increase the size of this school as it was already one of the largest in the county, but instead to provide more school places at other Special Educational Needs and Disabilities schools in the county. There was capacity to consider this in the future if needed.
- The height of the building was queried; the Planning Officer confirmed that the proposed school building was at the midpoint of the site and the impact of the visuals of the site had been considered from many viewpoints and had been considered acceptable in terms of scale. It was in keeping of the area, taking reference from buildings in the town centre. The use of three floors added interest to the appearance.
- The Planning Officer confirmed that Sport England had raised a query about use of the leisure facilities by the local community, however, due to the disabilities of the pupils, the facilities were bespoke, and specially designed so in this case it was not necessary at this time. The site management could decide to make the facilities available to the community in the future if they wanted.

- A Committee Member raised a concern about the removal of hedges on the boundary. The Planning Officer confirmed that retention of the hedge had been discussed at length but there were many elements being put in place at this boundary such as a footpath and lighting infrastructure. There were established hedges being planted on the site and a forest school which would mitigate its loss.
- A Committee Member asked if converting existing buildings to provide more, smaller Special Educational Needs and Disabilities schools had been considered instead. Isabel Horner replied that children could be placed in a special school via a tribunal which did not consider the capacity of the school, and which small schools could not accommodate. This would be a bespoke facility which could support specific needs of children; retrofitting facilities to support children's needs into old buildings would not provide as good a facility for children.

9.10 The Committee unanimously **AGREED** 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.

9.11 Cllr Stephen Askew left at 13:55

10. FUL/2023/0039: Quarry, Ipswich Road, Dunston

10.1 The Committee received the report setting out a planning application 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.

10.2 The Principal Planner gave a presentation. The maps, photographs and diagrams shown are available to view in the agenda report or in planning application documentation. An update report had been circulated to the committee, appended to these minutes at appendix:

- Maps showing the location plan and site plan were shown.
- Photographs were shown of highways access to the site and the stockpiling area. Moving the stockpile would remove a sand martin colony, and a condition was in place to provide a suitable nesting area for them in a revised restoration scheme.
- Photos of the phases of working on the site were shown.
- An approved restoration scheme was partially in place and a map of this was shown.
- There was no foreseen impact on local amenity.

10.3 The Committee asked questions about the application:

- The Chair asked if they do not complete within the time granted within this application, would they need to come back for a future application. The Principal Planner replied that the applicant had submitted a scoping request for a 10-year extension and been advised by officers that 5 years was a preferential duration to complete the works. The applicant had said that the delay was caused by a delay in obtaining an environmental permit from the Environment Agency on land south of Mangreen Lane. Their lease on the land would also expire in 4 years' time.

10.4 The Committee unanimously **AGREED** 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.

The meeting ended at 14:06

Chair



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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: 23 April 2024

Responsible Cabinet Member: N/A

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

Proposal & Applicant: Retention of replacement rail siding (retrospective): Network Rail

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

Organisation	Comment	Officer Response
Suffolk County Council (SCC) as Highway Authority	On 9, 10 and 12 April 2024 SCC as Highway Authority wrote to Norfolk County Council to advise that it is not considered that the proposed activities would lead to an intensification of HGV movements on the local highway network, and SCC as Highway Authority does not wish to object to the proposals.	Members to note this additional representation
West Suffolk Council (WSC)	On 10 April 2024 WSC wrote to Norfolk County Council to advise that the environmental benefits of securing additional controls, as per the suggested conditions in the report are significant.	Members to note this additional representation

	<p>WSC note that no controls exist in relation to the otherwise lawful use of the site for importation, storage and distribution of aggregates.</p>	
<p>West Suffolk Council</p>	<p>In their email WSC note that PP ref. 3PL/2005/0326/F on an adjacent site is subject to an obligation in respect of routeing of HGVs using the site to ensure all such vehicles, other than those delivering to Brandon and Weeting avoid movements through this town and village respectively.</p> <p>WSC note that the Ward Member for Brandon West would like to see this control imposed in relation to the application under consideration, and noting that the revised siding arrangement will undoubtedly encourage a likely greater and more intense use of the site, and facilitate the more efficient transportation of aggregates to the site, WSC consider it reasonable that the use of such a restriction is considered.</p>	<p>PP ref. 3PL/2005/0326/F for Erection of a new factory with external storage, parking and perimeter wall at Mundford Road, Weeting was granted by Breckland Council in October 2005. This permission is subject to a S106 Agreement to ensure HGVs avoid movements through Brandon and Weeting, other than those delivering to Brandon and Weeting.</p> <p>Breckland Council Director of Planning and Building Control advises that this is an old consent, and it would be highly unlikely that their planning officers would ask for routeing conditions/S106 Agreements now, given issues around enforceability. The Director is unaware of any other such conditions in the vicinity and associated with any nearby uses. Breckland is not requesting a routeing condition and does not as a matter of routine apply such conditions.</p> <p>As detailed at section 3.8 of the planning application committee report, Norfolk County Council (NCC) as Highway Authority has</p>

		<p>been consulted on the application and raises no objection, and as detailed elsewhere in this report update Suffolk County Council as Highway Authority raises no objection. In so doing, neither NCC or SCC as Highway Authorities have requested any vehicle routeing restrictions.</p> <p>This matter has also been further discussed with NCC as Highway Authority. The Authority responds that it is not aware of the Breckland permission, and whilst it would be interesting to understand the reasoning, do not consider that this would change their stance. Ultimately the site has good access onto the A road network in Norfolk.</p>
West Suffolk Council	<p>In their email WSC note the provisions of condition 12 but consider that this is likely to be challenging to enforce. WSC suggest that provision of a wheel wash would be an effective and enforceable level of control, and improve the likely adverse environmental effects arising. WSC ask that consideration be given to such.</p>	<p>Notwithstanding that reference is made to condition 12 (external lighting) given the nature of the concerns raised it is considered reasonable to assume that this relates to condition 11, which requires that <i>Vehicles leaving the site shall not be in a condition whereby they would deposit mud or other loose material on the public highway.</i></p> <p>Condition 11 is a standard planning condition imposed on planning permissions for minerals and waste development across Norfolk.</p>

		<p>In the event that there is material on the highway, the operator will have failed to comply with the condition and may be subject to enforcement action. Prosecution in relation to continued non-compliance following service of a Breach of Condition Notice would be easily evidenced.</p> <p>As regards concerns raised in relation to absence of a wheel wash, as detailed at paragraph 3.70 of the planning application committee report this matter has been pursued with the applicant who confirms that a wheel wash is not proposed as part of this application.</p> <p>As further detailed at para 3.70, the Dust Management Plan provides for a dedicated vacuum road sweeper for the site. This will be used at minimum as follows, or more frequently as required based on daily site checks:</p> <ul style="list-style-type: none"> o Along the site access road twice per week; o Within the Station Car Park on a daily basis; • on the public highway twice per week, as follows: <ul style="list-style-type: none"> o Heading north from site access along A1065/Mundford Road for a distance of 0.6 miles o Heading south from site access to junction of
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		<p>A1065 High Street, London Road and Thetford Road</p> <p>Breckland EHO, and NCC and SCC as Highway Authorities have not raised objection in relation to absence of a wheel wash.</p>
West Suffolk Council	In their email WSC note the benefits of unloading all wagons from the southern siding and, in the interests of amenity, recommend that unloading arrangements detailed at para. 2.23 onwards of the Committee report be conditioned.	<p>Notwithstanding that condition 1 refers to the Planning Statement, and a letter and email from the agent, all of which confirm the unloading arrangements utilising two sidings, it is considered relevant and reasonable to impose an additional specific condition which also refers to the schematic drawing of the unloading arrangements as included in the Acoustic Comparison Report and Air Quality and Monitoring Assessment, and as shown as a slide in the powerpoint presentation.</p> <p>It is therefore recommended that an additional condition is imposed. Please see amendments to paragraph 11.2 (Additional condition) below</p>
Breckland Council Environmental Protection Officer	On 16 April Breckland Council Environmental Protection Officer wrote to Norfolk County Council to advise that whereas reference is made in the Dust Management Plan to	This matter has been pursued with the agent and a revised Dust Management Plan has been received. Please see amendments to paragraph 11.2 Condition

	mechanical sweeping of the A106/Mundford Road and A106 High Street the correct road number is the A1065.	3 (Meteorological Station) and Condition 8 (Dust Management Plan) below
Councillor for Brandon East West Suffolk Council	On 16 April the Ward Member for Brandon East wrote to Norfolk County Council to advise that whilst he had previously raised objection to this application, he could now support it, subject to the following conditions: (1) installation of a wheel wash (2) all HGVs delivering to and from the site turn right when leaving the site (and not left which takes them along Brandon High Street).	As regards a wheel wash, as detailed elsewhere in this report update Breckland EHO, and NCC and SCC as Highway Authorities have not raised objection in relation to absence of a wheel wash. As regards HGV routeing restrictions, as detailed elsewhere in this report update neither NCC or SCC as Highway Authorities have requested any restrictions.

There are four amendments to the report since the planning application committee report was published:

Paragraph	Issue	Amendment
11.2 Condition 2 (Air quality monitoring)	Updated wording Condition 2 originally required: - the programme of ambient air monitoring to determine particulate levels generated by site activities at the boundary of the site with Redbrick Cottages to commence with effect from 1st May 2024, and -for the monitoring to be undertaken for a minimum period of six calendar months (excluding baseline measurement period) and, - in the event that there are no exceedances of the dust thresholds during	It is recommended that the wording of condition 2 be amended as follows: With effect from 1st June 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

	<p>October 2024, the monitoring to cease on 31st October 2024; or - in the event that the exceedance levels are breached at any time during October 2024 monitoring to continue until such time as the exceedance levels are not breached for a period of one calendar month.</p> <p>Given that it was necessary to defer consideration of the application until 23 April, and given that meaningful dust monitoring can only be undertaken during periods of the year that ideally encompass warm and dry conditions, it is considered reasonable and necessary to defer the commencement of dust monitoring until 1st June 2024, and to split the monitoring timescale over 2024 and 2025 so as to capture data for the months of April to August inclusive, as a minimum.</p> <p>The revised wording of condition 2 has also been agreed with the applicant and Breckland Council EHO</p>	<p>the national Air Quality Objectives Concentration in England of:</p> <ul style="list-style-type: none"> - Annual mean Particulate Matter (PM10) 40 µg/m³ - 24-hour mean Particulate Matter (PM10) 50 µg/m³ 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 - Annual mean Particulate Matter (PM2.5) 20 µg/m³ <p>In addition, visible dust shall be measured using Frisbee gauges and shall not exceed 150mg/m² /day, averaged over a four week period</p> <p>The dust monitoring programme shall initially be undertaken for a minimum period of three calendar months (excluding baseline measurement period) and,</p> <p>(i) In the event that there are no exceedances of the above dust thresholds during the month of August 2024, the monitoring shall temporarily cease on 31st August 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 August 2024 shall be submitted to the County Planning Authority for its approval in writing; or</p> <p>(ii) In the event that the exceedance levels are breached at any time during the month of August 2024 monitoring shall be undertaken during September 2024 and monitoring documentation to demonstrate the particulate levels for the month of September 2024 shall be submitted to the County Planning Authority; and</p>
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		<p>(iii) with effect from 1st April 2025 the programme of ambient air monitoring shall re-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; and The programme shall demonstrate that the particulate levels at Redbrick Cottages do not exceed the national Air Quality Objectives Concentration in England of:</p> <ul style="list-style-type: none"> - Annual mean Particulate Matter (PM10) 40 µg/m³ - 24-hour mean Particulate Matter (PM10) 50 µg/m³ 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 - Annual mean Particulate Matter (PM2.5) 20 µg/m³ <p>In addition, visible dust shall be measured using Frisbee gauges and shall not exceed 150mg/m² /day, averaged over a four week period</p> <p>The re-commenced dust monitoring programme shall be undertaken for a minimum period of three calendar months and, (iv) In the event that there are no exceedances of the above dust thresholds during the month of June 2025, the monitoring shall cease on 30th June 2025, and within seven days of the cessation of monitoring documentation to demonstrate that the above levels have not been breached during the month of June 2025 shall be submitted to the County Planning Authority for its approval in writing;</p>
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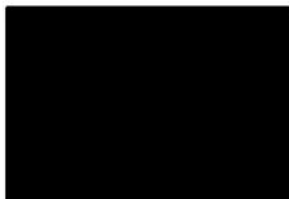
		<p>or (v) In the event that the exceedance levels are breached at any time during the month of June 2025 monitoring shall continue until such time as the above exceedance levels are not breached for a period of one calendar month, and within seven days of the cessation of monitoring documentation to 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.</p> <p>Reason: To protect the amenity of residential properties, in accordance with Policy DM12 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.</p>
<p>11.2 Condition 3 (Meteorological Station)</p>		<p>It is recommended that the wording of condition 3 be amended as follows (amended text in bold):</p> <p>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 F; reference NP/VL/P23-2867/02 Rev F; prepared by Create Consulting Engineers Limited; dated 17th April 2024; received 17th April 2024.</p> <p>As specified within section 2.1 4. of the Dust Management Plan - Revision E, the Meteorological</p>

		<p>Station shall be used to monitor the following parameters as a minimum:</p> <ul style="list-style-type: none"> - Temperature (Degrees Centigrade); - Wind Speed (m/s); - Wind Direction; and - Precipitation (mm), and <p>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:</p> <ul style="list-style-type: none"> - Wind speeds greater than 3 m/s; - Temperatures greater than 18 degrees centigrade for two continuous days; - When rainfall has not occurred for three continuous days. <p>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.</p>
<p>11.2 Condition 8 (Dust Management Plan)</p>		<p>It is recommended that the wording of condition 8 be amended as follows (amended text in bold):</p> <p>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 F; reference NP/VL/P23-2867/02 Rev F; prepared by Create Consulting Engineers Limited; dated 17th April 2024; received 17th April 2024.</p> <p>Reason: To protect the amenity of residential properties, in accordance with</p>

		Policy DM12 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.
11.2 (Additional condition and reason for condition)		<p>No rail unloading operations, with the southern siding retained shall take place other than in accordance with the provisions of:</p> <ul style="list-style-type: none"> -paragraphs 3.14 to 3.18 inclusive of the Planning and Heritage Statement; reference 22061/VW/jc; prepared by Firstplan Ltd; dated 14 October 2022; received 8 November 2022, and as shown on: -Figure 5.2: The 6 Stages of Unloading 24 Wagon Train of the Acoustic Comparison Report; reference JDB/CS/P19-1747/06; prepared by Create Consulting Engineers Limited; dated October 2022, and -Figure 4.1: Operation of Two Sidings (Scenario 2) -As proposed by Application of the Air Quality and Monitoring Assessment – Revision A; reference NP/CS/P19-1747/04 Rev A; prepared by Create Consulting Engineers Limited; dated 13 October 2022, 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; and -the email from Firstplan Ltd to Norfolk County Council dated 22 January 2024 10:35 <p>Reason: To protect the amenities of residential properties, in accordance with Policy DM12 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.</p>



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Breckland
COUNCIL



Your Ref:
Our Ref: ENF/2009/0167/PAR

Contact: Mrs S Arnold
Direct Dial: [Redacted]
E. Mail: [Redacted]

Date: 1 June 2009

Dear Mr Lukaniuk

Weeting: Tarmac, Mundford Road: Breach of Section 106

I refer to your recent enquiry concerning the above traffic movements from the above site.

Following discussions with the site manager at Tarmac Brandon, I can confirm that he has spoken with all his drivers and reminded them that other than those deliveries to Brandon and Weeting they must avoid movements through this town and village respectively. He also advised that there will be a "No Right Turning" notice erected at the entrance of the site as a further reminder, and as such I consider that they have taken all reasonable steps to comply with the obligations set out in the Section 106 Agreement.

If you have any evidence to show that lorries belonging to other companies are not adhering to the requirements set out in the Section 106 Agreement please let me know and I will make further enquiries.

Yours sincerely

Sue Arnold
Planning Enforcement Assistant

PLANNING MILBANK 2005

THIS AGREEMENT is made the 13th day of October 2005

BETWEEN

- (1) BRECKLAND DISTRICT COUNCIL of Elizabeth House Walpole Loke Dereham Norfolk NR19 1EE ("the Council") and
- (2) JOHN GEARON BYEFORD MILBANK, LENA MARGARETA MILBANK, MICHAEL JEREMY COLIN MILBANK and VALERIE JANE MILBANK as trustees for and on behalf of Milbank Holdings Limited Retirement Benefits Scheme all of Earls Colne Business Park Earls Colne Colchester Essex CO6 2NS ("the Trustees")
- (3) NATIONAL WESTMINSTER BANK PLC (Company Number 929027) of 135 Bishopsgate London EC2M3UR ("the Mortgagee")

WHEREAS

(A) In this Agreement the following words shall have the following meanings:-

- | | |
|-----------------------|---|
| (1) "the Application" | means the application submitted to the Council in respect of a new factory with external storage and parking and perimeter wall which application is described in the forms plans and other particulars deposited with the Council under reference 3PL/2005/0326/F and for the avoidance of doubt for the purpose of this Agreement the term "the Application" shall include any application(s) to vary or renew the Permission |
|-----------------------|---|

REV NO:

S 106 HGV BAN.

Mundford Road and except for deliveries from/to Brandon or Weeting shall not enter any part of the village of Weeting or the town of Brandon

2. The Trustees shall take all reasonable endeavours to:-
 - 2.1 procure that as from the Commencement of the Development all Heavy Goods Vehicles attending or leaving the Land in connection with the Business shall do so from/to the north along Mundford Road and except for deliveries from/to Brandon or Weeting shall not enter any part of the village of Weeting or the town of Brandon
 - 2.2 bring the requirement specified under paragraph 2.1 above to the attention of the operators and drivers of Heavy Goods Vehicles attending or leaving the Land in connection with the Business by printing appropriate directions on all invoices orders and other similar stationery

Part Two

Landscaping Areas

The Trustees covenant with the Council

1. Prior to the Commencement of Development to submit a draft Landscape Plan and a draft Landscape Management Plan to the Council for approval by the Council
2. To take their best endeavours to obtain the approval of the Council in writing to the Landscape Plan prior to first occupation of any part of the Development (such approval not to be unreasonably withheld or delayed) and to include in the Landscape Plan any reasonable comments as are made in writing by the Council
3. To comply with and implement at their own expense and in accordance with an agreed programme the terms of the Landscape Plan in relation to the setting out and initial maintenance of the Landscaped Areas in accordance with the timescales set out in the Landscape Plan
4. To take their best endeavours to obtain the approval of the Council in writing to the Landscape Management Plan prior to first occupation of any part of the Development (such approval not to be unreasonably withheld or delayed) and

Victor Lukaniuk (SCC Councillor)

From: Andrew Bramwell
Sent: 16 October 2023 10:22
To: Victor Lukaniuk (SCC Councillor)
Subject: RE: Traffic Figures

Hi Victor,

Hopefully, you got my invite to discuss the data in more detail.

As requested, here are the main points of interest to come out of the ANPR surveys in Brandon:

- **46,428 vehicles** were identified over the five-day period between 7am and 7pm entering Brandon from the five inbound locations.
- Of the 46,428 vehicles identified, there was total **of 2051 vehicles at 7.5T or over** identified entering Brandon from the five inbound locations.
- The majority of HGVs entering Brandon from the five inbound locations were via the two locations along the A1065 to the north and south of the town.
- Of the approx. 96,000 trips identified of all vehicles entering and exiting Brandon via the five locations, **HGVs** entering and exiting in one trip through Brandon along the A1065, approx. 130 travelled southbound and approx. 160 travelled northbound within 15 minutes.
- Of the **HGV trips** being identified leaving the aggregate facility via location 3 (south of entrance to site) in the first instance, approx. 462 travelled southbound and approx. 11 travelled northbound.
- Total vehicles captured travelling to the aggregate facility/entrance from the two inbound locations along the A1065 was 13,449. HGVs accounted for 8% (459 from the south and 592 from the north) of this total.

Hopefully, speak to you on the 20th of October at 10:00.

Thanks,

Andrew Bramwell
Senior Strategic Transport Planner
Transport Strategy
Growth, Highways & Infrastructure
Suffolk County Council | Endeavour House | 8 Russell Road | Ipswich | IP1 2BX
Telephone: 01473263915
Email: [REDACTED]
Website: [REDACTED]
Our Values: *Wellbeing, Equality, Achieve, Support, Pride, innovate, Respect, Empower*

From: Victor Lukaniuk (SCC Councillor) <Victor.Lukaniuk@suffolk.gov.uk>
Sent: Tuesday, October 3, 2023 10:36 AM



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Breckland
COUNCIL



Your Ref:
Our Ref: ENF/2009/0167/PAR

Contact: Mrs S Arnold
Direct Dial: [Redacted]
E. Mail: [Redacted]

Date: 1 June 2009

Dear Mr Lukaniuk

Weeting: Tarmac, Mundford Road: Breach of Section 106

I refer to your recent enquiry concerning the above traffic movements from the above site.

Following discussions with the site manager at Tarmac Brandon, I can confirm that he has spoken with all his drivers and reminded them that other than those deliveries to Brandon and Weeting they must avoid movements through this town and village respectively. He also advised that there will be a "No Right Turning" notice erected at the entrance of the site as a further reminder, and as such I consider that they have taken all reasonable steps to comply with the obligations set out in the Section 106 Agreement.

If you have any evidence to show that lorries belonging to other companies are not adhering to the requirements set out in the Section 106 Agreement please let me know and I will make further enquiries.

Yours sincerely

Sue Arnold
Planning Enforcement Assistant

	5. Community use	5. Issue covered in report

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

Paragraph	Issue	Amendment
2.6	Typing error	Substitute '1.75' for '3.2' to read '3.2' hectares.

Planning (Regulatory) Committee

Item No. 7

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

Date of Meeting: 23 April 2024

Responsible Director: Steve Miller, Lead Director for Communities & 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)

There are no updates to report since the planning application committee report was published:

Organisation	Comment	Officer response

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

Paragraph	Issue	Amendment
3.5	<p>Since publication of the report the Greater Norwich Local Plan (GNLP) was adopted by South Norfolk District Council on 25 March 2024, and is now within a 6 week legal challenge period.</p> <p>Whilst the draft plan was already given weight in 3.5 of report as an emerging plan, it is now part of Development Plan</p>	<p>No amendments necessary. The Officer advice to Members is that the application is consistent with the adopted Plan, and its adoption doesn't alter recommendation of report.</p>

Planning (Regulatory) Committee

Item No: 5

Report Title: FUL/2022/0056 Land off Crab Apple Lane, Haddiscoe, Norfolk, NR14 6SJ

Date of Meeting: 24 May 2024

Responsible Cabinet Member: N/A

Responsible Director: Steve Miller, Lead Director Communities and Environment

Proposal & Applicant: Extraction of sand and gravel with low level restoration to meadow species rich grassland with ephemeral water body (Breedon Trading Limited)

Is this a Key Decision? No

Executive Summary

This report relates to a planning application for the development, of a “satellite extension” to the existing Norton Subcourse Quarry, on agricultural land on the north side of the B1136 Loddon Road, to the immediate north-west of Haddiscoe.

It is proposed to extract 650,000 tonnes of gravel for export to Norton Subcourse Quarry for processing over a maximum period of seven years, with an additional year to complete restoration of the site. 510,000 tonnes of sand would also be extracted that would be retained on-site and used in its restoration. Extraction of the mineral and phased restoration would be followed by 5 years of aftercare. Access to the site would be from a new access on to Crab Apple Lane to the west of the site and then on to the B1136 Loddon Road, which is a designated lorry route.

The site would be progressively restored, as the mineral is extracted, without the import of any fill material, so this would be to a lower level than the existing landform, i.e. low-level restoration. The proposed restoration which would make use of the retained soils as well as the sand, to a species rich lowland neutral grassland, that would be used for grazing, with new native hedgerows, the creation of an area of marshy habitat in the winter to enhance the site for biodiversity, and the reinstatement of Haddiscoe Bridleway BR5, which runs through the site, along its statutory route, following its temporary diversion during extraction.

Whilst the application site does not comprise one of the allocated sites in the current Norfolk Minerals and Waste Development Framework: Minerals Site Specific Allocations Development Plan Document, it is included as allocation MIN25, Land at Manor Farm, Haddiscoe, in the emerging Norfolk Minerals and Waste Local Plan.

There have been objections to the application from Haddiscoe Parish Council and Toft Monks Parish Council; Hales and Heckingham Parish Council and Thurlton Parish Council have expressed concerns about the potential traffic and environmental impacts of the proposal, and Norton Subcourse Parish Council has advised that it has no objection. In addition, there have been 387 third-party representations received from 177 individuals and organisations, with some making multiple representations, of which 383 offer objection, 1 supports and 3 provide comments without stating either support or an objection.

The objectors include a local action Group Stopit2, which states that it represents 253 residents in Haddiscoe, and has made detailed submissions on the application which have included a consultant report providing a review of the Dust Assessment submitted with the application.

The key issues for consideration are:

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

It is considered that the proposal would be in accordance with the policies contained in the Norfolk Minerals and Waste Development Framework (NM&WDF): Core Strategy and Minerals and Waste Development Management Policies, the NM&WDF: Minerals Site Specific Allocations Development Plan Document (DPD) (2013) (with amendments adopted December 2017), the Greater Norwich Local Plan (Adopted March 2024), the South Norfolk Local Plan Development Management Policies Document (Adoption Version October 2015) and the National Planning Policy Framework (NPPF) (December 2023), which is a key material consideration.

Full details of the Planning Application Ref. FUL/2022/0056, including the consultation responses and representations can be found online through the following link:

<https://eplanning.norfolk.gov.uk/Planning/Display/FUL/2022/0056#undefined>

Recommendations:

That the Lead Director Communities and Environment (or equivalent) be authorized to:

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

1. Background

- 1.1 The application has been submitted by Breedon Trading Limited, for a “satellite extension” to its existing Norton Subcourse Quarry, which is located 4.1km north-west of the application site.
- 1.2 Norton Subcourse Quarry was developed in the 1960s and over the years has had a number of planning permissions to update and extend its operations. The latest permission, Planning Permission Ref. C/7/2012/7017, for an extension to working area was permitted in 2015 and enabled the extraction of 2.37 million tonnes of sand and gravel over a period of 11-21 years. The life of the quarry has subsequently been extended to 2036 by Planning Permission Ref. C/7/2018/7014.
- 1.3 The current application explains that as extraction of the sand and gravel has progressed, the aggregate deposit at Norton Subcourse Quarry has been found to have a higher sand to gravel ratio than expected, with the result that the quarry has not been able to operate and produce the 150 000 - 200,000 tonnes per annum level for which it was consented. The current application at Haddiscoe, has therefore been submitted to extract the gravel from the site so that it can be transported to Norton Subcourse Quarry, to be blended to continue to create the saleable products that have been produced at the quarry.
- 1.4 As a result, there is no intention to undertake any processing of the gravel on the current application site, other than screening to separate the sand from gravel.
- 1.5 It should also be noted that the current application site formed part of a previous planning application, by a different applicant, Earsham Gravels Ltd, Planning Application Ref. C/7/2011/7020, submitted in 2011. This was for the extraction of 1,450,000 tonnes of sand and gravel in a phased manner over a 21-year period, with progressive restoration to a combination of nature conservation and agricultural after-uses. That application extended over a larger area than the current application and included a substantial plant area to the south of the B1136 Loddon Road. The application was refused by the Committee in January

2013, and was subsequently appealed. The appeal was dismissed in July 2014, with the Inspector attaching significant weight to the fact the site had not been included in the then recently adopted Norfolk Minerals and Waste Development Framework (NM&WDF): Minerals Site Specific Allocations DPD (2013) and the adverse impact arising from the development of the area to the south of B1136, in relation to which he considered that there would be a moderate adverse change to the landscape quality for the 21-year duration of the quarry proposed. He also considered that there would be significant harm to the setting of the adjacent Grade I Listed Church of St Mary. Other potential negative factors were also identified as arising from increased noise, dust and traffic.

- 1.6 The site lies wholly within area of Haddiscoe Parish Council.

2. Proposal

SITE

- 2.2 The Application Site comprises a single irregular shaped arable field extending to 21.5 hectares (ha) to the immediate north-west of Haddiscoe, comprising all the land to the west of Manor Farm within the area defined by the B1136, Loddon Road to the south-west, Crab Apple Lane to the north-west, and Church Road/Thorpe Road to the north-east. There is small area of former mineral working, which is used as a recreational area, to the north-west of Manor Farm that is excluded from the Site.
- 2.3 The topography is relatively flat with a gentle gradient downwards to the north of the site, with the highest point having an elevation of approximately 16m AOD in the south-western corner and the lowest point an elevation of 12m AOD along the northern boundary. The land is predominately Grade 3b agricultural land, with only 0.5ha comprising Grade 3a, Best and Most Versatile (BMV) agricultural land. It is surrounded on its south-west, north-west and north-east sides (i.e. the sides adjoining the adjacent roads) by a belt of mature advanced tree planting, approximately 24m wide.
- 2.4 The farm buildings at Manor Farm extend along most of the south-eastern boundary, with The Loke linking the A143 and Thorpe Road beyond this, and the larger part of Haddiscoe village located beyond this but within 500m of the south-east boundary. The nearest residential properties include a number of individual dwellings located along Church Road to the immediate north-east, including Windmill Cottage, The Boundaries and Willows Barn, the nearest of which lies less than 10m from the site boundary, albeit separated from the proposed working area by the belt of advanced tree planting.
- 2.5 There are also a number of properties to the south-east of the Site on the south side of the B1136, Loddon Road, the nearest, which are identified in the application as, Nos. 1 and 2 Loddon Road. These lie approximately 25m from the boundary, adjacent to the Church of St Mary, which is situated 100m south of the south-west boundary on the south side of the B1136, Loddon Road. There are two other properties, the Gables and Gable End which are located slightly

further away to the south. Haddiscoe Village Hall is situated approximately 320m east of the south-east corner of the site.

- 2.6 Beyond Church Road, to the north-east, the land falls away down to Haddiscoe Marshes, approximately 160m from the site boundary, and the River Waveney, which lies approximately 2.2km to the north-east.
- 2.7 The northern side of the Site adjoins the Broads Authority boundary which has equivalent status to a National Park.
- 2.8 There are no immediately nearby nationally protected ecological designations. The nearest is the Staney and Alder Carrs, Aldeby Site of Special Scientific Interest (SSSI), 3.9km to the south of the site and Halvergate Marshes SSSI located 4.5km north of the Site. This is also as designated as part of the Broads Special Area of Conservation (SAC), the Broadland Special Protection Area (SPA) and Breydon Water SPA and Broadland Ramsar site.
- 2.9 There are four County Wildlife Sites (CWS) within 2km of the Site boundary:
 - Devil's End Meadows, 140m to the south;
 - Marsh Farm Meadows, 815m to the north;
 - Willow Farm Meadow 1.1km north-west; and
 - Middle Row Wood 1.6km south.
- 2.10 The nearest area of Ancient Woodland is Long Row Wood, which is an area of Ancient Semi-Natural Woodland, 1.5km south of the Site.
- 2.11 There are four listed buildings within 250m of the site: White House Farm which is Grade II Listed on the northern side of Thorpe Road, 160m from the site; Church of St Mary which is Grade I listed to the south east of the B1136, 100m from the site; the Monument to William Salter set in Churchyard Wall which is Grade II listed to the south east of the B1136, 130m from the site; and Haddiscoe War Memorial which is Grade II listed to the south east of the B1136, 120m from the site. In addition, Thorpe Hall which is Grade II listed is located 315m to the north-west of the site, and the Church of St Matthias which is Grade I listed is located 450m north-west of the site. There are no Scheduled Monuments, Conservation Areas or Registered Parks and Gardens within the immediate setting of the Application Site.
- 2.12 The Application Site is in Flood Zone 1, i.e the area of lowest flood risk, and is not subject to flooding from any rivers.
- 2.13 There is a Bridleway, Haddiscoe BR5 which runs east to west across Crab Apple Lane to Haddiscoe village centre through the Application Site. This links up with and continues as Bridleway, Haddiscoe BR4 to the north-west.

PROPOSED DEVELOPMENT

Summary

- 2.14 The application is for the extraction of 650,000 tonnes of gravel for export to Norton Subcourse Quarry for processing over a maximum period of seven years, with an additional year to complete the final phases of restoration. 510,000 tonnes of sand would also be extracted that would be retained and used in the restoration.
- 2.15 Extraction would take place in seven phases at a rate of 100,000 tonnes of gravel per annum (tpa). Phase 1 would start in the south-west corner of the site and then move south-east into Phase 2 and then south-east again into Phase 3. Extraction will then progress in an anticlockwise direction, to the north and then north-west into Phase 4, 5, 6 and finishing in Phase 7 on the north-west side of the Site. Restoration would also be undertaken on a phased basis, so that as extraction finishes in Phase 1 and moves into Phase 2, restoration works would commence in Phase 1, and then move into Phase 2 as extraction moves into Phase 3.
- 2.16 The extraction boundary would be offset from the red line boundary of the Site, with an unworked margin to maintain a suitable distance to the adjacent and nearby residential properties, and in order to enable the tree belt around the edge of the site to be retained and protected, with space for the soils and sub-soils to be stored in amenity bunds. Bridleway, Haddiscoe BR5 would be temporarily diverted while Phases 4,5, 6 and 7 are being work.
- 2.17 The site would be restored at a low level to species rich lowland neutral grassland for grazing and wildlife and biodiversity with 5 years of aftercare after restoration is completed.

Site Set-Up and Access Works

- 2.18 There would be an initial period in the first year during which the site set up and access works would be undertaken. These would be relatively straightforward as there would be no need for the construction of processing plant or lagoons. This would last two to three months.

Tree and Vegetation and Protection of Service Infrastructure

- 2.19 Prior to works commencing, the existing boundary trees and hedgerows on the site would be fenced and protected from the site set-up works and extraction operations. There are no trees or hedgerows within the extraction area, although there two mature oak trees on the north-western side of the site within the boundary tree belt, one on the inside edge of the boundary tree belt, that would be protected with post and wire fencing.

Amenity Bunds and Right of Way Diversion

- 2.20 Bridleway, Haddiscoe BR5, which runs east to west through the Site, would be fenced whilst site-set up operations take place and temporarily stopped up whilst top and subsoils are moved to construct amenity bunds along the sections of the south-western and north-eastern boundaries and at the north-eastern corner of the extraction area. As extraction operations move through into Phase 4, the bridleway would be diverted for the duration of the remaining extraction operations, and then once these later phases are restored it would be reinstated onto its original statutory alignment.
- 2.21 The bridleway would be diverted north along the western side of Phase 6 and then along the north-eastern boundaries of Phase 5 and 6, to re-join its statutory alignment where it exits the site into Haddiscoe on Church Road/Thorpe Road. The diverted bridleway would run between the outside edge of the amenity bunding to be constructed on the edge of the extraction area and the fencing erected to protect the existing hedge and tree belt.

Access Works and Passing Bay

- 2.22 It is proposed that access into the site would be taken from Crab Apple Lane. It had initially been proposed that this would use the existing field access located approximately 200m north-east of the junction of Crab Apple Lane with the B1136, Loddon Road. However, following the initial round of consultation and the receipt of consultation comments from the Highway Authority (See paragraph 3.16 below), this access has been moved closer to the junction. It would be constructed as a hard-surfaced bell mouth junction with a visibility splay in each direction.
- 2.23 Crab Apple Lane would be widened, to a minimum of 6.5 m at the junction with the B1136 and through to the relocated access. This is because the existing lane is essentially a single-track road and unsuitable for use by passing HGVs.
- 2.24 The applicant has proposed that a condition be attached to the permission, if approved requiring the submission for approval of the roads works which would be delivered by a Section 278 Agreement with the Highway Authority.
- 2.25 A lorry loading and turning area with an as dug stockpile would be created inside the access in Phase 1 or 2 or 7 of the Site, with a haul road constructed from the access down into Phase 1 of the extraction area. This will ensure there is no vehicle queuing or waiting along Crab Apple Lane.

Staff Facilities

- 2.26 Once the access, turning area and stocking area is created a portacabin site office/messroom would be located inside the access alongside the haul road for staff working on the site.

Top-Soil and Sub-Soil Movement – Soil Bund Creation

- 2.27 Prior to extraction operations taking place in each phase, the topsoil and subsoils will be stripped and placed in 3m high grass seeded amenity bunds that would be constructed in the north-western corner of the Site (Bund 1), along the southern western boundary (Bund 2), and along the north-eastern boundary and partly along the south-eastern boundary (Bund 3).

Archaeological Works

- 2.28 Once the site set up and soil stripping works have been undertaken, archaeological works would commence for each phase of working. The archaeological works will be undertaken in accordance with a programme to be set out in an Archaeological Written Scheme of Investigation (WSI).
- 2.29 The extraction boundary for Phase 1 at the south-western corner of the Site, is set back from the southern boundary to avoid disturbance to an area of archaeological interest. This area will be fenced to ensure its protection during extraction.

Mineral Extraction Operations

- 2.30 Once the archaeological works are complete for each phase, extraction of the mineral will commence. The sand and gravel would be extracted dry with no dewatering required, using a 360-degree excavator. The depth of deposit varies across the site from 4.0m to 9.5m below ground level – but would be worked to an average depth of 7.0m. The material will be screened to separate the sand from the gavel and the gravel then loaded into HGVs and taken to Norton Subcourse Quarry along the B1136 for processing. The gravel will be exported off-site at a rate of 100,000tpa. Each phase will take approximately a year to work.
- 2.31 0.5 million tonnes of sand will also be extracted at the same time as the gravel. The separation of the sand and gravel will be undertaken by a mobile screen, with the retained sand subsequently re-used to shape the restoration landform. The screen would be located and operated at the extraction face in the mineral void and at a distance of at least 60m from the extraction boundary. There would also be plant for soil stripping, bund construction and placement, comprising one or two excavators and dumpers and a loading shovel.
- 2.32 All HGVs taking gravel to Norton Subcourse will be sheeted and the road and access inspected regularly and swept as necessary to keep clean. The gravel will be processed and blended with the existing permitted sand deposit at Norton Subcourse Quarry to allow the full range of aggregate products to continue to be produced.

HGV Movement and Traffic Associated with Haddiscoe Extension

- 2.33 All HGV traffic would enter and leave the site via Crab Apple Lane and then join the B1136 to travel west to the entrance to the haul road access to Norton Subcourse Quarry. It is expected that on average there would be 38 HGV (20 tonne) movements per day (19 in and 19 out), with 4-6 movements by staff in cars or light vehicles. Peak HGV movements are anticipated at 4 movements per hour (2 in and 2 out).

Movement and Traffic Associated with Norton Subcourse

- 2.34 The import of gravel to Norton Subcourse Quarry will involve the HGVs travelling west from Haddiscoe along the B1136 to the quarry, for almost the entire length of the route between the two sites. There is a priority junction on the B1136 with Ferry Road, 4.5km west of Crab Apple Lane. Immediately to the north of this junction, there is a further priority T-junction with the private Norton Subcourse Quarry haul road. The haul road is used for quarry traffic, but also provides occasional field access to the adjacent farmland.
- 2.35 In terms of movements into and out of the access at Norton Subcourse Quarry the application, if permitted, would result in an additional 38 HGV movements, over that originally assessed and permitted approaching and leaving the quarry from the east and turning into and out of Ferry Road. However, once the gravel is delivered to site and processed, the Haddiscoe material would be blended with the on-site extracted Norton Subcourse Quarry sands and gravels and would be produced and exported on the same annual rate as assessed for the 2017 approved Planning Permission Ref. C/7/2012/7017 for Norton Subcourse Quarry, i.e. at a rate of approximately 200,000 tonnes per annum. The import of gravel from Haddiscoe is not intended to extend the lifetime of the Norton Subcourse Quarry, which is permitted until 2036.

Hours of Operation

- 2.36 The proposed hours of working are Monday to Friday 0800-1700 and Saturday 0800-1300 with no working on Sundays or on Public or Bank Holidays.

Lighting

- 2.37 No fixed or permanent lighting is proposed. During dull or short winter days the lights from the excavator or truck mounted directional temporary lighting only would be used and only during the hours of working.

Employment/Staff

- 2.38 The Site would be intended to operate as a "satellite extension" to the existing Norton Subcourse Quarry. It would have one or two staff to undertake extraction operations. A small messroom/facility portacabin will be located on site, positioned in Phase 1, 2 or 7, close to the access road and bunds.

Restoration Concept and Aims

- 2.39 The Application Site is not owned by Breedon, the applicant company. It is owned by the neighbouring property, Manor Farm. The application states that the design of the sand and gravel extraction has been undertaken in liaison with the landowner and with the purpose of retaining agricultural land quality once restored. Following restoration, there would be a loss of 0.5 hectares of Grade 3a land but overall, it is intended to restore the site to Grade 3b land, with the site being returned to grazing.
- 2.40 The application states that the general aim of the restoration scheme is to achieve restoration to the highest standards, in order to ensure the community is left with an attractive restored site, which also delivers increased wildlife, habitats in terms of net biodiversity gain.
- 2.41 The application was submitted before the introduction of statutory biodiversity net gain (BNG), which consequently does not apply. Nevertheless, the application states that the restoration proposals seek to provide a significant increase in biodiversity by creating a mosaic of habitats when compared to the existing agricultural land and to help meet the targets of the Norfolk Biodiversity Action Plan. It states that it is also intended to contribute to the rural character of the surrounding area.
- 2.42 The sand and gravel extraction process would create a void. It is not proposed to import material and restore the site back to the existing ground levels. Because of the lack of local market for the sand, this will be retained on the site for use in its restoration, to provide a lower-level landform. The restoration profile would slope gently down into the centre of the site from a level of 15-11m AOD at the field perimeter to around 7m AOD at the lowest level, to create an area of lowland neutral grassland.
- 2.43 The lowland neutral grassland would be species rich. New native hedgerows would be planted across the site, with the intention that these would serve as green corridors linking the existing perimeter tree belts and additional new areas of woodland. New woodland would be planted around the perimeter of the site, with scrub edges, inside the existing perimeter tree belt, with one or two woodland areas also allowed to regenerate within the site to create visual and nature conservation habitat interest. At the lowest point in the centre of the site it is proposed that an area of marshy habitat in the winter, and at times when groundwater levels are high, would be created. This would also serve to hold water, when water levels are high and prevent flooding elsewhere. To encourage reptiles and invertebrates to move into the restored site, hibernacula comprising piles or logs and/or stones with turf on top will be constructed in south facing glades or adjacent to the wet area/scrapes. To encourage bats and nesting birds, bat and bird boxes would be erected in suitable locations as part of the operational and restoration schemes.

- 2.44 Public access to the Site would be restored, with Bridleway Haddiscoe BR5 being reinstated along its designated statutory route through the field, following its previous temporary diversion.

Biodiversity Gain

- 2.45 The proposed restoration scheme would result in the creation of 14.33ha of species rich lowland meadow grassland, 2.48ha of woodland, 0.71 ha of scrub, 0.12 ha of wet woodland, 0.13 ha of marsh, and 518m of new hedgerow with 19 new hedgerow trees. There would as a result be some loss of the area of land that could be used for agriculture.

Restoration Aftercare

- 2.46 The restored grassland and planting areas will be subject to a 5 year aftercare scheme, and it proposed that there would be annual aftercare meetings and reporting on the previous 12 months aftercare works and proposals for the subsequent 12 months.

ENVIRONMENTAL IMPACT ASSESSMENT

- 2.47 In accordance with the Town and Country Planning Environmental (Impact Assessment) Regulations 2017 (the “EIA Regulations”) an Environmental Statement has been submitted with the application. The assessment of the matters in the statement is set out below under the relevant headings in the Appraisal section below.
- 2.48 A request for the submission of further environmental information was issued under Regulation 25 of the EIA Regulations, following the responses from consultees to the initial round of consultation.

3. Impact of the Proposal

DEVELOPMENT PLAN POLICIES

- 3.1 The following policies of the Norfolk Minerals and Waste Development Framework (NM&WDF): Core Strategy and Minerals and Waste Development Management Policies and DPD 2010-2026 (2011), the NM&WDF: Minerals Site Specific Allocations DPD (2013), the Greater Norwich Local Plan (Adopted March 2024), and the South Norfolk Local Plan Development Management Policies Document (Adoption Version October 2015) are of relevance to this application:

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

- Policy CS1: Minerals Extraction;

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

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

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

Greater Norwich Local Plan (GNLP) (Adopted March 2024)

3.2 The Greater Norwich Local Plan (GNLP) has been found to be sound by an Independent Inspector and was adopted in March 2024 as part of the development plan for Broadland District Council, Norwich City Council and South Norfolk District Council, subject to the inclusion of the main modifications recommended by an Independent Inspector. It replaces the former Joint Core Strategy for Broadland, Norwich and South Norfolk (Adopted March 2011, amendments adopted January 2014). The following policies are relevant to the application:

- Policy 2: Sustainable Communities; and
- Policy 3: Environmental Protection and Enhancement.

South Norfolk Local Plan Development Management Policies Document (Adoption Version October 2015)

- Policy DM 1.1 Ensuring development management contributes to achieving sustainable development in South Norfolk;
- Policy DM 1.4 Environmental Quality and Local Distinctiveness;
- Policy DM 3.8 Design Principles Applying to all Development;
- Policy DM 3.11 Road Safety and the Free Flow of Traffic;
- Policy DM 3.13 Amenity, Noise and Quality of Life;
- Policy DM 3.14 Pollution, Health and Safety;
- Policy DM 4.2 Sustainable Drainage and Water Management;

- Policy DM 4.4 Natural Environmental Assets – Designated and Locally Important Open Space;
- Policy DM 4.5 Landscape Character and River Valleys;
- Policy DM 4.8 Protection of Trees and Hedgerows;
- Policy DM 4.9 Incorporating landscape into Design; and
- Policy DM 4.10 Heritage Assets.

Neighbourhood Plan

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

OTHER MATERIAL CONSIDERATIONS

National Planning Policy Framework (December 2023)

- 3.3 The latest iteration of the National Planning Policy Framework (NPPF) was published in December 2023 and sets out the Government’s planning policies for England and how these should be applied. Whilst not part of the development plan, policies within the NPPF are also a material consideration capable of carrying significant weight. Paragraph 11 sets out the presumption in favour of sustainable development and 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.

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- 3.4 Paragraph 48 of the NPPF states that local planning authorities may give weight to relevant policies in emerging plans according to the stage of preparation of the emerging plan and the extent to which there are unresolved objections to those policies and the degree of consistency between them and the NPPF.
- 3.5 The production of a new Norfolk Minerals and Waste Local Plan is currently ongoing. The Pre-Submission Publication draft of the Plan (‘the emerging NM&WLP’) was published for a period of representations between September and December 2022. The Pre-Submission document was submitted to the Secretary of State in December 2023, for public examination by a Planning Inspector. At this stage only limited weight can be attributed to the policies in the emerging plan, although Policies MW2, MW3, MW5, MP6 and MP8 do not have any objections to them and can therefore be given greater weight. Draft policies relevant to this application include the following:
- Policy MW1: Development Management Criteria;
 - Policy MW2: Transport
 - Policy MW3: Climate change mitigation and adaption
 - Policy MW5: Agricultural soils
 - Policy MP1: Provision of Minerals Extraction;

- Policy MP2: Spatial Strategy for Minerals Extraction;
- Policy MP6: Cumulative Impacts and Phasing of Workings;
- Policy MP7: Progressive working, restoration and after-use;
- Policy MP8: Aftercare; and
- Specific Site Allocation Policy MIN 25: Land at Manor Farm Haddiscoe.

3.6 Specific Site Allocation Policy MIN 25 applies to the Land at Manor Farm (between Loddon Road and Thorpe Road), Haddiscoe, which extends to 21.95 hectares. This includes the whole of the current application site and has an estimated sand and gravel resource of 1,300,000 tonnes.

CONSULTATIONS

3.7 **South Norfolk District Council – Planning:** No objection, but express concern about the impact of the proposal in relation to its potential impact on the amenity of nearby residential properties, highway safety, biodiversity and the historic environment. They have restated these concerns following the submission of the response to the Regulation 25 request for further information.

3.8 **South Norfolk District Council – Environmental Quality:** No objection, subject to the inclusion of conditions to secure the recommended mitigation measures contained in the Noise chapter of the Environmental Statement, and the supporting Appendix, together with conditions stipulating the permitted working hours, and the submission for approval of an Operations Management Plan to control any noise, dust and smoke arising from operations on the site.

3.9 Additional comments have been submitted in response to submission of the response to the Regulation 25 request for further information, requesting that the bund (Bund 3) to be constructed along the south-eastern boundary of the extraction area be extended further south to provide further protection to the adjacent farm, Manor Farm, from any wind borne dust, and that the condition requiring the submission of an Operations Management Plan, be expanded include additional specified mitigation measures relating to dust management.

3.10 **Broads Authority:** Comments that the application site lies immediately adjacent to the Broads Authority boundary, and it offers the following specific comments in relation to the impacts on biodiversity, landscape, and the historic environment:

3.11 Biodiversity: That as long the specified mitigation is followed, and restoration is undertaken in accordance with the submitted details, the development would not have significant impacts on the Broads. It also advises that biosecurity protocols should be followed by all workers and visitors on site at all times to prevent the establishment or spread of any invasive species into the Broads, and that a biosecurity strategy should be put in place.

- 3.12 Landscape: That the overall landscape and visual effects following restoration would not have any significant adverse effects on the Broads or the setting of the Broads. It is however concerned that the extraction period is likely to have adverse effects on the tranquillity of the landscape, and on sensitive visual receptors, and it therefore recommends that it would be beneficial if the extraction period could be limited to reduce the duration of these effects, that a condition to prevent future applications for extension of time is added, and that there are restrictions on use of external lighting.
- 3.13 Historic Environment: That there are a number of designated heritage assets in close proximity to the site within the Broads Authority area. These include the Church of St Matthias (Grade I Listed), Thorpe Hall (Grade II Listed) and White House Farm (Grade II Listed). It comments that Thorpe Hall has not been included in the Cultural Heritage assessment provided with the application, despite it being closer to the site than the Church of St Matthias.
- 3.14 It has also expressed concerns about how the impact on the designated heritage assets has been assessed. This, it comments is primarily because the assessment is almost entirely based on whether there are views between the site and the designated heritage assets, and that impacts from noise and dust have only been considered in the other assessments submitted as part of the Environmental Statement, when it is also influenced by other environmental factors, such as noise, dust and vibration from other land uses in the vicinity. As such it considers that the potential for detrimental impacts on designated heritage assets is greater than stated in the submitted Cultural Heritage assessment.
- 3.15 **Norfolk County Council - Lead Local Flood Authority (LLFA):** Has advised that it has no comment to make on the application. It has not offered any additional comments following the submission of the response to the Regulation 25 request for further information.
- 3.16 **Norfolk County Council - Highway Authority:** No objection. It initially advised that the access into the site, which was to be located approximately 200m north-east of the junction of Crab Apple Lane with the B1136 Loddon Road, should be located closer to the junction and that Crab Apple Lane should be widened (to a minimum of 6.5 m) at the junction with the B1136 and through to the relocated access. This is because the existing lane is essentially a single-track road and unsuitable for use by passing HGVs.
- 3.17 In response to this the applicant has, as set out above, amended the access proposals as recommended by Norfolk County Council Highways, who have advised that these would need to be delivered through a Section 278 Agreement.
- 3.18 They have advised that revised access proposals are acceptable, and that the visibility at the junction of Crab Apple Lane onto Loddon Road is also

acceptable, and more generally that the route from the site to/from the Norton Subcourse Quarry is suitable for the level of HGV traffic proposed. They do however advise that once processed, the onward transport of mineral from Norton Subcourse Quarry will lead to a marginal increase in traffic, both on Loddon Road and on the wider network, but that this would not be significant.

- 3.19 On this basis, they do not consider that the proposals to be unacceptable, subject to the inclusion of conditions relating to submission for approval of the construction details of proposed access, including the related surface water drainage, the siting of any access gates, the provision only of the access shown on the approved plans, the provision and maintenance of the required visibility splays, and the submission for approval and completion of the off-site highway improvement works before substantive mineral extraction works on the site commence.
- 3.20 **Norfolk County Council - Public Rights of Way:** Initially returned a holding objection to the application on the basis that the Public Right of Way, Bridleway Haddiscoe BR5, which crosses the northern side of the site, and that whilst a temporary diversion is proposed, no additional detail had been provided, but have subsequently confirmed that the details of the alignment, width, gradient and construction details of the diversion and the restored alignment can be reserved by condition.
- 3.21 **Norfolk County Council - Ecology:** No objection. The County Ecologist identifies that the Environmental Statement included with the application includes a chapter on ecology and that this is supported by a Preliminary Ecological Appraisal (PEA) and reports on bat activity surveys, Great Crested Newt surveys and breeding bird surveys. The PEA identifies that there is a belt trees around the edge of the site, that are to be retained for the purposes of screening. General precautionary working measures, mitigation, and compensation and enhancement measures are outlined in the Environmental Statement Ecology chapter, that the County Ecologist advises, must be implemented.
- 3.22 They further advise that the restoration scheme is considered appropriate. As well as the retention of the existing tree belt, it provides for the enhancement of the site with additional native woodland planting with scrub edge, native hedgerow planting with trees, species rich lowland meadow grassland and marshy areas. They comment that opportunities to further enhance the site for biodiversity are outlined in the PEA report and the Ecology Chapter.
- 3.23 As part of the submission of the response to the Regulation 25 request for further information, additional information was submitted, at the request of the County Ecologist, setting out details of the restoration of the hibernacula and the provision of bird and bat boxes on the site. The County Ecologist has

advised that the submitted details, included in an Ecological Enhancement Plan, are acceptable, subject to a requirement, by condition to ensure this.

- 3.24 They advise that the submitted Concept Restoration Plan and/or Landscape Planting & Aftercare Plan are also revised to include the locations of the bird and bat boxes and reptile hibernacula, which can be reserved by condition.
- 3.25 **Norfolk County Council - Arboriculture:** No Objection. The Arboricultural Officer initially returned a holding objection because no tree report had been submitted with the application. This has been addressed through the submission of an Arboricultural Impact Assessment and Method Statement as part of the response to the Regulation 25 request for further information.
- 3.26 They have advised that the Environmental Statement identifies that all the trees and hedgerows on the site will be retained, and that the unexcavated margins will be left with the perimeter trees and hedgerows protected by tree protection fencing to be erected at a distance of 3-5m from the tree belt, where no existing fencing exists. The fencing will be kept and maintained for the duration of the extraction operations and until final restoration has been completed.
- 3.27 They further advise that the submitted Arboricultural Impact Assessment and Method Statement as part of the response to the Regulation 25 request for further information, is fit for purpose and acceptable and includes details of the proposed use of post and wire tree protective fencing, which in this case is considered acceptable given the length of operation and the lowered risk of incursion into root protection areas.
- 3.28 Provided that the submitted Arboricultural Method Statement is adhered to, they consequently have no objection to the application.
- 3.29 **Norfolk County Council - Landscape:** No objection. Initially returned a holding objection, on the basis that further information was required relating to the access and vegetation retention, which has now been addressed as part of the response to the Regulation 25 request for further information.
- 3.30 They advise that the submitted LVIA is fit for purpose and that they broadly agree with its conclusion that the Site is well located in the landscape to the extent that it would be screened by the intervening and boundary vegetation from potential public viewpoints and that the proposed restored low level restoration is unlikely to have any major adverse impacts on the landscape character of the area.
- 3.31 They comment that bunding is proposed during the operational period, but that the bunds would be minimal in height and would be predominantly located behind the peripheral tree belt.

- 3.32 The restoration scheme would include retention of the existing tree belt, and some enhancement works are also proposed. Whilst the site would be restored to a lower level, they further comment that the restoration proposals would be beneficial in terms of the landscape.
- 3.33 They also comment that the experience of users of Public Right of Way, Bridleway Haddiscoe BR5 would change following restoration, but they consider that the changes would be beneficial, and the reinstatement would provide a suitable route.
- 3.34 They further comment that they agree with the conclusions of the additional information provided in the Landscape and Visual Impact Assessment (LVIA): Addendum as part of the response to the Regulation 25 request for further information and confirm that the report and LVIA have been undertaken following professional standards and to a high and suitable quality. Accordingly, they have no objection to the application.
- 3.35 **Norfolk County Council - Historic Environment:** Have advised that the site has been subject to a pre-application geophysical survey and trial trenching. This confirms that an area of possible late Saxon or medieval settlement south of the Loddon Road appears to extend north of the road, and that a further ditch dated to the Roman period was found a short distance to the east. They comment that a cropmark of a possible ploughed-out Bronze Age burial mound is located a short distance to the north which also requires excavation. Therefore, they advise that there is potential for archaeological interest (buried archaeological remains) to be present at the site and that their significance will be adversely affected by the proposed development.
- 3.36 Accordingly, they advise if planning permission is granted, that this should be subject to a condition requiring a programme of archaeological mitigatory work.
- 3.37 **Norfolk County Council – Public Health:** Initially advised that a full Health Impact Assessment (HIA) should be submitted using an appropriate methodology to cover the extraction phase of the project, and to set out appropriate mitigation measures if required, which should consider both the direct impacts on health from changes in air quality, dust, noise, vibration, and increased traffic, but also discuss the wider determinants of health such as temporary changes and disruption to Public Rights of Way. They are particularly concerned that any fine particulate matter caused by quarrying activities should be at safe levels and that the assessment should give consideration to Public Health England’s 2019 “net health gain” principles which are intended to deliver an overall benefit to people’s health from new development, incorporating interventions into the design to reduce emissions, exposure to pollutants and contribute to better air quality management.

- 3.38 In response to these comments that applicant has, as part of the response to the Regulation 25 request for further information, submitted a Health Impact Assessment (HIA) and a Dust Management Plan.
- 3.39 Public Health has subsequently advised that the applicant has used a sound methodology to conduct the HIA, using available data, although it also comments that whilst the HIA concludes that there will be no negative impacts from the quarry on the health of residents in South Norfolk or Haddiscoe Parish, no materially positive impacts have been identified either.
- 3.40 They advise that the Dust Management Plan addresses most of their previously raised concerns raised, although they would like to see ongoing monitoring and reporting of dust emissions.
- 3.41 They comment that the applicant has used data published by the Department for Environment Food and Rural Affairs (DEFRA) to establish that the baseline values for PM₁₀s in Haddiscoe range from 13.0-15.2 µg/m³ which do not exceed the 17µg/m³ threshold that would warrant further action. However, they also advise that the data is modelled, with potential variances of up to 50%, and that because currently no PM₁₀ monitoring is undertaken in the area, there is no way to verify the accuracy of the modelled data.
- 3.42 Consequently, they recommend that the applicant undertakes indicative real-time automated monitoring of dust emissions from the site for the duration of operations to ensure emissions do not exceed levels set out in the Air Quality Standards Regulations 2010; that the applicant establishes a process for reporting dust emissions from the site and any complaints received by the Environmental Quality Officer (EQO) at South Norfolk District Council; and that an Operations Management Plan includes setting operational cut-offs for wind speeds across the site, and a process for notifying the results of monitoring, as requested by South Norfolk District Council.
- 3.43 **Waveney, Lower Yare & Lothingland IDB:** Advise that the application site is near to the Internal Drainage District (IDD) of the Waveney, Lower Yare and Lothingland Internal Drainage Board (IDB) and is within the Board's Watershed Catchment (meaning water from the site will eventually enter the IDD).
- 3.44 It comments that no new impermeable area is proposed and that the operations will be carried out above the water table, and therefore that no detailed strategy is proposed for any surface water or groundwater discharge to the ground or to a watercourse. However, as the site is located within the watershed catchment of the Board's IDD, it requests that any discharge that may subsequently be proposed is facilitated in line with the non-statutory technical standards for sustainable drainage systems (SuDS), and that the discharge is attenuated to the Greenfield Runoff Rates wherever possible. Any discharge should be

filtered and treated as necessary to reduce the risk of pollution to surrounding watercourses.

- 3.45 **Norfolk Wildlife Trust:** Advises that the application site is close to Devil's End Meadow County Wildlife Site (CWS), a site of importance for wildlife protected by planning policy and designated for its mosaic of habitats, including grassland and wet woodland. It was initially concerned that there was insufficient information on the precautionary measures proposed in the Ecological Impact Assessment submitted as part of the Environmental Statement, in relation to the hydrological impacts, air quality impacts and the restoration proposals.
- 3.46 However, following the submission of the response to the Regulation 25 request for further information, it recommend that if the application is approved, that the mitigation measures set out in Ecological Impact Assessment are secured by way of condition. Its specific comments are as follows:
- 3.47 **Hydrological Impacts:** That 'the extraction of mineral from each phase should be undertaken dry without dewatering to ensure that surrounding water features will not be affected. This should be secured by condition, in order to safeguard the Devil's End Meadow CWS which is vulnerable to changes in local hydrology.
- 3.48 **Air Quality Impacts:** That the mitigation measures set out in the Dust Management Plan, should be secured by condition. It also comments that the proposed mitigation measures include the use of water suppression but note that as there is no water on site. Details of where the water is to be supplied from should therefore be secured by condition. It also notes that it is proposed that on a windy day, operations will cease, and it therefore recommends that further details about the threshold of when this would happen are secured.
- 3.49 **Environment Agency:** Advises, as there will be no impact to groundwater levels as it is proposed that site will be worked dry without dewatering, that it has no objection to the application. It has maintained its position following re-consultation on the submitted Regulation 25 information.
- 3.50 **Natural England:** No objection. It advises that it considers that the proposed development will not have significant effects on designated sites, which include The Broads Special Area of Conservation (SAC), Broadland Special Protection Area (SPA) and Ramsar site, and Breydon Water SPA and Ramsar site, which are European designated sites.
- 3.51 Natural England's further advice on other designated sites/landscapes and advice on other natural environment issues is set is as follows:
- 3.52 **Halvergate Marshes & Staney and Alder Carrs, Aldeby Sites of Special Scientific Interest (SSSI):** It advises that it considers that the proposed

development will not damage or destroy the interest features for which these sites has been notified and has no objection.

- 3.53 Protected Landscapes – The Broads National Park: It advises that the application site is close to the Broads National Park, and accordingly that the County Council should use national and local policies, together with local landscape expertise and information to determine the proposal.
- 3.54 The County Council’s decision should be guided by paragraph 176 and 177 of the NPPF which gives the highest status of protection for the ‘landscape and scenic beauty’ of AONBs and National Parks. Alongside national policy it advises that the landscape policies set out in the development plan should be applied in the determination of the application.
- 3.55 It also advises that the statutory purposes of the National Park need to be taken into account. These are to conserve and enhance the natural beauty, wildlife and cultural heritage of the park; and to promote opportunities for the understanding and enjoyment of the special qualities of the park by the public. Careful consideration needs to be given as to whether the proposed development would have a significant impact on or harm those statutory purposes.
- 3.56 Protected Species: Natural England advises that its standing advice on protected should be applied.
- 3.57 Landscape: Advises that paragraph 174 of the NPPF highlights the need to protect and enhance valued landscapes. The County Council may therefore want to consider whether any local landscape features or characteristics (such as ponds, woodland, or dry-stone walls) could be incorporated into the development to respond to and enhance local landscape character and distinctiveness, in line with any local landscape character assessments.
- 3.58 Best and Most Versatile (BMV) Agricultural Land and Soils: The application site which extends to approximately 22ha, largely comprises Grade 3b and Grade 4 agricultural land, also includes approximately 0.5ha of Grade 3a land, which falls within what is defined as BMV agricultural land, i.e. Grades 1, 2 and 3a land. It advises that NPPF paragraphs 174 and 175 should be applied, and that for mineral working and landfilling guidance on soil protection for site restoration and aftercare, the detailed guidance on soil handling for mineral sites set out in the Institute of Quarrying Good Practice Guide for Handling Soils in Mineral Workings should be used.
- 3.59 It otherwise offers its standing advice in relation to the impacts on landscape, protected species, local sites and priority habitats and species (including ancient woodland), access and recreation, rights of way, access land, coastal access and national trails, and the biodiversity duty.

- 3.60 Natural England has maintained its original comments in response to the re-consultation following the submission of the response by the applicant to the Regulation 25 request for further information.
- 3.61 **Historic England:** Whilst not objecting to the application Historic England has submitted detailed comments, advising that it has serious concerns about the application on heritage grounds, due to the impact on the setting of the Church of St Mary, a Grade I listed building.
- 3.62 It comments that the temporary and permanent changes to the landscape resulting from the proposed quarry would affect the setting of a number of listed buildings, although it is principally concerned with the potential harm that would be caused to the significance of the Church St Mary which is located approximately 100 metres south of the site boundary.
- 3.63 It advises that the Church of St Mary is amongst Norfolk's most striking round tower churches and that it holds exceptional architectural and historic interest, reflected in its Grade I listing, which places it in the top 2.5% of listed buildings nationally. Though not readily accessible to the public, panoramic views are available over this landscape setting from the tower of the church. It considers that the application site, being very large and close to the church, has a dominant part in these views that would be seen as a jarring intrusion in its setting.
- 3.64 It also comments the quarry's occupation of a large portion of the land between Church of St Mary and the Church of St Matthias would diminish their high group value, including but not limited to featuring prominently in connecting views.
- 3.65 In addition, it comments that the Church of St Mary was not selected as a sensitive receptor in the noise assessment, and that consequently no indication is given of the existing or worst-case noise scenarios or the impact this would have on the experience of anyone attending or visiting the church and churchyard.
- 3.66 It advises that when considering the impact of a proposed development, great weight should be given to the conservation of a designated heritage asset, irrespective of the potential degree of harm to its significance. The more important the asset the greater this weight should be, in accordance with Paragraph 199 of the NPPF. As a Grade I listed building, the conservation of the Church of St Mary should be given very great weight.
- 3.67 It specifically advises that it considers that the application does not, in this case, meet the requirements of the NPPF, in particular paragraph numbers 7, 8, 189, 194, 195, 197, 199, 200, 202, 206.

- 3.68 In determining the application, it advises that the County Council must bear in mind the statutory duty of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess. Relevant decision-making policies are also to be applied, but they cannot directly conflict with or avoid the obligatory consideration in these statutory provisions.
- 3.69 In response to the further consultation on the response to the Regulation 25 request for further information, it has maintained its position and states that the additional information does not change its view and states that it continues to highlight the importance of the assessment of the impacts on setting, which should include influences and other factors such as noise, vibration, dust and traffic. It considers that further assessment is required on these factors and their impact to the significance of Grade I listed Church of St Mary and the Church of St Matthias. It advises that the harm to significance of the Church of St Mary, and other nearby designated heritage assets should be weighed against public benefit in the County Council's determination of the planning application.
- 3.70 **National Planning Casework Unit:** Has not commented on the application.
- 3.71 **Open Space Society:** Has not commented on the application.
- 3.72 **Haddiscoe Parish Council:** Haddiscoe Parish Council have submitted extensive and detailed comments on the application in response to the initial consultation and the subsequent consultation relating to the response to the Regulation 25 request for further information. It has maintained a strong objection throughout. Specific concerns raised relate to dust, the impact on the setting of the Church of St Mary which is a Grade 1 Listed Building, traffic, and the impact on trees. It has also submitted a separate consultant report providing a review of the Dust Assessment submitted with the application, that was commissioned by the local action group Stopit2. Full copies of the Parish Council's comments and the report are available on-line through the hyperlink included at the end of Executive Summary at the beginning of this report.
- 3.73 The following provides a summary of the key points made by Haddiscoe Parish Council in its submissions:

Dust

- A 100m cordon between the application site and the boundary of the nearest residential properties has not been provided, and the submitted Dust Risk Assessment is insufficient in that it does not adequately address the potential dispersion of particulate matter within the 400m boundary, although this has subsequently been amended;
- The reliance on visual dust monitoring is inadequate, especially considering that silica dust, a significant health concern, is not visible to

the human eye. The prevailing west to southwest wind direction consequently poses a serious threat to the residents of Haddiscoe;

- Inaccurate wind data has been provided by the applicant, using the Norwich Wind Rose model rather than site specific Met Office data. The inaccurate wind model understates the dust and noise impacts on the health and wellbeing of local residents;
- Approval of the application would potentially endanger life and would consequently breach Article 2 of the European Convention on Human Rights relating to the Right to Life;
- There are 106 houses and 205 people in Haddiscoe located within 400 metres of the application site that would be impacted by dust and particulate matter. This number would rise by approximately 35 houses and 70 people to 141 houses and 275 people if the proposed housing development for Haddiscoe is passed as part of the South Norfolk Village Clusters Housing Allocations Plan;
- The site is placed at the most elevated position in Haddiscoe. The higher elevation of the site over the village will intensify the impact of dust, noise and light pollution on the village;

Consultant Review of the Dust Assessment

3.74 The consultant review of the applicant's Dust Assessment identifies a number of shortcomings which are stated as being:

- A failure to address the requirements of the Environmental Act 2021 and specifically new targets for PM_{2.5};
- A failure to complete a phase-by-phase analysis of the dust impacts of the development;
- That the impact of terrain height has not been considered or modelled;
- That although some dust mitigation measures are included in the submitted Dust Management Plan, there are no proposals for continuous monitoring during operations that would provide a valuable tool for minimising dust emissions;
- That a dust cloud has the potential to engulf 69 houses and 132 people with dust and particulate matter. This number would rise by approximately 35 houses and 70 people to 104 houses and 202 people, if the proposed housing development for Haddiscoe is passed as part of the South Norfolk Village Clusters Housing Allocations Plan;
- Not all of the properties that would be dust sensitive receptors have been identified;

Church of St Mary and Other Listed Buildings

- There are four listed buildings within 250 metres of the site but the screening of the site will not be adequate. In particular, the historic Church of St Mary and graveyard is located within view of the site and its close proximity to the application site means it will adversely affect the character and tranquillity of the users of the church;

- Historic England's concerns about permanent and temporary changes to the landscape, particularly impacting Grade 1 Listed churches (Church of St Mary and the Church of St. Mathias), are valid;
- The proposed quarry would interrupt a historical visual connection between the two churches and may negatively affect the churches' architectural and historical significance;
- References to the tower of the Church of St Mary being closed to the public in the application documents is inaccurate;
- The sand and gravel screening plant to be located on the site will have a more significant impact than the proposed plant area included in the 2011 planning application;

Traffic

- Concern that Crab Apple Lane is not suitable for HGVs;
- The proposed route of HGV lorries, leaving Crab Apple Lane and crossing the B1136, raises significant safety concerns. Lorries crossing traffic on the same road to access Norton Subcourse Quarry, and the identified use of Great Yarmouth as a receptor site for the gravel, will result in increased traffic through Haddiscoe, including its narrow main street, poses potential risks to public safety;

Trees

- There is Ancient Woodland in close proximity to the proposed extraction site, the preservation of which should be prioritized;

Physical and Mental Health of Local Residents

- Concern for the physical and mental health of local residents as result of noise, light and dust emissions (particularly the silica contained in the extracted sand), and because the proximity of the nearest properties to the site and because further new homes are proposed within 250m;

Impact on Protected Species

- The impact on protected species including bats;

Public Right of Way

- The re-routing of Public Right of Way, Bridleway Haddiscoe BR5 will be through an active working area of the quarry;
- The profile of the restored site will hinder access along the Bridleway Haddiscoe BR5 and horses will be endangered by the proximity to working machinery;

Pollution

- Concern that water for dust suppression will be discharged into the ground affecting the natural levels in the water table increasing the risk of flooding or discharge of silica laden water;

Application Details and Methodology

- The application details and information submitted by the applicant do not fully or adequately address the issues raised by local residents;
- Many of the applicant's supporting documents are based on desktop evaluation and not recent site based studies, and some documents cite studies which are historic, so substantially out of date;
- There would be 20,000 tonnes less mineral than has been identified on the site by the applicant and substantially less than the 1.3 millions tonnes identified in the emerging NM&WLP.

Support for Stopit2 Action Group

- The Parish Council endorses and supports all of the points raised in the objection prepared by the Stopit2 action group;

Policy

- The application is inconsistent with or contrary to the Norfolk Minerals and Waste Development Framework (NM&WDF): Core Strategy and Minerals and Waste Development Management Policies and DPD 2010-2026 (2011), Policies CS 14 (Environmental Protection), DM12 (Amenity) and DM13 (Air Quality), and also Policy MW1(Development Management Criteria) and Policy MPSS1 (Silica Sand Extraction Sites) in the emerging Norfolk Minerals and Waste Local Plan.

Planning (Regulatory) Committee Site Visit

- Request that Planning (Regulatory) Committee makes a site visit in order to understand the relative location of the application site in relation to nearby residential and business properties.

3.75 **Norton Subcourse Parish Council:** No objection.

3.76 **Thurlton Parish Council:** Whilst not objecting, Thurlton Parish Council has expressed concern that no traffic from the Quarry should come through the Thurlton village, and that it should be routed only along B1136 Loddon Road. It has requested that the applicant be asked to provide a plan, showing a secondary route that would be used in the event of road closure on the B1136.

3.77 **Toft Monks Parish Council:** Objects. It has expressed concerned about the impact of the development on a National Landscape (previously the Area of Outstanding Natural Beauty (AONB)), the disruption to the lives of people living

in the vicinity, and the impact on wildlife. It expresses particular concern about the potential increase in heavy traffic along the A143 (to the south of Haddiscoe) and on the Glebeland Community Primary School (located on the A143 1.3km south-west of Haddiscoe, between Haddiscoe and Toft Monks), where existing HGV traffic is already a risk to pedestrians and children.

- 3.78 **Raveningham Parish Council:** Has not commented on the application.
- 3.79 **Hales and Heckingham Parish Council:** Has also expressed concern about HGV traffic from the proposed quarry travelling through Hales (6.5km west of Haddiscoe on the B1136), and the likely resulting increase in the risk of accidents and noise and expressed concern about any increased HGV traffic at a locally known local accident black-spot at the staggered junction between Thurlton Road and Beccles Road on B1136. It also expresses concern about the impact on wildlife along the route and the potential for an increase in wildlife, cyclist's and motorist's injuries and deaths.
- 3.80 **County Councillor Barry Stone:** Has not commented on the application.

REPRESENTATIONS

- 3.81 The application has been advertised by means of neighbour notification letters, site notices, and an advertisement in the Eastern Daily Press newspaper. 554 submissions have been received making representations from 178 named individuals or organisations and there has been one anonymous submission, although. These have in some cases included multiple submissions relating to individual representations and multiple representations from a number of individuals and organisations. Of these 554 submissions, 550 relate to representations offering objection, 1 supports and 3 provide comments without stating either support or an objection. The grounds of objection and comment raised are summarised as follows:

Objections (550):

Planning Policy and Need

- The application is contrary to Minerals Strategic Objectives, in particular MSO7 in the emerging NM&WLP which states "To ensure potential impacts on the amenity of those people living in proximity to minerals development are effectively controlled, minimised and mitigated to acceptable levels".
- The emerging NM&WLP states that the shortfall of 12.6m tonnes is less than the estimated resource bank at 15.4m tonnes, so the Specific Site Allocation Policy MIN 25 (land at Manor Farm, Haddiscoe) could be removed altogether;
- There is not a justified need to develop the site for mineral extraction;

- The proposal is contrary to emerging NM&WLP Minerals Strategic Objective MSO6;
- The need can be met by the use of recycled aggregates;
- The amount of gravel to be extracted just not justify the harm that would be caused;
- There should be no landfilling;
- The emerging NM&WLP Specific Site Allocation Policy MIN 25 (land at Manor Farm, Haddiscoe) has the highest number of residential properties within 250 of the site all the proposed allocations (except MIN40 which is an existing quarry);
- The site will take longer than seven years to extract all the mineral;
- The proposal is only for extraction and use of the gravel, but not the sand and so maximising the benefit of the mineral resource;

Traffic and Highway Safety

- Concern about the road safety impact of the proposal
- Concern about the number of HGV movements; there will be 80 additional HGV movements per day;
- The junction of Crab Apple Lane and the B1136 is not safe and needs improvement;
- The B1136 does not provide a safety route to North Subcourse Quarry;
- Concerns that HGVs will not follow the proposed route to Norton Subcourse along the B1136 in the event of a road closure and divert through Thurlton;
- Mud and debris on the public highway;
- Safety impact on pedestrians, cyclist and children;
- Junction of the B1136 and A143 with poor visibility and is dangerous;
- Additional HGV traffic on the A143 would be dangerous;
- There have been a number of accidents recently on the A143 including a fatality;
- Crab Apple Lane is a single-track road and unsuitable and unsafe;
- The transport of mineral to Great Yarmouth could be sourced from elsewhere and without causing pollution to Haddiscoe, Fitton and Bradwell or the Broads

Public Rights of Way and Recreation

- Adverse impact in terms of noise and dust on the adjacent recreation ground and users of public footpath network including the Bridleway Haddiscoe BR5 across the site and the church to the south adjacent to the Spring Beck to the west of the Church, Haddiscoe FP7;
- Adverse impact on the enjoyment of recreational activities in and around Haddiscoe;

Amenity Impacts

- Concern about the level of disturbance to local residents and to the character and tranquillity of the village and the countryside;

Dust and Air Pollution

- Dust emissions and pollution, including silica dust which can be carcinogenic;
- The site is located on a high point in the village which will exacerbate the adverse impacts on local residents;
- Modelling of emissions has confirmed that the impact from dust will extend to impact up to two thirds of the village (104 properties);
- There are residential properties very close/too close to the site with the nearest only 19m from the site boundary;
- Bunds will not stop dust;
- Evidence from Stopit2s Air Quality consultant demonstrates that the proposal is not acceptable;
- Proposed dust suppression measures will not be adequate;
- There is no water supply on the site for dust suppression;
- There is no bund to the east of the site to control dust;
- Dust may be generated even when there are extraction activities going on, especially when wind speeds exceed 5 metres per second (m/s);
- There are four additional properties (dust sensitive receptors) that have not been identified in the Environmental Statement) and a fifth Manor Farm, is less than 100m from the extraction boundary;

Noise

- Concern about noise from quarrying operations and HGV traffic;
- The Noise assessment does not adequately reflect the impact of local topography;
- Adverse impact on the tranquillity of the Church of St Mary's churchyard;

Light

- Adverse impact of lighting on residential amenity, the character of the area including the countryside and wildlife;

Impact on Haddiscoe

- Site lies within the village boundary;
- Close proximity to residential properties in Haddiscoe; there are 55 properties within 250m;

- Harm to the character of Haddiscoe as a village and the surrounding countryside;
- Devaluation of property values;
- Haddiscoe has been subject to a number of other previous mineral extraction sites;
- The working of the site will gradually bring it closer to Haddiscoe;
- Adverse impact on the Church as a community facility and the community activities undertaken in the church;
- Stopit2 states that in a survey of residents in Haddiscoe undertaken in August 2022; 825 were opposed to the application, 175 neutral and 1% supported;

Heritage

- Adverse Impact on the setting of four nearby listed buildings including the Church of St Mary, Whitehouse Farm and Monument to William Salter, which will be adversely affected by noise, traffic and general disturbance;
- Impact on the Church of St Matthias and the visual relationship between the Church of St Mary and the Church of St Matthias would be detrimental by the introduction of an industrial element in the landscape;

Landscape and Designated Landscapes and Landscape Features

- Not in keeping with landscape and will have an adverse impact on the landscape;
- Adverse impact on the tranquillity of the countryside and the Broads;
- Adverse impact on trees;
- Some of the tree belt around the site is deciduous so will not provide a completely effective visual screen or protection from pollution;
- Bunds will be unsightly
- The site is clearly visible and cannot be screened;
- The propose low level restoration is not appropriate

Trees

- There as ancient woodland/veteran trees close to the southern boundary of the site

Ecology and Biodiversity

- Adverse impact on flora and fauna including brown hares
- Disruption to bats and birds, including Red Kite and Barn Owl;
- Adverse impact on wildlife and the nearby County Wildlife Sites and BAP Priority Species including the Devils End Meadows CWS;

- Bat survey cannot be relied on because the bat detector is reported as having malfunctioned;
- The bird survey does not take account of winter birds;
- Greta Newt Habitat would be affected by the proposal;

Water Environment

- The excavation will have an unspecified impact on the water tables of the adjacent and nearby dwellings and property;
- Risk of pollution to watercourses;

Agricultural Land and Existing and Future land Use

- Loss of agricultural land and production;
- Adverse impact of the future use for landfill;

Climate Change

- Concern about the resulting Greenhouse Gas (GHG) Emissions which would be particularly high and would be 100% arising from both the sand and gravel extraction when only the gravel then transported off site for processing;

Cumulative Effects

- The emerging Greater Norwich Local Plan include(s) a housing site/sites adjacent to the A143 in the middle of Haddiscoe village; if some or all of these sites are adopted, then the timeframes will overlap and there is the potential for two major construction sites working either end of the village at the same time which would be even more disruptive in what is already a congested road system;
- Approval of this current application will be the start of further development on the site;
- The cumulative impacts of the application in combination with the impact of the proposed landfilling at nearby Wiggs Road should be considered particularly in relation to traffic and the impact on air quality;

Health and Safety Impacts

- Risk of sand and dust particles and air pollution creating a health hazard;
- Adverse impact on mental health;
- Danger to children from noise, dust and additional traffic;
- There local residents living close to the site who suffer from asthma and other medical conditions who will be adversely affected

Impacts on Tourism, Local Businesses and the Church

- Adverse impact on local businesses, which including a car sales business, kennels;
- Adverse impact on tourism and local businesses and B&Bs and holiday lets;
- There will be a loss of income to the Church of St Mary;

Alternative Sites

- Alternative sites where mineral extraction may be prevented by future sea level rise should be developed first;

Community Benefits

- The applicant should be required to pay annual financial contribution to the village to secure benefits or the provision of direct benefits such as tree planting and use of the site as public open space for the local community;

Mineral Resource Assessment

- That the Mineral Resource Assessment is Inaccurate;
- The amount of gravel available for extraction has been reduced by 20,000 tonnes as a result of amendment of extraction boundary (as shown on the amended phasing drawings included in the Regulation 25 submission);

Public Safety

- The adjacent former mineral working is used as a recreational ground for children playing and dog walkers; there is danger to children playing unsupervised in this area straying into the quarry working;
- Risk to children from dust, fumes and HGV traffic at the Glebeland Primary School on the A143 to the south of the site;

Determination

- That the Planning (Regulatory) Committee Should Visit the Site;

Previous Appeal Decision

- The proposal was previously turned down at appeal as unacceptable;

Assessments and Assessment Methodology and Plans

- Some of the assessments undertaken are based on surveys that are up to fifteen years old and out of date;
- The Soil Assessment is based on a field survey undertaken in 2010 and is out of dated and the removal of the gravel from the site and changed use from arable to grassland will change the soil characteristics of the retained soils;
- The archaeological assessment including the supporting geophysical survey and field walking surveys were undertaken in 2008 and are out of date;
- Most of the species surveys are desktop assessments and the bat surveys were undertaken in 2022 and suffer from shortcomings so the results are invalid;
- The Air Quality Assessment is based meteorological data for Norwich which would not be appropriate for the site and should use average rainfall over a thirty-year period;
- Old geological data on the mineral resource is used;
- The Transport assessment is out of date;
- Groundwater monitoring data has not been provided or any assessment of the risk of settlement;
- Plans for the revied access are incomplete;
- Dust Assessment fails to take into account the requirements of the Environment Act 2021 and specifically new targets for PM2.5 particulates
- Planning Permission has been approved for additional 3 houses within 200m of the site;

Amendments to the Application

- Do not make the proposal any more acceptable;
- The restoration proposals have been amended to create a waterbody because there is not enough fill material available to complete the originally proposed restoration scheme;

Supporting Comments (1):

- Will provide jobs and bring wealth to the area.

Comments (3):

- Impacts on residential amenity in terms of air quality, dust, visual impact, noise and lighting.
- The Bridleway Haddiscoe BR5 will be affected.
- Traffic on A143
- The details of the highway improvements on Crab Apple Lane are limited;

- The details on some drawings are inaccurate

3.9 APPRAISAL

3.82 The key issues for consideration are:

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

A. Principle of the Development including Need

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

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

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

3.85 The key issue of principle arises from the development plan status of the site, and that whilst the application site does not comprise one of the allocated sites in the current NM&WDF Minerals Site Specific Allocations DPD, it is included as allocation MIN25 Land at Manor Farm, Haddiscoe, in the emerging NM&WLP. On this basis it was initially advertised as a departure from the development plan.

3.86 As set out above the weight that can be attributed to the proposed allocation in the emerging NM&WLP, can as yet only be relatively limited, because, although it has now been submitted to the Secretary of State for examination, the examination is still on-going and objections have been raised regarding the

inclusion of the MIN25 allocation in the plan. As such the application has essentially still to be considered on the basis of the currently adopted NM&WDF.

- 3.87 Notwithstanding that this is the case, Policy MIN25 in the emerging NM&WLP makes clear that the site is allocated for sand and gravel extraction. It states that any planning application will need to demonstrate compliance with Minerals and Waste Local Plan policies, and specific requirements set out in the policy relating to, the submission of noise and dust assessments, landscape and visual Impact assessment, a phased working and restoration scheme, a Heritage Statement, archaeological assessment, and transport assessment and include details of the proposed highway access and the submission of a scheme for the temporary diversion and reinstatement of the Public Right of Way that crosses the site.
- 3.88 Outside of allocated sites, the policy approach set out in the current NM&WDF Core Strategy for the determination of applications for new mineral extraction proposals is that contained in Policy CS2. This is not intended to prevent other and additional sites being brought forward. The Core Strategy identifies that the general locations for sand and gravel extraction and associated facilities will be based on the resource areas shown on the key diagram included in the Plan. This includes the area in and around Haddiscoe. It states that a clear preference will be given to sites which are close to and/or particularly well-related via appropriate transport infrastructure, to the Norwich Policy Area, Great Yarmouth urban area, Thetford or King's Lynn or the main market towns (Attleborough, Aylsham, Cromer, Dereham, Diss, Downham Market, Fakenham, Hunstanton, North Walsham, Sheringham, Swaffham and Watton). It also states that extensions to existing sites will be preferred to new sites. Within this context the Policy CS2 make clear that each application will be considered on its merits, whether it relates to an allocated site or not.
- 3.89 In this instance, whilst the application site would be a new site, it has been brought forward, and as set out above, the application describes the site as a "satellite extension" to the existing Norton Subcourse Quarry, and can as such be considered to be an extension to the extent that all of the mineral extracted from it would be transferred to Norton Subcourse for substantive processing, and exported for sale from there only. It can also be considered to be well related to the Norwich Policy Area (13.5km to the north-west) and Great Yarmouth (11.0km to the north-east).
- 3.90 Whilst need is not directly identified as a criterion in the determination of planning applications, the NM&WDF Core Strategy, Policy CS1 makes clear that the intention of the plan is to maintain a landbank of permitted sand and gravel reserves of between seven and, ten years' supply. The requirement to provide a landbank of at least seven years is set out in the NPPF, paragraph 219, which stresses the need to maintain a steady and adequate supply of aggregates, and it states that this should be achieved through preparing an

annual Local Aggregate Assessment (LAA), to forecast future demand, based on a rolling average of ten years' sales data and other relevant local information.

- 3.91 Paragraph 219 of the NPPF makes clear that landbanks of aggregate mineral reserves are principally to be used as an indicator of the security of aggregate minerals supply, and to indicate the additional provision that needs to be made for new aggregate extraction going forward. They are not intended in themselves to be used as a limit or to provide the basis for the refusal of permission on the basis of need.
- 3.92 The Planning Practice Guidance (PPG) on Minerals (paragraph 84) is explicit on this point and the question of whether a landbank above the minimum level is justification to refuse planning permission. It makes clear that there is no maximum landbank level and each application for minerals extraction must be considered on its own merits regardless of the length of the landbank. However, it is also clear in stating that where a landbank is below the minimum level this may be seen as a strong indicator of urgent need.
- 3.93 As of 31 May 2024, the sand and gravel landbank of permitted reserves in Norfolk is calculated to be 11.6 years, and the 0.65 million tonnes proposed in the planning application would take the landbank up to 12 years. This is above the range for the landbank indicated in Policy CS1 and above the 7 seven-year minimum contained in national policy and guidance, and so cannot be taken as indicative of urgent need, but equally is not itself a reason for refusal.
- 3.94 As set out in a paragraph 1.5 above, the current application site formed part of a previous planning application for mineral extraction, by a different applicant. That application was refused in 2013, the decision was appealed, and the appeal was dismissed in 2014. In dismissing the appeal, the Inspector attached significant weight to the fact the site had not been included in the NM&WDF Minerals Site Specific Allocations DPD (2013), which had been recently adopted at the time of the appeal decision. This raises the question as how, if at all, the circumstances can now be considered to have changed since the Inspector's appeal decision in 2014.
- 3.95 In answer to this, the position is that the circumstances have moved on and changed significantly. In the Inspector's decision letter in 2014, he drew particular attention to the fact that the NM&WDF Core Strategy and the NM&WDF Minerals Site Specific Allocations (DPD) had both, at that time, only been relatively recently adopted, the Core Strategy in 2011 and the Minerals Site Specific Allocations DPD in 2013.
- 3.96 The Inspector made particular reference, to the site having been put forward following the 'call for sites consultation' in 2007 for inclusion in the then emerging Minerals Site Specific Allocations DPD. In particular he noted that the appeal site was deemed unacceptable for allocation, and consequently was not included in the adopted DPD. On this basis he considered that it would be

inappropriate to permit the unallocated Appeal Site when sufficient alternative sites were allocated in the Minerals Site Specific Allocations DPD.

- 3.97 The Inspector also drew particular attention to the Planning Practice Guidance (PPG) on Minerals (published in March 2014), which remains extant, and which in Paragraph 80, makes clear that any shortfall in aggregate landbanks should be used principally as a trigger for a Mineral Planning Authority to review the current provision of aggregates in its area and to consider whether to conduct a review of the allocation of sites in the plan, rather than as the Inspector commented by “automatically granting further permissions on an ad hoc or windfall basis”.
- 3.98 Finally, the Inspector also identified that the site was, in addition to not being an allocated site, not an extension to an existing quarry, that NM&WDF Core Strategy Policy CS2 states “will be preferred to new sites”, and that there were other nearby sites, including the existing quarry at Norton Subcourse. However, the Minerals PPG, which was published more recently than the Core Strategy, states that “The suitability of each proposed site, whether an extension to an existing site or a new site, must be considered on its individual merits”.
- 3.99 With this context in mind the Inspector considered that there was no justification at that time, in terms of the principle of the development, to allow the appeal, given the very newly adopted DPD. The Inspector concluded that “Under these circumstances, there is no justification for an early review of the DPD or the release of any unallocated site at this time”.
- 3.100 Although the application is still to be determined in accordance with the same development plan, the position now is very different. Compared to the previous Appeal Site, the current application is on a smaller site with a much-reduced output, that would be operational over a considerably shorter period of time (eight years rather than 21 years), and most notably does not include the parcel of land to the south of the B1136 which was included in the Appeal Site application. It is a proposed allocation in the emerging NM&WLP, based on an assessment that finds that it is in principle acceptable, subject to the requirements set out Policy MIN 25. The existing NM&WDF is coming to end of the period that it covers, i.e. to 2026, and the new (emerging) plan period is due to start. The site has been proposed to meet the identified shortfall in the sand and gravel landbank set out in the emerging NM&WLP. In other words, the site has been brought forward in the context of the review of the allocation of sites in the plan, in accordance with the PPG on Minerals, in line with the Inspector’s advice in the previous appeal. The details and the circumstances of the current application are therefore very different from those that existed at the time of the previous application and the subsequent appeal.
- 3.101 On this basis, and although the landbank is currently in excess of the 7 year minimum required by the NPPF, the application, comprising an allocated site

being proposed in the emerging Norfolk Minerals and Waste Local Plan, can still in principle be considered to be acceptable and in accordance with the development plan, and specifically the NM&WDF Core Strategy, Policies CS1 and CS2, subject to it being demonstrated that it is acceptable on its own merits and otherwise in accordance with the other policies of the development plan.

B. Traffic, Highway Safety and Public Rights of Way

- 3.102 The key issues in relation to traffic, highway safety and Public Rights of Way relate to the traffic and highway safety impacts of the development between the site access on Crab Apple Lane and the existing Norton Subcourse Quarry, along the B1136 Loddon Road, including at the junction of Crab Apple Lane with the B1136, and the impact of the diversion of Bridleway Haddiscoe BR5 during the extraction period. Additional concerns raised by objectors also relate to the potential for HGV traffic between the two sites to use alternative routes, notably through Thurlton, and also the impact on the A143 to the south of Haddiscoe in the vicinity of the Glebeland Community Primary School.
- 3.103 Relevant policies include the NM&WDF Core Strategy, Policies CS15 and DM10 which seek to ensure that suitable highway access and egress in accordance with published highway design guidance is provided; that there is a suitable route to the nearest major road (trunk road or principal road or main distributor road), which may need to be incorporated in a formal Routing Agreement; and that there has been adequate consideration of other road users, including cyclists, horse riders and pedestrians. In addition, GNLP Policy 2 seeks to ensure the development contributes to the achievement of sustainable communities, through inter alia ensuring safe and convenient access and encouraging walking and Policy 3, the provision or enhancement of adequate green infrastructure to provide for informal recreational needs whilst Policy DM3.11 of the South Norfolk Local Plan Development Management Policies Document makes clear that development will not be permitted that endangers highway safety or the satisfactory functioning of the highway network. In addition, NPPF paragraphs 104, 108 and 114 and 115 seek to ensure that development proposals do not have any unacceptable impacts on highway safety or give rise any residual cumulative impacts on the road network and protect and enhance Public Rights of Way.
- 3.104 The site-specific requirements set out in Policy MIN25 of the emerging NM&WLP require the submission of a Transport Assessment or Statement (as appropriate) to assess the impacts of HGV traffic along the access route, and appropriate mitigation for any potential impacts to the highway, the provision of a highway access that is considered suitable by the Highway Authority, and the submission of a suitable scheme for the temporary diversion and reinstatement of Bridleway Haddiscoe BR5. Policy MW2 additionally seeks to ensure that minerals development proposals are satisfactory in terms of access where anticipated HGV movements, taking into account cumulative impacts and any

mitigation measures proposed, do not generate unacceptable risks to the safety of road users and pedestrians or unacceptable impacts on the capacity and/or efficiency of the highway network, and do not have unacceptable impacts on the Public Rights of Way network.

- 3.105 As set out in paragraphs 2.22-2.23 above, following the receipt of the initial comments from the Highways Authority, the proposed access arrangements have been amended, with the access now to be located close to the junction of Crab Apple Lane with the B1136, and the lane between the access and the junction widened to a minimum of 6.5 m.
- 3.106 The Environmental Statement (ES) submitted with the application includes chapter a on Traffic and Highways and is accompanied by a Transport Assessment, which is included as an Appendix.
- 3.107 The Assessment identifies that all gravel extracted from the application site would be hauled to the existing Norton Subcourse Quarry for processing and blending with the sand heavy Norton Subcourse mineral to produce a range of aggregate products. It is envisaged that the gravel from Haddiscoe will allow overall output from Norton Subcourse Quarry to revert to about 200,000tpa, in line with the tonnages that the current planning permission for Norton Subcourse Quarry had originally envisaged.
- 3.108 It is intended that 100,000 tonnes per annum of gravel in its 'as dug' state would be hauled to Norton Subcourse. As set out above all HGV traffic will enter and leave the site from and to Crab Apple Lane and then join the B1136 to travel west to Norton Subcourse Quarry. It is expected that on average there would be 38 20t HGV movements per day (19 in and 19 out), with 4-6 movements by staff in cars or light vehicles. Peak HGV movements are anticipated at 4 movements per hour (2 in and 2 out).
- 3.109 In total therefore in terms of movements into and out of the access at Norton Subcourse Quarry the application, if permitted, would result in an additional 38 HGV movements, over that originally assessed and permitted approaching and leaving the quarry from the east and turning into and out of Ferry Road, at the Norton Subcourse end of the route.
- 3.110 The import of gravel from Haddiscoe would not extend the lifetime of Norton Subcourse Quarry, which is consented until 2036.
- 3.111 The Transport Assessment identifies that impacts across the local network would not be significant on either the B1136, Loddon Road or A143. It identifies that the only section of the B1136, Loddon Road with an increase in traffic above 1%, would be the stretch to the immediate west of Crab Apple Lane with up to 2.5% additional vehicle movements during the 14:00-15:00 PM peak hour. This

level of increase it states would be the result of just 6 additional vehicle movements and is considered negligible.

- 3.112 The impact on Crab Apple Lane is anticipated to be an 81.0% increase in the AM peak, 106.4% in the PM peak and 44.2% across the 12-hour period. This percentage change appears to be very large but arises because of the extremely low existing baseline flows on Crab Apple Lane (i.e. 7 two-way traffic flows in the AM and PM peaks and 113 across the 12-hour period). The extraction of mineral from the application site would result in up to 7 two-way vehicle movements in the AM & PM peak periods and 50 two-way vehicle movements across the 12-hour period, which again is considered negligible. Suitable levels of visibility would be achieved at the junction of Crab Apple Lane where it meets the B1136.
- 3.113 The assessment identifies that the private Norton Subcourse haul road would also experience a large percentage increase in HGV movements, although again this is due to low baseline flows. Given that this is a purpose-built haul road to serve the existing Norton Subcourse Quarry, the assessment identifies that the route is entirely suitable to accommodate the negligible level of additional movements which would deliver material to the site from Haddiscoe.
- 3.114 The assessment identifies that the traffic impact on the short section of Ferry Road between the B1136 and Norton Subcourse Quarry haul road (a distance of approximately 40m) would experience an increase of 15-30%. This increase would be the result of 4 two-way vehicles movements in the AM and PM peak periods and 38 across the 12-hour period, which again is considered to be negligible.
- 3.115 The assessment also includes a review of Personal Injury Accident (PIA) data. This identifies a generally good overall accident record on the immediate local highway network, and the low frequency of incidents with no clear common contributory factors, so that it is not considered that there are any prevailing road safety issues that would call the development of the application scheme into question.
- 3.116 Finally, the Environmental Statement Chapter also includes an assessment of the key traffic and highways related environmental impacts on Crab Apple Lane including, pedestrian delay, pedestrian amenity, severance, driver delay, and road safety, and identifies all of these as being negligible.
- 3.117 The assessment accordingly concludes that over and above the proposed access and junction improvement between the site access and the junction between Crab Apple Lane and the B1136, there is no requirement for any other or additional mitigation to improve highway capacity or safety.

- 3.118 Two additional points arising from the comments submitted by Thurlton Parish Council and Haddiscoe Parish Council and Toft Monks Parish Council, and also in the third-party representation received, relate to the routing of HGVs between Haddiscoe and Norton Subcourse Quarry, with the concern being raised by Thurlton Parish Council that HGVs should not be routed through Thurlton in the event of a closure on the B1136 Loddon Road, and the impact of additional HGV traffic on the A143 and on the B1136. In relation to the possible routing of HGV traffic through Thurlton, the applicant has confirmed that no HGVs would be routed through Thurlton, in the event that the A143 were to be closed. They have advised that if the A143 were to be closed along the route, they would simply suspend any movement of mineral between the two sites. This can be secured by the imposition of a condition relating to the submission of an HGV Management Plan to control the routing of HGVs between the application site and the Norton Subcourse Quarry access on Ferry Road. In relation to other concerns about the impact of HGV traffic on the A143 and the B1136 to the west of Ferry Road, there would be no HGV traffic arising from the extraction activities on the site along either of these routes. There may be some increase in HGV traffic travelling to and from Norton Subcourse Quarry, but as set out above, the Highway Authority has advised that this onward transport of mineral from Norton Subcourse Quarry would lead to an only marginal increase in traffic, both on Loddon Road and on the wider network.
- 3.119 As set out above the Norfolk County Council Highways Authority have advised that the revised access proposals are acceptable, and that the visibility at the junction of Crab Apple Lane onto Loddon Road is also acceptable, and more generally that the route from the site to/from the Norton Subcourse Quarry is suitable for the level of HGV traffic proposed, albeit that once processed, the onward transport of mineral from Norton Subcourse Quarry would lead to an only marginal increase in traffic, both on Loddon Road and on the wider network. On this basis they advise approval subject to the inclusion of conditions as set out above.
- 3.120 In relation to Public Rights of Way the application does not include a separate assessment of the impacts on the local footpath network but the temporary diversion and reinstatement of Bridleway Haddiscoe BR5, is addressed as part of the Environmental Statement Traffic and Highways chapter and the supporting Transport Assessment, and is also considered in the other Environmental Statement Chapters, notably that on Landscape and Visual Impact. These identify the need for the diversion of the Bridleway when extraction moves into Phases 4,5, 6 and 7, together with the outline details of how it will be restored as part of the Concept Restoration Plan and Landscape Planting and Aftercare Plan.
- 3.121 The Public Rights of Way Officer, as set out above, initially returned a holding objection to the application on the basis that it did not include precise details of the temporary diversion and restored alignment, but has subsequently agreed that these can be reserved by condition.

3.122 Overall, the application can therefore be considered to be acceptable in relation to relevant development policy, i.e. NM&WDF Core Strategy, Policies CS15, DM10, GNLP Policies 2 and 3, South Norfolk Local Plan Development Management Policy Document, Policy DM3.11, emerging NM&WLP Policies MIN25 and MW2, and the NPPF paragraphs 104, 108, 114 and 115.

C. Amenity

3.123 The key amenity and health issues raised by the application relate to the potential impacts on residential amenity from noise and emissions to air and particularly dust and lighting. These are issues that have been raised as major concerns by Haddiscoe Parish Council and objectors, with the local action group, Stopit2 having commissioned their own consultant (Michael Bull and Associates) to review and critique the submitted dust assessment included with the Air Quality chapter of the Environmental Statement.

3.124 Relevant policies include the NM&WDF Core Strategy, Policies CS14 and DM12 and DM13, which seek to protect residential amenity in close proximity to potential mineral extraction sites, as a result of noise, vibration, dust, lighting, and visual intrusion, and ensure that proposals effectively minimise harmful emissions to air and mitigate potentially harmful air quality impacts to human health. The visual impacts are considered under heading F below. In addition, GNLP Policy 2 seeks to ensure the development contributes to the achievement of sustainable communities, by avoiding risks of unacceptable levels of soil, air, and noise pollution, and the South Norfolk Local Plan Development Management Policies Document Policies DM3.13 and DM3.14 seek to ensure that new development delivers a reasonable standard of amenity and minimises and where possible reduces the adverse impact of all forms of emissions and other forms of pollution and has no unacceptable impacts on public health and safety. Relevant national policy is set out in the NPPF, Chapter 15, paragraphs 191, 194 and Chapter 17, paragraph 217.

3.125 The site-specific Policy MIN25 in the emerging NM&WLP includes the requirement for the submission of acceptable noise and dust assessments and a programme of mitigation measures to deal appropriately with any amenity impacts and it states that mitigation measures should include setting back the working area at least 100 metres from the nearest residential properties. Policy MW1 additionally seeks to ensure that minerals development proposals do not have an unacceptable impact on local amenity and health (including noise levels, odour, air quality, dust, litter, light pollution and vibration) and Policy MW2 that the transport impacts of new minerals development does not generate unacceptable impacts on air quality.

3.126 The Environmental Statement includes chapters on noise and air quality including dust, which are supported by related Appendices, and an Assessment of the Potential Noise Impacts on Listed Assets and a Dust Management Plan.

- 3.127 The noise chapter of the Environmental Impact Assessment includes the results of a baseline noise survey to determine existing background noise levels at the closest noise sensitive properties and other locations to establish residual, permissible levels, based on the guidance set out in the Planning Practice Guidance (PPG) on Minerals. This identifies a noise limit for normal operations which does not exceed the existing background sound level by no more than 10 dB(A), which in this instance has been measured to be between 39.5 dB LA90,1hr and 43.7 dB LA90,1hr so that the noise limit should be set at 53.7 dB LAeq,1hr, or otherwise should not exceed 55 dB LAeq,1hr at the nearest noise sensitive receptors. For temporary day time operations, the noise should not exceed 70 dB(A) LAeq,1hr (free field) for periods of up to 8 weeks in each year to enable short-term activities, such as construction of earth bunds around the site perimeter or undertaking of restoration works. This is also to be applied to the transient users of the nearby public footpaths.
- 3.128 The assessment concludes that with Best Practicable Means (BPM) mitigation measures in place, the predicted noise levels, whilst exceeding the daytime background sound level, would not exceed the noise limits set out in the PPG for either normal or temporary operations.
- 3.129 As set out above the South Norfolk District Council Environmental Quality officer has advised that they have no objection to the application, subject to the inclusion of conditions to secure the recommended mitigation measures contained in the Noise chapter of the Environmental Statement, and the supporting Appendix, together with conditions stipulating the permitted working hours, and the submission for approval of an Operation Management Plan to control any noise, dust and smoke arising from the activities on the site. These measures include both embedded mitigation (i.e. mitigation built into the design of the quarry) comprising attenuation from the soil bunds to be constructed on the boundaries of Phases 2, 3, 4, 5 & 6, and operational best practice measures, including the fitting exhaust silencers, reducing material drop heights and installing white noise reversing alarms on all mobile plant vehicles.
- 3.130 The Air Quality the assessment considers the likely impact of dust from the operation of the quarry and its impact on local air quality and the amenity of residential properties close to the application site. It identifies that fugitive dust emissions during the operation of the quarry have the potential to impact on amenity, i.e. produce visible dust, and affect health as a result of fine particulate matter, i.e. PM₁₀ particulates.
- 3.131 It identifies that the operation of the quarry would potentially lead to dust emissions and that there would be human receptors within 250m of dust generating activities and as result that a detailed dust assessment is required. It identifies that there would be no dust sensitive ecological features within 250m

of dust generating activities and that as a result dust impacts on ecology do not need to be considered.

- 3.132 The assessment identifies ten residential properties as the closest dust sensitive receptors to the north-east and south of the site and that the potential impact of dust emissions at these properties would be dependent on the distance from the source to each property and the presence of any physical features that would affect dispersion.
- 3.133 The assessment concludes that the overall magnitude of dust effects at local receptors would be negligible, with a risk of slight adverse effects at two properties to the north-east of the site (Windmill Cottage and The Boundaries) during the Phase 4 and Phase 5 works, but that there would otherwise be a negligible risk of adverse effects at the two properties for most of the period of operation of the quarry. The assessment does however identify that the two properties would be separated from the on-site activities by a screening bund and the retained belt of trees, so that even during works within 100m of the two properties, it concludes that dust effects would be unlikely. It concludes that the designed in mitigation measures, which include the provision of 3m high screening bunds, retention of the existing screen of hedgerow and trees and operational practices, would provide an appropriate level of mitigation at the site, and that consequently there would not be any significant effects due to dust emissions. Further details of the operational dust management measures are set out in the submitted Dust Management Plan.
- 3.134 As set out above Stopit2 have appointed a consultant, Michael Bull and Associates, to review the submitted dust assessment included in the Air Quality Chapter of the Environmental Statement. A full copy of the report can be viewed on the County Council's website with the application details through the hyperlink included at the end of the Executive Summary at the beginning of this report. In summary, the review, whilst accepting that the assessment has followed relevant guidance on how it should be undertaken, comments that it has not responded to recent changes in regulatory environment for fine particulate matter, and in particular changes introduced by the Environment Act 2021, which has set a new PM_{2.5} target value that has been proposed for England, and World Health Organisation (WHO) updated air quality guidelines. It argues that the assessment has not used these updated and more stringent PM₁₀ and PM_{2.5} guidelines to determine the scale of impact from the proposals and therefore has underestimated its impact.
- 3.135 The review also criticises the assessment for not examining the extraction activities on a phase by phase basis and argues that this should have been undertaken because the site boundary is within 50m of the closest housing and because many of the residential properties in Haddiscoe are within 400m of the application site which is downwind from the prevailing wind direction. It identifies that there are 106 properties and an estimated population of 205 people within

400m of the application site which could be affected by particulate emissions from the application site and it argues that the assessment could have been improved by estimation of the likely scale of emissions from each planned source of dust on the site and the use of dispersion modelling to determine the scale of the impact at nearby receptors and to inform the Health Impact Assessment.

- 3.136 It argues that had this been done, then it would have indicated the potential for significant adverse effects at nearby properties and the applicant should be asked to produce a more appropriate dust assessment and determine the impact using the revised PM_{2.5} targets. It also argues that the impact of terrain height has not been considered and that the applicant has used long term average wind frequency data that does not take into account the considerable variations in frequency on a year-by-year basis. In addition, it comments that although some dust mitigation measures are included in the Dust Management Plan, there are no proposals for continuous monitoring during operations that would provide a valuable management tool for minimizing dust emissions.
- 3.137 In reply to this critique the applicant has submitted amended phasing drawings showing amendments to the boundary of proposed extraction area and the location of the amenity bunds, so that extraction boundary is located at least 100m nearest residential properties, and their own consultant's response to the review by Michael Bull and Associates. This is also a lengthy and detailed report and so can only be summarised here.
- 3.138 The applicant's response states that the approach that has been adopted to the assessment is appropriate because PM₁₀ particles emitted from the extraction area would mostly be in the coarse range, i.e., larger than PM_{2.5}. Consequently, it states that PM₁₀ should be the focus when assessing the potential health impacts due to quarrying operations, which it (correctly) states is in line with the Planning Practice Guidance on Minerals (PPG Minerals, Paragraph 030). It also makes the point that although PM₁₀ is the focus when assessing the health effects due to quarrying operations, further information, included in the response, also confirms that the proposed development would not hinder progress towards the PM_{2.5} target values, which are set for 2040, with an interim target set for 2028. It also comments that the WHO guidelines are not air quality standards and are not legally binding and do not apply in the UK.
- 3.139 The applicant's response does acknowledge that some of the dust sensitive receptors are located within 40m of the application site boundary, but it states that extraction works will take place not closer than 100m from the nearest receptors and that the Institute for Air Quality Management (IQMA) minerals guidance is clear that distances refer to dust generating activities rather than the site boundary.

- 3.140 It further states that dispersion modelling has not been undertaken due to the lack of accurate UK emissions data for minerals sites, in accordance with IAQM guidance, and it contends that the modelling undertaken by Michael Bull and Associates results in a significant overestimate of particulate concentrations due to the use of an inappropriate emissions factor and that the unrealistically conservative modelling undertaken for the Michael Bull and Associates dust screening model actually shows that there would not be an adverse effect on health due to particulate emissions and that further detailed work should not be necessary.
- 3.141 It states that the Source-Pathway-Receptor approach undertaken for the visible dust risk assessment in the Air Quality ES chapter assessed the impacts at receptors where a highly effective pathway effectiveness was determined and that this is the most conservative pathway effectiveness in the Source-Pathway-Receptor approach, so that the worst-case impact on visible dust has been assessed in the Air Quality ES chapter.
- 3.142 It comments that the comparison between the site-specific meteorological data and Norwich 2020 meteorological data presented in the Michael Bull and Associates report shows close agreement between the data sets, with the prevailing wind from the southwest. Substituting the Norwich meteorological data with the site-specific data to undertake the Source-Pathway-Receptor assessment, it responds, would not change the conclusions of the assessment and that it is appropriate to use long term average wind data to determine the prevailing conditions and define whether a receptor is “downwind” or “upwind” of quarrying activities.
- 3.143 Finally, it comments that the assessment framework in the PPG on Minerals is clear that, where PM₁₀ concentrations are not likely to exceed the air quality objective, good practice measures should be sufficient, without the need for monitoring and specific controls on PM₁₀ emissions.
- 3.144 As set out in Section 3 above, neither the District Council Environmental Quality Officer, Norfolk Public Health nor the Environment Agency have expressed any objection in principle to the submitted assessment or the application as a whole. The District Council Environmental Quality Officer (EQO) has advised that they have no objection to the application, subject to the inclusion of a condition requiring the submission of an Operation Management Plan (OMP) to control any dust from activities on the site. Given that a Dust Management Plan has been submitted with the application the appropriate way forward would be to condition the implementation of the Dust Management Plan, with the OMP cross referencing to this, as there is no need to require the submission of an additional duplicate document setting out the same measures. The District Council EQO has also requested the extension of the bund along the south-eastern boundary of the extraction area to provide further protection to Manor Farm, from any wind-borne dust. The applicant has advised that they would be willing to do this, and this can be conditioned.

- 3.145 Norfolk Public Health has recommended that the applicant undertakes indicative real-time automated monitoring of dust emissions from the site for the duration of operations to ensure emissions do not exceed levels set out in the Air Quality Standards Regulations 2010 and that the applicant establishes a process for reporting dust emissions from the site and any complaints received by the EQO at South Norfolk District Council. They have accordingly, in agreement with the District Council EQO, advised that the OMP, should include setting operational cut-offs for wind speeds across the site (when working would cease), and set details of the process for notifying the results of the monitoring to the EQO.
- 3.146 In relation to lighting there is no separate assessment of lighting, but this is because, as set out above, no permanent or fixed lighting is proposed on the site. Some concerns have been expressed by objectors as to whether this will be adequate, but this is an operational matter for the applicant. To provide a safeguard against the erection of any lighting without the approval of the County Council first being obtained, it is recommended that a condition be included to prevent the installation of fixed lighting.
- 3.147 It is also recommended that a conditions be included to limit the operational processing plant on the site to the mobile screening plant required to separate the sand from gravel and to withdraw permitted development rights to ensure that no other plant, or fixed lighting is brought into or erected on the site, that may have more significant amenity and environmental impacts than have been assessed in the Environmental Statement.
- 3.148 On this basis the application can, with the imposition of the conditions recommended by the District Council Environmental Quality Officer and Norfolk County Council Public Health, be considered to be acceptable and in accordance with the NM&WDF Core Strategy, GNLP Policy 2, Policies CS14 and DM12 and DM13, South Norfolk Local Plan Development Management Policies Document Policies DM3.13 and DM3.14, emerging NM&WLP Policies MIN25. MW1 and MW2, and the NPPF, Chapter 15, paragraphs 191, 194 and Chapter 17, paragraph 217.

D. Heritage

- 3.149 There are two considerations relating to the impact of the development on heritage; whether there is any impact on, or on the setting of, any designated heritage assets and particularly the adjacent and nearby Listed Buildings, and whether there is any potential for buried archaeology on the site, and how this is addressed. The impact on the nearby listed buildings has been a particular concern raised by objectors and by Historic England, and especially the impact on the significance of the Church of St Mary, which is a Grade I listed building, located approximately 100 metres south of the site boundary. This was a significant issue at the time of the appeal against the refusal of the previous application for mineral extraction on the extended site, that the current application site forms part of.

- 3.150 Relevant development plan policy is set out in the NM&WDF Core Strategy, Policies CS14 and DM9, which require that development proposals that could potentially affect heritage assets, or which are in areas with high potential for archaeological interest, are supported by an appropriate desk-based assessment. In addition, GNLP Policy 3 sets out a requirement that development proposals should enhance the historic environment by avoiding harm to designated and non-designated heritage assets, including their setting, and having regard to their level of significance in accordance with the requirements of the NPPF and relevant policies in other Development Plan Documents, and South Norfolk Local Plan Development Management Policies Document, Policy DM 1.4 seeks to ensure that designated heritage assets are protected in accordance with their historic significance, and Policy DM 4.10 seeks to ensure that all development proposals must have regard to the historic environment and take account of the contribution that heritage assets make to the significance of an area and its sense of place. Relevant policy set out in the NPPF includes Chapter 16, paragraphs 195, and 200-211 and also Chapter 17, paragraph 217.
- 3.151 The emerging NM&WLP in Policy MIN25 includes a requirement for the submission of an acceptable Landscape and Visual Impact Assessment which will identify any potential impacts to the wider landscape and must include appropriate mitigation measures that provide protection of the setting of nearby listed buildings. These, the policy makes clear, should include a combination of advanced planting with native species and bunds. The policy also sets out a requirement for the submission of an appropriate archaeological assessment and an acceptable Heritage Statement to identify heritage assets and their settings, assess the potential for impacts and identify appropriate mitigation measures if required. Policy MW1 additionally seeks to ensure that minerals development proposals do not have an unacceptable impact on the historic environment, including heritage and archaeological assets and their settings.
- 3.152 The County Council, as well as determining the application in accordance with relevant development plan policy, must also take in account the statutory duty of s. 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess.
- 3.153 The Environmental Statement includes a Cultural Heritage chapter, which presents the findings of a cultural heritage desk-based assessment, fieldwalking, geophysical survey and trial trenching of the application site, with separate reports of the surveys undertaken included as Appendices. A separate Technical Note has also been submitted in response to the Regulation 25 Request for Further Information which assesses the noise impact on the nearby listed buildings.
- 3.154 In relation to the impact on the significance of the adjacent and nearby listed buildings the assessment identifies that there are two Grade I listed buildings and three Grade II Listed buildings within 2km. The two Grade I listed buildings

include the Church of St Mary, located 100m south of the site, and Church of St Matthias, Thorpe, located 450m north-west of the site.

- 3.155 As set out above The Broads Authority have identified, and correctly so, that the assessment has omitted to identify and include Thorpe Hall as one of the listed buildings located within 2km of the site. In fact, there are others as well, but not whose setting would be affected or whose omission is significant. Thorpe Hall is located 315m north-west of the site, close the Church of St Matthias, and is in a location close enough to the site that could be considered that its setting has the potential to be affected.
- 3.156 Notwithstanding this potential deficiency in the assessment, it identifies that there would be no intervisibility between the application site at ground level from any of the Listed Buildings due to topography, intervening vegetation and distance. It does identify that there would be a view of the application site from the tower of the Church of St Mary. The change in this view is assessed as being negligible adverse and of slight significance, although the assessment states that there would be no discernible effect on the setting of the church during the working of the site or after restoration. The effect on all other designated assets is considered neutral (i.e. no change to the existing situation). It also concludes that there would be no effect upon the ability to appreciate the significance of any of the heritage assets. Although Thorpe Hall has been omitted in undertaking the assessment, given its distance from the application site, and taking into account the assessment did include the potential impact on the nearby Church of St. Mathias, and the fact that the surrounding tree belt extends round the north west corner of the site closest to Thorpe Hall, it is not unreasonable to conclude that the findings and conclusions of the assessment would remain the same, even if Thorpe Hall had been included.
- 3.157 The assessment concludes on this basis that no additional mitigation is required. There is no obvious reason to disagree with this conclusion. The additional Technical Note which assesses the noise impact on nearby Listed Buildings concludes that the change in ambient noise levels at the nearest of these would have a 'not significant' impact.
- 3.158 As set out above, Historic England has returned a lengthy comment on the application and whilst not objecting to it, has advised that it has serious concerns about the application on heritage grounds, due to the impact on the setting of the Church of St Mary, as a Grade I Listed Building. This is on the basis that there would be potential harm caused to the significance of the church, albeit it does not quantify that harm. In its initial comments on the application it advised that further assessment of impact on the setting of the church as a result of noise, vibration, and dust was required. As set out above the applicant has responded to this through the submission of their response to the Review of Dust Assessment by the consultants for Stopit2 and the Technical Note which assesses the noise impact on nearby listed buildings.
- 3.159 Turning to the potential impacts on archaeology, the assessment identifies that the application site lies within an area of moderate multi-period archaeological

potential, which includes cropmarks and other features from prehistoric, Roman, medieval and postmedieval periods.

- 3.160 The assessment concludes that the inevitable loss of archaeology needs to be offset by a programme of mitigation by way of recording, but that there is no evidence of any archaeology requiring preservation in situ. It does identify a small area of Roman activity marking the northern edge of a possible settlement, in the south-west corner of the application site. This it states, would be protected by a stand-off from the excavation area and fencing. This is shown on the submitted application drawings as part of the design of the site. It also identifies a second area of about 2ha on the eastern side of the application site, which it states may contain evidence related to the historic development of Haddiscoe and which would be subject to excavation, recording, analysis and publication. It is proposed that details of the works would be formalised in a Written Scheme of Investigation (WSI) to be agreed with the County Archaeologist.
- 3.161 As set out above the County Archaeologist has advised that because there is potential for archaeological interest (i.e. buried archaeological remains) to be present at the site, that its significance will be adversely affected by the proposed development. However, they do not consider that this is grounds to object to the application, and they advise if planning permission is granted, that this should be subject to a condition requiring a programme of archaeological mitigatory work.
- 3.162 It should be noted that the impacts on heritage were a significant factor in the determination of the previous planning application for the development of the site, Planning Application Ref. C/7/2011/7020, in 2013 and at the subsequent appeal, and that one of the reasons for refusal related to the adverse impact on the setting of the Church of St Mary. The Inspector in the appeal, essentially agreed with the Council's view at that time that there would be harm to the setting of the Church of St Mary concluding that "the harm to the setting of the Church to be approaching, if not, moderate" and "that the setting of the Grade I Listed Church would not be preserved and this counts as a strong negative factor to be weighed in the balance".
- 3.163 There are however significant reasons to distinguish the current application from the previous proposal; these being that the Inspector's concerns related almost entirely to the impact of the part of the previous application site to the south of the B1136, which included a not insubstantial plant area and bunding, and that the duration of the permission sought was 21 years, which the Inspector considered to be "a very long time".
- 3.164 The Inspector helpfully, drew a significant distinction between the impact of the part of the previously proposed development to the north of the B1136 (i.e. what is now the current application site) and the area to the south (which is not included in the current application). He said that "Although the northerly parcel of land, containing by far the greater proportion of the mineral resource, creates very little visual harm during operations, the same cannot be said of the much smaller area to the south. Here there would be something approaching a

moderate adverse change to the landscape quality for the 21-years duration and significant harm to the setting of the Grade I Listed St Mary's Church". The appeal decision was issued in July 2014, when the tree belt around the site, whilst already planted, was considerably less mature than it is now.

- 3.165 Given the conclusion of the assessment submitted with the current application, there is no substantive reason to take a fundamentally different view from the Inspector in 2014 in relation to development of the land to north of the B1136, in terms of its impacts on the setting of the Church of St. Mary. If anything, the potential impact would be less, given the much more limited duration of the extraction and restoration works proposed in the current application, i.e. up to eight years, compared with the 21 years proposed as part of the 2011 planning application, the absence of any processing plant, and because the tree belt around the perimeter of the site has matured significantly with an additional ten years' growth.
- 3.166 As such it cannot be considered that there would be any more than negligible, if any, impact on the setting of the Church of St Mary (or any of the other nearby Listed Buildings, including Thorpe Hall), which can as a result be considered to be at the very lower end of less than substantial harm to its/their significance.
- 3.167 It should be noted that less than substantial harm, is not intended to mean that the harm is minor or inconsequential; it is the terminology used in the NPPF to categorise the level of harm to the significance of a heritage asset. It covers a wide spectrum of harm from very minor harm through to a level of harm stopping short of "substantial harm", so has a wide meaning.
- 3.168 Paragraph 206 of the NPPF states that any harm to, or loss of significance of a designated heritage asset requires clear and convincing justification, and paragraph 208 states that where development will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.
- 3.169 The main issue to be addressed then is how the less than substantial harm to the significance of the nearby listed buildings as designated heritage assets, even if only minimal, is to be considered. On the one hand paragraph 205 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater that weight should be) and paragraph 206 states that any harm to, or loss of significance of a designated heritage asset, should require clear and convincing justification. On the other hand, paragraph 217 of the NPPF also states that when determining planning applications, great weight should also be given to the benefits of mineral extraction. It does then also go on to say that in considering proposals for mineral extraction, mineral planning authorities should ensure that there are no unacceptable adverse impacts on the historic environment.
- 3.170 When the different paragraphs of the NPPF are read together, it is clear in the circumstances that apply in this instance, that the issue is whether the less than significant harm, is outweighed by the public benefit of the proposal. In the

context of the need for the supply of mineral identified in the Norfolk Minerals and Waste Local Plan, the application is for the development of what is currently an unallocated site. It is however a proposed allocation in the emerging Minerals and Waste Local Plan, required to meet the identified shortfall in permitted reserves required during Minerals and Waste Local Plan period to the end of 2038. Whilst, as set out above, the landbank for sand and gravel currently stands at 11.8 years, so that this cannot be taken as indicative of urgent need, the application site will nevertheless provide part of the shortfall of 12.597 million tonnes, identified in the emerging plan, which can be considered to amount to public benefit, and can, even in the absence of urgent need, be considered to outweigh, the very low level of less than substantial harm to the significance of any of the nearby designated heritage assets.

3.171 On this basis the application can, when considered in the context of the development plan as a whole, be considered to be acceptable and in accordance with the NM&WDF Core Strategy, GNLP Policy 3, the South Norfolk Local Plan Development Management Policies Document, Policies DM 1.4 and DM 4.10, emerging NM&WLP Policies MIN25 and MW1, and the relevant paragraphs of the NPPF, including paragraph 217.

E. Landscape and Visual Impact, Trees and Restoration

3.172 The key issues in relation to landscape and visual impact, trees and restoration, concern the impact in terms of landscape and visual impact, including the impact on The Broads Authority area, the impact on key landscape features including trees and hedgerows, and the acceptability of the proposed Concept Restoration Plan for the site.

3.173 Relevant policies include; the NM&WDF Core Strategy, Policies CS14, DM8 and DM14, which seek to ensure that there are no unacceptable adverse impacts on, and ideally improvements to the character and quality of the landscape and that there is phased and progressive working and restoration of the site to enhance the landscape; GNLP Policy 3 which states that development proposals should enhance the natural environment through being designed to respect, conserve, and enhance, natural assets, and avoid harm to designated and non-designated assets of the natural environment, having regard to their level of significance (local, national and international) in accordance with the requirements of the NPPF and relevant policies in other Development Plan Documents. It should respect landscape character and retain important views and features, having regard to Landscape Character Assessments and sensitive areas such as landscape settings, and to the importance of the nationally designated Broads Authority Area and its setting; South Norfolk Local Plan Development Management Policies Document Policies DM 1.4 DM 3.8, DM 4.4, DM 4.5 DM 4.8 and DM 4.9 which seek to protect environmental quality and local distinctiveness, natural environmental assets, landscape character including rural river valleys, significant tree, woodlands and hedgerows and ensure high quality design in landscape design. Relevant national planning policy is set out in the NPPF, Chapter 12, paragraphs 135 and 136, and Chapter 15, paragraphs 180 and 186.

- 3.174 As set out above the emerging NM&WLP in Policy MIN25 includes a requirement for the submission of an acceptable Landscape and Visual Impact Assessment which identifies any potential impacts to the wider landscape and includes appropriate mitigation measures including a combination of advanced planting with native species and bunds and the submission of an acceptable phased working and progressive restoration scheme to a nature conservation afteruse, including retention of boundary hedgerows and trees. In addition, Policy MW1 seeks to ensure that minerals development proposals do not have an unacceptable impact on the appearance, quality and character of the landscape, countryside and visual environment and any local features that contribute to its local distinctiveness, the character and quality of the area, and protected landscapes including the Broads.
- 3.175 Because of the proximity of the site to boundary of The Broads, which lies along the north-eastern boundary of the application site, the County Council also has a duty to 'have regard' to the statutory purposes of the National Park, which applies to proposals located outside the designated area but potentially impacting on its natural beauty.
- 3.176 The submitted Environment Statement includes a chapter on landscape and visual impact. It is supported by a separate Landscape and Visual Impact Assessment (LVIA) and Addendum, and an Arboricultural Impact Assessment and Arboricultural Method Statement. The application also includes Phased Working Scheme Plans, a Concept Restoration Plan and Landscape Planting & Aftercare Plan.
- 3.177 The supporting Landscape and Visual Impact Assessment (LVIA) has been undertaken in accordance with the Landscape Institute and the Institute of Environmental Management and Assessment Guidelines for Landscape and Visual Impact Assessment (GLVIA 3).
- 3.178 The assessment identifies that the Site is in agricultural use (comprising mainly Grade 3b agricultural land), is not designated for its landscape or scenic value and that its character is influenced by its arable use and its enclosed nature arising from the 24m wide tree belt around its northern, western and southern boundaries, with vegetation cover and agricultural buildings enclosing the eastern side of the Site.
- 3.179 It identifies the site, in common with the surrounding areas, as being part of a productive, working agricultural landscape with the B1136 extending along its southern boundary, so that there are times when it is not considered particularly tranquil. As a result, it identifies that the sensitivity of the landscape, including its landform and character, to development of the type proposed, is influenced by its location and context.
- 3.180 It concludes that there would be unavoidable significant effects on the landscape character within the site due to the temporary extraction works, although effects would reduce within unworked areas and within areas that had been worked and restored. As a result, it concludes that the character of areas in operational use would be detrimentally affected by a notable amount, but that

other areas would be subject to effects of less significance. However, it also concludes that the effects on the character of the site would not influence the character of the immediate surroundings or wider landscape (character area) to a noticeable degree, mainly due to the enclosed nature of the site as a result of the enclosing boundary tree belt.

- 3.181 It identifies that there would be significant effects on Bridleway Haddiscoe BR5 which would need to be temporarily diverted for the entirety of its route through the site, for the duration of the extraction and progressive restoration during working in Phases 4,5, 6 and 7. This would be unavoidable, although users would still be able to avoid using a stretch of Church Road, with the proposed diversion in place, and restoration would reinstate the Bridleway along its existing route, albeit with slightly different topography which the assessment concludes would add interest for walkers, along with the nature conservation led landscaping of the restored land.
- 3.182 The assessment identifies that there would be no effects on the adjacent woodland or hedgerows and the permanent effects on the low sensitivity arable land would be mitigated by the restoration scheme, which would provide lowland neutral grassland with a species rich element with woodland and wet woodland blocks, scrubby planting, hedgerows and an ephemeral, low area which, it is anticipated, would become seasonally wet or damp, providing a different habitat to the rest of the Site. The restoration proposals, the assessment concludes, would provide a net benefit to nature conservation in excess of 10%.
- 3.183 As set out above the assessment identifies that the landscape setting of the Grade I Listed Church of St Mary to the south of the Site would be limited due to the physical and visual separation between the Site and the Listed Building and its setting, with no intervisibility at ground level, even during winter periods when the density of the woody vegetation would still block or filter views. However, as set out above there would be views into the Site from the tower of the Church of St. Mary. In addition, it identifies that the B1136 lies between the church and the Site, which introduces movement and activity into the landscape and effectively marks the edge of the church setting, beyond which is the wooded boundary to the site and then the site itself. It identifies that any adverse effects on the church or its setting would be minor and would not be significant. These effects may include quarry related vehicle movements along the B1136 which would be glimpsed from the Church but would be fleeting and intermittent, with the junction of Crab Apple Lane and B1136 being at a distance of 430m to the north-west of the church. In addition, the operational stage would be for a temporary period of approximately 7 years, during which the Site would be progressively restored to a nature conservation afteruse, which would preserve the Church and its setting permanently.
- 3.184 In terms of the effects on visual amenity, the assessment identifies that its visibility is primarily influenced by the boundary woodland belts which extend around the northern, western and southern boundaries, with further vegetation along the parts of the eastern boundary, along with farm buildings and a yard. In addition, the local, gently undulating landform influences visibility from some

locations in the vicinity, as does the relative absence of residential properties to the west and south.

- 3.185 The assessment concludes that no residential properties would experience significant adverse effects on visual amenity due largely to the boundary vegetation along with other layers of vegetation which, for the majority of residents along Church Road, Thorpe Road, The Loke and Gravel Pit Lane, would effectively screen views towards the operational activities, at all times throughout the year. It identifies that views of the initial bund construction (and later removal) works would be evident from Windmill Cottage, but these would be short term (extending over no more than one week) and would involve mobile plant machinery which is already occasionally typical of the site due to its agricultural use. Once in place, the bund would screen views of all subsequent works and its presence would not, the assessment concludes, cause any notable visual disturbance to residents.
- 3.186 The assessment does identify that significant visual effects would occur for users of Bridleway Haddiscoe BR5 as it passes through the site so that even when diverted, views of the works would be evident for sections of the route not screened behind the soil bund along the northern boundary. However, it also identifies that once restored, effects would be beneficial for users of the Bridleway as the route would offer increased interest in the landscape. Other Public Rights of Way are assessed as being unaffected, although the assessment does identify that users of Bridleway Haddiscoe BR4, to the immediate north-west, would catch glimpses of vehicles entering and leaving the site, albeit that these would be intermittent, fleeting and not significant. It similarly concludes that road users in relatively close proximity, may have occasional views of quarry vehicles in the vicinity of the Site which would cause limited visual disturbance, which is not considered significant.
- 3.187 Finally, the assessment identifies that there would be no other mineral extraction operations or proposed operations within a radius of 5km surrounding the site that would, in combination with the proposed development, give rise to any cumulative landscape or visual effects (although Norton Subcourse Quarry does lie within this radius of the application Site).
- 3.188 The assessment concludes that the proposed restoration scheme would alter the landscape character of the Site in a beneficial way, by introducing a more nature conservation led land use including lowland neutral grassland with a species rich element, woodland and wet woodland, scrubby planting and hedgerows along with a seasonally wet or damp low area. This it considers would integrate well with the surrounding rural and agricultural landscape, including The Broads to the immediate north and east.
- 3.189 As set out above neither South Norfolk District Council Planning nor the Broads Authority have objected to the application on landscape and visual impact grounds. Whilst both have identified the impact, particularly on heritage assets as being a concern, the Broads Authority has advised that it does not consider that the overall landscape and visual effects following restoration would have any significant adverse effects on The Broads or the setting of The Broads. It is

however concerned that the extraction period which is likely to have adverse effects on the tranquillity of the landscape, and on sensitive visual receptors, and it therefore recommends that it would be beneficial if the extraction period could be limited to reduce the duration of these effects and that a condition to prevent future applications for extension of time are added to any consent and that there are restrictions on use of external lighting. The former would not be lawful, but as set out above it is proposed that permitted development rights for lighting be withdrawn by condition.

- 3.190 The County Arboricultural Officer as set above, raises no objection, subject to the implementation of the submitted Arboricultural Method Statement, and the County Landscape Officer has similarly also returned a no objection. As set out above they comment that the experience of users of Public Right of Way, Haddiscoe Bridleway BR5 will change following restoration, but they consider that the changes will be beneficial, and the reinstatement will provide a suitable route. They agree with the conclusions of the Landscape and Visual Impact Assessment (LVIA) and confirm that it has been undertaken in accordance with the accepted methodology and to a high and suitable quality.
- 3.191 As set out above, Natural England has advised that it has no objection, although it advises that the statutory purposes of the National Park [sic] need to be taken into account.
- 3.192 It should also be noted, as set out above, that the Inspector in the 2014 appeal decision on the previous planning application in this location, which the application site forms part of, concluded that the development of the land to the north of the B1136 for mineral extraction, gave rise to very little, if any visual harm, during operations.
- 3.193 On this basis, the proposals are considered to satisfy the requirements set out in national policy, the Development Plan and other material considerations, in relation to the landscape and visual impact, trees and restoration. The amended restoration scheme can also be considered to be acceptable and in accordance with other relevant development plan policy including NM&WDF Core Strategy Policies CS14, DM1, DM8, and DM14, GNLP Policy 3, and South Norfolk Local Plan Development Management Policies Document Policies DM 1.4 DM3.8, DM4.4, DM4.5 DM 4.8 and DM4.9, emerging NM&WLP Policies MIN25 and MW1, and the NPPF paragraphs, 135, 136, 180 and 186. It can also be considered that the development of the site as proposed would not have a significant impact on or harm the statutory purposes of The Broads.

F. Ecology and Biodiversity (including the need for Biodiversity Net Gain and Appropriate Assessment)

- 3.194 The key issues in relation to ecology and biodiversity concern the impacts on protected species including the habitats that support them and whether these are adequately mitigated, and whether the proposed restoration of the site delivers biodiversity net gain. Because the application site is located within 10km of the Broads Special Area of Conservation (SAC), the Broadland Special

Protection Area (SPA) and Breydon Water SPA and Broadland Ramsar site, consideration has also to be given to whether Appropriate Assessment is required. As set out above specific concerns have been raised by objectors about the potential adverse impacts on protected species and the nearby County Wildlife Sites (CWS).

- 3.195 Relevant policies include the NM&WDF Core Strategy, Policies CS14, DM1 and DM14, which seek to ensure that there are no unacceptable adverse impacts on, and ideally improvements to biodiversity, including nationally and internationally protected species and designated sites and otherwise that they prevent harm to protected species and habitats or ensure that any such harm is adequately mitigated or compensated for, and that there is enhancement to the Norfolk Ecological Network.
- 3.196 In addition, GNLP Policy 3 states that development proposals should enhance the natural environment through following a hierarchy of seeking firstly to avoid impacts, mitigate for impacts so as to make them insignificant for biodiversity, or as a last resort compensate for losses that cannot be avoided or mitigated for, and should deliver net biodiversity gain through the provision of on-site or off-site natural features, creating new or enhancing existing green infrastructure networks that have regard to local green infrastructure strategies. Any development that would be likely to have a significant effect on a European site, either alone or in combination with other plans or projects, will be subject to assessment under the Habitat Regulations. The new Plan also incorporate the requirements for biodiversity net gain (BNG) with a requirement to demonstrate that the gain to biodiversity is a significant enhancement (at least a 10% gain) compared to the existing situation. In addition, South Norfolk Local Plan Development Management Policies Document Policies DM1.4, and DM4.4 seek to protect environmental quality and natural environmental assets. Relevant national planning policy is set out in the NPPF, Chapter 15, paragraphs 180 and 186.
- 3.197 The emerging NM&WLP in Policy MIN25 includes a requirement for the submission of an acceptable phased working and progressive restoration scheme to a nature conservation afteruse, including retention of the boundary hedgerows and trees, to provide biodiversity net gains. Policy MW1 additionally seeks to ensure that minerals development proposals do not have an unacceptable impact on the natural environment, including internationally, nationally or locally designated sites and irreplaceable habitats.
- 3.198 The submitted Environment Statement includes a Chapter on Ecology, which is supported by a separate Preliminary Ecological Appraisal, and protected species survey reports for bats, Great Crested Newt and breeding birds, and an Ecological Enhancement Plan.
- 3.199 The assessment identifies that while protected species including bats (ten species) and birds (32 species) are present on and around the site, these comprise highly wide ranging and mobile animal and bird groups which are rarely found to be absent on and around the site or in the surrounding area. Moreover, the detailed surveys have not detected any evidence of breeding or

other key aspects to these species' lifecycles. Other widespread species are identified as including badger and reptiles.

- 3.200 Bat and bird species listed on the Norfolk Biodiversity Action Plan (BAP) were recorded at the Application Site although the assessment concludes that the site does not support significant populations of species of conservation concern.
- 3.201 It identifies that arable and bare ground will be lost as part of the proposed development, but that this is not assessed as being significant as the value of these habitats is identified as being low and that there is an abundance of similar habitat within the local area. The mixed woodland plantation is identified as the most important habitat for fauna on the Application Site and this will be retained and protected.
- 3.202 The assessment identifies that The Broads SAC, Broadland RAMSAR/SPA and Breydon Water RAMSAR/SPA are located 3.9km from the Application Site. It is also located within two SSSI Impact Risk Zones; Halvergate Marshes (4.5km to the north) and Staney and Alder Carrs, Aldeby (3.9km to the south). It identifies that there would be no direct habitat loss on statutory wildlife sites. The main potential impact is identified as being from dust deposition. However, it refers to the Institute of Air Quality Management (IAQM) guidance on mineral dust impact for planning (IAQM, 2016) as stating that adverse dust impacts from sand and gravel sites are uncommon beyond 250m measured from the nearest dust generating activities and that the greatest impacts will be within 100m of a source. As result it concludes that there will be no indirect impacts on statutory wildlife sites due to the distance between these sites and the Application Site.
- 3.203 The assessment identifies that the Devils End Meadow County Wildlife Site (CWS) is located 140m south of the application site, although it similarly concludes there will be no direct impacts on the CWS as it is located over 100m from the Application Site. It notes that the mixed woodland plantation around the boundary of the Application Site will be retained and that screen bunds will be constructed, which along with other dust prevention measures, will minimise dust reaching the non-statutory site.
- 3.204 The assessment in conclusion identifies that there would be no significant direct or indirect effects on habitats, faunal species or designated wildlife sites.
- 3.205 In relation to the proposed restoration, it identifies that the mineral extraction works will result in the certain, total direct loss of 17.8 ha of arable land, and that the impacts will be direct, irreversible and permanent as the habitat will not be replaced upon restoration. Instead, the restoration will replace arable land with better-quality habitats, including those listed in the Norfolk Biodiversity Action Plan (BAP) and it will provide more diverse habitats which will support a variety of wildlife, comprising a mosaic of habitats including wet woodland, native woodland, hedgerows, scrub, species rich grassland and seasonally wet areas. The post-development habitats, it concludes, will be more ecologically

diverse compared to the baseline and will encourage a variety of wildlife on the site.

- 3.206 Whilst no biodiversity net gain calculation has been submitted with the application, it does set out measures which are intended to enhance the biodiversity value of the site, with the assessment identifying that the restoration scheme has been designed “to create a mosaic of habitats that will provide habitats of higher ecological value compared to the baseline of agricultural land and will help meet targets within the Norfolk BAP, including wet woodland, hedgerows, lowland mixed deciduous woodland and lowland meadow and pastures”. This it states is intended to increase the overall ecological value of the Application Site by increasing floral diversity and creating suitable habitat for a range of protected and notable faunal species in line with development plan and national planning policy objectives.
- 3.207 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). The requirement is now reflected in Policy 3 of the GNLP. This application is however not subject to mandatory BNG on the basis that it was lodged before the implementation date of 12 February 2024, and given that this was the case it would not be reasonable to impose the requirement for ten per cent net gain now included in GNLP Policy 3.
- 3.208 Although there is no explicit development plan policy requirement for biodiversity net gain in South Norfolk, Policy DM 1.4 of the South Norfolk Local Plan DPD includes a more general requirement to “enhance biodiversity to achieve a net gain for nature”, and paragraph 180 of the NPPF similarly refers to “minimising impacts on and providing net gains for biodiversity”.
- 3.209 As set out above, there have been objections from Stopit2 and local residents expressing concern about the impacts on protected species, the adjacent CWS and biodiversity. Norfolk Wildlife Trust similarly initially expressed concern about the potential impact of the development on the Devil’s End Meadow CWS, but following the submission of the Ecological Enhancement Plan, it has confirmed that the application is acceptable subject to conditions to ensure no dewatering takes place and the mitigation measures set out in the Dust Management Plan, are secured.
- 3.210 South Norfolk District Council Planning whilst expressing concern about the potential for impacts on biodiversity, has not objected to the application. The Broads Authority has confirmed that it has no objection provided the specified mitigation is followed, and restoration is undertaken in accordance with the submitted details and a biosecurity strategy should be put in place.

- 3.211 The County Ecologist, as set out above, has confirmed that they have no objection subject to the precautionary working measures, mitigation, compensation and enhancement measures outlined in the Environmental Statement Ecology chapter and Ecological Enhancement Plan, being implemented. They further advise that the restoration scheme provided is considered appropriate and that opportunities to further enhance the site for biodiversity are outlined in the PEA report and the Environmental Statement Ecology Chapter.
- 3.212 Natural England has advised that it has no objection and that it considers that the proposed development will not have significant effects on designated sites, which include The Broads Special Area of Conservation (SAC), Broadland Special Protection Area (SPA) and Ramsar site, and Breydon Water SPA and Ramsar site, which are European designated sites.
- 3.213 As set above, the application site is located within 5km of the Broads Special Area of Conservation (SAC), the Broadland Special Protection Area (SPA) and Breydon Water SPA and Broadland Ramsar site, which are European protected habitat. The application has been assessed in accordance with Regulation 63 of the Conservation of Habitats and Species Regulations 2017. Natural England has not raised any concerns in relation to the proposed development having any significant adverse impacts on any of the sites. Due the size and scale of the development, and its distance from the European sites, it is considered that there is no requirement for the County Planning Authority to undertake an Appropriate Assessment of the development.
- 3.214 With regards to Natural England's letter of 16 March 2022 concerning nutrient neutrality, the proposed sand and gravel quarry would not result in a discharge to the catchment of the River Wensum SAC or any of the SSSIs notified by Natural England that comprise the Broads SAC/Ramsar. The proposal would therefore not result in an addition to the nutrient load of the designated sites.
- 3.215 On this basis, the proposals are considered to satisfy the requirements set out in national policy, the Development Plan and other material considerations and is in accordance with the NM&WDF Core Strategy, Policies CS14, DM1 and DM14, GNLP Policy 3, South Norfolk Local Plan Development Management Policies Document Policies DM 1.4, and DM 4.4, emerging NM&WLP Policies MIN25 and MW1, and the NPPF, Chapter 15, paragraphs 180 and 186.

G. Flood Risk, Surface Water and Groundwater

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

resources and are determined in accordance with national planning policy in relation to flood risk, now set out in the NPPF. In addition, GNLP Policy 2 seeks to ensure the development contributes to the achievement of sustainable communities by avoiding locating inappropriate development in areas at risk of flooding and by ensuring that sustainable drainage systems are incorporated into them and protect water quality and avoid risks of unacceptable levels of water pollution; and the South Norfolk Local Plan Development Management Policies Document (Adoption Version October 2015) Policy DM 1.4, DM 3.8, DM 3.14 and DM 4.2 seek to protect the environmental and water resources and enhance their efficient use, the use of sustainable drainage systems and ensure that there are no unacceptable impacts on surface and ground water quality or exacerbate the risk of flooding. Relevant national policy is set out in the NPPF, Chapter 14, paragraphs 165-175, Chapter 15, paragraphs 180, 191 and 194, and Chapter 17, paragraph 217.

- 3.218 There is no site-specific policy requirement relating to flood risk, surface water and groundwater set out in either Policy MIN25 of the emerging NM&WLP, although Policy MW1 does seek to ensure that minerals development proposals do not have an unacceptable impact on the quality and quantity of surface waterbodies and groundwater, the capacity of existing drainage systems or in terms of flood risk.
- 3.219 The Environmental Statement includes a chapter which sets out a Hydrogeological and Flood Risk Assessment (FRA) with separate supporting assessments as Appendices.
- 3.220 The assessment identifies that there are no surface water flow pathways affecting the Site, and that the site is not in a groundwater Source Protection Zone (SPZ). Environment Agency mapping shows that the Site overlies the Chalk, a Principal Aquifer (bedrock) but that this is confined by overlying London Clay.
- 3.221 The FRA identifies the site as being located in Flood Zone 1 on the Environment Agency's Flood Map for Planning and that there are four areas of isolated ponding (topographic depressions) within the Site, two of which are located along the southern boundary, one in the centre of the Site and one along the northern boundary. The FRA has assessed the surface water flood risk at the Site as negligible to low.
- 3.222 The assessment identifies that groundwater is the primary receptor for any contamination originating from the development. but because it is separated by at least 30m of low permeability London Clay, the Chalk principal aquifer is not a receptor.
- 3.223 Because no new impermeable areas are proposed and because operations will be carried out above the water table, no detailed drainage strategy is proposed for any surface water or groundwater discharge to the ground or to any watercourse. Consequently, no dedicated flood risk mitigation measures are identified as being required for the development, although the assessment states that if any localised surface water management is required, routing

runoff to temporary sumps, would be employed in the event that standing surface water impedes operations. It is anticipated that the surface water flooding risk will reduce as the development proceeds and less permeable subsoils are removed.

- 3.224 The Assessment also set out details of a number of embedded operational best practice mitigation measures that have been designed-in to reduce the potential for impacts on hydrology, flood risk and water quality.
- 3.225 Overall, the assessment states that no significant impacts have been identified and that there will be no significant residual effects.
- 3.226 As set out above the neither the LLFA, the Environment Agency, or Natural England have raised any objection to the application. Although the Waveney, Lower Yare and Lothingland Internal Drainage Board (IDB) have requested that any discharge that may subsequently be proposed is facilitated in line with non-statutory technical standards for sustainable drainage systems (SuDS), the regulation of any discharge would be a matter for the Environment Agency, and as such is not a matter to be controlled through the grant of planning permission.
- 3.227 Accordingly, subject to including a condition requiring the implementation of the embedded mitigation measures set out in the Environmental Statement, the application can be considered to be acceptable and in accordance with the NM&WDF Core Strategy, Policies CS14 and DM3 and DM4, GNLP Policy 2, South Norfolk Local Plan Development Management Policies Document Policies DM1.4. DM3.8, DM 3.14 and DM4.2, emerging NM&WLP Policy MW1 and the NPPF, Chapter 14, paragraphs 165-175, Chapter 15, paragraphs 180, 191 and 194, and Chapter 17, paragraph 217.

H. Soils and Agricultural Land

- 3.228 The impact on soils and agricultural land is a relatively minor issue in the determination of the application insofar, as set out in paragraph 2.3 above, only 0.5 ha of the 21.5 ha site is made up of Grade 3a Best and Most Versatile (BMV) agricultural land.
- 3.229 The effects on soil resources where mineral extraction is proposed on agricultural land of Grades 1, 2 or 3a, are addressed in NM&WDF Core Strategy, Policies CS14 and DM16, which seek to ensure that there are no unacceptable impacts on soil resources and that where development is proposed on Grades 1, 2 or 3a agricultural land, this will only be permitted where provision is made for high standards of soil management that would enable restoration to a condition at least as good as its previous agricultural land quality and that the handling of soils will be undertaken in accordance with the DEFRA “Good Practice Guide for Handling Soils” (now replaced by the Institute of Quarrying ‘Good Practice Guide for Handling Soils’. In addition, the NPPF, paragraph 180 requires that the economic and other benefits of BMV agricultural land must be taken into account in the determination of planning applications. Policy DM14 of the NM&WDF Core Strategy also seeks to ensure the restoration and enhancement of geodiversity.

- 3.230 There are no site-specific requirements relating to soils and agricultural land set out in Policy MIN25 of the emerging NM&WLP. Policy MW1 does however seek to ensure that minerals development proposals do not have an unacceptable impact on BMV agricultural land, and Policy MW5 additionally states that where minerals development is proposed on Grades 1, 2 or 3a agricultural land, it will only be permitted where provision is made for high standards of soil management that would enable restoration to a condition at least as good as its previous agricultural quality.
- 3.231 The Environmental Statement includes a chapter on Agricultural Quality and Soils, which is supported by a separate Agricultural Land Classification and Soil Resource Report, and a soils Desk Based Study, which are included as an Appendices.
- 3.232 The assessment identifies that the development of the site will affect 0.5 hectares of Grade 3a (high sensitivity) agricultural land, 15.4 hectares of grade 3b (medium sensitivity) agricultural land and 2 hectares of grade 4 (low sensitivity) agricultural land, and on restoration will be restored to agricultural grazing uses and consequently that there will only be a temporary loss of agricultural land during the Operational Phase. The magnitude of the temporary loss of agricultural land is assessed as being moderate, although there will be a permanent loss of less than 5 hectares of agricultural land which is classed as a low magnitude of loss. Across the site as a whole the intention is that it will be restored to grade 3b quality. All the soils will be retained on the site for use in its restoration and consequently the assessment concludes that there would be no discernible loss or reduction in functions, so that overall, there would be a not significant effect on the soil resource.
- 3.233 It should be noted that there is no requirement in either development plan policy or the NPPF to return BMV agricultural land to agricultural use. However, the NPPF makes clear that the impact on soils including the economic and other benefits of the BMV agricultural land, should be assessed in the context of the wider benefits from natural capital and what it refers to as “ecosystem services”, in other words, the benefits to the natural environment including its soils.
- 3.234 Natural England has advised that it has no objection to the application on the ground of the impact on soils and agricultural land, subject to the imposition of conditions to safeguard soil resources and promote a high standard of restoration appropriate to the proposed after uses and the working of the soils being undertaken in accordance with the Institute of Quarrying Good Practice Guide for Handling Soils in Mineral Workings (2021).
- 3.235 On this basis the application can be considered to be in accordance with the NM&WDF Core Strategy, Policies CS14 and DM14, DM16, emerging NM&WLP Policies MW1 and MW5, and the NPPF, paragraph 180.

I. Sustainability

- 3.236 Key issues in relation to sustainability include how the application addresses climate change adaptation including the requirement for renewable energy generation and to reduce greenhouse gas emissions.
- 3.237 NM&WDF Core Strategy, Policy CS13 require minerals development to generate a minimum of 10 per cent of renewable energy on-site from decentralised and renewable or low-carbon sources, subject to environmental constraints while Policy DM11 requires water efficient design, including water recycling and sustainable drainage measures. Policy MW3 of the emerging NM&WLP requires the taking of a proactive approach to mitigating and adapting to climate change, taking into account the long-term implications for flood risk, coastal change, water supply, biodiversity and landscapes, and the risk of overheating from rising temperatures. In particular, new minerals sites must through their design, construction and operation, be expected to minimise their potential contribution to climate change through reducing carbon and methane emissions, incorporate energy and water efficient design strategies and be adaptable to future climatic conditions.
- 3.238 GNLP Policy 2 seeks to ensure the development contributes to the achievement of sustainable communities, by ensuring a low level of energy consumption and the South Norfolk Local Plan Development Management Policies Document Policy DM4.2 sets out a requirement to integrate sustainable drainage measures and minimise the risk of flooding. Relevant paragraphs of the NPPF are set out in Chapter 14 (on meeting the challenge of climate change, flooding and coastal change), which in paragraph 159 states that new development should be planned for in ways that avoid increased vulnerability to the range of impacts arising from climate change and help to reduce greenhouse gas emissions and in paragraph 162 states that local planning authorities should expect new development to comply with any development plan policies on local requirements for decentralised energy supply unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable.
- 3.239 Whilst not part of the development plan, or even a planning policy per se, the County Council's Environment Policy is also a material consideration. Its key policy aims include; using and managing land sustainably; recovering nature and enhancing the beauty of landscapes; connecting people with the environment to improve health and wellbeing; increasing resource efficiency, and reducing pollution and waste; securing clean, healthy, productive and biologically diverse seas and oceans; and protecting and improving our global environment. 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 the determination of the application.
- 3.240 The Environmental Statement includes a section on Climate Change Adaptation, together with other relevant chapters as set out above including those on Ecology and Hydrogeology and Flood Risk.

- 3.241 The assessment identifies that because of the limited nature of the development proposed in this case, with the only processing proposed on the Application Site being screening to separate the extraction sand and gravel, it is not anticipated that the development of the site would give rise to any significant adverse impacts in terms of energy usage or climate change. It identifies that there would be emissions of carbon dioxide which contribute to climate change arising mainly from the use of fuel and electricity for transport, quarry machinery and processing, but that the installation of solar panels or wind to power plant to provide energy would take up considerable space and would not be economic or viable given the limited processing activities proposed and the temporary eight-year operational life of the site.
- 3.242 Policy CS13 is qualified in its requirement for minerals development to generate a minimum of 10 per cent of renewable energy on-site from decentralised and renewable or low-carbon sources, insofar as this is subject to any such development being environmentally acceptable. The lack of such provision does not, where this is not the case, make the development unacceptable or contrary to the Policy, provided this is justified. The Environmental Statement sets out why this is the case and to provide this justification, which arises from the only very limited level of processing that would be undertaken on the site.
- 3.243 In relation to carbon emissions which contribute to climate change these are identified as arising mainly from the use of fuel and electricity for transport, and in quarry machinery used for processing. Although a detailed quantitative assessment of the level of carbon emission has not been included with the application, it is reasonable to assume that because the development is of temporary duration and relatively small scale it will not have such a significant impact on, as to prejudice the achievement of the UK's 2050 Net Zero target, and cannot on its own be considered to render the development unacceptable or contrary to the development plan.
- 3.244 Climate change is otherwise considered as an integral part of the assessments included in the Environmental Statement, for example, in the assessment of the impacts on Hydrogeology and Flood Risk.
- 3.245 As such the application can, when considered against the development as a whole, be considered to be acceptable and in accordance with the NM&WDF Core Strategy, Policies CS13 and DM11, GNLP Policy 2, South Norfolk Local Plan Development Management Policies Document Policy DM4.2, emerging NM&WLP Policy MW3, the NPPF and the County Council's Environment Policy (taken into account the conclusions of the ES, as set out above).

J. Cumulative Effects.

- 3.246 In terms of cumulative effects, the key issues are whether there are any in-combination effects arising from the development or any effects as a result of multiple impacts from the development and other sites in a locality.

- 3.247 Relevant development plan policy is set out in NM&WDF Core Strategy, Policy DM15 which states that where a proposed mineral extraction site is considered acceptable (in its own right) but the cumulative impact of a proposal in conjunction with other nearby existing, permitted or allocated minerals extraction sites and/or waste management facilities, is considered unacceptable, the proposal may be considered acceptable if phased so that one site follows the completion of the other or it can be demonstrated that the adverse cumulative impacts can be adequately mitigated. It requires that planning applications must therefore be supported by information demonstrating how proposals relate to other development nearby and details of how any cumulative effects are proposed to be mitigated satisfactorily. South Norfolk Local Plan Development Management Policies Document Policy DM3.14 also refers to the need to assess the cumulative impacts of proposals in relation to air quality, surface and ground water quality, land quality and condition, and the health and safety of the public, and emerging NM&WLP Policies MW1 seeks to ensure that new minerals development does not have an unacceptable cumulative impact in combination with other existing or permitted development.
- 3.248 In addition the NPPF includes a number of references to the need to assess cumulative effects, including in relation to mineral development that are set out in paragraph 217, which states that in considering proposals for minerals extraction planning authorities should ensure that there are no unacceptable adverse impacts on the natural and historic environment or human health, and take into account the cumulative effect of multiple impacts from individual sites and/or from a number of sites in a locality.
- 3.249 The ES includes assessment of the cumulative effects in both the individual technical chapters, and as a separate overall assessment. These conclude that there will not be significant combined effects on receptors as a result of the proposal or as the result of the proposal in combination with other nearby development, subject to the identified mitigation measures proposed being implemented. None of the consultees have advised otherwise, and this conclusion can therefore be considered to be accurate.
- 3.250 On this basis, the development can be considered to be in accordance with NM&WDF Core Strategy, Policy DM15, South Norfolk Local Plan Development Management Policies Document Policy DM3.14, emerging NM&WLP Policy MW1, and the NPPF in terms of the overall cumulative effects.

K. Other Issues

- 3.251 A number of other issues have also been raised in the consultation responses from Parish Council's and in the third-party representations. These include the following:
- 3.252 Impact on Property Values: This is not directly a material planning consideration and cannot be taken into consideration. However, the impacts that may give rise to a financial loss arising from any detrimental impact on local amenity, and

the existing use of land and buildings maybe. These are considered under the previous headings in this section of the report.

- 3.253 Impacts on Health including Mental Health: The potential impacts on health including mental health have been raised by a number of objectors, and in some cases, these relate to the potential effects on individuals who suffer from a medical condition that would make them particularly susceptible to the adverse impacts of the development of the site, and in particular the air quality impacts.
- 3.254 The potential health impacts including the mental health impacts of development proposals, are increasingly recognised as being an important consideration in planning and as a material consideration in the determination of planning applications. The NPPF, includes a number of references to health and well-being, including paragraphs 96, 97, 109, 123, 135, 191 and specifically in relation to the impacts of mineral development, paragraph 217, which makes clear that when considering proposals for mineral extraction, minerals planning authorities should ensure that there are no unacceptable adverse impacts on human health. This is reflected in development plan policy with health identified in NM&WDF Core Strategy as a key issue that underpins a number of policies and explicit reference, included in Policy DM13 on Air Quality. It is also referred to in the GNLP, Policy 2, which includes the requirement for the submission of Health Impact Assessments (where appropriate), the South Norfolk Local Plan Development Management Policy Document, Policy DM 3.14, and Policy MW1 of the emerging NM&WLP.
- 3.255 In addition the Royal Town Planning Institute has issued Practice Advice on “Mental Health And Town Planning” (October 2020), which identifies that the quality of the wider built environment, including accessibility, is also a determining factor in mental health and well-being, with noise, pollution levels, quality of green space, access to services and even ‘beauty’ all playing a part and enabling, and the sense of enabling everyone to play an equal role in society.
- 3.256 As is the case in relation to other issues, assertions of potentially adverse impacts on health and mental health, including the potential impact on individuals who suffer from a medical condition that would make them particularly susceptible to the adverse impacts of the development, have to be justified in terms of the supporting evidence from the assessed impacts of the development. In this case particular concerns have been raised in relation to the impacts of noise, dust, emissions, traffic and environmental degradation as result of the adverse impacts on the peace and tranquillity of the rural environment. Details of technical assessments related to each of these issues is set out in the preceding sections. In addition, a Health Impact Assessment (HIA) has been submitted as an Addendum to the Environmental Statement submitted with the application.
- 3.257 As part of the scope of the HIA it reviewed both pre-submission concerns of individuals and the local community in relation to health and well-being issues

and also those that have been submitted to NCC in response to the submission of the planning application.

- 3.258 The assessment sets out what the health and wellbeing baseline of the local community is, identifies the potential impacts of the proposed mineral extraction operations on the site, and including noise, dust, emissions and traffic, and the mitigation and management measures to control any potentially adverse impacts.
- 3.259 The assessment concludes that the proposed development is not predicted to give rise to any significant adverse health-related impacts, that would change the health and wellbeing baseline of Haddiscoe Parish or South Norfolk District. It identifies that as a result of the designed-in mitigation measures and the additional operational measures proposed, that the development of the site is not predicted to give rise to significant adverse health or well-being effects.
- 3.260 As set out in Section 3 above, neither the District Council EQO or Norfolk Public Health have expressed any objection in principle to the submitted assessment or the application as a whole, subject to the inclusion of conditions (as set out under the preceding heading “C. Amenity and Health”). They have however advised that conditioning of the undertaking of real-time automated monitoring of dust emissions from the site for the duration of operations to ensure emissions do not exceed levels set out in the Air Quality Standards Regulations 2010. On this basis it cannot be considered that there is any evidence to indicate that there would be any justified concerns about the potential impacts on health including mental health.
- 3.261 Adverse Impact on Tourism and Local Businesses and the Income of the Church of St Mary: This is an issue that, similar to other issues, has to be considered in relation to whether it is justified in terms of the supporting evidence from the assessed impacts of the development. Again, the particular concerns have raised in relation to the impacts of noise, dust, emissions, traffic and environmental degradation as result of the adverse impacts on the peace and tranquillity of the rural environment. As set out above details of the technical assessments related to each of these issues is set out in the preceding sections. There is no basis in the conclusions of the supporting technical assessments to indicate that there would be any adverse environmental impacts that would give rise to an adverse impact on tourism and local businesses and the income of the Church of St Mary.
- 3.262 Alternative Sites at Risk of Sea Level Rise Should be Developed First: This is comment that has been made in the third-party representations that have been submitted in response to the application. There no such sites that have currently been identified in Norfolk, and there is no policy basis, either in the development plan or in national planning policy that advocates or requires that such an approach is adopted.
- 3.263 The Developer Should Make a Financial Contribution to the Haddiscoe Village: Again, this is comment that has been made in the third-party representations that have been submitted in response to the application. There are strict rules

about when developer contributions can be sought. Developer contributions can only be secured through a planning obligation, and the Planning Practice Guidance on Planning Obligations, which was published in 2019, makes clear that they can only be used, mitigate the impact of unacceptable development to make it acceptable in planning terms. They must in accordance with the requirements of The Community Infrastructure Levy Regulations 2010 (as amended) be necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind to the development. In this instance there is no identified necessity for a financial contribution to make the development acceptable and therefore no basis for securing a contribution. Financial contributions cannot be sought simply for unspecified community benefits.

- 3.264 That the Mineral Resource Assessment is Inaccurate: There is no evidence that this is the case. Assessment of the mineral resource on the site undertaken for the assessment of the site as part of the evidence gathered for the preparation of the emerging NM&WLP indicates that the site potentially contains up to 1.3 million tonnes of sand and gravel. The application now puts this figure at 1.16 million tonnes, which whilst slightly less, is not so significantly less as to suggest that there is any significant change in the estimated reserve on the site.
- 3.265 Safety of People Using the Adjacent Recreation Ground: This concern relates to the potential for children playing on the recreational area adjacent to the north-east side of the application site to stray into the site when it is being worked. Safety aspects of the operational activities of the site, are regulated through The Mines Regulations 2014, regulated by the Health and Safety Executive, and are not a matter for the County Council as the Mineral Planning Authority.
- 3.266 Mud and Debris on the Highway: The application does not include specific details of the wheel washing provision on the site. This however can be addressed through the inclusion of a condition to ensure that vehicles leaving the site are not in a condition that would result in the deposit mud or other loose material on the public highway. This is included as Condition No. 20 in the list of recommended conditions set out in Section 11 below.
- 3.267 Cumulative Impact of the Proposed Development in South Norfolk Village Clusters in Haddiscoe: This again is a matter that has been raised in the third-party representations submitted in response to the application. It relates to the identification of a potential 3.01 ha allocated housing site on the land to the south the A143, Beccles Road, on the opposite side of the junction of the A143 and the B1136 Lodden Road, from the south-east corner of the current application site. The site was included in South Norfolk District Council's consultation on the Regulation 19 Pre-Submission Draft South Norfolk Village Clusters Housing Allocations Plan in 2023 for up to 35 dwellings. The allocation raises the prospect that the construction of the of the new housing on the site, could be undertaken at the same time as that mineral extraction is on-going, resulting in cumulative construction impacts from noise, dust and traffic. At this stage the South Norfolk Village Clusters Housing Allocations Plan has yet to be submitted for examination and there is therefore no certainty that the allocation

will be included in the final adopted version of the Plan. As a result, lonely limited weight can, as yet, be attached to it. Potentially the major concern would be the cumulative traffic impacts, although because all mineral extraction traffic would be routed west to along the B1136 to Norton Subcourse Quarry, there would be no cumulative impact on the junction of the A143 and the B1136 or the A143 through Haddiscoe, arising directly from the current proposal. It is possible that mineral from Norton Subcourse Quarry, which includes a blended products made partly from the gravel to be extracted from the current application site would be used in the construction of the new housing development, but the HGV traffic in that case would be that arising from Norton Subcourse Quarry. Furthermore, the duration of the construction of the housing development is likely to be relatively limited when compared with the operational life of the mineral extraction site.

3.268 Geodiversity: The significance of the site in terms of geodiversity is highlighted in Policy MIN25 in the emerging NM&WLP, which identifies that the site consists of sands and gravels which are known to contain features of geological interest. The policy requires the potential impacts to geodiversity to be assessed and appropriate mitigation identified including, if necessary, the provision of open faces for scientific study during operational stages, and ideally after restoration, and have a 'watching brief' during the extraction phase in case features of potential geodiversity interest are uncovered. Policy DM14 of the NM&WDF Core Strategy also seeks to ensure the restoration and enhancement of geodiversity.

3.269 The Planning Statement submitted with the application includes an assessment of the geological resources and interest on the site. This identifies that the bedrock beneath the Site is Norwich Crag (Crag Group) bedrock sands and gravels and that there is potential for vertebrate fossils to be found within the Crag Group. As mitigation it proposes that any discoveries during extraction can be recorded and that a Scheme for Geological Recording and Sampling shall be submitted for approval. This can be appropriately included as a condition to ensure that approval of the application accords with the requirements of Policies DM14 and Policy MIN25.

3.270 That the Planning (Regulatory) Committee Should Visit the Site: This is a matter for the Committee to consider. The conclusions of the Environmental Statement submitted with the application do not indicate any exceptional or unusual circumstances or environmental impacts that indicate that a site visit in this case is required any more than it would be on any other planning application for a similar proposal, but the Committee may nevertheless consider, given the higher than normal level of public comment on the application, that a site visit in this instance is justified.

3.271 **RESPONSES TO REPRESENTATIONS RECEIVED**

3.272 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.

3.273 Details of the representations are set out in the paragraph 3.82 above. The issues raised by the representations are set out in the preceding section under each of the technical headings. No additional issues have been raised that are not addressed above.

3.274 INTENTIONAL UNAUTHORISED DEVELOPMENT

3.275 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.

3.276 In this instance this does not apply as there has been no previous development on the site and therefore no intentional unauthorised development.

4. Conclusion, Reasons for Decision and Planning Balance

4.1 The key issues for consideration are, the principle of the development including need; traffic, highway safety and Public Rights of Way; amenity; heritage; landscape and visual impact, trees and restoration; ecology and biodiversity (including the need for Appropriate Assessment); flood risk, surface water and groundwater; soils, agricultural land and geodiversity; sustainability; cumulative effects; and other issues.

4.2 The key issue of principle arises from the development plan status of the site, and that the application site does not comprise one of the allocated sites in the current NM&WDF Minerals Site Specific Allocations DPD, but it is included as allocation MIN25 Land at Manor Farm, Haddiscoe, in the emerging NM&WLP.

4.3 As set out above the weight that can be attributed to the proposed MIN25 allocation in the new plan, can as yet only be relatively limited, because, although the plan has now been submitted to the Secretary of State for examination, the examination has yet to take place and objections have been raised regarding its inclusion. As such the application has still to be considered on the basis of the currently adopted NM&WDF.

4.4 Policy MIN25 in the emerging NM&WLP nevertheless makes clear that it is intended to allocate the site for sand and gravel extraction. It states that any planning application will need to demonstrate compliance with the Plan's policies, and it sets out specific requirements relating to, the submission of noise, dust, and landscape and visual Impact assessments, a Heritage Statement, archaeological assessment, and transport assessment and details of the proposed highway access.

4.5 Outside of allocated sites, the policy approach set out in the current NM&WDF Core Strategy to the determination of applications for new mineral extraction proposals is that contained in Policy CS2. This is not intended to prevent other and additional sites being brought forward.

- 4.6 Although the landbank is currently in excess of the 7 year minimum required by the NPPF, the application site, comprising a site being proposed for allocation in the emerging NM&WLP, can still in principle be considered to be acceptable and in accordance with the development plan, and specifically the NM&WDF Core Strategy, Policies CS1 and CS2, subject to it being demonstrated that it is acceptable on its own merits and otherwise in accordance with the other policies of the development plan.
- 4.7 Development of the site has been identified as being required to meet the anticipated shortfall in sand and gravel moving into the new Plan Period from 2026 to 2038, and significant weight can be attributed to this. In addition, significant weight can be attributed to the proposed restoration which would make use of the retained sand and soils, with restoration to species rich lowland neutral grassland with new native hedgerows, the creation of an area of marshy habitat in the winter to enhance the site for biodiversity and the restoration of Haddiscoe Bridleway BR5, which would be temporarily diverted, being reinstated along its designated statutory route.
- 4.8 There are no significant highway safety, environmental or amenity impacts that cannot be adequately mitigated or which would make the proposal unacceptable. Although the proposal would have less than substantial harm on the nearby Grade Listed Church of St Mary, and Historic England have expressed considerable concern about this, this harm is at the lower end of less than substantial harm the scale and it has been demonstrated that there are public benefits which outweigh it. Although the proposal does not meet the requirement for statutory ten percent biodiversity net gain (BNG), it does not need to do so as the application was submitted prior to its introduction on 12th February 2024, and in the circumstances it would not be reasonable to require this, albeit that the requirement is now included in Policy 3 of the newly adopted GNLP.
- 4.9 The proposal can therefore be considered to contribute to the achievement of sustainable development in accordance with the NPPF on the basis that it is acceptable in principle and would help to meet the need for sand and gravel for the remainder of the existing NM&WDF plan period and going forward into the emerging NM&WLP period, but at the same time is otherwise acceptable in terms of its highway safety, environmental and amenity impacts. It can therefore be considered not to be a departure and to be in overall accordance with the policies of the development plan and the NPPF, and there are no material considerations as to why it should not be permitted. Accordingly, full conditional planning permission is recommended.

5. Alternative Options

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

6. Financial Implications

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

7. Resource Implications

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

8. Other Implications

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

8.2 Human Rights Implications:

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

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

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

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

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

8.4 Data Protection Impact Assessments (DPIA):

There are no data protection implications from a planning perspective.

8.5 Health and Safety implications (where appropriate):

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

8.6 Sustainability implications (where appropriate):

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

8.7 Any Other Implications:

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 Communities and Environment (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:**

Conditions and Reasons for Conditions:

Duration of the Permission

1. The development to which this permission relates shall cease and the site shall be restored by 31 December 2032 in accordance with Drawing No. HADD009Rev.A, Concept Restoration Plan, dated August 2023 and Drawing No. HADD010 Rev. 0, Landscape Planting and Aftercare Plan, dated June 2022.

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

Commencement

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

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

Approved Details

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

Written Details

- Application Forms Part A and Part B dated 8th November 2022;
- Planning Statement, Volume 1, Manor Farm, Crab Apple Lane, Haddiscoe, Norfolk, Breedon Trading Limited, dated October 2022; and
- Environmental Statement Volume 2 (including Technical Appendices 1-15 and Non-Technical Summary), Manor Farm, Crab Apple Lane, Haddiscoe, Norfolk, Breedon Trading Limited, dated October 2022;
- Environmental Statement Non-Technical Summary (NTS) Volume 3, Manor Farm, Crab Apple Lane, Haddiscoe, Norfolk, Breedon Trading Limited, dated October 2022;
- Letter from Breedon Southern Ltd to Norfolk County Council, headed "Proposed Extraction of Gravel with Low Level restoration to create pasture/grazing land with an ephemeral water body. Land off Crab Apple Lane, Haddiscoe, Norfolk. Planning Application No. FUL/2022/0056. Breedon Trading Ltd. Town and Country Planning Act 1990 (as amended). Town and Country Planning (Environmental Impact Assessment) Regulations 2017" and the accompany documents listed in the letter, (The response to the request made for further information pursuant to Regulation 25), dated 20th October 2023;

Drawings

- Drawing No. 2022_05_26_H20_001, Location Plan, dated May 2022;
- Drawing No. 2022_05-26_H20_002 Rev. A, Site Plan, dated May 2022;
- Drawing No. 2022_05-26_H20_003, Location Overview, dated May 2022;
- Drawing No. 2022_05-26_H20_004, Aerial View, dated May 2022;
- Drawing No. 2022_05-26_H20_005, Site Survey, dated May 2022;
- Drawing No. 2022_05-26_H20_006, Phasing Overview, dated May 2022;
- Drawing No. 2022_05-26_H20_007, Right of Way, dated May 2022;
- Drawing No. J000279-01/SK101 Rev. C, Proposed Site Access, dated 19th September 2023;
- Drawing No. HADD001Rev.C, Phase 1 (Rev. Aug.23), dated September 2023;
- Drawing No. HADD002Rev.C, Phase 2 (Rev. Aug.23), dated September 2023;
- Drawing No HADD003Rev.C, Phase 3 (Rev. Aug.23), dated September 2023;
- Drawing No HADD004Rev.C, Phase 4 (Rev. Aug.23), dated September 2023;
- Drawing No HADD005Rev.C, Phase 5 (Rev. Aug.23), dated September 2023;
- Drawing No HADD006Rev.C, Phase 6 (Rev. Aug.23), dated September 2023;
- Drawing No HADD007Rev.C, Phase 7 (Rev. Aug.23), dated September 2023;
- Drawing No HADD008Rev.C, Restoration Landform, dated September 2023;
- Drawing No . HADD009Rev.A, Concept Restoration Plan, dated August 2023.
- Drawing No. HADD010 Rev. 0, Landscape Planting and Aftercare Plan, dated June 2022;
- Drawing No HADD011 Rev. 0, Restoration Concept Plan: Sections A-A' & B-B', dated June 2022;

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

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

Record of Monthly Output

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

Reason: To ensure orderly working in the interests of the protection of the amenity of residential properties and the surrounding area, in accordance with

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

Depth of Working

5. No excavations shall be carried out at a depth greater than 3m AOD.

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

Phasing

6. The development, including soil stripping, extraction and restoration, shall be undertaken strictly in accordance with the scheme of phasing set out in Chapter 3 of the Environmental Statement Volume 2, Manor Farm, Crab Apple Lane, Haddiscoe, Norfolk, Breedon Trading Limited, dated October 2022 and approved drawings set out in Condition No.3.

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

Access

7. Prior to the first use of the development hereby permitted the vehicular access over the verge shall be constructed in accordance with a detailed scheme to be agreed in writing with the County Planning Authority in accordance with the highways specification 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.

Once the development has ceased operation the access shall be removed and landscaping reinstated in accordance with Drawing No. HADD009Rev.A, Concept Restoration Plan, dated August 2023 and Drawing No. HADD010 Rev. 0, Landscape Planting and Aftercare Plan, dated June 2022.

Reason: To ensure construction of a satisfactory access and to avoid carriage of extraneous material or surface water from or onto the highway in the interests of highway safety, in accordance with the Norfolk Minerals and Waste Development Framework Core Strategy DPD 2010-2026 Policies CS15 and DM10, Greater Norwich Local Plan Policy 2, the South Norfolk Local Plan Development Management Policies Document Policy DM3.11, and the NPPF (December 2023) paragraphs 108, 114 and 115.

Access Gates

8. Any access gates/bollard/chain/other means of obstruction shall be hung to open inwards, set back, and thereafter retained a minimum distance of 8 metres from the near channel edge of the adjacent carriageway.

Reason: In the interests of highway safety enabling vehicles to safely draw off the highway before the gates/obstruction is opened, in accordance with the Norfolk Minerals and Waste Development Framework Core Strategy DPD 2010-2026 Policies CS15 and DM10, Greater Norwich Local Plan Policy 2, the South Norfolk Local Plan Development Management Policies Document Policy DM3.11, and the NPPF (December 2023) paragraphs 108, 114 and 115.

Access From Crab Apple Lane Only

9. Vehicular access to and egress from the adjoining highway shall be limited to the access(s) shown on Drawing No. J000279-01/SK101 Rev. C, Proposed Site Access, dated 19th September 2023 only. Any other access or egress shall be permanently closed, and the highway verge shall be reinstated in accordance with a detailed scheme to be agreed with the Mineral Planning Authority concurrently with the bringing into use of the new access.

Reason: In the interests of highway safety and traffic movement, in accordance with the Norfolk Minerals and Waste Development Framework Core Strategy DPD 2010-2026 Policies CS15 and DM10, Greater Norwich Local Plan Policy 2, the South Norfolk Local Plan Development Management Policies Document Policy DM3.11, and the NPPF (December 2023) paragraphs 108, 114 and 115.

Visibility Splays

10. Prior to the first use of the development hereby permitted visibility splays shall be provided in full accordance with the details indicated on Drawing No. J000279-01/SK101 Rev. C, Proposed Site Access, dated 19th September 2023. 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 Norfolk Minerals and Waste Development Framework Core Strategy DPD 2010-2026 Policies CS15 and DM10, Greater Norwich Local Plan Policy 2, the South Norfolk Local Plan Development Management Policies Document Policy DM3.11, and the NPPF (December 2023) paragraphs 108, 114 and 115.

Offsite Highway Improvements to Crab Apple Lane

11. Notwithstanding the details indicated on the submitted drawings no soil stripping of extraction works shall commence on site unless until detailed drawings for the off-site highway improvement works, as indicated on Drawing No. J000279-01/SK101 Rev. C, Proposed Site Access, dated 19th September

2023 have been submitted to and approved in writing by the Mineral Planning Authority.

Reason: To ensure that the highway improvement works are designed to an appropriate standard in the interest of highway safety and to protect the environment of the local highway corridor, in accordance with the Norfolk Minerals and Waste Development Framework Core Strategy DPD 2010-2026 Policies CS15 and DM10, Greater Norwich Local Plan Policy 2, the South Norfolk Local Plan Development Management Policies Document Policy DM3.11, and the NPPF (December 2023) paragraphs 108, 114 and 115.

Completion of the Offsite Highway Improvements to Crab Apple Lane

12. Prior to the no soil stripping of extraction works hereby permitted the off-site highway improvement works (including Public Rights of Way works) referred to in Condition No. 11 shall be completed to the written satisfaction of the Mineral Planning Authority.

Reason: To ensure that the highway network is adequate to cater for the development proposed, in accordance with the Norfolk Minerals and Waste Development Framework Core Strategy DPD 2010-2026 Policies CS15 and DM10, Greater Norwich Local Plan Policy 2, the South Norfolk Local Plan Development Management Policies Document Policy DM3.11, and the NPPF (December 2023) paragraphs 108, 114 and 115.

HGV and Car Parking

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

Reason: To ensure the permanent availability of the parking/manoeuvring areas, in the interests of satisfactory development and highway safety, in accordance with the Norfolk Minerals and Waste Development Framework Core Strategy DPD 2010-2026 Policies CS15 and DM10, Greater Norwich Local Plan Policy 2, the South Norfolk Local Plan Development Management Policies Document Policy DM3.11, and the NPPF (December 2023) paragraphs 108, 114 and 115.

HGV Management Plan

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

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

- Monitoring of the approved arrangements during the life of the site;

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

Reason: In the interests of maintaining highway efficiency and safety, in accordance with the Norfolk Minerals and Waste Development Framework Core Strategy DPD 2010-2026 Policies CS15 and DM10, Greater Norwich Local Plan Policy 2, the South Norfolk Local Plan Development Management Policies Document Policy DM3.11, and the NPPF (December 2023) paragraphs 108, 114 and 115.

Hours of Operation

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

08.00 - 17.00 Mondays to Fridays

08.00 - 13.00 Saturdays.

Reason: To protect the amenity of residential properties and the surrounding area, in accordance with the Norfolk Minerals and Waste Development Framework Core Strategy DPD 2010-2026 Policy DM12, Greater Norwich Local Plan Policy 2, the South Norfolk Local Plan Development Management Policies Document Policy DM3.13, and the NPPF (December 2023) paragraphs 180, 191 and 217.

Site Offices and Plant

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

- (a) Site Office/Messroom; and
- (b) Sand and Gravel Screening plant;

shall be submitted and approved in writing by the Mineral Planning Authority. The Site Office/Messroom and Sand and Gravel Screening Plant shall thereafter be installed and maintained in accordance with the approved details.

Reason: To maintain control over the development and to minimise the visual and amenity impacts in accordance with the Norfolk Minerals and Waste Development Framework Core Strategy DPD 2010-2026 Policies CS14 and DM8, Greater Norwich Local Plan Policy 3, South Norfolk Local Plan Development Management Policies Document Policies DM 1.4 DM 3.8, DM 4.4, DM 4.5, and paragraph 217 of the NPPF (December 2023).

Maintenance of Plant

17. No plant or machinery shall be used on the site unless it is maintained in a condition whereby it is efficiently silenced in accordance with the manufacturer's specification.

Reason: To protect the amenities of residential properties and the surrounding area, in accordance with the Norfolk Minerals and Waste Development Framework Core Strategy DPD 2010-2026, Policy DM12, Greater Norwich Local Plan Policy 2, the South Norfolk Local Plan Development Management Policies Document Policy DM3.13, and the NPPF (December 2023) paragraphs 180, 191 and 217.

Temporary Soil Bunds

18. Prior to the construction of the Temporary Soil Bunds shown on Drawing Nos. Drawing Nos. HADD001Rev.C, HADD002Rev.C, HADD003Rev.C, HADD004Rev.C, HADD005Rev.C, HADD006Rev.C, and HADD007Rev.C, revised drawings shall be submitted to the Mineral Planning Authority for written approval, showing the extension of the Bund 3 along the full length of the south-eastern boundary of Phases 3 and 4. The Temporary Soils Bunds shall thereafter be constructed and maintained in accordance with the revised drawings for the during of the operational phases of the development.

Reason: To protect the amenities of residential properties and the surrounding area, in accordance with the Norfolk Minerals and Waste Development Framework Core Strategy DPD 2010-2026, Policy DM12, Greater Norwich Local Plan Policy 2, the South Norfolk Local Plan Development Management Policies Document Policy DM3.13, and the NPPF (December 2023) paragraphs 180, 191 and 217.

Noise Limits

19. With the exception of noise emitted from the site from temporary soil stripping operations, landscape operations and bund construction and removal operations, the noise emitted from the extraction site or the plant site shall not exceed the noise limits stated below at the following properties and locations (as defined in Manor Farm, Crab Apple Lane, Haddiscoe, Norfolk, Environmental Statement and Technical Appendices, Volume 2, Chapter 8 Noise, Section 8.6 Table 8.8):

Reference	Location	Noise Limit dB LAeq (1 hour)
R1	Low Farm	49.5dB
R2	Windmill Cottage	53.7dB
R3	The Boundaries	53.7dB
R4	Willow Barn	53.7dB

R5	Whitehouse Farm	53.7dB
R6	2 Gravel Pit Lane	53.7dB
R7	Haddiscoe Manor	53.6dB
R8	1 Loddon Road	51.2dB
R9	Bridleway Diversion (North)	70.0dB
R10	Bridleway Diversion (East)	70.0dB
R11	Forner Gravel Pit	70.0dB

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

The noise limits apply during normal site operations between 0800 and 1700 Monday to Friday and 0800 to 1300 Saturdays. Measurements should be taken at 1.5 meters above local ground level, in free-field condition away from any buildings. LAeq,T sound level should be sampled for a period of one hour at each monitoring position. Measurements within the hour should be recorded at 10-minute intervals.

Reason: To protect the amenities of residential properties and the surrounding area, in accordance with the Norfolk Minerals and Waste Development Framework Core Strategy DPD 2010-2026 Policy DM12, Greater Norwich Local Plan Policy 2, the South Norfolk Local Plan Development Management Policies Document Policy DM3.13, and the NPPF (December 2023) paragraphs 180, 191 and 217.

Noise from Reversing Vehicles

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

Reason: To protect the amenities of residential properties and the surrounding area, in accordance with the Norfolk Minerals and Waste Development Framework Core Strategy DPD 2010-2026 Policy DM12, Greater Norwich Local Plan Policy 2, the South Norfolk Local Plan Development Management Policies Document Policy DM3.13, and the NPPF (December 2023) paragraphs 180, 191 and 217.

Implementation of Noise Mitigation

21. The development shall be undertaken strictly in accordance with the Manor Farm, Crab Apple Lane, Haddiscoe, Norfolk, Environmental Statement and Technical Appendices, Volume 2, Breedon Trading Limited, October 2022, Chapter 8, Noise, including the noise mitigation measures set out in Section 8.5

Embedded Mitigation and Section 8.7 Additional Mitigation, Compensation, Enhancement Measures, and the supporting Appendices 8.1 to 8.4.

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, Greater Norwich Local Plan Policy 2, the South Norfolk Local Plan Development Management Policies Document Policy DM3.13, and the NPPF (December 2023) paragraphs 180, 191 and 217.

Mud on the Public Highway

22. Vehicles leaving the site shall not be in a condition whereby they would deposit mud or other loose material on the public highway.

Reason: In the interests of highway safety, in accordance with the Norfolk Minerals and Waste Development Framework Core Strategy DPD 2010-2026 Policies CS15 and DM10, Greater Norwich Local Plan Policy 2, the South Norfolk Local Plan Development Management Policies Document Policy DM3.11, and the NPPF (December 2023) paragraphs 108, 114 and 115.

Dust Mitigation and Dust Management Plan

23. The development shall be undertaken strictly in accordance with the Manor Farm, Crab Apple Lane, Haddiscoe, Norfolk, Environmental Statement and Technical Appendices, Volume 2, Breedon Trading Limited, October 2022, Chapter 10, Air quality, including the dust mitigation measures set out in Section 10.5 Embedded Mitigation and Section 10.7 Additional Mitigation, Compensation, Enhancement Measures, and the Dust Management Plan, Manor Farm, Haddiscoe, Breedon Trading Limited, dated September 2023, so as to prevent dust nuisance and sand blow caused by the operations, including the spraying of the access, turning area, and stocking area and stockpiles.

Reason: To protect the amenities of residential properties and the surrounding area, in accordance with the Norfolk Minerals and Waste Development Framework Core Strategy DPD 2010-2026 Policies CS14, DM12 and DM13, Greater Norwich Local Plan Policy 2, South Norfolk Local Plan Development Management Policies Document Policies DM 1.4 and DM 3.14, and paragraphs 180, 191 and 217 of the NPPF (December 2023).

Operations Management Plan

24. Prior to the commencement of development, an Operations Management Plan (OMP) shall be submitted to and approved in writing by the Mineral Planning Authority which set the detailed noise, dust and smoke management plan to protect the occupants of the residential properties surrounding the site from noise and dust. The Operations Management Plan shall thereafter be implemented in its entirety for the lifetime of the development.

The Plan shall include:

- (a) Communications with residents/occupants of the residential properties surrounding the site before and during the works;
- (b) Contact arrangements by which residents can raise any complaints, concerns and, issues;
- (c) The recording of any complaints, concerns and, issues by residents
- (d) The mechanism for investigation and responding to residents' concerns and complaints;
- (e) Detailed management arrangements to be put in place to minimise noise and dust (including staff training such as toolbox talks);
- (f) Hours during which noisy and potentially dusty activities will take place;
- (g) Measures to control loud radios on site;
- (h) Measures to control dust from excavation, wetting of soil; dust netting and loading and transportation of soil such as minimising drop heights, sheeting of vehicles (cross referencing as appropriate to the Dust Management Plan, Manor Farm, Haddiscoe, Breedon Trading Limited, dated September 2023). This is to include specific measures to be incorporated during drought conditions;
- (i) Measures to control dust from soil stockpiles such as sheeting, making sure that stockpiles exist for the shortest possible time and locating stockpiles away from residential premises;
- (j) Measures to control dust from vehicle movements such as site speed limits, cleaning of site roads and wetting of vehicle routes in dry weather (cross referencing as appropriate to the Dust Management Plan, Manor Farm, Haddiscoe, Breedon Trading Limited, dated September 2023);
- (k) Measures to minimise dust generating activities on windy and dry days. This is to include a mechanism to monitor wind speed and alert operatives to cease work;
- (l) Measures to control smoke from burning activities;
- (m) The maximum wind speed at which operations on site can occur (i.e. the windspeed at which operations would cease);
- (n) Details of the provision of an on-site meteorological station which can be set to provide an alarm when the maximum wind speed has been breached which alerts the operations manager of the need to suspend operations;
- (o) Details of the placement of an indicative real-time particulate monitor, for the duration of the works, which will be connected to a web-based platform which can be accessed by the operations manager and officers designated by the Mineral Planning Authority. The web-based platform will have limits, set by the Mineral Planning Authority, which will alert the operations manager and the Mineral Planning Authority designated officer(s) if and when the limits are breached; and
- (p) A register of every limit breach and the actions taken.

Reason: To protect the amenities of residential properties and the surrounding area, in accordance with the with the Norfolk Minerals and Waste Development Framework Core Strategy DPD 2010-2026 Policies DM12 and DM13, Greater Norwich Local Plan Policy 2, the South Norfolk Local Plan Development Management Policies Document 2015, Policies DM 1.4, DM 3.13 and DM 3.14 and paragraphs 180, 191 and 217 of the NPPF (December 2023).

Dewatering, Surface Water, Flood Risk and Water Quality

25. There shall be no dewatering of the site. The development shall be undertaken strictly in accordance with the Manor Farm, Crab Apple Lane, Haddiscoe, Norfolk, Environmental Statement and Technical Appendices, Volume 2, Breedon Trading Limited, October 2022, Chapter 9, Hydrogeological and Flood Risk Assessment, including the surface water, flood risk and water quality mitigation measures set out in Section 9.5 Embedded Mitigation and Section 9.7 Additional Mitigation, Compensation, Enhancement Measures, and the and the supporting Appendices 9.1 to 9.3.

Reason: To safeguard the surrounding water environment and to ensure the site is effectively drained in interests of pollution prevention and manage and mitigation against the risk of flooding in the surrounding area, in accordance with the Norfolk Minerals and Waste Development Framework Core Strategy DPD 2010-2026 Policies, CS14, DM3 and DM4, Greater Norwich Local Plan Policy 2, the South Norfolk Local Plan Development Management Policies Document 2015, Policies DM 1.4, DM 3.8, DM 3.14 and DM 4.2 and paragraphs 173, 180 and 217 of the NPPF (December 2023).

Archaeology

26. No development shall take place other than in accordance with the Archaeological Written Scheme of Investigation set out in the Environmental Statement Volume 2 Manor Farm, Crab Apple Lane, Haddiscoe, Norfolk, Breedon Trading Limited, dated October 2022, Technical Appendix 12.6, Haddiscoe Quarry Archaeological Mitigation Strategy and Written Scheme of Investigation, Andrew Josephs Associates, dated October 2022 and any addenda to that WSI covering subsequent phases of mitigation.

No mineral shall be extracted until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Archaeological Written Scheme of Investigation and the provision to be made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason: To safeguard archaeological assets within the approved development boundary from impacts relating to any groundworks associated with the development scheme and to ensure the proper and timely investigation, recording, reporting and presentation of archaeological assets affected by this development, in accordance in accordance with the Norfolk Minerals and Waste Development Framework Core Strategy DPD 2010-2026 Policies CS14 and DM9, Greater Norwich Local Plan Policy 3, the South Norfolk Local Plan Development Management Policies Document 2015, Policies DM 1.4 and DM 4.10 and paragraphs 195, 205, 211 and 217 of the NPPF (December 2023).

Soil Resource and Management Plan

27. Prior to any operations commencing on the site a Soil Resource and Management Plan, which shall be prepared in accordance with the Institute for Quarry's Good Practice Guide for Handling Soils in Mineral Workings (2021). Shall be submitted to the MPA for their consideration. The Plan shall identify clearly the origin, intermediate and final locations of soils for use in the restoration, as defined by soil units, together with details balancing the quantities, depths, and areas involved.

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

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

Retention of Soils On-Site for Restoration

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

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

Soil Stripping

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

Soil stripping and soil tripping depths shall accord with the details to be set out in the Soil Resource and Management Plan to be submitted and approved in accordance with Condition No. 27.

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

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

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

Soil Handling and Storage

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

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

Movement of Soils

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

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

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

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

Soil Storage

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

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

Management and Maintenance of Soil Storage

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

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

Differential Settlement

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

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

Arboricultural Impact Assessment and Arboricultural Method Statement

35. The development shall be undertaken strictly in accordance with the Manor Farm, Haddiscoe, Tree Survey Review, Arboricultural Impact Assessment and Arboricultural Method Statement, The Landscape Partnership, dated 17th October 2023. The tree protection to be erected strictly in accordance with the details set out Section 7.3 of the Arboricultural Method Statement and Drawing No. E23822-TLP-602, dated 28th September 2023 (included in the Arboricultural Impact Assessment - Arboricultural Method Statement, before any machinery or materials are brought on to the site or before any stripping soils commences, and shall be maintained for the lifetime of the development.

Reason: To ensure that trees and vegetation to be retained for the benefit of landscape and visual amenity are protected from construction and mineral extraction enabling works, in accordance with the Norfolk Minerals and Waste Development Framework Core Strategy 2010-2026 Policies CS14 and DM8, Greater Norwich Local Plan Policy 3, South Norfolk Local Plan Development Management Policies Document Policies DM 1.4, DM 3.8, and DM 4.4, and the NPPF (December 2023), Chapter 15, paragraph 180 and Chapter 17, Paragraph 217.

Revised Concept Restoration Plan

36. Within 3 months of the commencement date of operations notified in accordance with Condition No. 2, a revised version of Drawing No.

HADD009Rev.A, Concept Restoration Plan, showing the locations of the bird and bat boxes and reptile hibernacula detailed in the Ecological Enhancement Plan, Manor Farm, Haddiscoe, Norfolk, Report Ref. CE-HA-2301-RP01-FINAL, Crestwood Environmental Ltd, dated 26th April 2023, shall be submitted to the Mineral Planning Authority for written approval. The revised Concept Restoration Plan shall thereafter to be implemented.

Reason: To ensure Biodiversity Mitigation, Enhancement and Net Gain is achieved and to ensure the restoration and enhancement of the landscape in accordance with the approved details and the Norfolk Minerals and Waste Development Framework Core Strategy DPD 2010-2026 Policies CS14, DM1, DM8 and DM14, Greater Norwich Local Plan Policy 3, South Norfolk Local Plan Development Management Policies Document Policies DM 1.4, DM 3.8, and DM 4.4, and the NPPF (December 2023), Chapter 15, paragraph 180 and Chapter 17, Paragraph 217.

Revised Landscape Planting and Aftercare Plan and Aftercare Strategy

37. Within 3 months of the commencement date of operations notified in accordance with Condition No. 2, a revised version of Drawing No. HADD010 Rev. 0, Landscape Planting and Aftercare Plan, showing the locations of the bird and bat boxes and reptile hibernacula detailed in the Ecological Enhancement Plan, Manor Farm, Haddiscoe, Norfolk, Report Ref. CE-HA-2301-RP01-FINAL, Crestwood Environmental Ltd, dated 26th April 2023, and a written aftercare strategy, which shall include details of measures to prevent the establishment and spread of invasive species on the site and into the surrounding area, and annual aftercare meetings, shall be submitted to the Mineral Planning Authority for written approval. The revised Landscape Planting and Aftercare Plan shall thereafter to be implemented.

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

Reason: To ensure the biodiversity mitigation, enhancement and net gain is achieved, to prevent the establishment and spread of invasive species on the site and into the surrounding area, including the Broads, and to ensure the restoration and enhancement of the landscape in accordance with the approved details and the Norfolk Minerals and Waste Development Framework Core Strategy DPD 2010-2026 Policies CS14, DM1, DM8 and DM14, Greater Norwich Local Plan Policy 3, South Norfolk Local Plan Development Management Policies Document Policies DM 1.4, DM 3.8, and DM 4.4, and the NPPF (December 2023), Chapter 15, paragraphs 180 and 186 and Chapter 17, paragraph 217.

Bridleway Diversion and Reinstatement

38. Prior to any operations commencing on the site, details of the alignment, width, gradient and construction of the diversion and the restored alignment of Haddiscoe Bridleway BR5, and details of the timing and timescales for the implementation of the diversion and restored alignment, shall be submitted to the Mineral Planning Authority for written approval. The diversion and the restored alignment of Haddiscoe Bridleway BR5 shall thereafter to be implemented, in accordance with the approved details.

Reason: To ensure the diversion and the restored alignment of Haddiscoe Bridleway BR5 does not cause any unacceptable impacts on the users of the Brideway, in accordance with the approved details and the Norfolk Minerals and Waste Development Framework Core Strategy DPD 2010-2026 Policy DM14, and the NPPF (December 2023), Chapter 9, paragraphs 96, 108, 110 and 114.

Processing Plant

39. The processing plant to be located and used on the site shall be limited to mobile screening plant to separate the sand and gravel only.

Reason: To maintain control of development so as to ensure that it does not have any unacceptable adverse impacts on the natural environment and human health in accordance with the Norfolk Minerals and Waste Development Framework Core Strategy DPD 2010-2026 Policies DM12 and DM13, Greater Norwich Local Plan Policy 2, the South Norfolk Local Plan Development Management Policies Document 2015, Policies DM 1.4, DM 3.13 and DM 3.14 and paragraphs 191 and 217 of the NPPF (December 2023).

External Lighting

40. No fixed external lighting shall be erected within the site or fixed to any buildings.

Reason: To prevent light pollution in the interests of the protection of amenity, biodiversity and the dark skies of the Norfolk countryside in accordance with the Norfolk Minerals and Waste Development Framework Core Strategy DPD 2010-2026 Policy DM14, Greater Norwich Local Plan Policies 2 and 3, South Norfolk Local Plan Development Management Policies Document Policy DM 3.13, and paragraphs 191 and 217 of the NPPF (December 2023).

Removal of Permitted Development Rights

41. Notwithstanding the provisions of Article 3 and Schedule 2, Part 17, Class A and Class B, of The Town and Country Planning (General Permitted Development) (England) Order 2015 as amended or any subsequent or amending Order, no plant/structures, machinery or lighting, whether fixed or static, lagoons, mineral/waste or other material stocking or other structures shall be erected or placed on the site, except as provided for under the other

conditions of this permission or with the prior approval of the Mineral Planning Authority.

Reason: To maintain control of development so as to ensure that it does not have any unacceptable adverse impacts on the natural environment and human health in accordance with the Norfolk Minerals and Waste Development Framework Core Strategy DPD 2010-2026 Policies DM12 and DM13, Greater Norwich Local Plan Policies 2 and 3, South Norfolk Local Plan Development Management Policies Document Policy DM 3.13, and paragraphs 191 and 217 of the NPPF (December 2023).

Biodiversity Mitigation, Enhancement and Net Gain

42. The development shall be undertaken strictly in accordance with the Manor Farm, Crab Apple Lane, Haddiscoe, Norfolk, Environmental Statement and Technical Appendices, Volume 2, Breedon Trading Limited, October 2022, Chapter 14 Ecology, including the ecological mitigation measures set out in Section 14.6 Embedded Mitigation and Section 14.8 Additional Mitigation, Compensation, Enhancement Measures, and the supporting Appendices 14.1 to 14.5, the Preliminary Ecological Appraisal (PEA) Report, Proposed Quarry at Land at Haddiscoe, Norfolk, Report Refer. CE-HQ-1984-RP01-FINAL Rev A, Crestwood Environmental Ltd, dated 10th October 2022, including Section 5 Conclusions and Recommendations and Section 6 Enhancements, the Ecological Enhancement Plan, Manor Farm, Haddiscoe, Norfolk, Report Ref. CE-HA-2301-RP01-FINAL, Crestwood Environmental Ltd, dated 26th April 2023, and the revised version of Drawing No. HADD009Rev.A, Concept Restoration Plan, to be approved in accordance with Condition No. 37.

Reason: To ensure Biodiversity Mitigation, Enhancement and Net Gain is achieved and to ensure the restoration and enhancement of the landscape in accordance with the approved details and the Norfolk Minerals and Waste Development Framework Core Strategy DPD 2010-2026 Policies CS14, DM1, DM8 and DM14, Greater Norwich Local Plan Policy 3, South Norfolk Local Plan Development Management Policies Document Policies DM 1.4 and DM4.4, and the NPPF (December 2023), Chapter 15, paragraphs 180 and Chapter 17, paragraph 217.

Scheme for Geological Recording and Sampling

43. No development shall take place until a Scheme for Geological Recording and Sampling shall be submitted to the Mineral Planning Authority for its approval in writing. The Scheme will include details of:
- (a) The opportunities during working for geological features exposed during excavation or other operations to be recorded, sampled, studied and retained as an open face as part of the restoration of the site; and
 - (b) Access to the site to allow geological study and research by educational and research groups, as requested.

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

Positive and Proactive Statement

In accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2015, the Mineral Planning Authority has entered into discussions with the applicant during the application processing period to ensure that sufficient information has been submitted to demonstrate that the proposal is acceptable.

Informatives

Highways

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

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

Please contact developer.services@norfolk.gov.uk

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

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

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

Please be aware it is the Applicant's responsibility to clarify the boundary with the public highway. Private structures such as fences or walls will not be permitted on highway land.

The highway boundary may not match the applicants title plan. Please contact the highway research team at highway.boundaries@norfolk.gov.uk for further details.

Archaeology

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

12. Background Papers

- 12.1 Planning Application Ref. FUL/2022/0021:
<https://eplanning.norfolk.gov.uk/Planning/Display/FUL/2022/0021#undefined>
- 12.2 NM&WDF: Core Strategy and Minerals and Waste Development Management Policies and Development Plan Document 2010-2026 (2011)
<https://www.norfolk.gov.uk/-/media/norfolk/downloads/what-we-do-and-how-we-work/policy-performance-and-partnerships/policies-and-strategies/minerals-and-waste-planning/core-strategy-and-minerals-and-waste-development-management-policies-development-20102026.pdf?la=en>
- 12.3 NM&WDF: Minerals Site Specific Allocations Development Plan Document (2013) (with amendments adopted December 2017)
<https://www.norfolk.gov.uk/-/media/norfolk/downloads/what-we-do-and-how-we-work/policy-performance-and-partnerships/policies-and-strategies/minerals-and-waste-planning/minerals-site-specific-allocations-development-plan-document.pdf?la=en&hash=B0621E624FBE458ACA0544474E6F22BDCE320E4A>
- 12.4 Norfolk Minerals and Waste Local Plan: Pre-Submission Publication
<https://norfolk.oc2.uk/docfiles/59/A1%20Minerals%20and%20Waste%20Local%20Plan%20Pre-Submission%20Publication%20May%202022.pdf>
- 12.5 Norfolk County Council Environment Policy (2019)
<https://www.norfolk.gov.uk/-/media/norfolk/downloads/what-we-do-and-how-we-work/policy-performance-and-partnerships/policies-and-strategies/environment/norfolk-county-council-environmental-policy.pdf>
- 12.6 South Norfolk Local Plan Development Management Policies Document (Adoption Version October 2015)
<https://www.southnorfolkandbroadland.gov.uk/downloads/file/245/development-management-policies-document>
- 12.7 Greater Norwich Local Plan (GNLP) Adoption documents
<https://www.gnlp.org.uk/local-plan-examination-local-plan-examination-document-library/j-inspectors-report-and-adoption>
- 12.8 National Planning Policy Framework (December 2023)

https://assets.publishing.service.gov.uk/media/65829e99fc07f3000d8d4529/N_PPF_December_2023.pdf

12.9 Planning Practice Guidance: Minerals (2014)

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

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

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

12.11 Royal Town Planning Institute Practical Advice, Mental Health and Town Planning (October 2020)

<https://www.rtpi.org.uk/media/6550/mentalhealthtownplanning2020-final.pdf>

12.12 Planning Practice Guidance: Planning Obligations (2019)

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

Officer Contact

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

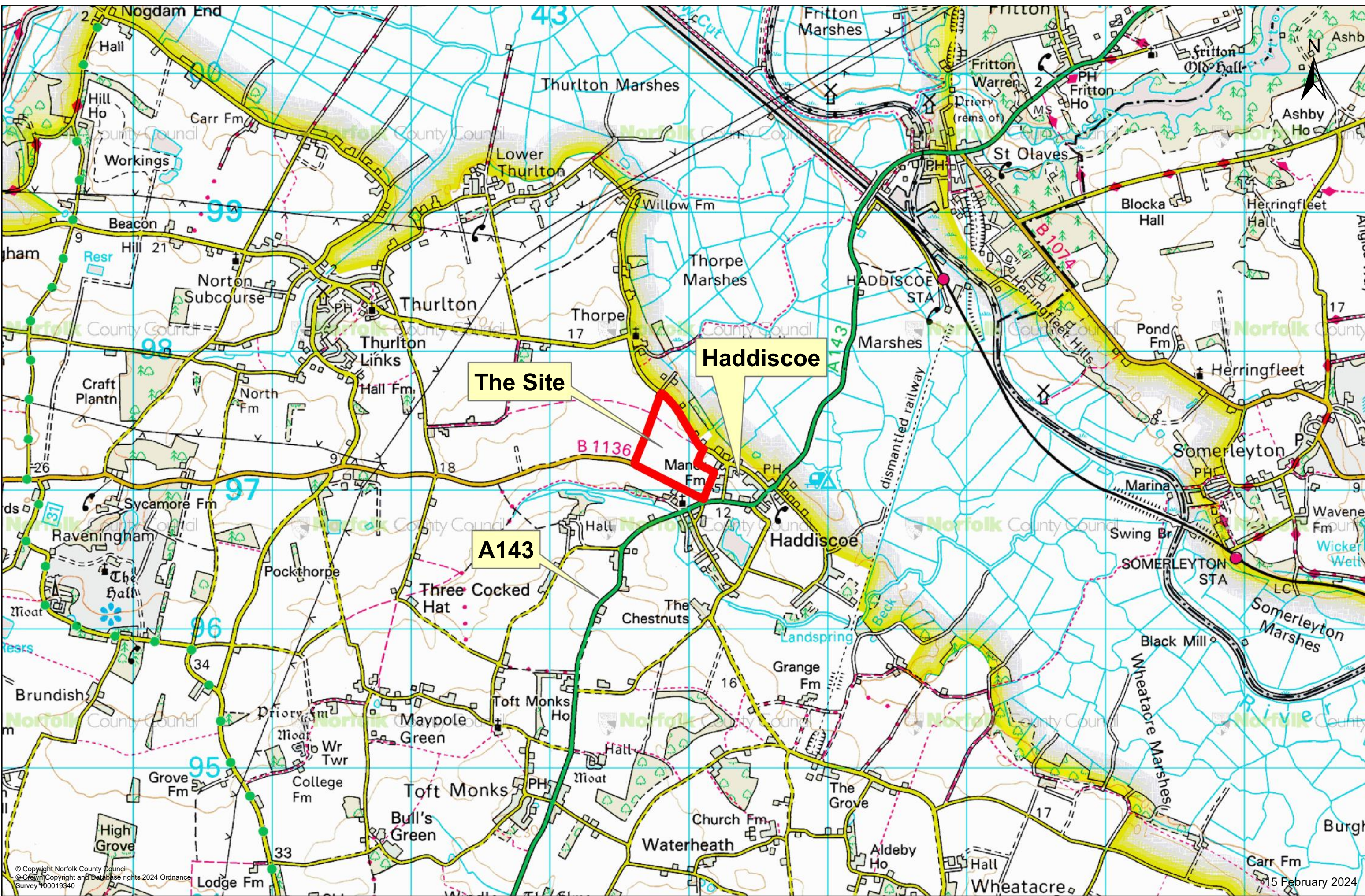
Officer name: Andrew Sierakowski

Telephone no.: 01603 223107

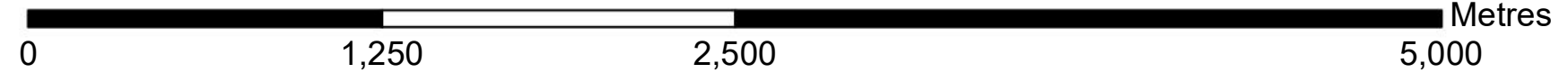
Email: andrew.sierakowski@norfolk.gov.uk



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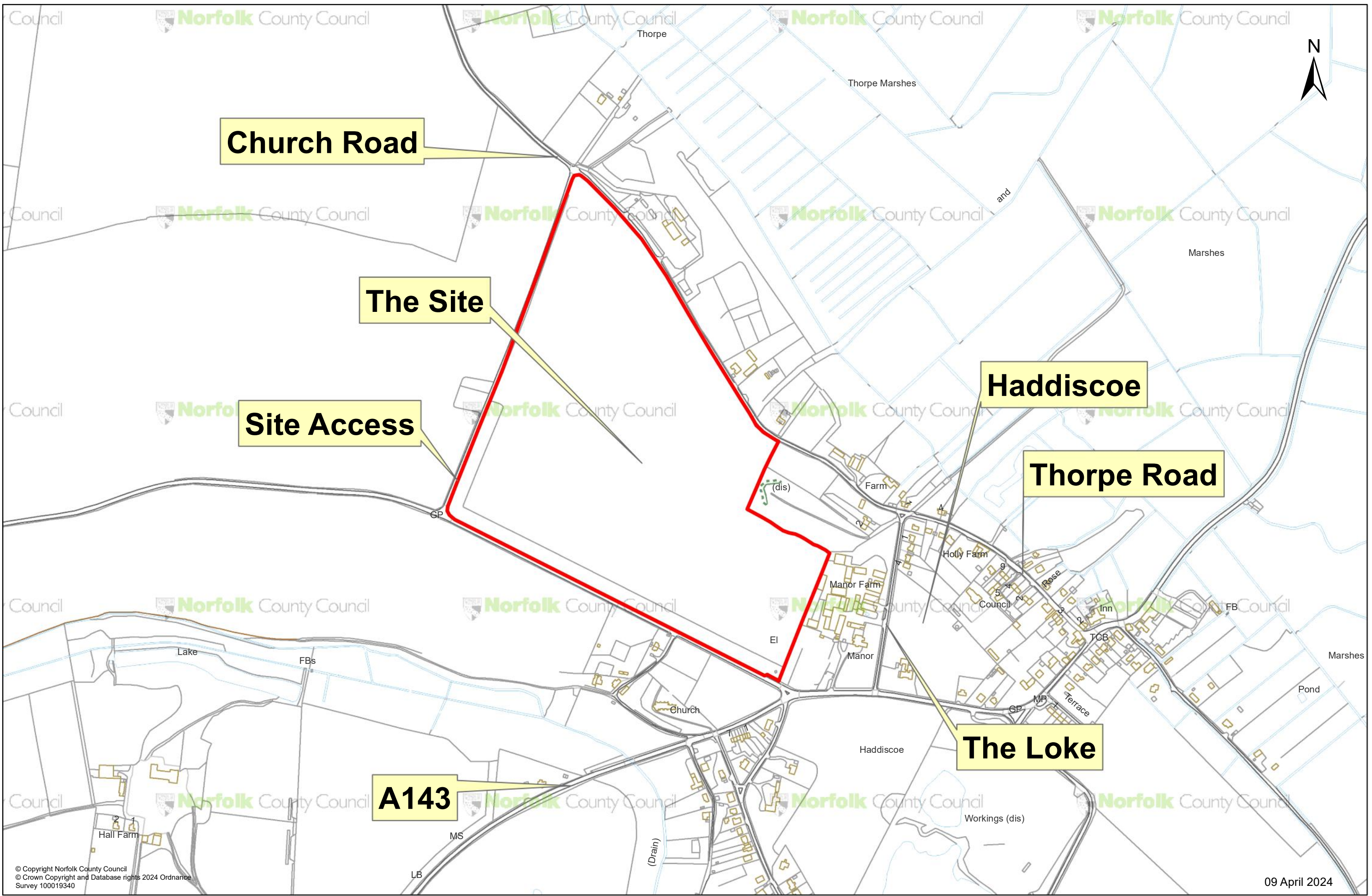


**Haddiscoe
Location Plan**

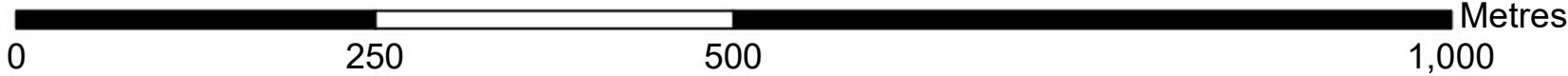


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15 February 2024



Haddiscoe Site Plan



Planning (Regulatory) Committee

Item No: 6

Report Title: FUL/2023/0005 Land off Holt Road, Sheringham, NR26 8TW

Date of Meeting: 24 May 2024

Responsible Cabinet Member: N/A

Responsible Director: Steve Miller, Lead Director Communities and Environment

Proposal & Applicant: Creation of a new recycling centre (RC) to deal with household waste and small amounts of trade waste. RC includes creation of a concrete pad and erection of new staff welfare office and reuse shop (with photovoltaic panels) for onsite sale of items suitable for reuse and ancillary small-scale sale of non-recycled items (Christmas trees, logs, compost bins and green waste sacks). Creation of a new access onto the A148 Holt Road with the closure of the eastern end of the existing Holt Road and reinstatement to highway verge.

Director of Highways, Transport & Waste

Is this a Key Decision? No

Executive Summary

The application is on balance considered to be a departure from the Norfolk Minerals and Waste Local Development Framework (2011) and the North Norfolk District Council Local Development Framework Core Strategy (2008) on the grounds that there are *minor adverse* residual landscape effects in the immediate context and a *moderate* adverse residual effect on the character of site, which is located in the Norfolk Coast National Landscape (formerly Area of Outstanding Natural Beauty) and afforded the highest level of protection in relation to landscape and scenic beauty. It is also the case that there is a lack of a robust Site Selection Assessment update following the original back in June 2017 in order to be certain no other sites outside of the National Landscape that meet policy requirements is available.

12 objections (of which 4 were from the same third party) have been received in relation to the proposed development and as such the application has been referred

to the Planning (Regulatory) Committee for determination in accordance with the Council's Constitution given there are more than 3 objections from third parties, unresolved objections from statutory consultees and the application is considered a departure for the development plan and therefore the application cannot be determined under delegated powers.

The key issues are:

- Inappropriate location of the development in a National Landscape
- Whether the proposal is considered to be in the public interest
- Inadequate landscape mitigation for the development type
- The suitability of the highway improvement works
- Whether suitable sites are available outside of the National Landscape

Full details of the application, FUL/2023/0005, and consultation responses, can be found online here:

<https://eplanning.norfolk.gov.uk/Planning/Display/FUL/2023/0005>

Recommendations:

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

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

1. Background

- 1.1** The application seeks to replace the existing household waste recycling facility (HWRC) roughly 5m southwest of the proposed site which was originally permitted under application D/1/1991/1687 with a subsequent application C/1/1993/1012 to amend the hours of operation and further application C/1/1995/1008 to allow the sale of recycled soil.
- 1.2** A Service Review by the Waste Disposal Authority identified insufficient capacity of the current Sheringham Recycling Centre to meet future needs of the catchment area and EDT Committee approved further work to consider and advise on the replacement or redevelopment of Sheringham Recycling Centre in September 2015. In January 2022 Norfolk County Council's Cabinet agreed to enter a lease for the land related to this application and declared the existing Sheringham HWRC surplus to requirements subject to the replacement site being operational.

- 1.3 There is an ongoing enforcement appeal on land adjacent to the proposed site being dealt with by North Norfolk District Council. There is also a separate waste enforcement activity that the County Council is dealing with. However, these are afforded minimal weight in the planning balance.

2. Proposal

2.1 SITE

- 2.2 The application site is to the north of the A148 Holt Road and is accessed off the Holt Road. The site is roughly 5m north-west of the existing Household Waste Recycling Centre (HWRC) and is located on Grade 3b to Grade 5 agricultural land. The site is understood to have formed part of the larger arable field to the north however it is no longer in productive agricultural use and characterized by grassland and scrub.

- 2.3 The site is located within the Norfolk Coast National Landscape (formerly Area of Outstanding Natural Beauty). It is bounded to the south by the A148 Holt Road, woodland and agricultural land to the west with the Hilltop Outdoor Centre boundary roughly 35m to the east, and agricultural land to the north and east. The settlement boundary of Sheringham lies roughly 860m northwest. The proposed new itself HWRC sits within Beeston Regis parish is within the Sheringham Electoral Division however by virtue of the proposed highway improvements, the application site also straddles the East Beckham parish which is in the Holt Electoral division.

2.4 CONSTRAINTS

- The application site is situated within the Norfolk Coast National Landscape (formerly Area of Outstanding Natural Beauty).
- Britons Lane Gravel Pit Site of Special Scientific Interest (SSSI) lies roughly 338m north-east of the application site.
- Norfolk Valley Fens Special Area of Conservation (SAC) and Sheringham and Beeston Regis Commons SSSI lies roughly 834m north of the application site.
- Felbrigg Woods SSSI lies roughly 2.1km east of the application site.
- Great Wood Ancient Woodland lies roughly 2.3km east of the application site.
- Greater Wash SAC lies roughly 2.3km north of the application site.
- Beeston Cliffs SSSI lies roughly 2.2km north of the application site.
- Weybourne Cliffs SSSI lies roughly 2.6km northwest of the application site.
- North Norfolk RAMSAR, North Norfolk Coast SAC, The Wash and North Norfolk Coast SAC and North Norfolk Coast SAC lies roughly 7.3km northwest of the application site.

- Overstrand Cliffs SAC lies roughly 6.3km north-east of the application site.
- Norfolk Valley Fens SAC and Holt Lowes SSSI lies roughly 7.7km southwest of the application site.
- East Runton Cliffs SSSI lies roughly 3.6km northeast of the application site.
- Overstrand Cliffs SSSI lies roughly 6.7km northeast of the application site.
- Sidestrand and Trimmingham Cliffs lies roughly 9.2km east of the application site.
- Edgefield Little Wood SSSI lies roughly 8.7km southwest of the application site.
- Kelling Heath SSSI lies roughly 5.6km west of the application site.
- Gunton Park Lake SSSI lies roughly 8.4km southeast of the application site.
- Sheringham Old Wood County Wildlife Site lies roughly 176m west of the application site.
- The application site is situated in Flood Zone 1 in relation to flooding from rivers and the sea as defined by the Environment Agency.
- The application site is situated in an area at very low risk of surface water flooding as defined by the Environment Agency.
- A Norfolk Fire and Rescue Service Water Source is located roughly 10m west of the application site.

2.5 PROPOSAL

- 2.6 The application proposes to create a new Household Waste Recycling Centre (HWRC) on a site of 0.5ha (including highway works area), an increase of 77m² when compared with the current HWRC and is located to the north of the existing Holt Road which is accessed off the A148. The site would deal with a throughput of up to 6,000 tonnes per annum (tpa) made up of 5,634 tonnes of municipal, 300 tonnes of construction, demolition and excavation, 36 tonnes of commercial and industrial and 30 tonnes of hazardous waste, and allow for the onsite sale of items suitable for reuse and non-recycled items such as Christmas trees, logs, compost bins and green waste sacks.
- 2.7 The site would be made up of a concrete pad with the erection of a staff welfare office and reuse shop (with solar PV panels) along with the provision of reuse storage, compactor waste bins, shelter, small banks and bins, ISO containers and containers. There would be 4 staff car parking spaces, 6 cycle spaces and 10 loading bays with 4 full time employees.
- 2.8 The proposed staff welfare unit measures 7m(l) x 3m(w) x 3.46m(h) and the reuse shop measures 13.6m(l) x 7.0m(w) x 3.72m(h) and both are made up of steel frame and cladding in a green finish.

- 2.9 The site is proposed to be bounded by a 2.5m high living willow acoustic fence to the north and west boundaries along with a 2.3m perimeter chain link fence to all boundaries. Landscaping is proposed to all boundaries along with a raingarden to the northwest of the site and a drainage swale to the north and a bioretention area and basin to the east of the site providing sustainable drainage features.
- 2.10 The proposal is also seeking to create a new priority T-junction off Holt Road with the A148 to replace the existing junction to the east of the site and will promote a Traffic Regulation Order (TRO) to ensure vehicles exiting the recycling centre turn left to use the new T-junction and that the existing western access is an in-only junction. Vehicles would still be able to access the Holt Road from the western entrance off the A148 when travelling east, but all vehicles will exit from the new eastern T-junction. The new T-junction also sees the addition of new woodland planting to the east where the current eastern part of Holt Road is being removed and the applicant has agreed to turn the existing HWRC site back to woodland by planning condition.

2.11 **ENVIRONMENTAL IMPACT ASSESSMENT**

In accordance with the Town and Country Planning Environmental (Impact Assessment) Regulations 2017 the application was screened on receipt and re-screened at the determination stage and it is 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 Norfolk Minerals and Waste Development Framework (adopted 2011) (NMWDF) and North Norfolk Local Development Framework Core Strategy (2008) provide the development plan framework for this planning application. The following policies are of relevance to this application:

Norfolk Minerals and Waste Development Framework (2011) (NMWLDF)

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

DM3: Groundwater and surface water

DM4: Flood Risk

DM6: Household Waste Recycling Centres

DM7: Safeguarding Aerodromes

DM8: Design, Local landscape and townscape character

DM10: Transport

DM12: Amenity
DM15: Cumulative impact
DM16: Soils

**North Norfolk Local Development Framework Core Strategy (2008)
(NNLDFCS)**

SS1: Spatial Strategy for North Norfolk
SS2: Development in the Countryside
SS4: Environment
SS5: Economy
SS6: Access and Infrastructure
EN1: Norfolk Coast Area of Outstanding Natural Beauty and The Broads
EN2: Protection and Enhancement of the Landscape and Settlement
Character
EN4: Design
EN6: Sustainable Construction and Energy Efficiency
EN7: Renewable Energy
EN9: Biodiversity and Geology
EN10: Development and Flood Risk
EN13: Pollution and Hazard Prevention and Minimisation
CT2: Developer Contributions
CT3: Provision and Retention of Local Facilities and Services
CT5: The Transport Impact of New Development

North Norfolk Landscape Character Assessment (2021)

WGR: Wooded Glacial Ridge

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 and the Planning Practice Guidance are also a further material considerations 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. 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 with the Hearing taking place in July 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 greater weight in the planning balance.

3.6 **Norfolk Minerals and Waste Local Plan (NMWLP)**

Policy MW1: Development Management Criteria

Policy MW2: Transport

Policy MW3: Climate Change Mitigation and Adaption

Policy MW10: Agricultural Soils

Policy WP2: Spatial Strategy for Waste Management Facilities

Policy WP3: Land Suitable for Waste Management Facilities

Policy WP7: Household Waste Recycling Centres

Policy WP16: Design of Waste Management Facilities

North Norfolk District Council is currently preparing a New Local Plan to extend the plan period to the end of 2036. The pre-submission version of the 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 2023 with the Hearings taking place in January and March 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 greater weight in the planning balance.

3.7 **North Norfolk Local Plan (NNLP)**

Policy 3.1: Delivering Climate Resilient Sustainable Growth

Policy 3.2: Renewable & Low Carbon Energy

Policy 3.3: Sustainable Construction, Energy Efficiency & Carbon Reduction

Policy 3.7: Flood Risk & Surface Water Drainage

Policy 3.9: Sustainable Transport

Policy 3.10: Biodiversity Net Gain

Policy 3.11: Green Infrastructure

Policy 3.12: Trees, Hedgerows & Woodland

Policy 3.13: Protecting Environmental Quality

Policy 4.1: Spatial Strategy

Policy 4.2: Development in the Countryside

Policy 5.1: Health & Wellbeing

Policy 5.3: Provision & Retention of Local Facilities

Policy 5.7: Parking Provision

Policy 6.1: Norfolk Coast Area of Outstanding Natural Beauty & The Broads
Policy 6.2: Protection & Enhancement of Landscape & Settlement Character
Policy 6.3: Heritage & Undeveloped Coast
Policy 6.4: Biodiversity & Geodiversity
Policy 6.6: Amenity
Policy 6.8: High Quality Design

3.8 Norfolk Coast Area of Outstanding Natural Beauty (AONB) Management Plan 2019-2024 (2022) (NCMP)

OL1: The integrity and diversity of the area's landscapes and seascapes will have been maintained and preferably enhanced, assessed with reference to the Integrated Landscape Guidance for the AONB

PL1: Refer to and use the Integrated Landscape Character Guidance for the AONB to guide decision making and delivery of conservation objectives across the area

PL5: Be proactive to reduce and manage adverse impacts on the key qualities of natural beauty from past development and activities, as well as resist and mitigate damaging new impacts and influence decisions by organisations outside the Partnership

PB3: Ensure that new development, including changes to existing buildings and infrastructure, within their ownership or powers of regulation are consistent with the special qualities of the area and relevant conservation objectives

PB5: Support new development and conversion that is consistent with local and national planning policy and the principles above, in order to retain and develop residential and employment opportunities that support natural beauty

3.9 Norfolk Coast AONB: Integrated Landscape Guidance (NCILG)

Section 3: Norfolk Coast AONB Character & Pressures for Change

Section 4: Integrated Landscape Guidance for the Norfolk Coast AONB

3.10 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.

3.11 CONSULTATIONS

North Norfolk District Council: Object. Proposal would potentially conflict with Local Plan Policies EN1 and EN2 that seek to ensure development proposals are sympathetic to their locations, protecting and where possible enhancing the special characters of the AONB. The revised Landscape Mitigation is considered more appropriate to the impact of the scale of development and will further reduce the identified landscape and visual harm. Seek a 10-year maintenance schedule and wish to see details of the reinstatement of the existing site to woodland. It needs to be demonstrated that development cannot be located on alternative sites that would cause less

harm. Concerns the proposal would harm the character area and AONB as the proposed facility would not be as readily assimilated into the sensitive landscape with insufficient screening to mitigate this.

District Council Environmental Health Officer: No objection. The use of acoustic fencing on the north and west boundaries is welcomed and details have been provided on this. The site will be subject to an Environmental Permit and the Noise Assessment has been considered. Construction working hours should be limited by condition and no lighting is proposed with the application. Would welcome further consultation on the acoustic fencing to confirm the height and design of the western boundary.

Environment Agency: No objection. Advice provided to the applicant on surface water drainage and infiltration sustainable drainage systems and Environmental Permitting. No issues raised about the grating of an Environmental Permit for the proposed site.

Health & Safety Executive: Does not have an interest in the development. Site does not cross any notifiable cables or pipelines.

Natural England: No comments to make. Link to standing advice on protected species and development provided.

Highway Authority: No objection. The proposals have been considered by the Development Team and it is noted that significant improvements are proposed to the eastern access with a fully safety audited scheme to improve turning onto the A148 that will benefit all existing users. The use of a TRO to restrict access to the western junction and ensure all users of the HWRC turn left on exit is welcomed along with assurances that a condition can be imposed to ensure the existing site is returned to nature to ensure no increase in use of the access would occur. Off-site works would be delivered by a s278 agreement and suggested conditions and informative attached.

Lead Local Flood Authority: No objection. The updated Surface Water Drainage Strategy is acceptable following the additional information provided on 2 April 2024. Condition required to ensure development is carried out in accordance with the Surface Water Drainage Strategy.

County Council Ecologist: Holding objection. Trees proposed for removal have not been included in the PEA or BNG Report. Further detail needed on proposals to create moderate condition mixed scrub on existing carriageway to demonstrate that BNG is achievable. Recommend the inclusion of species-specific features such as bird/bat boxes. A Landscape and Ecological Management Plan should be a condition of planning permission. No re-consultation response has been received on the most recent amendments.

County Council Arboriculturist: Holding Objection. The proposed loss of trees is considered acceptable subject to an appropriate landscaping scheme being implemented. The Arboricultural Method Statement should be revised to remove the need for the LA Tree Officer to be present in section 4.3 as compliance with the AMS is considered adequate. The pre-commencement meeting set out in the TMP should be included in the AMS. Updates required to the planting proposal to the east of the new road entrance. There is currently not sufficient scale and variety of planting in the landscape proposal to screen the site and should include a mix of evergreen, deciduous and a range of height and forms. The Willow acoustic hedge could require high maintenance unless sterile cultivars are used. No re-consultation response has been received on the most recent amendments.

County Council Landscape Officer: Holding Objection. Would welcome further consideration of tree species chosen. Species such as holme oak, scots pine, silver birch, field maple and alder would be more suitable to the east of the site. Taller species on the northern boundary are welcomed such as alder in the rain garden. The proposed building may also benefit from some consideration of the finish colour. No information of what will happen for the proposed planting of the existing site. No re-consultation response has been received on the most recent amendments.

County Council Historic Environmental Officer (Archaeology): No objection. No archaeological work will be required in relation to the application.

County Council Sustainability Officer: No comments to make.

Norfolk Fire and Rescue Service: No objection. Condition required to secure the installation of a fire hydrant. Happy for the suggested condition wording to be amended to state that the washout is to be converted to a fire hydrant. The cost of the conversion needs to be covered by the applicant.

Norfolk Coast Partnership: Object. Concerns that the nature of the proposal in its current form will cause harm to the defined special qualities of the AONB and does not meet the requirements set out in paragraph 176 of the NPPF [sic]. Concerned that there is no detailed lighting scheme. The proposal contradicts in full or part of OL1, PL1, PL5, PB3 and PB5 of the AONB Management Plan. Whilst the proposed and updated landscape changes support screening of the site does not meet requirements of paragraph 176 of the NPPF [sic] and no reference made to the Integrated Landscape Character Guidance or a detailed lighting scheme.

The Countryside Charity (CPRE): Object. Primarily due to location in the Norfolk Coast AONB although in general CPRE support the need for waste recycling. The location in the AONB has not been satisfactorily addressed in

the submission. The application does not address the exceptional circumstances for supporting the development and CPRE consider the application to be major development in line with the NPPF definition. No clear assessment of the relevant requirements of the NPPF. Reuse shop particularly concerning in regard to NPPF paragraph 177 [sic]. If permission granted external lighting constraints should be imposed and a full lighting report should be provided.

Open Spaces Society: No response received.

Beeston Regis Parish Council: Comment. There are very serious concerns regarding traffic management of vehicles after leaving the recycling centre. Parish Council believes there will be an increase in traffic movements from the facility and have concerns of vehicles using Britons Lane given the new T-junction encouraging vehicles to turn left. Concern over the location of the development in the AONB. Concern over the stopping up of the western exit as it will result in difficulties in entering from the A148 heading east. Would like the land adjacent to the proposed site to form a legal agreement to ensure there is not more industrial development in the area. Agree with Hilltop Outdoor Centre comments.

Beckham East & West Parish Council: No response received.

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

Cllr Eric Vardy (Holt County Electoral Division): No response received.

3.12 REPRESENTATIONS

The application was advertised by means of neighbour notification letters, site notices, and an advertisement in the Eastern Daily Press newspaper. 38 letters of correspondence were received from the public with 12 of these explicitly objecting to the planning application and 4 of the 12 objections from two third parties. There are also 17 letters of correspondence in support of the planning application and 3 of the 17 supporting comments are from one third party. The remaining 9 letters of correspondence received from the public are considered comments. The grounds of objection and concerns raised are summarised as follows:

- The location of the development within the Norfolk Coast National Landscape (formerly Area of Outstanding Natural Beauty)
- Increase in traffic movements to Holt Road
- Proximity of development to Hilltop Outdoor Centre
- Location on agricultural land
- Industrial development in the countryside
- Speed limit of the Holt Road being 50mph
- Highway safety issues on western Holt Road access

- Highway safety issue in relation to access to/from A148
- Safety of pedestrians that use the Holt Road
- Alternative location of development on land immediately west of the existing site
- Highway impacts on Britons Lane
- Increase to 6000tpa throughput when compared to the existing HWRC
- Child protection concerns in relation to adjacent business
- Concern of existing HWRC not benefitting from planning permission
- Alternative site available in Cromer on land that meets policy
- Inadequate landscaping proposed for the location of the development
- Proposal not in accordance with the development plan
- Concerns over the validity of the plans submitted accurately describing the location and being in conflict
- Emerging local plan stating there is sufficient waste capacity to meet growth forecasts
- Requirements to comply with Countryside and Rights of Way Act 2000 (as amended)
- Inability to condition that the existing site is restored
- Lack of sufficient highway assessment

3.13 APPRAISAL

The key issues for consideration are:

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

3.14 A – Principle of Development

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

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

- 3.15 The land is not allocated for waste use in the NMWLDF (2011). It is designated as Open Countryside within the NNLDFCS (2008) and is not allocated for any specific use.

- 3.16 The policies that deal with the principle of the development in the NMWLDF (2011) are namely policies CS5: General location of waste management facilities, CS6: General waste management considerations and DM6: Household waste recycling centres. The NMWLDF (2011) generally seeks to locate waste management proposals on land already in waste management use, existing industrial/employment land, previously developed land or contaminated or derelict land subject to the site not having unacceptable environmental impacts, and as discussed below, the site is also located in the Norfolk Coast National Landscape. It is also the case that waste sites such as this that are considered 'non-strategic' in policy terms should be well related to main market towns. However, policy DM6: Household waste recycling centres provides flexibility for the location of HWRC's where there is demand in a certain area but no suitable sites in relation to policies CS5 and CS6 to ensure proposals are positively determined and the council can carry out its duty to provide HWRC's to local communities under the Environmental Protection Act 1990.
- 3.17 The policies that deal with the principle of development in the NNLDFCS (2008) are namely policies SS1: Spatial Strategy for North Norfolk and SS2: Development in the Countryside. The NNLDFCS (2008) generally restricts development in areas defined as countryside, but the plan notices that there is a need for waste management facilities in rural areas given the spatial profile of North Norfolk and particularly distribution of development and the complementary roles of three towns of Cromer, Holt and Sheringham.
- 3.18 Both the County Planning Authority and North Norfolk District Council have emerging local plans which are currently going through the public examination process and are at an advanced stage meaning that policies should be given greater weight in the planning balance where no objections have been received on the policies to date. However, the current local plans remain the adopted development plan and should be considered as such in line with paragraph 48 of the NPPF (2023).
- 3.19 The emerging policies of relevance in relation to the NMWLP are namely Policy MW1: Development Management Criteria, Policy WP2: Spatial Strategy for Waste Management Facilities, Policy WP3: Land Suitable for Waste Management Facilities and Policy WP7: Household Waste Recycling Centres. There are no fundamental differences from the adopted local plan in the allowance for HWRC's to be located on land not in accordance with WP3. Although, it is highlighted that sufficient information should be submitted to demonstrate that no suitable sites are available and development in National Landscapes should be avoided.
- 3.20 The emerging policies of relevance in relation to the NNLP are namely Policy 4.1: Spatial Strategy and Policy 4.2: Development in the Countryside. The emerging policy on development in the countryside has removed direct reference to waste management facilities being acceptable. However, the policy does state that community facilities and services would be acceptable,

which a HWRC is understood to be given the statutory requirement for it to be provided by the County Council and considered essential infrastructure for a community to function. The plan also acknowledges that between 2016 and 2036 the population is expected to grow by 11,000 in North Norfolk (an 11% increase) and that 9,600 new homes would be required. With Cromer (560 housing allocations) being considered a Large Growth Town and Sheringham (133 housing allocations) and Holt (210 housing allocations) Small Growth Towns.

- 3.21 Considering the policies set out above it is considered on balance that the principle of locating the proposed HWRC in the Norfolk Coast National Landscape is a departure from the development plan given that adverse effects will be felt on the National Landscape and the overarching ambition of the plans is to protect and enhance these areas. The assessment of the impact on the Norfolk Coast National Landscape is dealt with in detail at Section B: Landscape & Visual Impact in this report. The applicant carried out an initial Site Selection Assessment based on a defined search criteria set out in the Planning Statement back in June 2017, which was provided as part of the application and looked at two available sites (Land at Cromer Road, East Runton and Land at Northrepps, Cromer) after EDT Committee sought further work on a replacement for the current HWRC. However, the two sites identified were discounted. The applicant has also alluded to a further Site Selection Assessment being carried out in 2019 with 15 land agents that brought forward three potential options (all seemingly in the National Landscape), but the CPA have not been provided with a copy of this assessment to fully assess.
- 3.22 The CPA, on balance, cannot categorically say that no land was available outside of the National Landscape and on land that would meet NMWLDF (2011) Policy CS6 at the time of the assessments that would cause less harm than the site considered under this application to meet the requirements of NMWLDF (2011) Policy DM6 and NNLDFCS (2008) EN1. Whilst the applicant has set out the timeline of the development of the proposal, the CPA would have expected a more recent site selection exercise to have been carried out and submitted given the one submitted was 6 years prior to the application being lodged in order to fully comply with policy.
- 3.23 The NPPF (2023) which is a material consideration when determining a planning application stress in paragraph 182 and 183 the great weight that should be given to conserving and enhancing landscape and scenic beauty of National Landscapes as these have the highest status of protection. It states permission should be refused for 'major development' other than in exceptional circumstances and where public interest can be demonstrated. Whether something is considered major development, is a matter for the County Planning Authority (CPA) when considering its nature, scale and setting and whether the impacts could be significant on the National Landscapes purpose for designation.

- 3.24 The definition of 'major development' in this instance differs from that found in The Town and Country Planning (Development Management Procedure) (England) Order 2015 as amended, where waste development as a whole is considered to constitute major development. In this instance given that the site is essential infrastructure for the use of the local community to dispose of waste, only roughly 0.5ha in scale with a relatively low throughput of 6,000tpa, no difference in traffic movements given it is serving the same catchment as the existing facility, is located adjacent to a primary transport route, the A148 and the current operational HWRC facility (which is also located in the National Landscape), the CPA, on balance, do not consider the proposal to be 'major development' when considering paragraph 183 of the NPPF (2023). However, in The Countryside Charity (CPRE) response they have made it clear they consider the proposal to amount 'major development' and do not consider a clear assessment has been made on the exceptional circumstances to site the development in the National Landscape and nor do the site selection criteria give reference to landscape designations.
- 3.25 In any event, it is considered that the proposal is in the public interest whether it is 'major' development or not and as such meets the NPPF test set out in paragraph 183. This is because it will provide a suitable HWRC facility that is an essential facility for communities to dispose of waste, will deal with the existing operational and congestion issues of the existing site whilst being well related to the A148 by keeping the new site in the same broad location, which is centrally located between the settlements of Holt, Sheringham and Cromer and will help to move waste up the hierarchy in accordance with the NPPW (2014). Whilst also seeking to minimise adverse impacts on the landscape and scenic beauty of the National Landscape through proportionate mitigation to reduce the severity of the impact felt and providing a facility to ensure the future community have sufficient access to a HWRC as required by the Environmental Protection Act 1990.
- 3.26 The applicant has provided an addendum to the Planning Statement to address paragraph 182 and 183 of the NPPF (2023) where it has been highlighted that the development is required to be located in this location but the applicant has only given limited consideration of sites that have come forward during the determination of the application due to the timings of becoming aware of the other sites. The applicant has provided limited justification as to why the land immediately west of the existing site is inappropriate, along with land that has come forward during the planning process in Stonehill Way, Cromer, but has clearly set out the selection criteria that was used and the cost implication to the public purse if the site chosen to progress with in December 2020 changed during the design process in both consultant fees and land acquisition fees in tackling paragraph 183(b) of the NPPF (2023).
- 3.27 Therefore, on balance, the proposal is considered a departure from the development plan as a whole and it is considered the proposal is not in compliance with the land use policies of CS6 and DM6 of the NMWLDF

(2011), but does broadly accord with land use policies SS1 and SS2 of the NNLDFCS (2008). In terms of the emerging NMWLP the proposal is not considered to accord with MW1, WP3 and WP7 given the location in the National Landscape.

3.28 **B - Landscape & Visual Impact**

- 3.29 The proposed development is situated within the Norfolk Coast National Landscape (formerly Area of Outstanding Natural Beauty) which sees the highest level of protection as set out in paragraph 182 and 183 of the NPPF (2023) and is situated within the Wooded Glacial Coastal Ridge landscape character type in the NNLCA (2021) and Wooded Parkland in the NCILG. The Countryside and Public Rights of Way Act (2000) as amended requires public bodies to also have regard to the purpose of conserving and enhancing natural beauty in the National Landscape. The principal policy dealing with the protection of the National Landscape is NNLDFCS (2008) Policy EN1: Norfolk Coast Area of Outstanding Natural Beauty and The Broads and Policy EN2: Protection and Enhancement of Landscape and Settlement Character. The policies consider individual proposals and their cumulative effect on the National Landscape and will permit development if it is appropriate to the economic, social and environmental wellbeing of the area or desirable for the understanding and enjoyment of the area, does not detract from the special qualities of the National Landscape and seeks to deliver the Management Plan objectives. However, proposals can still be permitted if it can be demonstrated that they cannot be located on alternative sites that would cause less harm and the benefits of the development clearly outweigh any adverse impacts in relation to Policy EN1. Although Policy EN2 is clear that proposals should also demonstrate that their location, scale, design, and materials protect and conserve and where possible enhance the setting.
- 3.30 The NMWLDF (2011) Policy CS14: Environmental Protection and DM8: Design, Local Landscape and Townscape Character seeks to ensure development does not harm the conservation of or prevent the enhancement of key characterises of its surroundings considering any mitigation measures proposed. Development is only acceptable in the National Landscape where it would not adversely impact on the historic form, character and/or setting of the location.
- 3.31 It is accepted that the submitted Landscape and Visual Impact Assessment (LVIA) states there are *minor adverse* residual landscape effects in the immediate context and a *moderate adverse* residual effect for the site itself on the character of site and immediate context. Aswell as a *small* magnitude of residual landscape change for the immediate context and *medium* magnitude of residual landscape change on the site itself. This means the proposal cannot fully accord with policy EN2 of the NNLDFCS (2008).

- 3.32 The Norfolk Coast Partnership has stated in their consultation response that they deem the proposal to likely have a significant adverse impact on the defined special quality of the Wooded Glacial Ridge landscape due to the site being situated in the open, which has a much greater impact on the National Landscape than the existing site which they commend for its careful siting. The CPRE have also raised concerns over the location of the development in the National Landscape and lack of explanation of exceptional circumstances to require the development in such a location.
- 3.33 It is also the case that the Norfolk Coast Partnership in both their initial consultation response and subsequent re-consultation response stated there to be a lack of a detailed lighting scheme and the impact the proposal could have on the Dark Skies of the landscape that is considered a significant element of its designation. Lighting concerns were also raised by CPRE who sought a condition restricting lighting is permission were granted. However, the applicant considered the need for lighting and has proposed that no lighting is required to ensure the satisfactory operation of the site as it will only be operated in daylight hours. The applicant has also agreed that a condition be imposed to remove the permitted development rights for lighting installation to ensure a full planning application/variation of condition would be required if lighting were deemed to be required in the future. This will help ensure the protection of the Dark Skies of the National Landscape for the future and deal with the greatest potential threat to the region in terms of the sense of remoteness, tranquillity and wildness.
- 3.34 Beeston Regis Parish Council have raised concerns about the proposal potentially leading to further industrialisation in the National Landscape and have requested that a legal agreement on the land surrounding the site is secured to ensure this cannot take place. However, the CPA would not be able to impose this requirement given that it is not directly related to the proposal, and it is also the case that planning policy for all other waste development directs development away from the open countryside and therefore such proposals would be considered a departure from the development plan.
- 3.35 The County Council Landscape Officer and Arboricultural Officer raised concerns around the initial Landscape Mitigation Plan planting proposals not providing sufficient scale and variety of tree planting with a mix of deciduous and evergreen native planting and a range of height forms which was consistent with the concerns raised by the District Council Landscape Officer. However, since receiving these comments considerable changes have been made to the planting scheme for both the operational site and woodland planting to the eastern end of Holt Road which are now considered to be broadly acceptable by North Norfolk District Council in terms of screening the site appropriately. Although, they do still raise concerns about the scale and nature of the development's impact on the National Landscape.

- 3.36 However, it is considered that although the applicant has provided details of a Site Selection Assessment in 2017, the fact the CPA do not hold a copy of the additional 2019 assessment that brought forward 3 additional sites (all within the National Landscape) does not sufficiently demonstrate that the facility cannot be located on an alternative site that would cause less harm. However, limited justification as to the cost impacts of locating the site outside of the National Landscape has been provided in the Planning Statement Addendum and the CPA appreciate that a decision does need to be made on a site to progress the design of the new HWRC at some point and taking this decision in 2020 is considered proportionate given when the application was lodged. The applicant has also tried to address sites that have come forward during the planning application process, but with limited justification for discounting the sites other than the impact it would have on the work carried out to date.
- 3.37 Although finely balanced, the CPA consider great weight should be given to the benefits of providing the essential infrastructure HWRC facility for the local community and the need for the County Council to provide HWRC facilities under the Environmental Protection Act 1990 which suitably outweigh the *minor adverse* impact in the character of the landscape in the immediate context and a *small* magnitude of residual landscape change for the immediate context. This is primarily due to the environmental and visual impacts that could occur above and beyond those felt from providing the proposed facility through increases in fly tipping and vehicles queuing to access an outdated and unsuitable current HWRC if a suitably well-designed facility was not provided.
- 3.38 The fact that in North Norfolk, much of the area is part of the National Landscape and it is not always suitable to locate such a facility within main settlements, given the amenity and transport impact this can have that was also borne out of the 2017 Site Selection Assessment should be given some weight in the planning balance. The applicant has demonstrated that the existing HWRC is not fit for purpose and sees vehicles queuing up to access the site, mainly due to the size of the facility currently available for the population it serves which causes current visual disturbance in the National Landscape.
- 3.39 It should be noted that the existing operational HWRC is currently located in the highway verge between the A148 and Holt Road, which is only roughly 5m southwest of the proposed site and also within the Norfolk Coast National Landscape. On the advice of the County Planning Authority the applicant has agreed they would be willing to return the existing HWRC site to woodland if permission were granted and given that the existing HWRC falls within the blue land (land owned by the applicant) the CPA would condition that details of this were submitted and approved prior to any new HWRC being operational along with securing a 5-year management plan for that proposal.
- 3.40 If the existing site was returned to woodland in-keeping with the existing highway verge and adjacent County Wildlife Site this would ensure that there

are not two developed sites within the Norfolk Coast National Landscape when considering the cumulative impact of the proposal, given that both the existing HWRC and proposed HWRC fall within the boundary of the National Landscape. The existing site is roughly 0.1ha and the proposed site is roughly 0.45ha and whilst if the proposal were granted permission this would amount to an increase in land in the National Landscape being used for waste management, the return of the existing site to woodland would ensure that the proposed development is not viewed in relation to existing industrial development. Therefore, with appropriate mitigation landscaping the existing HWRC site would negate an adverse cumulative impact on the National Landscape and its setting and help manage impacts from past developments and activities in partial accordance with PL5 of the NCMP. However, given that there will always be an adverse impact of siting a HWRC in a National Landscape the proposal could not fully accord with the NCMP objectives of OL1, PL5, PB3 and PB5.

- 3.41 The applicant has proactively taken on board the numerous comments raised on the impact of the proposal on the National Landscape with numerous iterations of a Landscape Mitigation Plan to address the increase in scale of the HWRC compared to the existing facility and its location into an open agricultural field and views from the A148 and Britons Lane. Whilst it would be desirable to seek wide landscaping buffers around the new site to allow for dense woodland planting similar to that seen in the adjacent County Wildlife Site of Sheringham Old Wood, this would mean that significant amounts of land would have to be given over to landscaping, reducing the operational area of the HWRC and/or requiring the applicant to source more land adjacent to the application site to achieve this resulting in increased project costs and a greater land take to facilitate the development, including the removal of further land from agricultural use which is an important feature of the National Landscape.
- 3.42 This proportionate landscape mitigation is provided through a change in species and density of planting provided following objections from the District Council, Norfolk Coast Partnership, County Council Arboricultural Officer, and County Council Landscape Officer. These now provide a mix of deciduous and evergreen planting on the site and woodland planting in the highway verge area. There are also root barriers to contain the spread of the willow planted for the acoustic fence to provide a proportionate landscaping scheme that broadly considers the characteristics of the National Landscape and location adjacent to a primary transport route of the A148, which already has an impact on the setting within the National Landscape. However, the suitability of the overall scheme is finely balanced when considering the protection afforded to a landscape such as this and the characteristic wooded appearance of this section of the National Landscape, but denser planting is also considered to have an operational impact on the facility and increased maintenance cost at the public expense which should be given some weight in the planning balance. However, the proposal does still have an adverse

impact on the landscape and scenic beauty of the National Landscape, albeit minor.

3.43 Therefore, although finely balanced and the proposal cannot be considered to accord with policies EN1 and EN2 of the NNLDFCS (2008) and CS14 and DM8 of the NMWLDF (2011) or W2 of the emerging NMWLP (2024) it is considered the public interest of providing such a facility and the fact that there is an existing HWRC roughly 5m from the proposed location that will be returned to woodland that there are material considerations that suggest the application should be approved. Therefore, the proposal on balance meets the objectives of paragraph 182 of the NPPF (2023) by minimising adverse impacts on the designated areas and the NPPW (2014).

3.44 **C – Amenity**

3.45 The policy that deals with the proposal's impact upon amenity in relation to the NMWLDF (2011) is namely DM12: Amenity. The policy states amenity is a key consideration for waste development and development will only be permitted where it can be demonstrated that the scale, siting and design is appropriate and there will be no unacceptable impact to local amenity. In terms of the NNLDFCS (2008) the policy concerned with amenity is EN4: Design and states proposals should not have a significantly detrimental effect on the residential amenity of nearby occupiers.

3.46 The application site is situated roughly 35m east of the boundary of the Hilltop Outdoor Centre with the sensitive receptors of the accommodation at the facility 250-350m north-west and the nearest residential properties lying 270m-435m to the northeast. The A148 is less than 20m south of the site and there are other sensitive receptors of the site with St Andrews School 700m east and Field Barn 650m south. However, these are considerably further away.

3.47 The proposed development provides a 2.5m high living acoustic fence to the north and west boundaries of the proposed site which is considered to suitably address any noise related amenity concerns on the sensitive noise receptors of Hilltop Outdoor Centre and other properties to the north. The applicant has sought to reduce the impact of the development on the sense of tranquillity, remoteness and wildness that is considered part of the special qualities of the National Landscape in relation to noise and light pollution by utilising the living acoustic fencing to two principal boundaries and the omission of external lighting from the scheme.

3.48 The District Environmental Health Officer (EHO) originally raised concerns due to a lack of information on lighting and clarifications on noise impacts. However, since the CPA confirming no lighting is proposed with the development and agreement with the applicant and CPA to impose a condition on reduced construction hours and clarification that the proposed

development will be controlled by an Environmental Permit, the EHO has removed their objection to the proposal.

- 3.49 With regards to the actual regulation of an operation such as this, in accordance with paragraph 188 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 to be satisfied that the facility can in principle operate without causing an unacceptable impact on amenity by taking advice from the relevant regulation authority (the Environment Agency). However, it is the role of the Environmental Permit (which the facility would also require before it can operate) as issued by the Environment Agency to actually control emissions/pollutants such as noise, odour and dust through conditions, and Planning Authorities should assume this regime will operate effectively.
- 3.50 Therefore, the proposal is considered compliant with policies DM12 of the NMWLDF (2011), EN4 and EN13 of the NNLDFCS (2008), the objectives of section 8 of the NPPF (2023), and the NPPW (2014).

3.51 D – Ecology

- 3.52 The policies that deal with the proposal's impact upon ecology in relation to the NMWLDF (2011) are namely CS14: Environmental Protection and DM1: Nature Conservation. These policies seek to ensure there are no unacceptable adverse impacts and ideally improvements to the natural environment and biodiversity. Development is only to be permitted where any harm to nature conservation can be mitigated against, preferably in advance of the development.
- 3.53 The policies that deal with the proposal's impact upon ecology in relation to the NNLDFCS (2008) are namely SS4: Environment and EN9: Biodiversity & Geology which seek to protect areas of biodiversity interest from harm and minimising fragmentation of habitats and creation of new habitats whilst ensuring protected species are accounted for.
- 3.54 The application is accompanied by a Preliminary Ecological Appraisal (PEA) and has set out four opportunities for ecological enhancement. The report seeks that the site plants native plant species beneficial to wildlife, that tree mounted bird and bat boxes are provided, areas of natural habitat are provided on the site to achieve biodiversity net gain and that a Landscape and Ecological Management Plan should be conditioned.
- 3.55 It is considered that the proposal has incorporated native planting within the scheme as part of the Landscape Mitigation Plan and a condition would be imposed on any approval to secure the location and number of bird and bat boxes to ensure biodiversity enhancement is achieved. The applicant has

provided a completed Statutory Biodiversity Metric and seeks to provide this onsite with woodland creation that is in-keeping with the Wooded Glacial Coastal Ridge landscape character identified in the NCILG.

3.56 It is not considered that the proposal will adversely impact statutory or non-statutory designated nature conservation sites and none of the habitat on site are considered to have a high ecological value. Whilst the finding of the habitat survey confirms that the habitats on site have the potential to support foraging bats, badger, nesting birds and hedgehog no additional survey are required.

3.57 Biodiversity Net Gain

3.58 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 the application was made as valid on 10 February 2023 which is before the legal date of introduction of the legal requirement to provide a minimum of 10% biodiversity net gain.

3.59 However, the application voluntarily proposes to provide onsite BNG providing a measurable net gain on the Statutory Biodiversity Metric of 11.76% habitat units and 97.22% hedgerow units which is supported by an appropriate Landscape Management Plan for a 5-year period given the statutory 30-year period cannot be imposed on an application that does not meet the legal requirements to provide BNG.

3.60 It is considered that the proposed woodland planting on the eastern end of the Holt Road and the native species mix on the application site itself provides considerable measurable biodiversity net gain above and beyond the legal requirement of such an application and that this should be given increasing weight in the planning balance. The proposed woodland planting on the eastern end of Holt Road would also be supported by additional woodland planting on the current HWRC by condition. The purpose of the woodland planting is to deal with the landscape impact and intensification of industrial development impact of the development site, if permission were granted, and the woodland planting would further increase the BNG provided by the development as this has not been accounted for in the Statutory Biodiversity Metric calculation.

3.61 Appropriate Assessment

2.62 The site is situated within 834m of Beeston Regis Common/Norfolk Valley Fens Special Area of Conservation (SAC), 2.3km of The Greater Wash (SAC), 6.6km of Overstrand Cliffs (SAC) and also 7.3km of The North Norfolk

Coast (SPA, SAC, RAMSAR), 7.3km of The Wash and North Norfolk Coast (SAC), 15.9km of Southern North Sea (possible SAC) and 17.1km of Paston Great Barn (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 both the nature of the development and the distance from the European Sites, the proposal would not have a significant impact on these or any other protected habitat. Accordingly, no Appropriate Assessment of the development is required.

- 3.63 With regards to Natural England's letter of 16 March 2022 concerning nutrient neutrality, the proposed household waste recycling centre would not create any overnight accommodation and therefore nutrient neutrality does not apply. Furthermore, the proposal 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.
- 3.64 Therefore, the proposal is considered compliant with policies CS14 of the NMWLDF (2011), SS4 and EN9 of the NNLDFCS (2008), the objectives of paragraphs 185 to 188 of the NPPF (2023), and the NPPW (2014).
- 3.65 **E – Transport**
- 3.66 The policies that deal with the proposal's impact upon transport in relation to the NMWLDF (2011) are namely CS15: Transport and DM10: Transport and seek to ensure no unacceptable risks to highway safety occur on users, capacity, infrastructure, air quality or the natural and historic environment. This is to be assessed through a Transport Statement in consultation with the Highway Authority.
- 3.67 The policies that deal with the proposal's impact upon transport in relation to the NNLDFCS (2008) are namely SS6: Access and Infrastructure and CT5: The Transport Impact of New Development. These policies seek to reduce the need to travel and maximise the use of sustainable forms of transport to ensure highway safety by ensuring the road network can safely accommodate the transport impacts of the development.
- 3.68 The application was accompanied by a Transport Statement (TS) and the applicant had engaged early in the planning process with the Highway Authority to seek pre-application advice. The TS states that there will be no increase in traffic flow to and from the recycling centre given that the facility will serve the same catchment area and the new site is required to improve the operational nature of the existing site. The TS has also accounted for seasonal variations in the use of the site and anticipated population growth have been made for future year assessments that would have been the same

for the existing HWRC. This suggests an increase from 392 to 490 total daily trips in 2029. Whilst some third-parties have questioned why the new HWRC would only result in the same number of movements as the existing facility, the CPA are content that this is a suitable assumption given that the new site will cater for the same catchment area and is simply seeking to improve the operational nature of the HWRC for the community and the additional facilities provided such as the re-use shop would be catered for within the existing movement figures as it is expected they would be used by users already attending the site.

- 3.69 On initial consultation with the Highway Authority concern was raised over what would happen to the existing HWRC if this application was permitted given that this would mean there was the potential for there to be two operational developments and associated vehicle movements rather than one on the Holt Road. However, on review of the existing permission in force for the current HWRC it appears that the permission granted would run with the County Council and not the land given that it was granted under The Town and Country Planning General Regulations 1976. The applicant has on the advice of the CPA agreed to return the existing site to woodland which would be secured by a planning condition if permission were granted to deal with unrelated landscaping concerns, which will ensure the Highway Authority's concerns are suitably addressed.
- 3.70 The proposed development is also seeking to implement a new priority T-junction in place of the existing eastern access on to Holt Road from the A148. This will ensure that all traffic seeking to access the Holt Road can use the new T-junction and it is likely that vehicles travelling west will now look to use the new junction given there is a dedicated lane at the junction and greater visibility than turning right onto the more acute western access. However, vehicles travelling east along the A148 will still be able to access the Holt Road via the western access and a Traffic Regulation Order (TRO) will be imposed by condition to ensure the western access is an in only junction with signage reminding vehicles exiting the recycling centre to turn left to use the new junction. There is no proposal to change the speed limit of the A148 as the current 50mph limit is considered appropriate.
- 3.71 Concerns have been raised by numerous third parties that the new priority T-junction will create a higher number of vehicle movements along Britons Lane and potentially impact pedestrian safety. However, the CPA are satisfied that the provision on the T-junction will make it easier for vehicles to travel in either direction along the A148 and is a considerable improvement over the existing access to the Holt Road given that currently vehicles would be minded to only turn left out of the existing eastern access and therefore result in greater use of Britons Lane. In terms of pedestrian safety, given that the number of vehicle movements will not differ from those seen with the existing site there is not considered to be a greater impact from the proposal on pedestrians.

3.72 Therefore, the proposal is considered compliant with policies CS15 and DM10 of the NMWLDF (2011), SS6 and CT5 of the NNLDFCS (2008), the objectives of section 9 of the NPPF (2023) and the NPPW (2014).

3.73 **F – Sustainability**

3.74 The policies that deal with the proposal's impact upon sustainability in relation to the NMWLDF (2011) are namely CS13: Climate Change and Renewable Energy Generation and DM11: Sustainable Construction and Operations. The policies seek to ensure development take opportunities to generate renewable energy on site with a minimum of 10% generated from decentralised and renewable sources where practicable.

3.75 The policies that deal with the proposal's impact upon sustainability in relation to the NNLDFCS (2008) are namely EN6: Sustainable Construction and Energy Efficiency and EN7: Renewable Energy which require applicants to demonstrate how the proposal will minimise resource consumption and supports the provision of renewable energy where there would be no significant adverse effects on landscape, amenity or highway safety.

3.76 The proposed development has included the provision of solar panels on the roof of the re-use building, but details have not been provided with the application other than the proposed output of these and area of coverage within the Sustainability Statement. However, it is clear that the applicant is proposing to meet at least 10% of the energy requirements of the HWRC by using low carbon or renewable sources and a 'prior to occupation' condition can be imposed to secure the detailed design of the solar PV system and its implementation.

3.77 It is also the case that the improved recycling facility provision for the catchments will help tackle the future communities' need to dispose of waste and help ensure that as much of the material brought to the facility is recycled or reused which will help in ensuring waste is moved up the hierarchy in line with the NPPW (2014) for the catchment area of the facility. The provision of the re-use shop is a welcomed addition to the proposal that could not have been accommodated on the existing site due to scale constraints and will ensure that much of the items brought to the site are reused.

3.78 Therefore, the proposal is considered compliant with policies CS13 of the NMWLDF (2011), EN4, EN6 and EN7 of the NNLDFCS (2008), the objectives of section 14 of the NPPF (2023) and the NPPW (2014).

3.79 **G – Flood Risk**

- 3.80 The policies that deal with the proposal's impact upon flood risk in relation to the NMWLDF (2011) are namely policy DM4: Flood Risk and in relation to the NNLDFCS (2008) are namely policy EN10: Development and Flood Risk which seeks to ensure flood risk is not increased by proposals and Flood Risk Assessments are carried out where required with most new development being located in flood zone 1 with exceptions for flood zone 2 and 3a.
- 3.81 The proposed development is situated in flood zone 1 with a very low risk of flooding from rivers and the sea with a chance of flooding of less than 0.1% each year. The Environment Agency were consulted on the proposal and raised no objection to the proposed development in relation to the location and flood risk.
- 3.82 Development of this type is considered to be less vulnerable in the flood risk vulnerability classification and a sequential/exception test is not required as the site is situated in flood zone 1.
- 3.83 Therefore, the proposal is considered compliant with policies DM2 of the NMWLDF (2011), EN10 of the NNLDFCS (2008), the objectives of section 14 of the NPPF (2023) and the NPPW (2014).
- 3.84 **H – Groundwater/Surface Water**
- 3.85 The policies that deal with the proposal's impact upon groundwater/surface water in relation to the NMWLDF (2011) are namely policy DM3: Groundwater and Surface Water and in relation to the NNLDFCS (2008) are namely policy EN10: Development and Flood Risk which require surface water details to be provided and ensure that development is suitably located in relation to groundwater protection zones and utilises sustainable drainage systems.
- 3.86 The proposed development was accompanied by a Surface Water Drainage Report which was originally objected to by the Lead Local Flood Authority (LLFA) due to concerns with the feasibility, functioning, design and classification of SuDS features. There were issues with the data to inform infiltration and cross-point issues with the information and there was confusion with the multiple different submission documents and the LLFA requested that an individual Flood Risk Assessment is submitted to address the changes.
- 3.87 Following the initial comments of the LLFA the application proposed amendments to the scheme which now consisted of a design to collect the majority of surface water in gullies and direct this into infiltration SuDS features made up of an infiltration swale on the northern boundary and bioretention area and basin on the eastern boundaries with run off from the roof of the welfare unit being positively drained into a raingarden before going to the infiltration feature on the northern side of the site. The re-use shop will drain directly into the infiltration swale to the north of the site. There is also a

water storage tank included for spent fire water and the hard surface roads will direct runoff directly into the infiltration features through gaps in the kerbing.

3.88 The LLFA have now removed their objection and support the revised surface water drainage strategy subject to the scheme being carried out in accordance with the revised design and no objections have been received from the Environment Agency relating to surface water drainage. Whilst the changes to the scheme have led to small amendments to the site layout with the incorporation of a rain garden it is considered the scheme is acceptable. Whilst the SuDS features do take up a lot of the application site, they benefit the proposal in future proofing the development to deal with increases in surface water when considering allowances for climate change and improve the operational site in biodiversity terms. However, it is accepted that this does impact the quantity of screening planting that can be provided with the application.

3.89 Therefore, the proposal is considered compliant with policies DM3 of the NMWLDF (2011), EN10 of the NNLDFCS (2008), the objectives of section 14 of the NPPF (2023) and the NPPW (2014).

3.90 **I – Loss of Agricultural Land**

3.91 The policy that deals with the proposal's impact upon soils and agricultural land in relation to the NMWLDF (2011) is namely policy DM16: Soils which seeks to direct development away from Best and Most Versatile (BMV) agricultural land with a preference of development being located on grade 3b, 4 and 5 where there is a need for the development to be situated on agricultural land.

3.92 It was request that the application was submitted with a Soil Survey Report given the location of the proposed develop fell on greenfield land in an area of agricultural use and that part of the site was denoted by Natural England to fall on Grade 3 agricultural land that had the potential to be considered Best and Most Versatile (BMV) which should be preserved where possible.

3.93 The Soil Survey identified that the application site was made up of land between Grade 3b and Grade 5 and as such was not considered to be Best and Most Versatile (BMV) and as such the development is considered compliant with policy DM16 of the NMWLDF (2011), the objectives of paragraph 180(b) of the NPPF (2023) and the NPPW (2014).

3.94 **RESPONSES TO REPRESENTATIONS RECEIVED**

3.95 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.

- 3.96 The issues raised relating to child protection concerns due to the proximity of the Hilltop Outdoor Centre that acts as an activity centre for children to the proposed development have been considered in relation to the Human Rights Act 1998 and the Equalities Act 2010 and it is not considered the siting of an HWRC in this location would have an impact on Child Protection when considering discrimination. The CPA believe that there are suitable mitigation measures in place with the acoustic screening to the north and west of the site to deal with noise concerns and that any dust or odour issues would be suitably controlled by a Waste Permit by the Environment Agency when considering the football pitches at Hilltop Outdoor Centre roughly 35m west of the proposed site. The highways improvements and provision of a new HWRC will also ensure fewer vehicles will be queuing to access the HWRC resulting in improved pedestrian safety. However, it is understood that children would also be dropped off at Hilltop Outdoor Centre within the boundary of the site itself.
- 3.97 Concerns have been raised that the submitted Location Plan, General Arrangement Plan and Proposed Site Boundary Plan are in conflict with each other and do not meet the national validation requirements set out in The Town and Country Planning (Development Management Procedure) (England) Order 2015 as amended. However, the CPA consider that the plans suitably describe the location of the development given that the legislation simply requires 'a plan which identifies the land to which the application relates;' and that 'any plans or drawings required to be provided by paragraph (1) or (1A) must be drawn to an identified scale and, in the case of plans, must show the direction of North.' The Proposed Site Boundary Plan clearly identifies the location of sufficient roads and buildings on land adjoining the application site to ensure the exact location of the application site is clear and includes all land necessary to carry out the development as required by Paragraph: 024 Reference ID: 14-024-20140306 of the Planning Practice Guidance. However, for the avoidance of doubt the CPA have sought amendments to the Proposed Site Boundary Plan, General Arrangement Plan and removal of the Location Plan to provide further certainty to the third party that raised the concern. There was no need to invalidate the application on this basis or re-consult those who had already responded as the changes did not alter the nature of the development proposed and simply provided clarity. It is not considered that any consultee or third party has been prejudiced by an inability to correctly identify the application site.
- 3.98 In response to comments regarding the Emerging Norfolk Minerals and Waste Local Plan and namely Policy WP1 in relation to there being sufficient capacity to deal with waste arisings, the CPA do not consider the proposal to be dealing with an increase in waste arisings. The application is seeking to modernise and replace an existing HWRC facility to improve its operating abilities for the local community requiring a site of a greater scale and highway improvements to address current queuing issues. The provision of acceptance of trade waste will not result in greater throughputs for the site

given that this would be conditioned at 6,000tpa and will not have a highway safety impact as the facility is serving the same catchment as the current site and providing junction improvements.

- 3.99 In regard to comments received regarding pedestrian access and safety the CPA do not consider pedestrian access to the proposed HWRC to be required given the nature of the operation of the site. The improvements to the junction, modernisation of the proposed HWRC and use of a TRO is considered to improve the safety of the Holt Road which in turn would benefit pedestrians by reducing the need for vehicles to que up to access a HWRC facility. In regard to comments made on adequate highway provision the application does not result in greater movement numbers that would be felt with the existing HWRC, so no impact would be felt and the Highway Authority do not object to the proposal.
- 3.99 Issues relating to the current HWRC and its planning history are not considered material planning considerations for the proposal being considered. However, the report has confirmed that the existing site has the benefit of planning permission in the 'Background' section above.
- 3.100 The report has agreed with third party responses that the application is a departure from the development plan, but has set out material considerations that would justify approval and deviation from the development plan.

4. Conclusion, Reasons for Decision and Planning Balance

- 4.1 The proposed development is considered to be acceptable and although on balance it is considered a departure from the development plan the decision is finely balanced due to the location of the proposal within the Norfolk Coast National Landscape and adverse landscape impacts being outweighed by the public interest of the development. The proposal is considered to provide considerable public benefits in terms of providing a modern HWRC that is fit for purpose for the residents it serves taking account of the projected population growth, whilst providing significant highway improvements with the creation of a new T-junction and associated TRO and biodiversity net gain above and beyond the legal requirement. If a suitable facility was not provided that improves upon the existing facility there is reason to assume that impacts could be felt on the National Landscape caused by a lack of access by the community to a HWRC that is fit for purpose and result in greater instances of fly tipping and may result in the County Council not carrying out its duty to provide such suitable facilities under the Environmental Protection Act 1990.
- 4.2 Significant weight should be given to the fact that a large portion of North Norfolk and its Coast is located within the Norfolk Coast National Landscape with the exception of main settlement areas such as Cromer and Sheringham. Given that NMWLDF (2011) Policy DM6: Household Waste Recycling Centres accepts that these facilities cannot always be located on land meeting Policy

CS6: General Waste Management Considerations, some weight should be given in the planning balance to the location of a facility between Cromer, Holt and Sheringham having to be situated within the National Landscape in order to be suitably located given the sites available at the time when the applicant was considering the requirements of the scheme. Although, emerging policy W2 of the NMWLP (2024) directs development away from the National Landscape, which must be given increasing weight given the stage of the plan. If the site were to be situated within a Main Settlement such as the centre of Sheringham or Cromer, the facility could have a detrimental impact on the ease of access to these areas for tourists and locals alike if the location relied on access via popular tourist travel routes, particularly in the summer months when use of the HWRC facility is higher and given that main settlements are the location for the growth in the district emerging plan.

- 4.3 It is accepted that the design of such projects is a lengthy process. However, the CPA are not satisfied that a robust Site Selection process has taken place to meet NMWLDF (2011) Policy DM6 and NNLDfCS (2008) EN1 to allow development in the National Landscape on land that does not meet NMWLDF (2011) Policy CS6. Whilst the CPA have been provided with an assessment dating back to June 2017, this was carried out some 6 years prior to the application being lodged. The CPA would have expected a more recent assessment to have been submitted in order to fully comply with policy so we can be satisfied no land was available on sites outside of the National Landscape and/or on land meeting policy CS6. However, the CPA do consider there is sufficient public interest in providing the improved facility when considered in relation to the highways improvement works, landscape mitigation and location of the existing HWRC. Particularly given the impact that could be had on the National Landscape if a suitable facility is not provided. The CPA agree the current facility is not fit for purpose and as such a new facility would be in the public interest as if one was not provided the National Landscape could potentially suffer from increased instances of fly tipping due to the lack of an easily accessible and modern HWRC given the queuing issues with the current site and lack of vehicle access. The CPA also see the location of an HWRC as a geographical assessment to meet catchment needs given that it is a public facility and due to the extent of land the AONB covers a suitable site would have a high probability of needing to be located in the sensitive landscape.
- 4.4 Whilst the decision is finely balanced, it is considered that the revisions to the Landscape Mitigation Plan to allow for a greater mix of species to screen the proposed HWRC from view north and east of the site and the provision of woodland planting to the eastern end of Holt Road that is being stopped up which will provide partial screening from the A148, that the proposal would provide some mitigation to partially tackle the impact of the proposal on the visual appearance of the facility in the National Landscape in a proportionate and measured manner given the overriding public interest for the facility.

Although it is accepted there is still an adverse impact, it should be noted that views are already seen of the existing HWRC from the north and east along Britons Lane and the fact that this can be conditioned to be returned to woodland will ensure it will remain that only one industrial development is situated in the area given that policy CS6 of the NMWLDF (2011) does not afford all waste sites the flexibility that is given to HWRC's given the County Council's requirements to provide them.

- 4.5 The proposal contributes to the achievement of sustainable development in accordance with the NPPF (2023) on the basis that the proposal identifies the need for improved HWRC infrastructure in the area, ensures that there are suitably accessible services to support communities and future generations through housing growth in the area, helping to minimise waste, improving biodiversity and minimising impact on the Norfolk Coast National Landscape in a proportionate way in order to support the statutory provision of HWRC's.
- 4.6 The proposed development is, on balance, considered acceptable and there are no material considerations why it should not be permitted. Accordingly, full conditional planning permission is recommended. On the basis that that during assessment of the application it was found to be a departure from the development plan, it will need to be advertised for a further period of 21 days before the decision is issued.

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.

8.4 Data Protection Impact Assessments (DPIA):

There are no data protection impact assessment implications from a planning perspective.

8.5 Health and Safety implications (where appropriate):

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

8.6 Sustainability implications (where appropriate):

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

8.7 Any Other Implications:

None.

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 of 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 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, plans and documents detailed below:

Plans and Drawings

- a) Proposed Site Location and Boundary Plan; 49868_5501_100; Rev P4; dated 07 May 2024;
- b) Proposed General Arrangement and Level Design; 49868/2001/101; Rev P11; dated 07 May 2024;
- c) Landscape Mitigation Plan; 2735-00-201-N; Rev N; dated 11 April 2024;
- d) Construction Details; 49868_2001_521; Rev P09; dated 05 April 2024;
- e) Buildings & Elevations; 49868_2001_1501; Rev P02; dated 14 October 2023;
- f) Road Markings and Signage; 49868/2001/1201; Rev P05; dated 15 November 2023;
- g) Proposed Kerbing Layout; 49868/2001/1101; Rev P07; dated 15 November 2023;

- h) New Access to Recycling Centre General Arrangement Sheet 1 of 1; PQ3038-HP4-0100-001; Rev P01; dated 20 October 2022;
- i) Construction Compound Location Plan; 49868_2001_102; Rev P01; dated 20 January 2024;
- j) Container Details; 49868_2001_1503; Rev P01; dated 02 February 2023;
- k) Fencing and Gate Details; 49868_2001_1502; Rev P01; dated 31 January 2023;
- l) Guardrail Detail; 49868_2001_522; Rev 0; dated 17 Jul 2023;
- m) Proposed Utilities Plan; 49868/2001/301; Rev P05; dated 15 November 2022;
- n) Proposed Contour Plan; 49868/2001/601; Rev P01; dated 28 July 2023;
- o) Proposed Concrete Pad Service Yard Layout; 4968/2001/1701; Rev-; no date;
- p) Construction Details; 49868_2001_521; Rev P09; dated 05 April 2024;

Documents

- q) Statutory Biodiversity Metric Calculation; prepared by Eleanor Baker; dated 12 April 2024;
- r) Biodiversity Net Gain Design Stage Report; 6985,EC,AR,BNGD,EB,AC,LK,12-04-24,V4; prepared by Geosphere Environmental; dated 12 April 2024;
- s) Planning Statement; prepared by Norfolk County Council; dated January 2024;

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

- 3 Within 3 months of the date of this permission a detailed scheme for the provision of 15m² of solar PV Panels of 2.0kWp capable of generating 1,700kWh/Annum set out in the '*Sustainability Statement; Section 4.7; ESL-22-0263; Rev Site Plan Update; prepared by envision; dated 29 November 2023*' shall be submitted to and approved by the County Planning Authority.

The Solar PV Panels shall then be installed prior to first use of the site and retained and maintained for the lifetime of the development thereafter.

Reason: To ensure the development provides 10% of the sites energy demand from decentralised and renewable or low carbon sources in accordance with Policy CS13 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.

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

Reason: To control possible future development which would otherwise be permitted but which may have a detrimental effect on amenity or the Norfolk

Coast National Landscape, in accordance with Policy CS14, DM8 and DM12 and of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.

- 5 No more than 6,000 tonnes of waste per annum shall be brought onto the site.

Reason: To protect the amenities of the surrounding area and setting of the Norfolk Coast National Landscape, in accordance with Policy CS13, DM8 and DM12 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.

- 6 Within 3 months of the date of this permission details of the location and confirmation of the type and number of bird and bat boxes set out in Section 6 and Appendix 8 of the *'Preliminary Ecological Appraisal; 6985,EC,PEA,EB,KL,15-04-24,V4; prepared by Geosphere Environmental; dated 15 April 2024'* shall be submitted to the County Planning Authority in consultation with the County Ecologist.

The bird and bat boxes shall be installed prior to first use of the site and retained and maintained for the lifetime of the development thereafter.

Reason: To ensure the proposal provides ecological enhancements as part of the development in accordance with Policy CS14 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.

- 7 Notwithstanding the submitted details, prior to the first use of the site, a Landscape and Ecological Management Plan (LEMP) covering the application area for a period of 5-years shall be submitted to, and be approved in writing by, the County Planning Authority.

The content of the LEMP shall include, but not limited to the following:

1. Description and evaluation of features to be managed;
2. Landscape and ecological trends and constraints on site that might influence management;
3. Aims and objectives of management (including those related to species);
4. Appropriate management options for achieving aims and objectives, including appropriate enhancement measures;
5. Prescriptions for management actions;
6. Preparation of a work schedule (including an annual work plan capable of being rolled forward over a 5-year period);
7. Details of the body or organisation responsible for implementation of the plan;
8. Legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer;
9. Ongoing monitoring and remedial measures;
10. Timeframe for reviewing the plan; and
11. Details of how the aims and objectives of the LEMP will be communicated to the occupiers of the development.

The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how

contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

Reason: To ensure the proposal provides ecological enhancements as part of the development to benefit the Norfolk Coast National Landscape in accordance with Policy CS14 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.

- 8 Within 3 months of the date of this permission a detailed planting scheme and 5-year management plan for the return of the current Household Waste Recycling Centre previously approved under D/1/1991/1687 to woodland in-keeping with the surrounding landscape character, including the breaking up and removal of any hard surfacing shall be submitted to and approved by the County Planning Authority in consultation with the County Council Natural Environment Team.

The planting scheme shall be implemented within the first appropriate planting season and prior to the first use of the new site and retained and maintained for the lifetime of the development.

Reason: To ensure that that Norfolk Coast National Landscape is protected from an increase in industrial development in accordance with Policy DM8 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026 and EN1 of the North Norfolk Local Development Framework Core Strategy 2016-2036.

- 9 No construction of the proposed development authorised or required under this permission, including the movement of vehicles and operation of any plant, shall take place on Sundays or Public Holidays, or other than during the following periods:
- Monday to Friday 08:00 to 18:00 hours
 - Saturday 08:00 to 13:00 hours

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

- 10 No operation authorised or required under this permission other than access to service the site from 07:00 hours, including the movement of vehicles and operation of any plant, shall take place on Christmas Day, Boxing Day or New Years Day, or other than during the following periods:
- 09.00 – 17.00 Monday to Sunday (01 October – 31 March)
 - 09:00 – 18:00 Monday to Sunday (1 April – 30 September)

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

- 11 The Acoustic Willow Fencing to the north and west boundaries of the facility shall be installed at a height of 2.5m and be of the type set out in *'The Green Barrier in Living Willow (Acoustic Barrier Specification Sheet); by Environmental Tree Services Ltd; no date'* and constructed as per the details set out in *'Construction Details; 49868_2001_521; Rev P09; dated 05 April 2024'* and maintained and retained for the lifetime of the development.

Reason: To ensure the satisfactory protection of local amenity and adverse landscape impact in accordance with Policies DM8 and DM12 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026 and Policies EN1, EN4 and EN13 of the North Norfolk Local Development Framework Core Strategy 2016-2036.

- 12 The development must be carried out in strict accordance with the Arboricultural Method Statement set out in Appendix 7 and Tree Management Plan set out in Section 4 of the *'Arboricultural Impact Assessment; 6985,EC,AR,AIA,TC,RF,AC,08-12-23,V3; prepared by Geosphere Environmental; dated 08 December 2023'*.

Reason: To ensure the protection of existing trees on the site and in the interest of the amenity of the area, in accordance with Policy CS14, DM8 And DM12 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.

- 13 The Mitigation Planting shall be carried out on the operational area of the development and Woodland Planting to the eastern end of the Holt Road in accordance with drawing *'Landscape Mitigation Plan; 2735-00-201-N; Rev N; dated 11 April 2024'* and *'Section 5: Recommendations'* of the *'Biodiversity Net Gain Design Stage Report; 6985,EC,AR,BNGD,EB,AC,LK,12-04-24,V4; prepared by Geosphere Environmental; dated 12 April 2024'* and include the breaking up and removal of any hard surfacing in the location of the woodland planting.

All planting shall be retained for a period of five years after initial planting has been completed in accordance with *'Landscape Management Plan; 2735; Rev V5; prepared by Lanpro; dated April 2024'* 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 that that impact on the Norfolk Coast National Landscape is mitigated to an extent that minimising any adverse impact in accordance with Policy DM8 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026 and EN1 of the North Norfolk Local Development Framework Core Strategy 2016-2036.

- 14 The Re-use Building and Welfare Unit set out on drawings *'Proposed General Arrangement and Level Design; 49868/2001/101; Rev P11; dated 07 May 2024'* and *'Buildings & Elevations; 49868_2001_1501; Rev P02; dated 14 October 2023'* shall be clad on the walls and roof with profiled metal sheeting in RAL 6001 (Green).

The perimeter chain-link fence and associated gates set out on drawings 'Proposed General Arrangement and Level Design; 49868/2001/101; Rev P09; dated 04 October 2023' and 'Fencing and Gate Details; 49868_2001_1502; Rev P01; dated 31 January 2023' shall be powder-coated in RAL 9005 (Black).

Reason: To ensure the satisfactory appearance of the structure in accordance with Policy DM8 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.

- 15 Prior to the first use of the development hereby permitted the vehicular access over the verge shall be constructed in accordance with a detailed scheme to be agreed in writing with the County Planning Authority in accordance with the highways specification and thereafter retained at the position shown on the approved plan '*Proposed General Arrangement and Level Design; 49868/2001/101; Rev P09; dated 04 October 2023*'.

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 Policies CS15 and DM10 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.

- 16 Any access gates/bollard/chain/other means of obstruction shall be hung to open inwards, set back, and thereafter retained as outlined on the approved drawing '*Proposed General Arrangement and Level Design; 49868/2001/101; Rev P11; dated 07 May 2024*'. Any sidewalls/fences/hedges adjacent to the access shall be splayed at an angle of 45 degrees from each of the outside gateposts to the front boundary of the site.

Reason: In the interests of highway safety enabling vehicles to safely draw off the highway before the gates/obstruction is opened in accordance with Policies CS15 and DM10 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.

- 17 The access to the existing HWRC shall be permanently closed, and the highway verge shall be reinstated in accordance with a detailed scheme as set out in condition 8 to be agreed with the County Planning Authority concurrently with the bringing into use of the new Recycling Centre.

Reason: In the interests of highways safety in accordance with Policies CS15 and DM10 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.

- 18 Prior to the first use of the development hereby permitted visibility splays at the site access shall be provided in full accordance with the details indicated on the approved plan '*Proposed General Arrangement and Level Design; 49868/2001/101; Rev P11; dated 07 May 2024*'. 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 highways safety in accordance with Policies CS15 and DM10 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.

- 19 Prior to the first use 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 in accordance with the approved plan '*Proposed General Arrangement and Level Design; 49868/2001/101; Rev P11; dated 07 May 2024*' 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 Policies CS15 and DM10 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.

- 20 Development shall not commence until a scheme detailing provision for on-site parking for construction workers for the duration of the construction period has been submitted to and approved in writing by the County Planning Authority in relation to the Construction Compound shown on drawing '*Construction Compound Location Plan; 49868_2001_102; Rev P01; dated 20 January 2024*' and '*Construction Management Principles; prepared by Norfolk County Council; dated no date*'.

The scheme shall be implemented throughout the construction period.

Reason: To ensure adequate off-street parking during construction in the interests of highway safety in accordance with Policies CS15 and DM10 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.

- 21 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 (including works to the existing agricultural access onto the A148) as indicated on '*New Access to Recycling Centre General Arrangement Sheet 1 of 1; PQ3038-HP4-0100-001; Rev P01; dated 20 October 2022*' have been submitted to and approved in writing by the County Planning Authority.

Reason: To ensure that the highway improvement works are designed to an appropriate standard in the interest of highway safety and to protect the environment of the local highway corridor in accordance with Policies CS15 and DM10 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.

- 22 Prior to the first use of the development hereby permitted the off-site highway improvement works (including Public Rights of Way works) referred to in Condition 21 shall be completed to the written satisfaction of the County Planning Authority.

Reason: To ensure that the highway network is adequate to cater for the development proposed in accordance with Policies CS15 and DM10 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.

- 23 Prior to the first use of the development hereby permitted visibility splays at the highway junction shall be provided in full accordance with the details indicated on the approved plan '*New Access to Recycling Centre General Arrangement Sheet 1 of 1; PQ3038-HP4-0100-001; Rev P01; dated 20 October 2022*'. 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 highways safety in accordance with Policies CS15 and DM10 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.

- 24 No works shall commence until the Traffic Regulation Order (TRO) for prohibition of exit from the Holt Road onto the A148 at the junction of the A148/U14506 Holt Road (western arm) has been promoted by the applicant and implemented by the Local Highway Authority.

Reason: In the interests of highways safety during construction of the development and daily running of the site in accordance with Policies CS15 and DM10 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.

- 25 The development shall be built in accordance with the submitted '*Flood Risk Assessment and Surface Water Drainage Strategy; 332210167; 4001; Rev 5; prepared by Stantec; dated March 2024*'. The approved scheme will be implemented prior to the first use of the development.

Reason: To prevent flooding 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 in accordance with Policy DM3 and DM4 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.

- 26 Prior to first use of the site one fire hydrant is to be installed by conversion of the existing washout located outside the development site to ensure adequate firefighting water provision.

The fire hydrant shall conform to BS750 and should provide a minimum sustained outlet discharge in line with the 'National guidance document on the provision of water for firefighting' published by Water UK.

All proposed hydrant provision should be to the satisfaction to the County Planning Authority in consultation with the Norfolk Fire and Rescue Service. All expenses incurred shall be borne by the developer, owner or occupier of the industrial entity.

Reason: To ensure adequate water availability for firefighting purposes is provided in accordance with Policy CT2 of the North Norfolk Local Development Framework Core Strategy 2016-2036.

11.3 INFORMATIVES

- 1 It is an OFFENCE to carry out any works within the Public Highway, which includes a Public Right of Way, without the permission of the Highway Authority. This development involves work to the public highway that can only be undertaken within the scope of a Legal Agreement between the Applicant and the County Council. Please note that it is the Applicant's responsibility to ensure that, in addition to planning permission, any necessary Agreements under the Highways Act 1980 are also obtained.

Advice on this matter can be obtained from the County Council's Highways Development Management Group. Please contact developer.services@norfolk.gov.uk.

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

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

- 2 The developer is responsible for ensuring sufficient hydrants are installed, in compliance with water regulations and Building Regulations Approved Document B Volume 2 sections 15 & 16 (Fire Hydrants/Water Supplies and Vehicle Access) with reference to the 'National guidance document on the provision of water for firefighting' published by Water UK.

12. Background Papers

- 12.1 **Norfolk Minerals and Waste Development Framework (2011) (NMWLDF)**
<https://www.norfolk.gov.uk/article/39049/Adopted-policy-documents>
- 12.2 **North Norfolk Local Development Framework Core Strategy (2008) (NNLDFCS)**
<https://www.north-norfolk.gov.uk/tasks/planning-policy/local-plan-current/>
- 12.3 **North Norfolk Landscape Character Assessment (2021)**
<https://www.north-norfolk.gov.uk/tasks/planning-policy/landscape-character-and-sensitivity-assessment/>
- 12.4 **Norfolk Minerals and Waste Local Plan (NMWLP)**
<https://www.norfolk.gov.uk/mineralsandwastelocalplanreview>
- 12.5 **North Norfolk Local Plan (NNLP)**

<https://www.north-norfolk.gov.uk/tasks/planning-policy/local-plan-new/>

12.6 Norfolk Coast Area of Outstanding Natural Beauty (AONB) Management Plan 2019-2024 (2022) (NCMP)

<https://www.north-norfolk.gov.uk/media/8981/g14-aonb-management-plan-2019-24-revised-2022.pdf>

12.7 Norfolk Coast AONB: Integrated Landscape Guidance (NCILG)

<https://norfolkcoast.org/app/uploads/2024/03/IntegratedLandscapeCharacterAssessment.pdf>

12.8 National Planning Policy Framework (2023)

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

12.9 National Planning Practice Guidance

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

12.9 National Planning Policy for Waste (2014)

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

2.10 Norfolk County Council Environmental Policy (2019)

<https://www.norfolk.gov.uk/environmentpolicy>

Officer Contact

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

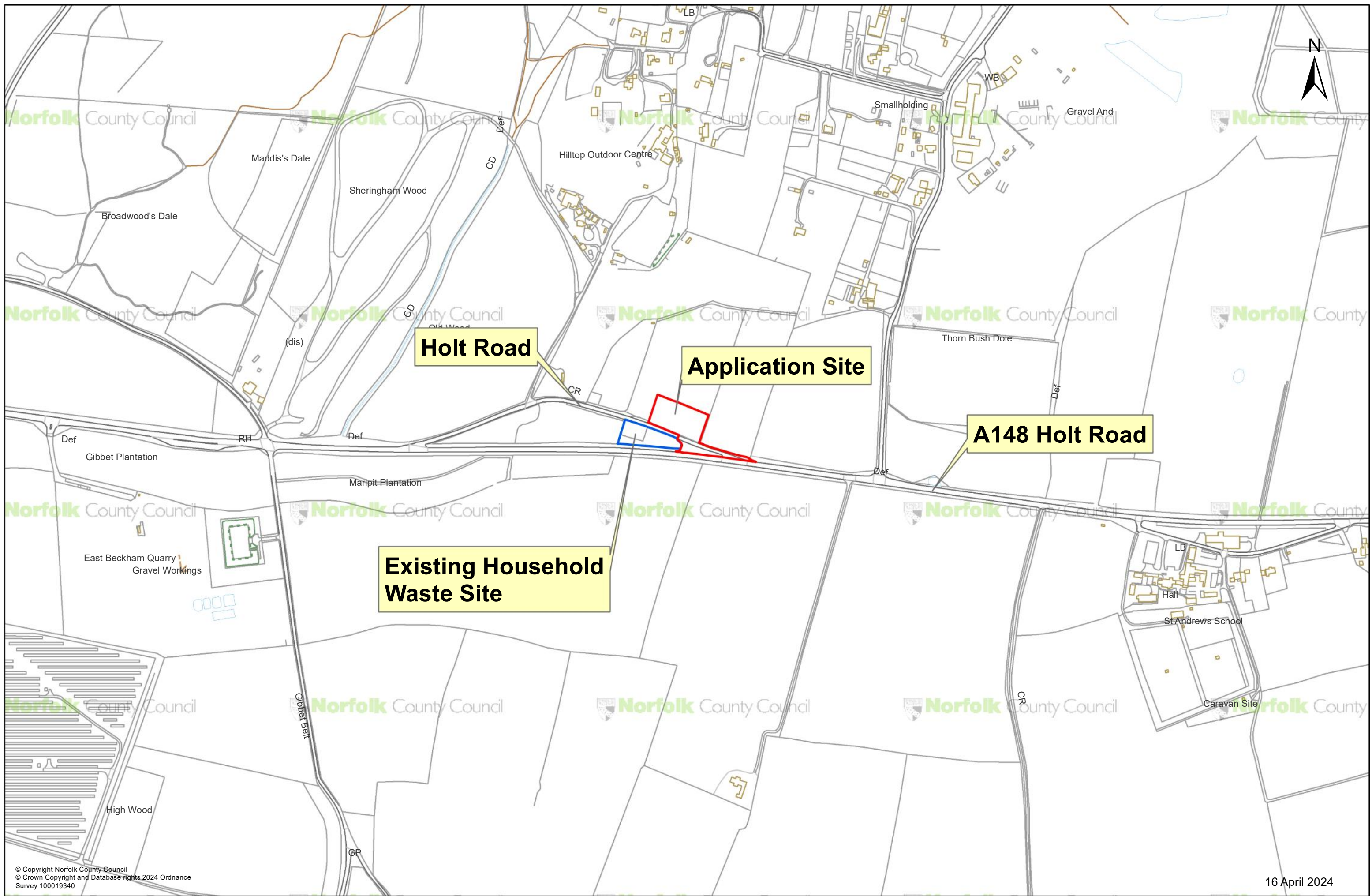
Officer name: Michael Zieja

Telephone no.: 01603 222757

Email: michael.zieja@norfolk.gov.uk



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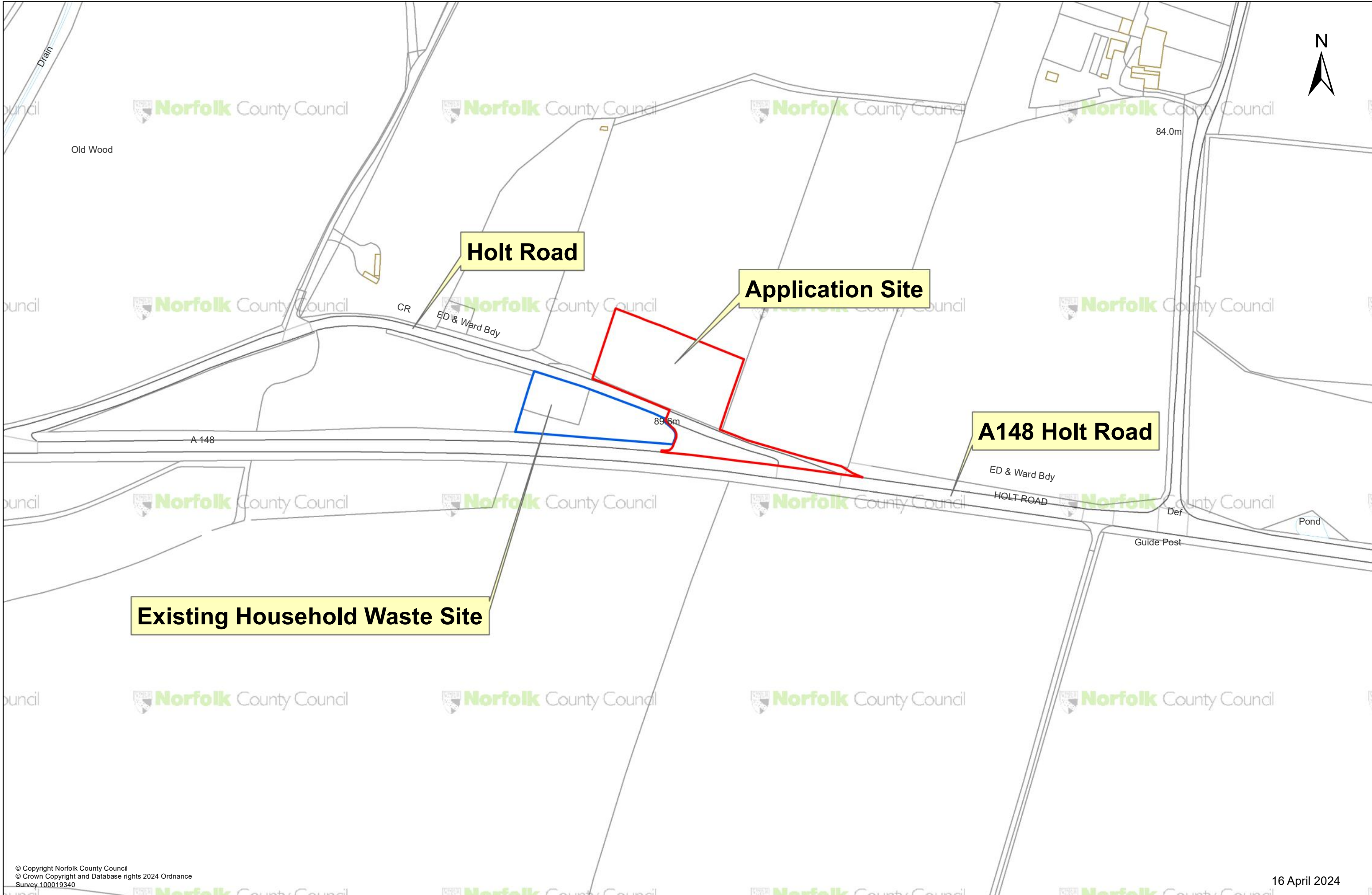


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16 April 2024

Sheringham Recycling Centre Location Plan





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16 April 2024

Sheringham Recycling Centre Site Plan



Planning (Regulatory) Committee

Item No:7

Report Title: FUL/2020/0079 & FUL/2020/0080: Spixworth Quarry, Church Lane, Spixworth; FUL/2022/0018: Land at former Quaker Lane, Spixworth

Date of Meeting: 24 May 2024

Responsible Cabinet Member: N/A

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

Is this a Key Decision? No

Proposal & Applicant:

Continued sand & gravel extraction and restoration by infilling to agricultural use by 31 December 2026 without compliance with condition 1 of permission ref. C/5/2014/5008 (Tarmac Trading Ltd)

Continued extraction of sand and gravel without compliance with condition 1 of permission ref. C/5/2014/5007 to enable mineral extraction to take place until 30 April 2023 and the site restored by 31 December 2026 (Tarmac Trading Ltd)

Change of use to enable the establishment and operation of a new means of access into Spixworth Quarry using existing bellmouth onto the Broadland Northway (A1270) from the former Quaker Lane and the route of Bridleway Horsham St Faith and Newton St Faith BW7 for a temporary period until 31 October 2026 to enable the restoration of the quarry. Erection of site office, and 1.2m post and wire fence (to segregate HGV traffic from other users), installation of splitter island (on bellmouth) and passing place, and upgrade/renewal of existing surfaces (Tarmac Trading Ltd)

Executive Summary

Permission is sought through two planning applications to prolong the life of Spixworth Quarry for a further two years until the end of December 2026, to allow both the quarry and separate plant site to be restored now that all remaining mineral has been extracted. Because of the number of objections received relating to the impact of the current quarrying activities on the local highway network, a third application has been submitted to create a new access to the quarry from the 'Petans roundabout' onto the Broadland Northway.

Therefore, the report relates to three planning applications which are being reported to this committee in accordance with the constitution on the basis of the number of objections (from 87 households/individuals) to the initial two applications.

The three applications were reported to this committee on 23 September 2022 with Members resolving to grant permission. However, given the time that elapsed in completing the Section 106 legal Agreement required as part of the recommendation, the applicant was unable to re-commence restoration of the land using the proposed new access. Therefore, the applicant amended the three applications with a new end date of 31 December 2026.

This report is an updated version of the report considered in September 2022.

The three applications are considered to accord with the development plan and there are not considered to be material considerations to dictate otherwise.

Recommendations:

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

- I. **Grant planning permission for application references FUL/2020/0079, FUL/2020/0080 and FUL/2022/0018 subject to the conditions outlined in section 12 and the signed Section 106 Agreement dated 23 April 2024 relating to the management of Spixworth Park and HGVs only using the new access.**
- II. **Discharge conditions where those detailed below require the submission and implementation of a scheme, or further details, either before development commences, or within a specified date of planning permission being granted.**
- III. **Delegate powers to officers to deal with any non-material amendments to the application that may be submitted.**

Background

1.1 Mineral extraction has been authorised to take place at Spixworth Quarry since the mid-1990's following a grant of permission in 1994. However, although the permission was implemented, extraction itself did not immediately commence. In 2003 permission was then granted for the processing plant site to the north. A series of temporary permissions have since been granted for both the quarry and plant site extending the duration of both sites.

1.2 The most recent permissions for the two sites expired in October 2020 without either the remaining mineral having been worked, or the two sites restored. Two planning applications (the subject of this report) were however lodged

before expiry dates to prolong the operations and allow the two sites to be restored.

- 1.3 A third application was also lodged to provide a new access to the two sites from the A1270 Broadland Northway. The original two applications have therefore been delayed in their determination whilst the County Planning Authority awaited this third application (for the access).
- 1.4 The three applications were reported to this committee on 23 September 2022 with Members resolving to grant permission (the minutes are attached as Appendix B). However given the time that elapsed in completing the Section 106 legal Agreement required as part of the recommendation, the applicant was unable to re-commence restoration of the land using the proposed new access. Therefore the applicant amended the three applications with a new end date of 31 December 2026 and a further 21-day statutory consultation was carried out.
- 1.5 This report is an updated version of the report considered in September 2022.
- 1.6 Whilst the proposed new access route falls within the parish of Horsham St Faith and Newton St Faith, the quarry and plant site partly also fall within Spixworth parish.

Proposal

SITE

- 2.1 The three planning applications relate to three separate sites. FUL/2020/0080 relates to the main quarry itself which was originally some 32 hectares in size (at least 50% has now been restored back to agricultural land). It lies adjacent to Spixworth Park to the east of the quarry, and is otherwise surrounded by agricultural land save for the western boundary which is adjacent to the Broadland Northway and Horsham St Faith and Newton St Faith BR7 Public Right of Way (formerly Quaker Lane). Quaker Hall Farm and Quaker Hall Cottages are the closest residential properties some 100 metres to the south.
- 2.2 Four Grade II listed buildings lie within 250 metres of the north-eastern corner of the quarry at Spixworth Hall:
 - Barn at site of Spixworth Hall;
 - Granary to west of barn;
 - Garden Wall and Gatepiers south of Barn and Gaffers Cottage;
 - Gaffers Cottage.
- 2.3 FUL/2020/0079 relates to the current plant site which is 600 metres to the north. Mineral won within the main quarry has historically been transported to the plant site for processing crossing Church Lane via an approved haul road.

The plant site is around 9 hectares in size and located immediately to the south of Coltishall Lane/Hog Bog Lane. The land is bordered to the south, east and west by agricultural land with the nearest residences around 250 metres to the south on Church Lane.

- 2.4 The Grade 1 listed Church of St Peter is 275 metres to south east of the plant site on Buxton Road as well as two grade II listed buildings at Grange Farm:
- Barn at Grange Farm;
 - Grange Farm House.
- 2.5 A separate haul road links the plant site to Buxton Road where HGVs are required to travel northwards on leaving the site. Application reference FUL/2022/0018 would replace this access with a new one from the Broadland Northway on land to the west of the quarry. The site comprises an existing arm on the 'Petans' roundabout on the A1270, and a 200-metre section of the Horsham St Faith and Newton St Faith BR7 Public Right of Way. The arm is not open to the public but used for private farm traffic. It also includes an existing private track on the northern boundary of the existing quarry lined with a number of mature trees.

PROPOSAL

- 2.6 Permission is sought, through two applications (FUL/2020/0079 & 0080) made under section 73 of the Town and Country Planning Act 1990, to extend the life of Spixworth Quarry and plant site for a further period until 31 December 2026. This is to allow the land to be restored back to a landform suitable for agricultural use now that all remaining sand and gravel has been won. In order to do this, the applicant has applied to amend condition 1 of permission references C/5/2014/5007 and C/5/2014/5008 respectively which both relate to the date mineral extraction shall cease and the two sites shall be restored.
- 2.7 The application anticipates inert waste would need to continue to be imported at a rate of some 85,000-100,000 tonnes per year to reinstate the land. However since the previous consents lapsed (on the 31 October 2020) the operator, Tarmac Ltd, has ceased extraction and importation of material on the basis of the level of objection received in relation to the impacts on the local highway network.
- 2.8 The applicant has since lodged a third application (FUL/2022/0018) to develop a new access onto the Broadland Northway (A1270) from the former Quaker Lane. After leaving the A1270 at the 'Petans' roundabout (via an existing spur), HGVs would use part of the Bridleway Horsham St Faith and Newton St Faith BW7 for around 200 metres before turning left in a north easterly direction towards the quarry. A new single-storey site office would be installed and a compound for parking etc created along this new part of the haul road some 25 metres away from the PROW.

- 2.9 It is proposed the PROW would be extended in width with an additional 2 metres of surfacing laid. Although the applicant initially also proposed to erect a 1.2 metre post and wire fence in order to segregate HGV traffic from other users (such as cyclists and horse riders etc), it has since amended the application to remove this on the basis that the developer would need to ensure that the PROW remains a minimum width of 4.5 metres and the proposed fence would be likely to obstruct some of this required width. Instead appropriate signage would be installed to warn both HGV drivers and recreational users of the PROW of the shared use.

Impact of the Proposal

3.1 DEVELOPMENT PLAN POLICIES

The following policies of the Norfolk Minerals and Waste Development Framework (adopted 2011) (NMWDF), the Greater Norwich local Plan (adopted 2024) (GNLP) and the Broadland Development Management Plan Document (DPD) (2015) provide the 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

CS13: Climate change and renewable energy generation

CS14: Environmental protection

CS15: Transport

DM3: Groundwater and surface water

DM4: Flood Risk

DM8: Design, Local landscape and townscape character

DM10: Transport

DM12: Amenity

DM14: Progressive working, restoration and afteruse

Norfolk Mineral Site Specific Allocations DPD

SD1: Presumption in Favour of sustainable development

3.1 The Greater Norwich Local Plan

Policy 2: Sustainable Communities

Policy 3: Environmental Protections and Enhancement

3.2 Broadland Development Management Plan

GC1: Presumption in favour of sustainable development

GC4: Design

EN1: Biodiversity and Habitats

EN2: Landscape

EN4: Pollution

3.3 Spixworth Neighbourhood Plan

Whilst there is not an adopted or emerging Neighbourhood Plan in force for Horsham St Faith and Newton St Faith parish, there is one in force for Spixworth parish which both the plant site and quarry are partly within.

3.4 **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;
- 9. Promoting sustainable transport
- 14. Meeting the challenge of climate change, flooding and coastal change
- 15. Conserving and enhancing the natural environment
- 16. Conserving and enhancing the historic environment
- 17. Facilitating the sustainable use of minerals

3.5 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.

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

3.7 Norfolk Minerals and Waste Local Plan: Publication May 2022

Policy MW1: Development Management Criteria

Policy MW2: Transport

Policy MW3: Climate Change mitigation and adaption

Policy MP1: Provisions for mineral extraction

Policy MP2: Spatial Strategy for mineral extraction
Policy MP6: Cumulative impacts and phasing of workings
Policy MP7: Progressive working, restoration and afteruse
Policy MP8: Aftercare

3.8 Furthermore, whilst not itself a planning policy, Norfolk County Council's Environmental Policy adopted in November 2019 is also material to the application.

3.9 CONSULTATIONS

Broadland District Council:

FUL/2020/0079: Is aware of comments made in relation to the impact of the development on residents of Buxton Road and trust these will be taken into account. No objection to extended timeframe for restoration.

FUL/2020/0080: No comments to make.

FUL/2022/0018: No observations or comments to make.

District Council Environmental Health Officer:

FUL/2020/0079: No comments to make.

FUL/2020/0080: No comments to make.

FUL/2022/0018: No comments to make.

Environment Agency:

FUL/2020/0079: No objection to proposed extended deadline. The EA continues to regulate the site through an environmental Permit which does not have a time limitation.

FUL/2020/0080: No objection to proposed extended deadline. The EA continues to regulate the site through an environmental Permit which does not have a time limitation.

FUL/2022/0018: No response received.

Highway Authority:

FUL/2020/0079: No objection to the extended timeframe for restoration until December 2026 given that the highway access arrangements to the Petans roundabout have been resolved.

FUL/2020/0080: Same comments as for FUL/2020/0079.

FUL/2022/0018: No objection in principle to the use of the existing arm of the Broadland Northway. There is a clear benefit when compared to the existing historic routing arrangement to the site, which is along the more rural minor road network. The proposal to segregate HGVs and vulnerable road users through the provision of a fence would not be acceptable for legal or maintenance reasons given the highway status of this route. It is however considered this could be achieved through contrasting surface treatments or carriageway lining which again is something which could be agreed at a later date.

Lead Local Flood Authority (NCC):

FUL/2020/0079: No comments.

FUL/2020/0080: No comments.

FUL/2022/0018: No comments.

Public Rights of Way (NCC)

FUL/2020/0079: Not consulted.

FUL/2020/0080: Not consulted.

FUL/2022/0018: The recorded width of the bridleway is 4.5m, so the proposal to fence the bridleway off at minimum 3m is inadequate as it will obstruct part of the highway (no further response to amended plans).

County Council Ecologist:

FUL/2020/0079: No objection.

FUL/2020/0080: No objection.

FUL/2022/0018: Supports request for further details to be provided regarding root protection areas of trees to ensure no damage occurs.

County Council Green Infrastructure & Landscape Officer:

FUL/2020/0079: No objection.

FUL/2020/0080: No objection.

FUL/2022/0018: Highlights the need for a tree protection plan but otherwise satisfied that the proposals will benefit from measures already in place such as planting and bunding.

County Council Arboriculturist:

FUL/2020/0079: Not consulted.

FUL/2020/0080: Not consulted.

FUL/2022/0018: A Tree protection plan and Arboricultural Method Statement will ensure the existing trees and hedges are retained without damage. Content that this is requested by condition.

Norwich International Airport

FUL/2020/0079: No objection or additional comments to add to extended timeframe.

FUL/2020/0080: No objection.

FUL/2022/0018: No objection subject to a condition concerning wildfowl being attracted to the site.

Ministry of Defence: Defence Infrastructure Organization

FUL/2020/0079: No response received.

FUL/2020/0080: No objection.

FUL/2022/0018: No objection.

The Ramblers Association

FUL/2020/0079: Not consulted.

FUL/2020/0080: Not consulted.
FUL/2022/0018: No response received.

The Open Spaces Society

FUL/2020/0079: Not consulted.
FUL/2020/0080: Not consulted.
FUL/2022/0018: No response received.

Norwich Cycling Campaign

FUL/2020/0079: Not consulted.
FUL/2020/0080: Not consulted.
FUL/2022/0018: No response received.

Spixworth Parish Council

FUL/2020/0079: No response received.
FUL/2020/0080: No response received.
FUL/2022/0018: No response received.

Horsham & Newton St Faith Parish Council

FUL/2020/0079: No response received.
FUL/2020/0080: No response received.
FUL/2022/0018: No objection.

Hainford Parish Council

FUL/2020/0079: has no objection in principle to the extension but suggests that this is an opportunity to create an access/egress road to the Airport (Petans) roundabout on the NDR to alleviate heavy lorries passing through the narrow roads in Hainford.

FUL/2020/0080: No response received.
FUL/2022/0018: Not consulted.

Frettenham Parish Council

FUL/2020/0079: Received a number of concerns regarding this application and the amount of lorries that travel along the Buxton Road through Frettenham. The residents of Buxton Road, Frettenham have suffered for many years with the amount of heavy goods vehicles travelling to and from the Spixworth quarry. The Parish Council have no objections to this application but would request Norfolk County Council consider changing the route of the vehicles so they use the spur which is in place from the NDR.

FUL/2020/0080: No response received.
FUL/2022/0018: Not consulted.

Local Member (Daniel Roper)

FUL/2020/0079: I have received a number of resident's representations on this matter that primarily relate to the suitability of highways access. The concern is that use of Buxton Road in Frettenham/Spixworth was considered as acceptable only while there was a limited lifespan for the quarry. The road is narrow and unsuitable for heavy vehicle movements. In various places it is

difficult for other vehicles to pass HGVs and the use of this road by HGVs is of concern to local residents. The issue has been raised at various times of development of an alternative access via the Broadland Northway. If the use of the quarry is to be extended this option needs to be pursued further.

FUL/2020/0080: No response received.

FUL/2022/0018: No response received.

3.10 REPRESENTATIONS

The applications were originally advertised after their receipt by means of neighbour notification letters, site notices, and an advertisement in the Eastern Daily Press newspaper. Eighty-one individuals or households objected to application reference FUL/2020/0079 relating to the plant site and six objected to application FUL/2020/0080 relating to the quarry itself. A number of correspondents commented multiple times reaffirming initial comments or with new issues. The objections/concerns raised were on the following grounds primarily relating to the impacts of HGV's:

- Unacceptable impact of HGV's on the quiet enjoyment of the village
- The noise pollution and dust and air pollution caused by HGV's
- Damage caused to roads
- Spreading of soil and mud on the road
- HGVs mounting paths to pass one another
- HGVs posing a risk to children walking to play area at village Hall
- The speed of HGVs' travelling though the village
- Volume of HGV's using Buxton Road and Waterloo Road
- Buxton Road is narrow with a number of junctions with poor visibility
- Buxton Road is used by cyclists and pedestrians and has no path
- Backfilling of quarry has been left to the last minute and not carried out in a more planned way as the mineral in the quarry was exhausted
- The spur on the NDR roundabout should be used to create a new access to the quarry
- The HGV movements set out in the application exceed what is happening on the ground.

A representation was also received from the Office of Jerome Mayhew MP for Broadland stating that a constituent had contacted him to voice their concerns about Buxton Road being used by HGVs.

Following submission of the third application FUL/2022/0018 for the new access, two representations were received supporting the proposal.

The three applications were re-advertised in January 2024 by means of neighbour notification letters, site notices, and an advertisement in the Eastern Daily Press newspaper, following their amendment. Given the scale of the change proposed, this was for a further for 21-day period to allow interested parties to comment.

One further third-party comment was received in response to application

FUL/2022/0018 stating they full support the proposal to ensure HGVs avoid accessing Frettenham village.

3.11 APPRAISAL

The key issues for consideration are:

- A. Principle of Development
- B. Landscape & Visual Impact / Design
- C. Amenity
- D. Ecology
- E. Impact of Heritage Assets
- F. Transport
- G. Sustainability
- H. Flood Risk
- I. Groundwater/surface water
- J. Progressive, working, restoration and afteruse

3.12 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”.

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

3.14 As of March 2024, Norfolk’s landbank stood at 11.8 years’ supply based on the sales figures for 2023. The minimal remaining reserves at Spixworth Quarry that remained at the time that applications FUL/2020/0079 and 0080 were submitted has now been exhausted and therefore there would be no impact on the County’s landbank.

3.15 With regards to CS2, neither the existing quarry and plant site that are the subject of FUL/2020/0080 and 0079 respectively are proposed to increase in size, but only in duration in terms of their working and restoration. Along with application FUL/2022/0018 which only seeks to provide a new access to the sites, the applications considered to accord with this policy.

- 3.16 The Minerals Site Specific Allocations Development Plan Document (DPD) adopted in 2013 is also part of the development plan. However given that the quarry and associated plant site have been operational since the mid 1990's, the two sites precede both this document and the current review of the Minerals and Waste Local Plan (MWLPR), to extend the Plan Period to the end of 2038. However, the applicant Tarmac, does have a site proposed to be allocated under Policy MIN96 of the draft Minerals and Waste Local Plan, and the proposed new access the subject of FUL/2022/0018 could serve that application site should the allocation be granted permission. However the use of the new access to serve that site would need to be determined on its own merits if and when an application is lodged.
- 3.17 With regards to the principle of inert waste disposal in both the quarry and plant site 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 sites so they can be returned to agriculture. Applications FUL/2020/0079 and 80 are both therefore compliant with both policies in the NMWDF relating to the location of waste disposal facilities and the National Planning Policy for Waste (2014).
- 3.18 The three applications would not undermine the aims of the Spixworth Neighbourhood Plan.
- 3.19 B - Landscape & Visual Impact
- Adopted NMWDF Policy CS14: *Environmental Protection* require that there are no unacceptable impacts and ideally improvements to the character and quality of the landscape, and NMWDF Policy DM8: *Design, Local Landscape and Townscape character* requires that developers show how their proposals will address impacts on the local landscape. In addition, GNLP Policy 3: *Environmental Protection and Enhancement* requires proposals to conserve and enhance the natural environment and Policy EN2 of the Broadland Development Management DPD seeks to protect the landscape character of the area.
- 3.20 The sites are not within any statutory designations with regards to landscape nor is it within one of the County's core river valleys which are afforded a higher level of protection within the development plan.
- 3.21 No changes are proposed to the approved restoration schemes for the existing quarry and plant site that will see the land returned to agriculture once sufficient waste has been imported to achieve the appropriate level and profile. The two applications relating to these sites will result in the approved restoration being achieved six years later than currently authorised (by the end of December 2026 rather than 2020). Although the policy framework has changed since the original grant of permission in the 1990's, the approved restoration schemes are acceptable and consistent with NMWDF policy DM8 and Policy 3 of the GNLP.

- 3.22 In terms of the new access, as well as the change of use of the PROW it also necessitates operational development in the form of the installation of a single-storey site office some 25 metres away from the PROW. This would be functional in its appearance but only installed on a temporary basis and removed at the end of the life of the quarry and associated haul route.
- 3.23 In response to a query from the County Arboriculturist concerning whether any trees would be removed to facilitate the new access, the applicant confirmed that none would be removed and the existing trees would be protected by post and wire fencing. Although the plans also detail that the track would be increased to accommodate two-way traffic at either end of the section that is not part of the PROW, at this stage the applicant cannot confirm the extent of this widening. As a result, in the event permission is granted, it would be subject to a condition that no widening would take place until a scheme has been submitted including a tree protection plan if necessary.
- 3.24 Subject to this condition, and that the infrastructure is removed at the end of the life of the quarry and reinstated to its current (pre-development) condition the proposed new access is considered to accord with development plan policy. Whilst the further delay in achieving the restoration for the plant site and quarry is regrettable, these two applications also accord with the development plan.
- 3.25 C – Amenity
- Policy DM12: *Amenity* of the adopted NMWDF states that development will only be permitted where it can be demonstrated that the scale, siting and design of a proposal is appropriate and that unacceptable impacts to local amenity would not arise from the construction and/or operation of a facility. This echoes policy NMWDF CS14: *Environmental protection* which also seeks to avoid unacceptable impacts on amenity.
- 3.26 Broadland Development Management DPD policies GC4 and EN4 also give regard to the protection of existing residential amenity and permitting development that would not have significant impact on human health.
- 3.27 The quarry and plant site have operated for approximately 25 years without complaint with regards to the extraction and processing of mineral. However in recent years concerns have been raised by local people living on the approved HGV haul route from vehicles exporting mineral and importing waste for restoration (as illustrated by the level of objection to application references FUL/2020/0079 and 0080).
- 3.28 Approval of application FUL/2022/0018 would alleviate these concerns by providing a new access onto the Broadland Northway via a short section of the Horsham St Faith and Newton St Faith BR7 Public Right of Way. The proposed replacement access/haul road is not in close proximity of residential dwellings with the closest properties over 700 metres away.

- 3.29 Although the quarry and plant site have both historically been permitted to operate on Saturday mornings as it is conventional at mineral sites, the applicant only proposes to operate the new access between the hours of 07.00 – 19.00 Monday to Friday to protect local amenity of members of the public who are using the PROW recreationally. Given the quarry and plant site have only been authorised to operate until 18.00 hours, in effect there would be minimal traffic in the final hour.
- 3.30 On this basis, it is not considered that there would be unacceptable impacts on amenity as a result of this proposal to extend the life of the quarry and plant site and permit a new haul road. The three applications therefore accord with the above development plan policy.
- 3.31 D – Ecology
NMWDF Core Strategy policies CS14 and DM1 both seek to protect adverse impacts on biodiversity including nationally and internationally designated sites and species. None of the three sites are the subject of any statutory designations.
- 3.32 There are no ecological implications concerning the extension to the timeframe to the working and restoration of the quarry and plant site, only that any ecological benefits borne out of the restoration scheme will be delayed for a further period.
- 3.33 Similarly no concerns have been raised to the proposed new access – the County Ecologist did however echo the Arboriculturist’s concerns to ensure that no damage is caused to the root protection area of the existing trees, or the trees themselves.
- 3.34 Appropriate Assessment
The site is situated within 2.8 kilometres of the Crostwick Marsh Site of Special Scientific Interest (SSSI) that form part of the Broadland Special Protection Area (SPA) and the Broads Special Area of Conservation (SAC), a European protected habitat. Based on the information submitted to the County Planning Authority (CPA), the proposal would not have a significant impact on this or any other protected habitat. Accordingly, no Appropriate Assessment of the development is required.
- 3.35 E – Impact on Heritage Assets
NMWDF Policy DM8: *Design, local landscape and townscape character* states development will only be permitted where it could affect the setting of, inter alia, Listed Buildings where the applicant can demonstrate the development would not adversely impact on the historic form, character and or setting of these locations. 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*.

3.36 Listed Buildings

As set out above, a number of listed buildings lie within 250 – 275 metres of both the plant site and quarry itself. However it is not considered that either the proposal to prolong timeframes for working and restoring the two sites, or the creation of the new access would harm the setting of any of the listed buildings.

3.37 Archaeology

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

3.38 Both of the most recent permissions for both the quarry and plant site were subject to a condition requiring the extraction is carried out in accordance with a programme of archaeological work approved with the original consents. Should permission be granted, both consents would again be subject to this condition.

3.39 With regards to the proposed access route, this is largely an application for a change of use with a small amount of surfacing proposed beside the existing PROW and no proposals to significantly break ground. Therefore there are not any additional archaeological implications and the proposal complies with this policy and the NPPF.

3.40 F – Transport

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

3.41 Although the restoration of the quarry has been suspended (since October 2021) pending the outcome of the three applications, the applicant advised importation of inert waste is variable but is typically 85,000 tpa, equating to 34 movements (17 in and out).

3.42 The permissions for both the plant site and quarry have historically been subject to a legal agreement under section 106 of the Town and County Planning Act 1990 requiring, inter alia, vehicles to leave the site northwards from the plant site via Buxton Road and Waterloo Road (B1354) before reaching the A140.

3.43 Whilst the Highway Authority raised no objection to the continuation of this routeing arrangement, it did appreciate the local concern with regards to the current arrangements and moreover welcomed the provision of a new access form the A1270 / Broadland Northway.

- 3.44 As stated above, 87 objections were received across the initial two planning applications for the quarry and plant site on the basis of the impact on the public highway. As a result the developer submitted third application in May 2022 for the new access from the Broadland Northway.
- 3.45 The Highway Authority in their consultation response recognised the clear benefit of the new route when compared to the existing historic routing arrangement to the site, which is along the more rural minor road network. It did however advise that the provision of a fence within the middle of the PROW to segregate HGVs and vulnerable road users would not be acceptable for legal or maintenance reasons given the highway status of this route. This segregation could however be achieved through contrasting surface treatments or carriageway lining which again is something which could be agreed at a later date.
- 3.46 This position was reinforced by the County Council's PROW Officer, as it would not allow the recorded width of 4.5 metre to be accessible to users of the PROW. As a result the applicant amended the proposal to remove the proposed fence and would rely on signage etc to inform/warn users of the shared highway.
- 3.47 Although recreational users of the PROW would be impacted by sharing the PROW for around 200 metres with HGVs, this would only be during working hours from Monday to Friday. It would however remove the HGVs from Buxton Road Waterloo Road. In addition, the proposed new access would also negate the need for HGVs to cross Church Lane as they do currently when traveling northwards/southwards between the quarry and the plant site.
- 3.48 In raising no objection to the proposal, The Highway Authority did however request conditions requiring submission of detailed drawings for the off-site highway improvement works (including advanced warning signs & modifications to the Broadland Northway Roundabout and widening / surfacing works on the existing shared surface) and completion of the works before first use of the access. Subject to these conditions the proposal accords with the development plan policy set out above and paragraph 115 of the NPPF given that the impact wouldn't be unacceptable.
- 3.49 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 on the new site office for example for such a short period of time.
- 3.50 The applicant advises that by providing a direct access to the A1270 there would be approximately 9km (5.6 miles) of road miles saved delivering

restoration materials to the site, with the attendant carbon and energy saving benefits

- 3.51 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.
- 3.52 The Policy refers to both conserving and enhancing natural beauty and the approval of these applications would not undermine this objective.
- 3.53 H – Flood Risk
NMWDF policies CS13: *Environmental Protection* and DM4: *Flood Risk* requires developers to demonstrate waste sites can be worked without unacceptable flood risk to both the site itself and also that flood risk is not increased as a result of development.
- 3.54 The site of the new access is not within flood zones 2 or 3 nor does it exceed 1 hectare in size. Therefore a Flood Risk Assessment was not required to be submitted with the planning application. Part of the application for the new access proposes to add a 2-metre section of surfacing to the southern side of the existing PROW, adjacent to an existing drainage swale. The Lead Local Flood Authority had no comments to make on the application and it is not considered that this additional small area of surfacing would pose an unacceptable flood risk.
- 3.55 No changes are proposed to the approved restoration plans for the plant site and quarry which are being infilled and reinstated to agriculture. The three applications are therefore compliant with development plan policy set out above and the NPPF.
- 3.56 I – Groundwater/surface water
NMWDF policy DM3: *Groundwater and surface water* seeks to ensure that developments do not adversely impact on ground water quality or resources, or surface water quality or resources. This policy underlines NMWDF policy CS13: *Environmental Protection* which is to ensure there are no unacceptable impacts on natural resources, including water.
- 3.57 The approved restoration for both the plant site and quarry requires the importation of inert waste to reinstate ground levels back to a level suitable for agriculture. This also requires an Environmental Permit which is regulated by the Environment Agency who had no comments or objections to any of the three applications.

- 3.58 On this basis it is not considered there would be a risk to groundwater or surface water resources and the proposal accords with development plan policy set out above.
- 3.59 J – Progressive working, restoration and afteruse
There are no changes proposed to the approved restoration of either the quarry or the plant site with both required to be returned to agriculture once the sites have been filled with inert waste – it is only the timescale for achieving this that is being delayed. The applicant entered into a planning obligation under section 106 of the Town and Country Planning Act 1990 when permission was originally granted relating to the management of the adjacent Spixworth Park (to the east of the quarry) for planning gain. This required the submission of a management scheme with the objective of maintaining and enhancing the character of the historic parkland. The legal agreement also required the management of the footpaths within the vicinity of the quarry.
- 3.60 Should permission be granted, the permissions for the quarry would therefore once again need to be subject to this legal agreement. Although it also had a clause relating to vehicle routeing, because of the proposed new access arrangements that would result in HGVs exiting the site directly onto the Broadland Northway, there would be no further routeing requirements.
- 3.61 On cessation of quarrying activities (proposed to be 31 December 2026) the privately owned section of new access route would need to be reinstated to its previous condition with all infrastructure (site office) removed. Subject to this and the above legal agreement the applications are in accordance with NMWDF policy DM14: *Progressive, working, restoration and afteruse*.
- 3.62 **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.
- 3.72 The issues raised relate to the impact of HGVs on the environment, amenity and safety etc, and the delay in restoration of the quarry, and have been addressed in the report above.

Conclusion, Reasons for Decision and Planning Balance

- 4.1 Permission is sought for three applications at Spixworth quarry: to prolong the life of the quarry and plant site until 31 December 2026 in order to allow both to be restored, and to provide a new access to both sites from an existing arm on the 'Petans' roundabout on the Broadland Northway.

- 4.2 Extending the permissions for both the quarry and plant site would allow both sites to be restored and returned to agriculture, as initially envisaged when permission was first granted in the 1990's.
- 4.3 Approval of FUL/2022/0018 would also allow a new access to be created and address the objections to FUL/2020/0079 and 0080 relating to the impact of HGVs associated with the quarry using local roads and passing residential dwellings. Whilst the proposed new route would use a small section of an existing PROW and cause a degree of disamenity to its current users (cyclists, walkers and horse riders etc), no objections or representations have been received to this proposal on this basis including from either the Norwich Cycling Campaign or the Ramblers Association. Greater weight is given in the planning balance to the clear benefit of the removal of these vehicles from the historic routing arrangement along the more rural minor road network.
- 4.4 It is considered that both the extension of time for existing quarry and plant site, and the proposed new access, is acceptable with regards to the impacts on amenity, the landscape, the local highway network, ecology, flood risk and in all other respects.
- 4.5 The three applications are considered to accord with the development plan and there are not sufficient material considerations or harm caused that warrant determining the application otherwise than in accordance with the development plan. Therefore the three applications are recommended for approval subject to the conditions set out in section 12 below and the Section 106 Agreement dated 23 April 2024.

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 planning permission, or defer the decision.

Financial Implications

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

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.

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:

Risk Implications / Assessment

9.1 There are no risk issues from a planning perspective.

Select Committee Comments

10.1 Not applicable.

Recommendations

11.1 That the Lead Director for Communities & Environment be authorized to:

- I. Grant planning permission for application references FUL/2020/0079, FUL/2020/0080 and FUL/2022/0018 subject to the conditions outlined in section 12 and the Section 106 Agreement dated 23 April 2024 relating to the management of Spixworth Park and HGVs only using the new access.**
- II. Discharge conditions where those detailed above require the submission and implementation of a scheme, or further details, either before development commences, or within a specified date of planning permission being granted.**
- III. Delegate powers to officers to deal with any non-material amendments to the application that may be submitted.**

12.1 Conditions (FUL/2020/0079)

1. This permission shall expire on the 31 December 2026 and unless on or before that date permission is granted for its retention:
 - (a) the use of the processing plant hereby permitted shall be discontinued;
 - (b) the buildings, plant, machinery and stockpiles shall be removed;
 - (c) the said land shall be restored in accordance with condition 13 below.

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans held on file reference C/5/2009/5011:
 - F7/PL05/01: Location Plan dated 06/09 and received on 29 June 2009;
 - F7/PL09/03a: Site Layout Plan dated 11/09 and received on 1 July 2011;
 - F7/PL04/04: Elevations of Revised Processing Plant dated 06/09 and received on 29 June 2009;

F7/PL09/05: Portacabin Elevations (Middle Office) dated 06/09 and received on the 2 December 2009;

F7/PL09/05N: Portacabin Elevations (North Office) dated 11/09 and received on 14 September 2010;

F7/PL09/06: Silt Plant Layout and Elevations dated 06/09 and received on the 29 June 2009;

F7/PL09/07: Water Tank and Container Elevations dated 06/09 and received on 29 June 2009.

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

3. The plant hereby permitted shall be used solely for processing mineral derived from the Grange Farm mineral extraction site as permitted under reference FUL/2020/0080, and for no other purpose.

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

4. No operation authorised or required 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 public holidays, or other than during the following periods:
 - 07.00 - 18.00 Mondays to Fridays
 - 07.00 - 13.00 Saturdays.

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

5. Noise emitted from the site shall not exceed 50 dB LAeq (1 hour) at a distance of 3.5 metres from the facade of any noise sensitive property.

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

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

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

7. 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/the surrounding area in accordance with Policy DM12 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.

8. There shall be no HGV access to or from the site except via the new access from A1270 Broadland Northway permitted under application reference FUL/2022/0018.

Reason: In the interests of highway safety and amenity in accordance with policies DM10 and DM12 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.

9. 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.

10. Only inert waste (as defined within Schedule 1 of the Landfill Regulations 2002) shall be brought onto and deposited on the site.

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

11. The landscaping scheme, as approved in accordance with condition 17 of planning permission reference C/5/1999/5008 shall be maintained for the lifetime of this permission and any damaged or dead trees shall be replaced with trees of similar size and species at the next appropriate season.

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

13. Details of the phasing of the restoration of the site shall be submitted to the County Planning Authority within three months of the date of this permission for its approval in writing. Subject to the adoption of phasing as may be agreed, the restoration of the site shall be in accordance with the submitted scheme shown on Plan No. F7/PL4/5 dated 12/99 and as described in the original statement submitted, both held on file reference C/5/1999/5008.

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

14. Handling, movement and re-spreading of topsoil and subsoil shall be carried in accordance with the methods described in Appendix 4 of the statement submitted with application reference C/5/1999/5008 and 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 with Policy DM14 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.

15. An aftercare scheme specifying such steps as may be necessary to bring the land to the required standard for use for agriculture shall be submitted for the approval of the County Planning Authority within three months of the date of this permission. The approved aftercare scheme shall be implemented over a period of five years following the completion of restoration, or in the case of phased restoration, in stages each of five years duration dating from each completed restoration phase.

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

12.2 Conditions (FUL/2020/0080)

1. Mineral extraction at the site shall cease by April 2023 and the site shall be restored by 31 December 2026 in accordance with conditions 17-22 of this permission.

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

2. No more than 125,000 tonnes of mineral shall be removed from the site per annum.

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

3. No operation authorised or required under this permission shall take place on Sundays or public holidays, or other than during the following periods:
07.00 - 18.00 Mondays to Fridays

07.00 - 13.00 Saturdays.

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

4. No operations shall take place except in accordance with the scheme of working shown on Plan Nos. F7/11B and F7/12A dated 10/02/93 and held on file reference C/92/5009.

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

5. No development shall take place except in accordance with the programme of archaeological work agreed pursuant to condition 7 of planning permission reference C/92/5009.

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

6. No plant or machinery shall be used on the site unless it is maintained in a condition whereby it is efficiently silenced in accordance with the manufacturer's specification.

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

7. Screens, chutes and hoppers shall not be used unless they are lined with rubber or similar material.

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

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

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

9. No external lighting shall be installed, placed or used on the site unless it is designed and maintained to the satisfaction of the County Planning Authority

to ensure horizontal cut-off to avoid the direction of light towards pilots using Norwich Airport.

Reason: To avoid hazards to aircraft using Norwich Airport in accordance with Policy DM12 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.

10. No extraction or filling shall take place except in accordance with the bird management scheme approved pursuant to condition 13 of planning permission reference C/92/5009 and held on that file.

Reason: To avoid hazards to aircraft using Norwich Airport in accordance with Policy DM12 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026

11. There shall be no HGV access to or from the site except via the new access from A1270 Broadland Northway permitted under application reference FUL/2022/0018.

Reason: In the interests of highway safety and amenity in accordance with policies DM10 and DM12 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.

12. Vehicles leaving the site shall not be in a condition whereby they would deposit mud or other loose material on the public highway.

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

13. The base of the excavation shall be levelled prior to the tipping of any waste.

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

14. Only inert waste (as defined within Schedule 1 of the Landfill Regulations 2002) shall be brought onto and deposited on the site.

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

15. No discharge shall be made into any watercourse without the prior consent in writing of the County Planning Authority.

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

16. An unsaturated zone of at least two metres in thickness shall be maintained beneath the base of the infill material.

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

17. 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. The criteria agricultural soils are to be based on measurement of their Lower Plastic Limit (LPL) unless otherwise agreed in writing with the County Planning Authority, and the following requirements shall be met:
- (a) a Speedy Moisture Meter, in good working order, shall be available on site for use by the County Planning Authority at all times when soils are being moved;
 - (b) the LPL for both topsoil and subsoil on each major soil type is to be determined and agreed with the County Planning Authority in consultation with DEFRA;
 - (c) agricultural soils may not be moved by dump truck or backhoe unless they are drier than their LPL;
 - (d) soils may not be moved by other machinery unless they are at least 5% drier than their LPL.

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

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

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

19. Topsoils, upper and lower subsoils as shown in the submitted (MAFF/ADAS) Soil Characteristics Report, held on file reference C/92/5009, shall be separately stripped to a total depth of 1.2 metres and be separately replaced/restored to recreate the original profiles to the same settled depths. This includes the area in the south-east of the site which is only subject to re-grading. The exception to this procedure is where the lower subsoils from below 1.2 metres in Soil Types II and IV are used as lower subsoil substitute for Soil Type III.

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

20. Where soils are being reinstated by backacter and dumptruck, the machines shall only traffic on the overburden layer.

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

21. The final metre of backfill shall be free from stones and any extraneous material damaging to cultivations, and shall be ripped with a winged subsoiler to relieve compaction.

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

22. The restoration of the site shall be in accordance with the submitted scheme shown on Plan No. F7/13B dated 10/2/93 held on file reference C/92/5009 and as described in the submitted document `Amendments to Planning Application` dated February 1993, also held on that file.

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

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

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

24. Aftercare of the site shall be carried out in accordance with the 'Programme of Aftercare' dated 20 September 2001 and received on the 24 September 2001 submitted pursuant to condition 31 of planning permission reference C/92/5009, and held on file reference C/96/5007. The aftercare scheme shall be implemented in stages of five years duration dating from each completed restoration phase.

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

25. The highway works for the Church Lane crossing, approved and implemented in accordance with conditions 28 and 29 of permission reference C/5/2011/5012, shall be maintained for the duration of operations.

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

26. The highway works for Church Lane referred to in condition 25 shall be removed and the land reinstated to its previous condition by 31 December 2026.

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

12.3 Conditions (FUL/2022/0018)

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 the following drawings and documents:
- i) Proposed New Access Locations Plan; F307/00017/01; dated 30 March 2020;
 - ii) Proposed New Access Layout Plan; F307/00017/03D; dated 25 August 2022;
 - iii) Elevations of Site Cabin and Site Fencing; F307/00017/04; dated 22 March 2022
 - iv) Planning Statement and Appendices 1-4 dated March 2022 as amended by the Spixworth quarry - Supplementary Statement.

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

3. Prior to commencement of development, a scheme illustrating the proposed haul road widening to take place, as illustrated on drawing number F307/00017/03D dated 25 August 2022, and tree protection plan shall be submitted to the County Planning Authority for its approval in writing to detail how the trees and their root protection areas will be safeguarded.

Reason: To protect the amenities of the surrounding area and safeguard existing trees, in accordance with Policies DM12 and DM14 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.

4. Use of the haul route shall cease on or before the 31 December 2026, the site office and all other infrastructure removed and the land shall be reinstated to its previous (pre-development) condition.

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

5. Notwithstanding the details indicated on the submitted drawings, no works shall commence on site until detailed drawings for the off-site highway improvement works, including both advanced warning signs & modifications to the Broadland Northway Roundabout and widening / surfacing works on the existing shared surface and appropriate warning signs on the Bridleway/PROW itself, have been submitted to and approved in writing by the County Planning Authority.

Reason: To ensure that the highway improvement works are designed to an appropriate standard in the interest of highway safety and to protect the environment of the local highway corridor in accordance with Policy DM10 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026

6. Prior to the first occupation/use of the development hereby permitted the off-site highway improvement works (including Public Rights of Way works) referred to in condition 5 shall be completed to the written satisfaction of the County Planning Authority.

Reason: To ensure that the highway network is adequate to cater for the development proposed in accordance with Policy DM10 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.

7. No lighting shall be used on site outside the construction period without prior written approval of the County Planning Authority.

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

8. Use of the approved means of access shall not take place on Saturdays, Sundays or public holidays, or other than during the following periods:

07.00 - 18.00 hours Mondays to Fridays.

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

Background Papers

12.1 Planning Application reference: FUL/2020/0079:

<http://eplanning.norfolk.gov.uk/Planning/Display/FUL/2020/0079#>

Planning Application reference: FUL/2020/0080:

<http://eplanning.norfolk.gov.uk/Planning/Display/FUL/2020/0080#>

Planning Application reference: FUL/2022/0018:

<http://eplanning.norfolk.gov.uk/Planning/Display/FUL/2022/0018#undefined>

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

[Adopted policy documents - Norfolk County Council](#)

Norfolk Minerals and Waste Local Plan Review:

[Norfolk Minerals and Waste Local Plan Review - Norfolk County Council](#)

Broadland Development Management Policies Document (2015):

[Adopted Broadland Local Plan – Broadland and South Norfolk \(southnorfolkandbroadland.gov.uk\)](#)

Great Norwich Local (2024):

<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

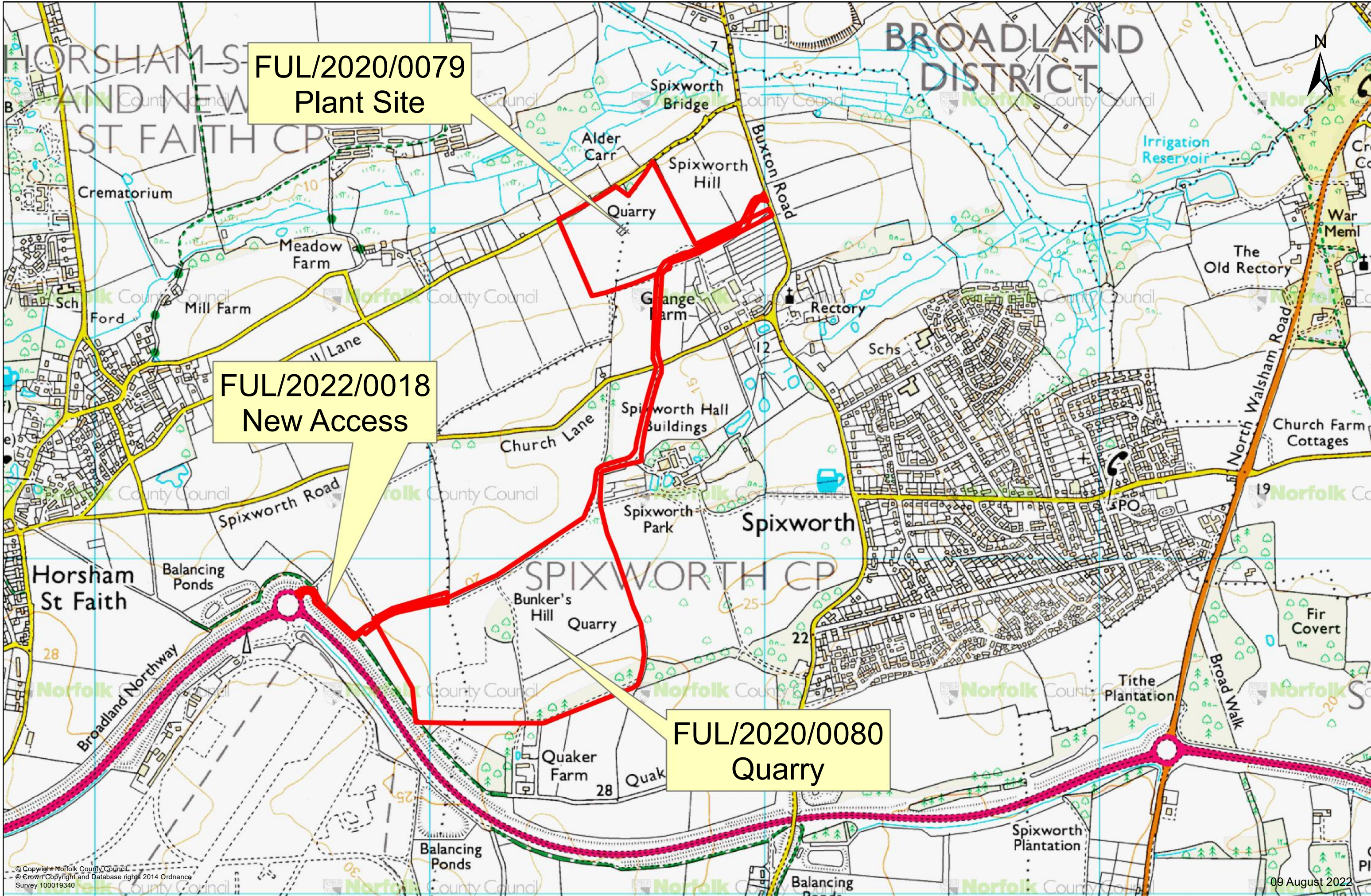


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FUL/2020/0079
Plant Site

FUL/2022/0018
New Access

FUL/2020/0080
Quarry



**Spixworth Quarry and New Access
Location Plan**



**Planning (Regulatory) Committee
Minutes of the Meeting Held on Friday 23 September 2022
at 11am in the Council Chamber, County Hall**

Present:

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 Martin Storey
Cllr Paul Neale	Cllr Tony White

Also Present:

Hollie Adams	Committee Officer
Daniel Austin-Fainman	Registered Speaker
Ralph Cox	Principal Planner
Jodie Cunnington-Brock	Senior Lawyer, nplaw
Alan Everard	Registered Speaker
Jon Hanner	Principal Engineer (Developer Services)
Nick Johnson	Head of Planning
Kate Lawty	Senior Planner
Andrew Short	Registered Speaker
Peter Wilsdon	Registered Speaker

1a Introduction

1a.1 The Chair reminded Committee Members that there was a site visit planned on Monday 26 September 2022 to Ormiston Academy.

1b Apologies and Substitutions

1b.1 Apologies were received from Cllr Barry Duffin. Cllr Matt Reilly, Cllr Mike Sands.

2 Minutes

2.1 The minutes from the Planning (Regulatory) Committee meeting held on 20 May 2022 were agreed as an accurate record and signed by the Chair.

3 Declarations of Interest

3.1 None

4 Urgent Business

4.1 Cllr Neale noted that 6 months had passed since the planning application for Seething Lagoons was refused by the Committee. The Chair discussed that a regular method of reporting on progress of applications previously determined by the Committee was being looked into. The Head of Planning noted that applicants were able to appeal a refusal up to 6 months after the decision or resubmit an application addressing the grounds for refusal up to 12 months after the decision. The Planning Service Monitoring and Control Team were responsible for carrying out inspections and enforcement action in cases when there had been an alleged breach of planning control and the Council had considered that it was expedient to take such action. The Council considered an expediency position in line with our adopted enforcement policy, typically by looking at the grounds for refusal and harm associated with the proposal. The application for Seething Lagoons was a matter being dealt with by this team and it was currently envisaged that the grounds for the refusal could be addressed by the applicant.

4.2 Cllr Steve Riley arrived at 11:10

Applications referred to the Committee for determination.

5. Point of Order

5.1.1 The Committee agreed to change the order of the agenda, taking agenda item 5, "FUL/2020/0043: Anglian Business Centre, West Carr Road, Attleborough, NR17 1AN", first, followed by agenda item 7, "FUL/2020/0079 & FUL/2020/0080: Spixworth Quarry, Church Lane, Spixworth; FUL/2022/0018: Land at former Quaker Lane, Spixworth", and then agenda item 6, "FUL/2021/0072: Larkshall Mill, Thetford Road, East Wretham, Thetford, Norfolk, IP24 1QY".

6. FUL/2020/0043: Anglian Business Centre, West Carr Road, Attleborough, NR17 1AN

6.1.1 The Committee received the report setting out an application for continuation of existing commercial waste recycling facility for construction, demolition and excavation waste, and a change of use on the adjacent site from fuel storage depot to an additional extended working area for the recycling of metals, construction, demolition and excavation waste (Anglian Demolition & Asbestos Ltd).

6.1.2 The Senior Planner gave a presentation to the Committee:

- The proposed layout of the site was shown; buildings on the existing site would remain.
- A cable granulator and depollution plant were proposed to be installed on site to allow processing of end-of-life vehicles
- Acoustic fencing was proposed to be installed on the east and west boundaries of the site
- Inside the site it was proposed to build a concrete wall with a 3m acoustic

fence on the existing 4m bund to add a 7m acoustic treatment around the site. The bund would be replanted with a native hedge mix.

6.2 Committee Members asked questions about the presentation:

- The Senior Planner confirmed that there were trees on the boundary of the site, outside of the bund. There was a condition in place for any species of bush planted as part of the application and which died to be replanted within 5 years.
- Following a query, it was confirmed that West Carr, shown on the map in the presentation, was an intensive poultry farm.
- It was noted that Great Ellingham Parish Council objected to the application. This had been responded to in the report and no other statutory consultees had objected.

6.3 The Committee heard from registered speakers:

6.3.1 Daniel Austin-Fainmen spoke on behalf of the applicant:

- Mr Austin-Fainman was a planner at Lanpro, and the agent speaking on behalf of the applicant.
- Mr Austin-Fainman pointed out how few neighbour responses had been received to the application and that the scope of objections was limited.
- The application was for expansion of the existing business on a site with allocation and benefitting from extensive planning history.
- The application location had a planning history of a similar type of use and was located on a transport corridor.
- The benefits of the application, if granted, would be long term employment as this was a well-established business.
- Public comments had focussed on noise; the applicant had moved swiftly to put mitigation measures in place to address noise. These measures had not yet been implemented so issues raised would be reduced further once the application was in place.
- There were no material issues to overcome as the concerns raised had been addressed

6.4 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.
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.

7 FUL/2020/0079 & FUL/2020/0080: Spixworth Quarry, Church Lane, Spixworth; FUL/2022/0018: Land at former Quaker Lane, Spixworth

7.1.1 The Committee received the report setting out three linked applications for:
Continued sand & gravel extraction and restoration by infilling to agricultural use by

31 October 2024 without compliance with condition 1 of permission ref. C/5/2014/5008 (Tarmac Trading Ltd); Continued extraction of sand and gravel without compliance with condition 1 of permission ref. C/5/2014/5007 to enable mineral extraction to take place until 30 April 2023 and the site restored by 31 October 2024 (Tarmac Trading Ltd) and; Change of use to enable the establishment and operation of a new means of access into Spixworth Quarry using existing bellmouth onto the Broadland Northway (A1270) from the former Quaker Lane and the route of Bridleway Horsham St Faith and Newton St Faith BW7 for a temporary period until 31 October 2024 to enable the restoration of the quarry. Erection of site office, and 1.2m post and wire fence (to segregate HGV traffic from other users), installation of splitter island (on bellmouth) and passing place, and upgrade/renewal of existing surfaces (Tarmac Trading Ltd).

7.1.2 The Principal Planner gave a presentation to the Committee:

- The three linked planning applications proposed to prolong work at Spixworth Quarry until 2024 and provide access to the quarry from a roundabout on the Northern Distributor Road.
- There had been a high number of highway related objections, resulting in the third application to provide access to the Northern Distributor Road via a roundabout.
- One proposed condition as part of the applications was for no road widening to take place until the tree protection plan was in place.
- The public right of way, which would be shared as access to the quarry until 2024 until the sites had been restored, would be widened, with more surfacing and appropriate signage. The shared use of the road would be in use on Monday to Friday to reduce impact on other users of the route.
- The Highway Authority had requested conditions which were set out in the report.

7.2 Members asked questions about the presentation:

- It was confirmed that it could be possible for an applicant to put in a further application at a later date to extend work on the site beyond 2024. If this was the case the full application would be considered by consultees, including considering how effective shared use of the access road from the Northern Distributor Road had been.
- The Principal Engineer (Developer Services) confirmed that there would be 15 vehicles movements in and out each day associated with mineral export and 17 vehicle movements in and out each day associated with inert waste over each day, equating to roughly 3-4 lorry movements per hour.

7.3 The Committee heard from registered speakers:

7.3.1 Alan Everard spoke on behalf of the applicant:

- Operations on the site had been suspended in October 2021 to allow the business to look at alternative access to the site, resulting in the applications presented including creating new access onto the Northern Distributor Road.
- There was very little mineral to extract remaining on the site and most of the activity would therefore be transporting restoration materials and restoring the

area to agricultural use.

- The main issue recognised by the applicant was interactions on the short stretch of road shared by HGVs and members of the public; measures would be taken to control this where possible.

7.4 It was confirmed that it was common practice for topsoil extracted on quarry sites to be kept on site and put back during restoration and this practice was also likely to be followed on this site.

7.5 The Committee **AGREED** that the Executive Director of Community and Environmental Services be authorized to:

- I. Grant planning permission subject to the conditions outlined in section 12 and the signing of a Section 106 Agreement relating to the management of Spixworth Park.
- II. Discharge conditions where those detailed below require the submission and implementation of a scheme, or further details, either before development commences, or within a specified date of planning permission being granted.
- III. Delegate powers to officers to deal with any non-material amendments to the application that may be submitted.

8. FUL/2021/0072: Larkshall Mill, Thetford Road, East Wretham, Thetford, Norfolk, IP24 1QY

8.1.1 The Committee received the report setting out an application for change of use from waste transfer station/materials recovery facility to a facility for the manufacturing of carbon-negative aggregates for use in the construction industry including demolition of existing storage shed, construction of feed hopper and conveyor, curing bay shed, covered aggregate conveyor system, 7 no. silos, CO2 tank and associated site works (OCO Technology Ltd).

8.1.2 The Senior Planner gave a presentation to the Committee:

- The application covered a change of use to a facility to manufacture carbon negative aggregates.
- The application proposed to retain most of the buildings on site for reuse or repurpose as well as to build additional buildings on site including a storage shed, feed hopper, and a curing bay.
- The proposal was for a site to use an accelerated carbonation process to treat air pollution control residue into carbonated pellets.

8.2 The Committee asked questions about the presentation:

- The Chair noted that it was positive that the process set out in the application would take carbon out of the atmosphere.
- A Committee Member raised concerns that this process involved processing ash from the incineration process and queried how this could be carbon negative. The Senior Planner confirmed that fly ash from incinerators would be processed; this was waste would normally be sent to landfill. The Chair pointed out that it was the Committee's role to consider the proposed land use and planning considerations as part of the application.

8.3 The Committee heard from registered speakers

8.3.1 Andrew short spoke on behalf of the applicant:

- Mr Short was the property and project Manager for OCA technology
- The company started when they moved from a university lab to Brandon with a pilot plant with an aim to treat waste with carbon dioxide to capture carbon in waste destined for landfill. In 2011, the company was the first in the UK to achieve end of waste from the Environment Agency, producing a product no longer classified as waste which could be sold into market
- The company was the world's first commercial manufacturer of carbon negative aggregate. Their carbon footprint was -37kg per tonne of aggregate produced and the carbon footprint would improve as investment on solar energy was made into each of their sites.
- In one year, the process saved 150,000 tonnes of waste from landfill and made enough aggregate for 97m construction blocks which saved 500 tonnes of natural stone and captured 15,000 tonnes of carbon dioxide, the equivalent of 588,000 trees.
- The company was featured in cop26, the only carbon capture company featured.
- The company had received interest abroad including in Spain, Japan and Australia.
- The company was an example of circular economy and provided a permanent capture carbon dioxide helping the UK meet its net zero objective

8.3.2 Peter Wilsdon spoke on behalf of the applicant:

- The application was the result of an extensive site selection process to find a suitable replacement site with established waste use which fit with the company ethos. The site was suited for modern waste use such as proposed within the application. Buildings on the site lent to easy installation of the proposed technology and vehicle circulation around the site would reduce unnecessary movements.
- All but one of the buildings already on the site were proposed to be repurposed.
- The development was reflective of the rapidly changing waste sector where sustainability and reduction of carbon emissions were at the forefront, reflecting the demand for sustainable building products.
- The environmental impact assessment included ecological, noise, dust, transport, flood risk and landscape assessments and showed the site could be constructed and operate without significant impact on neighbouring uses and designated sites.
- If approved the site would be subject to an environmental permit and monitoring by the environment agency.
- The applicant was keen to engage with the local community during construction and operation and would set up a voluntary liaison group to deal with complaints;
- Since preapplication conversations the applicant had worked to ensure the

development could be delivered in a sustainable manner.

- 8.4 Councillors moved on to debate the application:
- A Member of the Committee raised their concerns about the use of incineration end products in the processes discussed in the application and whether this meant that the process could be considered carbon negative. which they stated would cause them to abstain from voting.
 - The Senior Planner confirmed that top ash from incinerators from surrounding counties was proposed to be transported to the site for processing.
 - The Chairman explained that the carbon negative reference was in relation to the proposal before them and that the land use implications of this proposal was the matter for consideration today
- 8.5 With 7 votes for and 3 abstentions from Cllrs Paul Neale, Steve Riley and Rob Colwell, the Committee **AGREED** that the Executive Director of Community and Environmental Services be authorized to:
1. Grant planning permission subject to the conditions outlined in section 11;
 2. Discharge conditions where those detailed above require the submission and implementation of a scheme, or further details, either before development commences, or within a specified date of planning permission being granted;
 3. Delegate powers to officers to deal with any non-material amendments to the application that may be submitted.
- 8.6 The Committee discussed and **agreed** to trialling including site maps in the reports on the next agenda, instead of as appendices, following the Executive Summary and recommendations.

The meeting ended at 12:23

Chair



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