

Planning Regulatory Committee

Date: **Friday 17 January 2014**
Time: **10am**
Venue: **Edwards Room, County Hall, Norwich**

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

Membership

Mr B Bremner (Chairman)

Mr S Agnew

Mr S Askew

Mr M Baker

Mrs J Brociek-Coulton

Mr A Dearnley

Mr N Dixon

Mr C Foulger

Mr A Grey (Vice-Chairman)

Mr A Gunson

Mr B Hannah

Mr B Iles

Mr J Joyce

Ms A Kemp

Mr B Long

Mrs M Somerville

Mr M Storey

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

on 01603 223055

or email committees@norfolk.gov.uk

Where 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 do so either at the meeting itself or beforehand in the Department of Environment, Transport and Development on the 3rd Floor, County Hall, Martineau Lane, Norwich.

A g e n d a

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

2 Minutes:

To receive and agree the Minutes of the meeting held on 6 December 2013.

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3 Members to Declare any Interests

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

- your well being or financial position
- that of your family or close friends
- that of a club or society in which you have a management role
- that of another public body of which you are a member to a greater extent than others in your ward.

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

4 To receive any items of business which the Chairman decides should be considered as a matter of urgency

Applications referred to the Committee for Determination

Reports by the Director of Environment, Transport and Development

5 North Norfolk District: Edgefield: C/1/2013/2010: Edgefield: Change of use of permitted access road to be provided as part of the final restoration of Edgefield Landfill site to serve proposed anaerobic digestion facility: Buyinfo Ltd

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6 North Norfolk District: C/1/2010/1005: Edgefield: Erection of plant to accommodate an anaerobic digestion facility, provision of ancillary office and weighbridge, retention of existing landfill gas engines and

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provision of landscaping: Buyinfo Ltd

Chris Walton
Head of Democratic Services
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Date Agenda Published: Thursday 9 January 2014



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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 Friday 6 December 2013 at 10am
in the Edwards Room, County Hall**

Present:

Mr B Bremner, Chairman

Mr S Agnew

Mr S Askew

Mrs J Brociek-Coulton

Mr A Dearnley

Mr N Dixon

Mr C Foulger

Mr A Grey

Mr A Gunson

Mr B Hannah

Mr B Iles

Ms A Kemp

Mr B Long

Mr A White

1 Apologies and Substitution

Apologies for absence were received from Mrs M Somerville (Mr A White substituted), Mr M Baker, Mr J Joyce and Mr M Storey.

2 Minutes from the meeting held on 1 November 2013.

The minutes from the Planning (Regulatory) Committee meeting held on 1 November 2013 were agreed as a correct record by the Committee and signed by the Chairman.

3 Declarations of Interest

The following declarations of interest were noted:

Mr Long declared an interest in agenda item 8 as he was Vice-Chairman of the King's Lynn Inland Drainage Board and Vice-Chair of the Wash SAC.

Mr White declared an interest in agenda item 8 as he was a member of the King's Lynn Inland Drainage Board.

Ms Kemp declared an interest in agenda item 7 as she was the Local Member for Clenchwarton and King's Lynn South. She confirmed that she had not taken any part in any campaigns or correspondence with residents about the application and would be able to take part in the decision made by the Committee.

4 Urgent Business

There were no items of urgent business.

The Committee agreed to rearrange the agenda to hear agenda item 7 first, followed by agenda items 5, 6 and 8.

Applications referred to the Committee for Determination

Reports by the Director of Environment, Transport and Development

5 Borough of King's Lynn & West Norfolk - C/2/2013/2003: King's Lynn & Clenchwarton: Construction of a Sludge Transfer Scheme in the vicinity of King's Lynn Wastewater Treatment Works comprising the following components: Erection of a Sludge Cake Reception Centre at King's Lynn Wastewater Treatment Works; Construction of a Liquid Sludge Import Centre (to include new access from Clenchwarton Road); Construction of a Sludge Transfer Pipeline: Anglian Water Services Ltd.

- 5.1 During the presentation of the report, it was noted that the application was considered to be a departure from the development plan as the site was currently listed as grade 1 agricultural land in the open countryside. It was noted that reference to CS06 in the report in paragraphs 12.1 and 12.2 should read CS6.
- 5.2 Following a question from the Committee, the Senior Engineer - Highways Development Management confirmed that the new site entrance would be designed to include all the current safety regulations, including visibility requirements. He said the application needed to be considered as it had been submitted and that it was not possible to address safety issues not directly related to the proposal when determining an application.
- 5.3 Janet Pike, Chair of the West Lynn Forum, addressed the Committee in objection to the application. A summary of the points raised during her presentation are noted below:
 - In the report Anglian Water had said that all local residents had been consulted on the options that were available regarding the proposed site. The site proposed in the application had not been mentioned in any consultation and had only been discovered by residents during a meeting in Clenchwarton village hall. The fact that the Poppyfields estate was in close proximity to the application site had also never been mentioned. Residents were concerned about the detrimental impact that the smells from the facility would have on the area, in particular for children using the children's play area near the site.
- 5.4 In response to a question from the Committee to Ms Pike, it was noted that the middle of the village, particularly close to the school, often had to put up with the unpleasant smells from the existing waste water treatment works.

- 5.5 Mr Sam Adkin addressed the committee in objection to the application and a copy of his representation is attached to these minutes at Appendix A.
- 5.6 As Councillor for the ward in which the application site fell, Cllr Gary McGuinness from the Borough Council of King's Lynn and West Norfolk addressed the committee in objection to the application. A copy of his presentation is attached at Appendix B to these minutes.
- 5.7 In response to a question from the Committee about the issue of access and visibility Cllr McGuinness said that although a nearby slip road junction had met safety standards, accidents had still occurred.
- 5.8 Mr Steve Swann, Anglian Water addressed the committee as the applicant, during which the following points were noted. Mr Swann was accompanied by Mr Ben Pidgeon who would be able to provide some technical assistance to the Committee if this was requested.
- There would be no adverse environmental impact as it was not proposed to treat any additional material at the site. The existing plant had the capacity to deal with the additional sludge.
 - The Environment Agency would be responsible for issuing the required permits, including the permit required to keep noise emissions to a minimum.
 - Anglian Water had consulted with local residents, although the most favourable option for residents had not been selected in this instance.
 - Although complaints had been received regarding the volume of traffic movements to and from the plant, it was confirmed that Anglian Water had considered a range of transport options and the scheme included in the application would remove approximately 66% of vehicle movements. He asked the Committee to take this into account when considering the application.
 - Mr Swann acknowledged that the application was a departure from the development plan, but Anglia Water had considered that the application needed to be considered against the NPPF to make optimum use of the most appropriate site.
 - The site of the proposed development was not considered a significant loss of agricultural land, as most of the identified loss would be for a temporary period only. The proposed 0.42 hectares for development, of the 1.92 hectares in total, was not considered to be significant. The landowners of the greenfield site would be fully compensated for the loss of the agricultural land.
 - Mr Swann asked Members to take into account the benefits which would be experienced if the application was approved, including the production of electricity which could go to the grid, and also the production of high quality manure which local

farmers would be able to make use of.

5.9 The following points were made by Mr Swann in response to questions from the Committee:

- The plant currently used approximately 7.5gw hours of electricity. Using the additional sludge would push this to 10gw, which was approximately 2.5gw hours extra.
- The agricultural land proposed for the site was in the corner of a field, therefore utilising the minimum amount of land. Trees would be planted to screen the site from public view.
- The pipeline used to transport the sludge from vehicles to the import centre were sealed. There would be points of access via manholes to allow for any necessary unblockaging required, but the whole pipeline would remain sealed, with casing installed to ensure odours could not escape.
- It was anticipated that the plant would be able to treat 19,000 tonnes of sludge per year, which was approximately 8,000 tonnes per year more than currently treated.
- The plant would assist Anglian Water in achieving their renewable energy obligations.
- Sludge from Lincolnshire and Cambridgeshire was treated at the plant although the amounts were variable and the exact figures were not known.
- The proposed site entrance would help move traffic away from the village.
- All sludge received at the site would be containerised. Work was being undertaken with the Inland Drainage Board to ensure surface water was kept away from the site, which would be a hard standing concrete pad. This process was no different to that which was currently taking place. The Poppyfields estate was in flood zone 3 and the Environmental Health Officer had confirmed he was happy with the assessment made by the applicant.
- Sludge cake was already treated at the plant and full odour control units were already installed to eliminate odours.
- Hannah Marsters, Environmental Health Officer at King's Lynn Borough Council confirmed that it was considered there were enough controls and mechanisms in place to cope with spillages and that there were enough spare parts held on site to mend plant in the event of equipment failure. The planning application assumption was that if a permit was issued it would be complied with.
- The Highways Officer advised that the nearby slip road was a remnant from a previous road layout and had now been closed. The Committee was reassured that the application did not require the use of a sliproad and the site access would be

designed to current safety standards.

- The District Planning Authority had been consulted and had not identified any conflict with existing or future development in the area.

5.10 The recommendation in the report was moved by Mr Long and seconded by Mr Dixon. With 12 votes for, 1 vote against and 0 abstentions, it was **RESOLVED** that the Director of Environment, Transport and Development be authorised to refuse permission on the grounds outlined in section 12 of the report.

Cllr Alexandra Kemp left the meeting and when she returned she sat in the public seating area for item 6.

6 Applications Referred to Committee for Determination: King's Lynn & West Norfolk Borough Council Y/2/2013/2013 - Demolition of the existing school, retaining the Eco classroom, the construction of a new single storey school building adjacent, and to the South of, the Eco classroom and temporary provision of 3 mobile classrooms during the construction period. Ashwicken First School, East Winch Road, Ashwicken. King's Lynn. Norfolk. PE32 1LY, Director of Children's Services.

6.1 During the presentation of the report, the following points were noted:

- Sport England had confirmed that they had no objection to the application, subject to a condition being included relating to the modular building on the playing field.
- Written responses had been given by the Governors and staff to the concerns raised regarding traffic and parking.

6.2 The following points were noted in response to questions from the Committee:

- It would be contrary to sustainability policy to provide dedicated car parking spaces for parents, however the layout made it difficult to prevent parents from using the car park. Given the rural area, this was not considered to represent a significant issue.
- Parking provision for staff at the school conformed with adopted standards.
- Existing car parking provision would be utilised during the construction period and a Construction Management Plan would be agreed prior to the commencement of building works.
- It was proposed that photo voltaic panels would be incorporated in the design. The proposed building would be south-facing to ensure that the best use was made of natural lighting and ventilation.
- The Committee wished to include an additional condition for provision of bat bricks as a permanent enhancement.

6.3 Matthew Evans, resident of Ashwicken, addressed the Committee in objection to the application. A summary of the points raised during his representation is noted below:

- Mr Evans said he lived opposite the school at No 11 East Winch Road, Ashwicken and he was objecting to the application on safety grounds. He said that the car park catered for approximately 15-18 cars per day and that, due to the rural location, only about five pupils walked to school on a daily basis.
- He said people dropping children off at school parked illegally, blocking driveways and also that East Winch Road was a narrow, country road which could not accommodate the amount of traffic which was using the road on a daily basis. The road was also used as a rat run between the hospital at King's Lynn and the A47 and was also used by employees of Adrian Flux on a regular basis to get to and from work.
- Mr Evans handed round an extract from a facebook entry, showing how a person walking her children to school one morning had narrowly missed injury from a speeding car.
- Mr Evans urged the Committee to refuse the application on safety grounds. He also suggested the school would have the potential to cater for 180 pupils, not the 120 cited in the application.
- Mr Evans felt the architects who had designed the building had not taken the beauty of the surrounding area into consideration when designing the new school.
- Mr Evans said that the car park also suffered from drug deals being conducted and that knives had been found at the site. He said that the Police were aware of the problems with drugs and that the knife found had been handed in. The Planning Services Manager advised the Committee that the Police had been contacted as part of the application consultation process and they had not raised any objections.

6.3 Following a question from the Committee, Mr Evans said that the school had introduced a cctv system to monitor any problems at the site when the school was closed and the Police had resolved some of the issues.

6.4 Jennifer Alsopp addressed the Committee in objection to the application, during which the following points were noted:

- The finished site did not appear to have sufficient hard play area for the amount of pupils registered at the school.
- There was a pond at the site which would be close to the new building, and concerns were raised about any potential disturbance to the wildlife in the vicinity.
- South-facing windows may prove a distraction for the pupils as they may watch other

children playing on the school field rather than concentrating on their studies.

- Traffic problems were worse during the afternoon. Parents started arriving at the school at about 2.45pm and cars tended to park anywhere along the road. Concerns were expressed about what would happen if there was an emergency during these peak times, as it would be difficult for the emergency services to get through the parked cars. Consideration also needed to be given as to how delivery vehicles and refuse vehicles would be able to access to the school as there was no turning area.

6.5 Following a question from the Committee, Ms Allsopp confirmed she did not live on East Winch Road.

6.6 Kate Barnett, a local resident, addressed the Committee in support of the application, during which the following points were noted:

- Mrs Barnett confirmed she lived at No 43 East Winch Road and she thanked the Committee for agreeing to hear her speak in support of the application.
- The village had a mix of different housing styles.
- The eco-classroom and its design complemented the classroom beautifully.
- The majority of the residents of Ashwicken were pleased to have such a good school in the area. Ashwicken school was the only other amenity in the village, therefore residents were very pleased that Norfolk County Council was investing in the community.
- Mrs Barnett had one daughter at the school and one daughter who had recently left and gone on to high school. She was very proud of what they had both achieved at Ashwicken school.
- Most of the residents of the village considered that it was a privilege to have a car park at the school, therefore residents wanted to make the best use of it.
- The lighting in the car park had deliberately been set at a low level because it had been subject to complaints from local residents when it had been installed using full lighting.

6.7 Following a question from the Committee, Mrs Barnett confirmed that her husband walked her daughter to school, although if she was taking her she would drop her off by car on her way to work. Mrs Barnett referred to the excellent walking bus which had been established using the Leziate sailing club car park. Parents could drop off their child at the sailing club and teachers had been trained in walking the children to school via a "walking bus".

- 6.8 Mrs Sue Collison, Head of Ashwicken School, addressed the committee in support of the application. A copy of Mrs Collison's presentation is attached at Appendix C to these minutes.
- 6.9 The following points were made by Mrs Collison in response to questions from the Committee:
- The school had been designed to cater for a maximum of 120 pupils. The school currently had 122 pupils registered, although a prediction had shown that this number would reduce to 105 in the future. She also confirmed that there would never be six classrooms at the school.
 - The south facing windows would have a canopy to protect them from direct sunlight and the shape of the building allowed natural ventilation. The new building would also have blinds fitted at the windows which could be lowered to prevent glare. Blinds were already installed throughout the rest of the school.
 - Cctv cameras had been installed at the car park, which was a large car park compared to the size of the school. The Police had not contacted the school about any incidents on the car park during the night.
 - The current hall was used as a classroom at present but consideration would be given to using the school hall out of school hours if there was sufficient demand. Ashwicken did have a village hall for community use.
 - Following a question as to why photographs had not been shown to the Committee showing the proximity of the nearby houses, the Planning Services Manager said that it was difficult to take photos of individual houses due to the need to protect people's privacy, although he asked the Committee to note that the village was spread out over quite a large area.
- 6.10 The recommendation was moved by Mr Long and seconded by Mr Foulger. With 9 votes for, 2 votes against and 2 abstentions, it was **RESOLVED** that the Director of Environment, Transport and Development be authorised to :
- i) Grant planning permission subject to the conditions outlined in section 12 of the report, including a condition to include bat bricks at the site.
 - ii) Discharge conditions where those detailed in the report required 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.

The meeting adjourned at 12.05 until 12.15pm.

Mr Dearnley and Ms Kemp did not return for the following item.

7 Broadland District. C/5/2013/5011: Retrospective Consent for an above ground leachate storage tank at Mayton Wood Recycling Centre, Little Hautbois, NR12 7NT: Norfolk County Council.

7.1 During the presentation of the report, the following points were noted:

- The application was being considered retrospectively due to an oversight by the applicant who had not realised that planning permission was required. No problems had been identified through the planning process so the application had been recommended for approval. There had been no objections from either Highways Agency or the Environmental Health Officer to the application.

7.2 The following points were noted in response to questions from the Committee:

- The leachate storage tank had not been located in its present position for very long, although it had been elsewhere on the site for considerably longer.
- If planning permission was refused, a recommendation could be made which would allow a fixed period of time for the applicant to identify a better location.

7.3 It was unanimously **RESOLVED** that the Director of Environment, Transport and Development be authorised to :

- i) Grant planning permission subject to the conditions outlined in section 12 of the report.
- ii) Discharge conditions where those detailed in the report required the submission and implementation of a scheme, or further details, either before development commenced, or within a specified date of planning permission being granted, or at any other period.
- iii) Deal with any non-material amendments to the application that may be submitted.

Mr Dearnley and Ms Kemp rejoined the meeting.

8 Breckland District - C/3/2013/3018: Snetterton: Retrospective Consent for an above ground leachate storage tank at Snetterton Landfill, Heath Road, Snetterton, NR16 2JU: Norfolk County Council

8.1 During the presentation of the report, it was noted that although this was a retrospective application, the leachate storage tank was sited in the best possible location. The tank was well screened adjacent to the existing scheme and was covered by bunding. Therefore, although this was a retrospective application, it was recommended for approval. There had been no objections from either Highways Agency or the Environmental Health Officer to the application.

8.3 It was unanimously **RESOLVED** that the Director of Environment, Transport and

Development be authorised to :

- i) Grant planning permission subject to the conditions outlined in section 12 of the report.
- ii) Discharge conditions where those detailed in the report required the submission and implementation of a scheme, or further details, either before development commenced, or within a specified date of planning permission being granted, or at any other period.
- iii) Deal with any non-material amendments to the application that may be submitted.

The meeting ended at 12.20pm

CHAIRMAN



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Presentation by Mr Sam Adkin, to Planning (Regulatory) Committee meeting.

I speak today on behalf of the residents of West Lynn; all of whom feel this plant is simply too close for comfort.

This facility will result in a loss of amenity for local residents. Anglian Water ADMIT they cannot guarantee no odour nuisance. Local residents will not be able to sit in their gardens and even their own homes without a bad smell for company.

West Lynn is a quiet semi-rural village; homes range from Victorian terraces to modern estates, this development is therefore not in keeping with village character. The site is totally inappropriate for the reception, storage, and pumping of sewage-sludge. This badly chosen location is *literally* just a stone's throw away from both people's homes and a children's play area. An adjacent site is also being considered as part of Local Development Framework consultation for future housing.

This development is not in keeping with the rural character and retention of the natural environment. There is no need to build on Grade 1 agricultural land; there are many alternative locations within boundaries of the local plan. It is not Highways favoured option; while KL&WNBC require that this Reception Centre should be located within the existing WwTW if at all possible.

We fully support your officer's recommendation to refuse planning permission; the application is contrary to a number of planning policies. An enormous sewage-sludge plant at the entrance to Kings Lynn and Clenchwarton does not contribute to or enhance the natural and local environment.

This scheme is presented under the guise of reductions in HGV's using Clockcase Lane. If Anglian Water genuinely wanted this outcome they would have adopted the "haulage road", the most popular option with support from local residents and Clenchwarton Parish Council. The long term impact of these plans equates to a massive 400% increase in tanker traffic. These plans will not stop tankers travelling through the villages on the old A17, avoiding the regular long delays on approach to the pullover roundabout. These pictures reflect just how congested the area is during peak times.

To summarise, this development is NOT ESSENTIAL, it does not demonstrate the "exceptional circumstances" required by core strategy policy. There is no need to build this facility in this location; there are other options which do not breach the planning polices indicated in your officers' report.

We hope that it is plain to see this unnecessary development will impact negatively on residents. As there is no proven need the Sludge Plant should not be built here. Residents do not deserve to have their quality of life ruined 24/7 by a development which simply isn't needed. We therefore ask you to support your officers' recommendation and refuse this planning application.

Sam Adkin.

Presentation by Cllr McGuinness.

Thank you Mr Chairman, I do appreciate being given the opportunity to address the committee regarding this application, to represent the views of local residents in West Lynn – especially as this village does not have third tier representation and the local member is unable to both speak and vote as a member of the committee.

I am pleased that your officers have recommended that this application should be refused planning permission, as you will no doubt be aware that there is a strong feeling amongst local residents that this may be the wrong solution to an over-hyped problem and is definitely being proposed in an inappropriate location. Your officer's report recommends refusal on the grounds that the application is contrary to the *Norfolk Minerals and Waste Development Framework Core Strategy Policy CS06* but there are a number of other considerations I would like to bring to your attention.

Firstly, I am sure you will hear from the applicants and their representatives that there are exceptional circumstances for you to consider approving this application on the basis of 'need'. I note from the report, on page 38 that the Liquid Sludge Import Centre is being constructed to deal with 'Local' imports. I think it is important to seek a proper definition of the term local in this instance; certainly, the consultation carried out by Anglian Water in 2011 (a matter to which I will return later on) included a requirement to transport liquid sludge from as far away as Ely in the South, around the North Norfolk Coast to the north and from Sutton Bridge, Fosdyke and Sleaford to the West. My point here is that it is at best disingenuous to suggest that this facility is being proposed for local imports (at the same time as saying that the sludge cake reception centre will be accepting 'product' from a 30 mile radius) – giving the impression that this facility is needed to deal with a growing water treatment requirement for King's Lynn and its immediate locality. It is my understanding from my discussions with Anglian Water that sludge from septic tanks, specifically mentioned in the report as being accepted by the facility will still need to be transported all of the way to the Waste Water Treatment Works as is currently the case.

In terms of the proposed technology, I note that your officer's report in section 5.5 on page 41 mentions that no objection has been raised by the Borough Council of King's Lynn & West Norfolk's Environmental Health Department, subject to the implementation of noise and odour management schemes. I am sure that Anglian Water themselves would accept that this would be the first such facility that they have ever implemented and to do so in such close proximity to residential properties as a first of its type with, by their own admission, no guarantee that local residents will never be affected by odours from routine operation, spillages and the additional noise pollution that will be brought about by 24 hour operation seems risky at best. It should also be noted that some of the key elements of the noise management and landscaping schemes rely on tree planting which will at least 15 years to provide a full level of protection for local residents.


Returning to Anglian Water's 2011 consultation. Local residents were asked to choose from 3 options for solving a well-publicised problem regarding the use of a dedicated by-pass road, Millennium way and Clock-case lane in Clenchwaton by tankers and other HGV traffic to reach the existing Waste Water Treatment Works. Realistically, this problem affects at most 2-3 residents at the junction of Clock-case lane and I would ask you to consider that the construction of a facility based on untested technology so close to much more densely populated residential areas would only have the effect of moving this problem (as referenced by section 6.9, page 47 of your officer's report) to the next village and magnifying it by some degree. It may be of interest to you that this particular option was the least favoured option (if memory serves polling less than 5% of the local vote) and this when it was assumed that such a facility would be much further away from the edge of the village. One final point to make

about Anglian Water's 2011 consultation, in respect of the mention of this application's capacity to increase the amount of renewable energy at section 11.1, page 63 of your officer's report, is that the sludge transfer station was the least favoured option of the applicant themselves, at least in part because of the amount of energy required to pump sludge the 3.5km from transfer station to the Waste Water Treatment Works, making it an unappealing option in respect of their sustainability agenda.

I would draw your attention to sections 6.61 and 6.60 (pages 57 & 58 of the report) – the County Highways Authority do point out that of the initial options discussed with Anglian Water, the location chosen for the Sludge Import Facility was not the favoured option for the Highways Authority, they preferring a site that would be much further away from residential properties, enjoying existing side road from Clenchwarton Road – I understand that this option was discounted by Anglian Water on the basis of cost. Section 6.60 deals with the accident statistics for the stretch of road concerned, something that has seen a recent improvement following local resident campaigns to close a seemingly unnecessary slip-road. It stands to reason that adding further junctions to this stretch of road would only serve to negate these improvements.

Mr Chairman, members of the committee, I would thank you once again for affording me the opportunity to address you regarding this application and would urge you to accept your officers recommendation to refuse permission for this development.

Cllr Gary McGuinness.

| | |
|---|---|
|  | <p>Ashwicken C. E. Primary School East Winch Road Ashwicken</p> |
| | <p>Norfolk PE32 1LY Telephone: 01553 630352</p> |
| | <p><i>e.mail:</i> head@ashwicken.norfolk.sch.uk Headteacher: Mrs. Susan Collison B.Ed</p> |

From the school's point of view, we the staff, pupils, parents and governors of Ashwicken Church of England Primary School are fully supportive of this planning application.

Ashwicken School is a very popular and thriving school with high standards and an exciting curriculum. At the present time we are working in the confines of an old school building with very small cramped classrooms, no hall and 1960s extensions. This current building is well past its sell by date and has been deemed not fit for purpose.

Having a brand new school building would make such a huge difference to the whole school community and really help provide the best possible education for all of our pupils. We would have modern facilities, the latest technology, spacious classrooms and a large hall space for sports, assemblies and community events. This new school build will be a fantastic learning environment for current pupils and future generations.

We strongly hope that this application will be successful.

Mrs Collison
Ashwicken CE Primary School Headteacher

**Applications Referred to Committee for Determination
North Norfolk District: Edgefield:
C/1/2013/2010: Edgefield: Change of use of permitted
access road to be provided as part of the final
restoration of Edgefield Landfill site to serve proposed
anaerobic digestion facility
Buyinfo Ltd**

Report by the Interim Director of Environment, Transport and
Development

Summary

Planning permission is sought for the change of use of an access road to be provided as part of the restoration obligations of Edgefield landfill site in order that it can serve as an access road for a proposed Anaerobic Digestion plant on land to the west of the landfill site.

The application for the AD plant is considered under a separate application, reference C/1/2010/1005 for which a separate committee report has been written. However, Because the two applications are intrinsically linked, it is therefore recommended that the two are determined together with the same decision i.e. the AD plant could not operate without the access road, and there would be no case for the use of the access road without the AD plant.

Whilst no objections have been raised both by the parish council or local residents, the Local Member, David Ramsbotham has objected to the development. The application is recommended for refusal on the basis that the application for the AD plant itself is recommended for refusal, and therefore there is not a need for the development.

Recommendation

It is recommended that the Director of Environment, Transport and Development be authorised to refuse planning permission for reason in Section 12 of this report.

1. The Proposal

- 1.1 Location : Edgefield landfill site, Edgefield
- 1.2 Type of development : Access road for proposed Anaerobic Digestion (AD) facility
- 1.3 Duration : Permanent
- 1.4 Plant : None proposed as road is constructed under obligations of restoration scheme for landfill site.
- 1.5 Hours of working : 07:00-18:00 Monday-Friday
07:00-13:00 Saturday
No working Sunday or Bank Holidays
(as per AD facility application)
- 1.6 Vehicle movements and numbers : Delivery of waste (Large Goods Vehicles)
Average of 36 daily movements of waste collection vehicles (18 in and 18 out);
Removal of composted material (Large Goods Vehicles)
Average of 6 daily movements;
Removal of contaminants for disposal (Large Goods Vehicles)
4 weekly movements of waste collection vehicle
Staff vehicle movements (private light goods vehicles)
Average of 8 daily movements.

(as per AD facility application)
- 1.7 Access : Access on to B1149 Holt Road

2. Constraints

- 2.1 The following constraints apply to the application site:
- Site is within the Glaven Valley Rural Conservation Area;
 - Site within 220 metres of nearest listed building: Edgefield Hall (grade II);
 - Site is within 1 kilometre of Norfolk Valley Fens Special Area of Conservation (SAC) / Holt Lowes Site of Special Scientific Interest (SSSI).

3. Planning History

- 3.1 The application site represents a small area of what has operated as a landfill site for a period of over 30 years under a series of temporary planning permissions. The landfill site itself extends to some 11.5 hectares, occupies a former sand and gravel quarry, and is divided into 13 phases.
- 3.2 The most recent permission, reference C/1/2012/1006, requires the site to be restored by 31 December 2014 (prior to this it had been 31 December 2013) and also permitted amendments to the previously approved restoration scheme including a permanent perimeter access road for the purposes of accessing the gas extraction plant and for the management and associated monitoring of the landfill site itself. To facilitate this the pre and post settlement contours of the landfill site also had to be amended.
- 3.3 With regards to the application for the AD facility, this is proposed to be built on land adjacent to the west of the landfill site and is considered under application reference C/1/2010/1005.

4. Planning Policy

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|-----|--|---|---|--|
| 4.1 | Norfolk Minerals and Waste Local Development Framework Core Strategy and Minerals and Waste Development Management Policies Development Plan Document 2010-2016 (2011) | : | CS14 CS15 DM3 DM4 DM8 DM10 DM12 DM15 | Environmental protection Transport Groundwater and surface water Flood risk Design, local landscape and townscape character Transport Amenity Cumulative impacts |
| 4.2 | North Norfolk District Council Local Development Framework: Core Strategy & Development Control Policies | : | SS1 SS2 SS4 SS 6 EN 2 EN 4 EN 8 EN 9 EN 10 EN 13 CT 5 | Spatial Strategy for North Norfolk Development in the Countryside Environment Access and Infrastructure Protection and Enhancement of the Landscape and Settlement Character Design Protecting and Enhancing the Historic Environment Biodiversity and Geology Development and Flood Risk Pollution Prevention and Hazard Minimisation The Transport Impact of New Development |
| 4.3 | The National Planning | : | 11 | Conserving and enhancing the natural |

| | | |
|-------------------------|----|---|
| Policy Framework (2012) | 12 | environment Conserving and enhancing the historic environment. |
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5. Consultations

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| 5.1 | North Norfolk District Council | : No response received. |
| 5.2 | Edgefield Parish Council | : No objection. |
| 5.3 | Highway Authority (NCC) | : No objection. |
| 5.4 | Environmental Health Officer (North Norfolk) | : No objection. |
| 5.5 | Norfolk Historic Environment Service (NCC) | : No objection. |
| 5.6 | Environment Agency | : No objection although the scheme is only acceptable if it is not at any point constructed over the landfill containment lining/capping, nor in a location where it could be detrimental to the integrity of the containment system. |
| 5.7 | Natural England | : No objection. The application is not likely to have a significant impact on the interest features for which the Norfolk Valley Fens Special Area of Conservation has been classified. The application is not likely to damage or destroy the Holt Lowes Site of Special Scientific Interest which is in close proximity of the site. |
| 5.8 | UK Power Networks | : No response received. |
| 5.9 | English Heritage | : No objection: the application should be determined in accordance with national and local policy guidance. |
| 5.10 | National Planning Casework Unit | : No objection. |
| 5.11 | Local residents | : No responses received. |
| 5.12 | County Councillor (Mr D Ramsbotham) | : Objects to the scheme on the basis the road would follow the brow of the hill which means traffic will be clearly visible from the Glaven Valley. If an access road to the restored area it would be better placed on the southern boundary of the site. Also cites the effect that this development [and other |

inappropriate developments in the area] would have on the tourist industry which is the lifeblood of North Norfolk: 'if we keep chipping away at our unique environment there will be nothing left to attract tourists to the area'.

6. Assessment

Proposal

- 6.1 The application is for the change of use of an access road to enable it to be used for a proposed anaerobic digestion facility that is the subject of a separate stand alone planning application, reference C/1/2010/1005. The access road that is proposed to be used to serve the AD facility is part of the final restoration scheme for Edgefield landfill site as permitted under application reference C/1/2012/1006. Whilst application the application for the AD facility did originally include an access road to the public highway along a similar alignment, there were a number of issues with that access concerned with a conflict with the landfill site's approved restoration scheme, no construction details on how the road would be constructed while the landfill site was still being filled, and uncertainty over whether it would cross landfill cells.
- 6.2 Consequently the applicant has made the decision to remove the access element of the application for the AD plant and use the permitted access road that forms part of the landfill sites restorations as the access to serve the proposed facility. That application has accordingly been amended to enable this application to provide access to the site.
- 6.3 In November 2012 application reference C/1/2012/1006 permitted amendments to the previously approved restoration scheme including a permanent perimeter access road for the purposes of accessing the gas extraction plant and for the management and associated monitoring of the landfill site itself. In order to facilitate this, the pre and post settlement contours also had to be amended.
- 6.4 The access road permitted as part of the landfill site's restoration scheme which the applicant now seeks to utilise is/proposed to be 3.5 metres wide with passing places and runs around the northern perimeter of the landfill known as 'Pound Plantation'. It is proposed to be constructed of a 350mm sub-base using type 1 or 2 granular material laid on a geotextile membrane and dressed with a 100mm thick surface course of crushed recycled asphalt road planings.
- 6.5 The original application for the AD plant itself was submitted with an Environmental Statement in order to assess in detail the impacts on the Environment including that of the access itself. In light of this, because this application relates directly the AD facility application, the applicant has submitted an Addendum to update the original ES and examine any additional impacts.

Site

- 6.6 Edgefield Landfill Site, located on the Norwich-Holt road (B1149) and some 1.5 metres north of Edgefield village, has been operational since 1986. The site, some 11.5 hectares in size, occupies a former sand and gravel quarry

and is divided into 13 phases. This application site however only comprises the existing access to the landfill site off the B1149, and from there a concrete access road which runs south along the eastern boundary of the landfill site to the existing weighbridge. It also includes the route of a proposed access track around the northern perimeter of the landfill site within an existing tree and shrub belt. This track is proposed to serve an AD plant which is the subject of a separate application reference C/1/2010/1005.

6.7 The application site falls within the Glaven Valley Conservation Area, an extensive rural landscape with distinctive settlements and isolated farmsteads. A small group of residential dwellings lie to the north west of the site with the closest of these being 'Goose flight' some 120 metres away.

6.8 The application site has a long history of sand and gravel extraction followed by subsequent landfilling of waste, and it is fringed by mature trees along the west, north and eastern boundaries. The northern end of the site currently locates the active phases of the landfill.

Principle of development

6.9 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”.

6.10 In terms of the development plan, the County Planning Authority considers the relevant documents in relation to this application are the Norfolk Minerals and Waste Local Development Framework Core Strategy and Minerals and Waste Development Management Policies Development Plan Document 2010-2016 (the “NMWDF Core Strategy”), and the North Norfolk District Council Local Development Framework: Core Strategy & Development Control Policies. Whilst not part of the development plan, policies within the National Planning Policy Framework (NPPF) and Planning Policy Statement 10: Planning for Sustainable Waste Management (2011) (PPS10) are also a further material consideration of significant weight. The NWMDf Core Strategy however takes precedence over this because it is regarded as an ‘up to date plan’. Therefore, since the planning application was originally put to committee in December 2010, there has been significant changes to the policy framework against which the application was originally assessed in terms of the Waste Local Plan (2000) being replaced by the Core Strategy. In addition the Regional Spatial Strategy: The East of England Plan has also been revoked and all of the national Planning Policy Statements, with the exception of PPS10, were replaced by the NPPF when it was published in 2012.

6.11 NMWDF policy CS6: *General waste management considerations* requires waste sites to be developed on the following types of land for them to be acceptable providing they do not have cause unacceptable environmental impacts:

- a) land already in waste management use;
- b) existing industrial/employment land of land identified for these uses in a Local Plan or DPD;
- c) other previously developed land; and,
- d) contaminated or derelict land.

- 6.12 The application site is situated on a landfill site that is currently in the process of being capped and restored. Clearly the land is already in waste management use as an active landfill site, and whilst the remainder of the landfill site is being restored to a mixture of woodland and grassland, it can be argued that the road itself will remain in waste management use given that it will provide access for the purposes of accessing the gas extraction plant and for the management and associated monitoring of the landfill site itself.
- 6.13 This application in effect proposes an intensification of vehicle movements in order to serve a proposed AD plant. The principle of an access road has now been established and it is considered that subject to the development not causing unacceptable environmental impacts the proposal is compliant with this policy.

Amenity

- 6.14 The protection of amenity for people living in close proximity of waste management facilities is a key consideration and NMWDF policy DM12: *Amenity* states that development will only be permitted where “...unacceptable impact to local amenity will not arise from the operation of the facility.” This echoes policy NMWDF CS14: *Environmental Protection* which also seeks to avoid unacceptable impacts on amenity.
- 6.15 Both PPS10 and the NPPF underline that planning authorities should focus on whether the development itself is an acceptable use of the land, and the impact of the use, rather than the control of processes or emissions themselves where these are subject to approval under pollution control regimes. Furthermore, the County Council should assume that these regimes would operate effectively.
- 6.16 This application solely seeks to provide a means of access to a proposed anaerobic digestion plant. The principal of the road itself and its construction has already been deemed acceptable when permission was granted for an amendment to the restoration of the landfill that would include an access around its northern perimeter.
- 6.17 With regards to vehicle movements using the route, these would be in the region of 42 movements (i.e. 21 HGVs) spread out over the course of an 11 hour working day. Whilst the principle of whether these are acceptable has been assessed within the report for the AD plant itself, this number nonetheless represents a modest number.
- 6.18 Operations on the landfill site where this road is located are covered by the existing Environmental Permit regulated by the Environment Agency to control issues such as noise and dust that could be created by vehicles using this route. However no objections have been raised by the Environment

Agency or the District Council's Environmental Health Officer. Accordingly the principle of the use of the road for the AD plant is not likely to have an adverse impact on amenity and is consistent with policy.

Landscape

- 6.19 As set out above, the landfill site is located in a rural location in the Glaven Valley Conservation Area designated by the district council because of the area's high landscape value. NMWDF policy CS14: *Environmental Protection* underlines that developments must ensure there are not unacceptable impacts on the quality of the landscape and DM8: *Design, local landscape and townscape character* states that development will only be permitted in Conservation Areas where the applicant can demonstrate the development would not adversely impact on the historic form, character and setting of these locations taking into account any mitigation measures. Furthermore, North Norfolk Core Strategy policies EN2: *Protection and Enhancement of Landscape and Settlement Character* and EN8: *Protecting and Enhancing the Historic Environment* refer to the need to preserving (and where possible enhancing) the character and appearance of Conservation Areas as well as views from them. NPPF policies 11 and 12 set out the broad objectives to development in relation to landscape impact and the need to conserve the historic environment. The NPPF directs that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes. It also states that planning authorities should take account the desirability of new development making a positive contribution to local character and distinctiveness.
- 6.20 When the restoration proposals for the landfill site were amended last year to include provision of a perimeter access road it was considered that on balance the development was acceptable particularly given the functional need of the road to provide access to the gas extraction plant and for the management and associated monitoring of the landfill site. The conditions of that consent required replacement tree planting for the 6 trees that were proposed to be lost to accommodate the route as well as the appointment of an arboriculturist to oversee works on site to ensure no further trees would be damaged or lost. The applicant has confirmed that the vehicles proposed to use the route would not be any bigger in size than those already proposed to use the route, and it is not anticipated that there would be any further impact on trees as a result of the intensification of traffic proposed.
- 6.21 This application seeks to in effect intensify the use of the road through its use serving the proposed AD plant on an adjacent site. The route of access road already benefits from landscaping and furthermore, whilst not part of this application, the route would benefit from further off site landscaping to be secured through a S106 Agreement should permission be granted for application for the AD plant (reference C/1/2010/1005) itself that would provide further planting along the western boundary of the landfill site.
- 6.22 Given that the principal of the access road has already been established on the landfill site as part of the restoration obligations, and the additional landscaping proposed that would be secured through a S106 Agreement, it is not considered that the 42 additional large goods vehicle movements (21 vehicles) spread over

the course of a the working day would represent an unacceptable intensification of this access road.

- 6.23 On balance, it is felt that the scheme does not undermine the policy framework above that seek to maintain the characteristics of the Conservation Area and the proposed restoration scheme is acceptable in landscape terms and compliant with NMWDF policies CS14 and DM8.

Biodiversity

- 6.24 NMWDF policy CS14 states developments must ensure there are no unacceptable adverse impacts on biodiversity including nationally and internationally designated sites and species.

6.25 Appropriate Assessment

While the proposed development would be approximately 1 kilometre of Holt Lowes Special Area of Conservation (SAC) and Site of Special Scientific Interest (SSSI), following consultation with Natural England and the County Council's Ecologist, no issues have been raised that would indicate that this development would affect the integrity of this site. In accordance with an assessment under Article 61 of The Conservation and Habitats and Species Regulations 2010, because it is considered that the scheme is unlikely to have any adverse impacts on the ecology of the designated area, an Appropriate Assessment is not required.

- 6.26 In addition to the aforementioned internationally and nationally designated site, the wider surroundings of the site also include Edgefield Woods which is some 600 metres to the north. Neither the addendum to the ES submitted nor the consultations carried out have given any indication that the scheme would result in significant damage to the area.

- 6.27 It is considered that the proposal complies with NMWDF policy CS14, which seeks the avoidance of unacceptable adverse impacts on biodiversity, including nationally designated sites and Chapter 11 of the NPPF: *Conserving and enhancing the natural environment.*

Highways

- 6.28 NMWDF Policies CS15: *Transport* and DM10: *Transport* requires that proposed new waste facilities in terms of access will be satisfactory where anticipated HGV movements, taking into account any mitigation measures proposed, do not generate, inter alia, unacceptable risks/impacts to the safety of road users and pedestrians, the capacity and efficiency of the highway network, or to air quality and residential and rural amenity, including from air and noise. Furthermore, there is a requirement for applications for new waste sites to be accompanied by a Transport Statement demonstrating suitable highway access and egress and a suitable route to the nearest major road. In addition, this should include an assessment of the potential for non-HGV transportation of materials to and from facilities principally by rail or water.

- 6.29 As stated in the proposal section above, this application proposes to change the use of an access road that has been permitted as part of the restoration

proposals for the landfill site. The access road proposed as part of the restoration scheme application would be 3.5 metres in width with a 12 metre passing place and constructed from loose crushed gravel. The existing access point to the B1149, just west of the junction with Rookery Lane would provide the access point to the public highway.

- 6.30 With regards to vehicle movements themselves, the application for the AD plant states that the average daily movements are anticipated to be 42 large goods vehicles and 8 private light goods vehicles. This would be in addition to the servicing and operational vehicles that are required for maintenance of the landfill site for which the access road was originally required.
- 6.31 As stated in section 5 above, the Local Member objected to this application with one of the grounds being that the proposed route follows the brow of the hill which means traffic will be clearly visible from the Glaven Valley. He also advised that he thinks that if necessary it would be better placed on the southern boundary of the site. In connection with the vehicle movements themselves, the Cllr has also in recent correspondence raised concerns about the road safety aspects of the B1149 between Edgefield and the site. Only a few weeks ago the corner of a listed barn was badly damaged by an HGV.
- 6.32 Notwithstanding this, under this application only the principle of the use of the road can be considered given that the impact of the vehicle movements themselves has been assessed under application reference C/1/2010/1005 which considers the AD plant itself and the impacts of the development such as vehicle movements. The highway authority raises no objection to the proposal on the basis there would not be a highway impact and the scheme is acceptable in the context of these policies.

Groundwater/surface water

- 6.33 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. NMWDF Core Strategy Policy CS14: *Environmental Protection* aims to ensure that there are no adverse impacts through development proposals on natural resources, including water, air and soil. Because of the nature of the development site i.e. an access road around the perimeter of a landfill site, this proposal has the potential to impact on water resources. Whilst measures have been / will be put in place to ensure the landfill is engineered not to pose a risk to the environment in terms of a clay lining, and capping, it must be ensured that these measures are not compromised in any way.
- 6.34 In their consultation response the Environment Agency (EA) raised no objection: as they had not to the original application that approved the principle of an access around the northern perimeter of the landfill. The EA has advised that the application would be acceptable on the basis that at no point would it be constructed over the landfill containment lining/capping, nor in a location where it could be detrimental to the integrity of the containment system. Within the application the developer has confirmed this to be the case. The ongoing management of the landfill site is also a matter regulated

by the Environment Agency through an Environmental Permit which would ensure the ongoing management of the landfill site to ensure it would not pose a risk to groundwater pollution. Therefore, subject to the road not interfering with landfill containment/capping, the proposal is acceptable with regards to these policies.

Responses to the representations received

- 6.35 The application was advertised by means of neighbour notification letters, site notices, and an advertisement in the Eastern Daily Press newspaper. No responses were received from third parties.

7. Resource Implications

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

8. Other Implications

8.1 Human rights

- 8.2 The requirements of the Human Rights Act 1998 must be considered. Should permission not be granted Human Rights are not likely to apply on behalf of the applicant.
- 8.3 The human rights of the adjoining residents are engaged under Article 8, the right to respect for private and family life and Article 1 of the First Protocol, the right of enjoyment of property. A grant of planning permission may infringe those rights but they are qualified rights, that is that they can be balanced against the economic interests of the community as a whole and the human rights of other individuals. In making that balance it may also be taken into account that the amenity of local residents could be adequately safeguarded by conditions albeit with the exception of visual amenity. However, in this instance it is not considered that the human rights of adjoining residents would be infringed.
- 8.4 The human rights of the owners of the application site may be engaged under the First Protocol Article 1, that is the right to make use of their land. An approval of planning permission may infringe that right but the right is a qualified right and may be balanced against the need to protect the environment and the amenity of adjoining residents.

8.5 Equality Impact Assessment (EqIA)

- 8.6 The Council's planning functions are subject to equality impact assessments, including the process for identifying issues such as building accessibility. None have been identified in this case.
- 8.7 **Legal Implications:** There are no legal implications from the Planning Regulatory perspective.
- 8.8 **Communications:** There are no communication issues from a planning perspective.
- 8.9 **Health and Safety Implications:** There are no health and safety implications from a planning perspective.
- 8.10 **Any other implications:** Officers have considered all the implications which members should be aware of. Apart from those listed in the report (above), there are no other implications to take into account.

9. Section 17 – Crime and Disorder Act

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

10. Risk Implications/Assessment

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

11. Conclusion

- 11.1 The application is for the change of use of an access road to enable it to be used for a proposed anaerobic digestion facility that is the subject of a separate stand alone planning application reference C/1/2010/1005. The access road that is proposed to be used to serve the AD facility is part of the final restoration scheme for Edgefield landfill site as permitted under application reference C/1/2012/1006.
- 11.2 However the road is to serve a proposed AD plant which is recommended for refusal on a number grounds on the basis of the location of the site, the impact of the site on the Conservation Area and landscape, the proposed design of the building. Because the applications are intrinsically linked they need to be determined at the same time with the same resolution because the AD plant would not be able to operate without the access road, and equally granting permission for the road alone would be a futile decision and would result in an obsolete permission being issued.
- 11.3 Therefore because the principle of the AD plant is considered unacceptable and is recommended for refusal, there is not a justification for this application to be approved hence this application is similarly recommended for refusal.

12. Reason for Refusal

- 12.1 The application would provide an access road for an Anaerobic Digestion plant

that is the subject of a separate application reference C/1/2010/1005. That application is recommended for refusal on the basis that it is a departure from the development plan on land-use grounds, and would have an adverse impact on the Glaven Valley Conservation Area and wider landscape. Furthermore there is no overriding need for the development given that the County Council has adopted its Waste Site Allocations DPD that identifies sufficient sites for the plan period until 2026. Because that application is recommended for refusal, and the two applications are intrinsically linked, there is no case to permit this application.

Recommendation

It is recommended that the Director of Environment, Transport and Development be authorised to refuse permission for the reasons outlined in Section 12 above.

Background Papers

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

North Norfolk Local Development Framework Core Strategy and Development Control Policies (2008)

The National Planning Policy Framework and technical Guidance (NPPF) (2012)

Application file references C/1/2010/1005 (and Environmental Statement)

C/1/2009/1015, C/1/2013/1010, C/1/2009/1020 and C/1/94/1013.

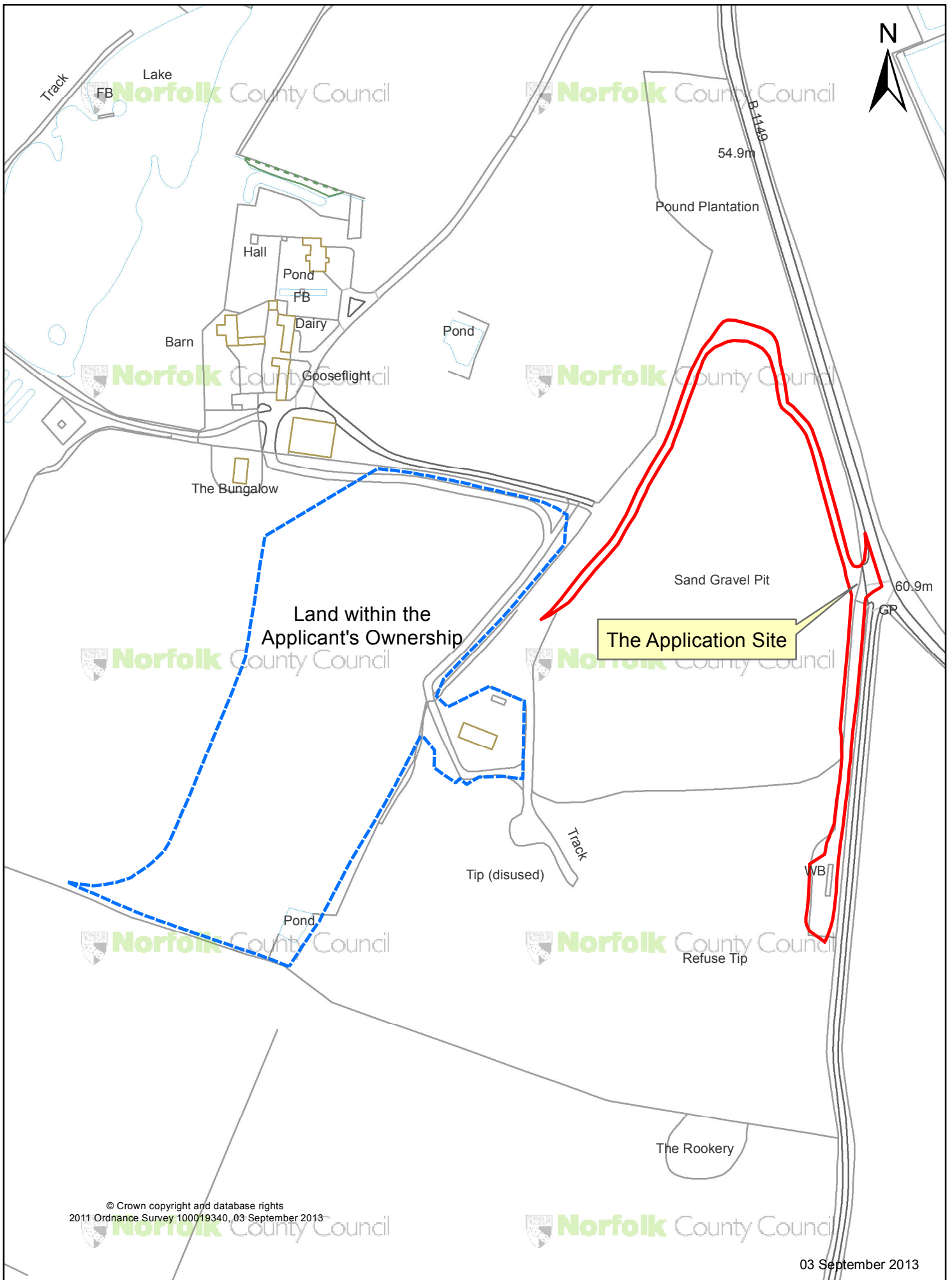
Officer Contact

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

| Name | Telephone Number | Email address |
|-----------|------------------|--------------------------|
| Ralph Cox | 01603 223318 | ralph.cox@norfolk.gov.uk |



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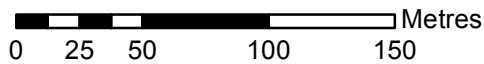


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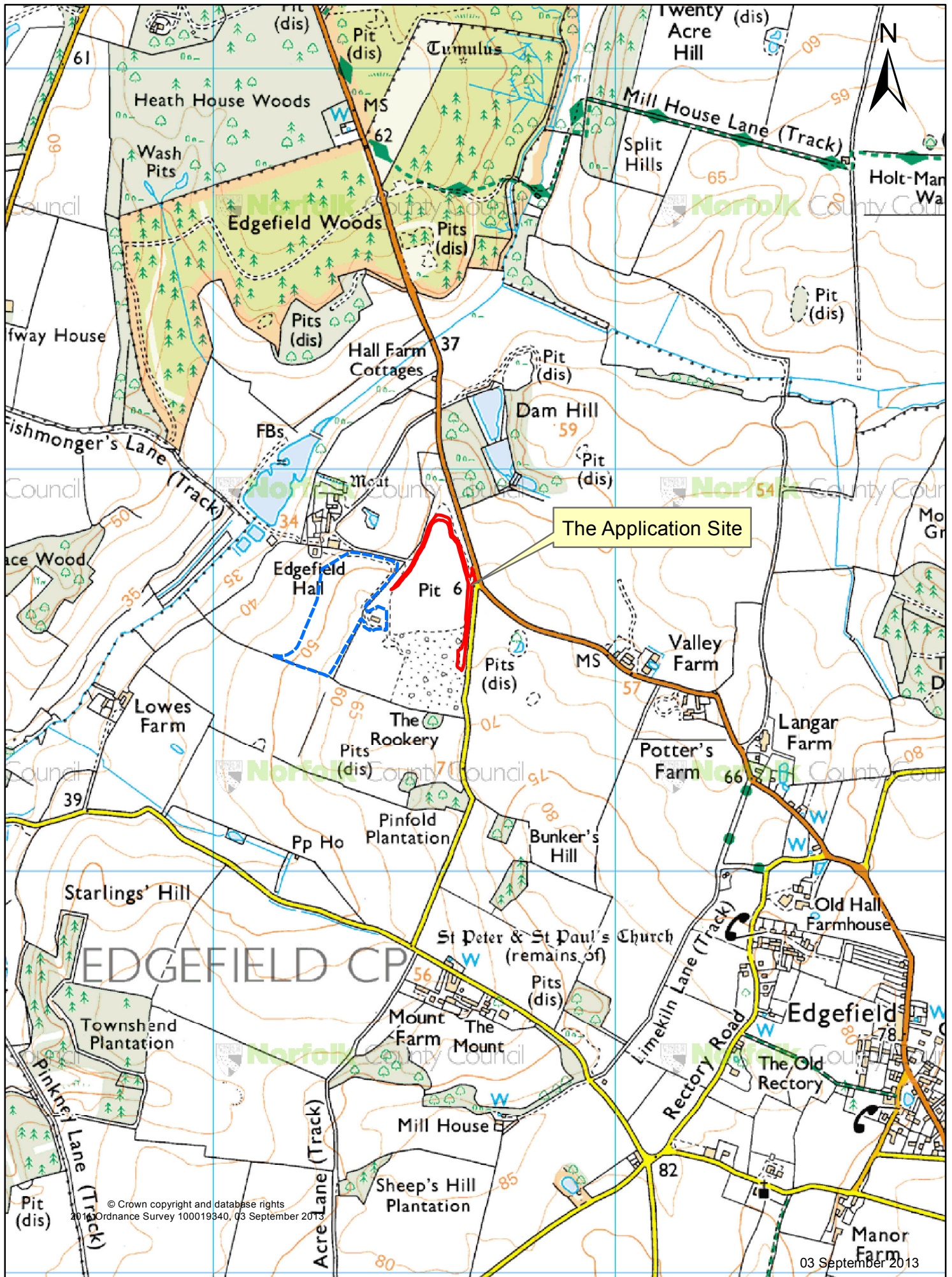
Edgefield



Norfolk County Council

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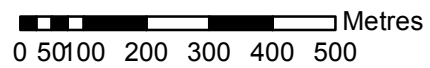
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03 September 2013

C/1/2013/1010
 Edgefield



Norfolk County Council
 Scale 1: 12000 Centred on 53 335570

**Applications Referred to Committee for Determination:
North Norfolk District: C/1/2010/1005: Edgefield:
Erection of plant to accommodate an anaerobic digestion
facility, provision of ancillary office and weighbridge,
retention of existing landfill gas engines and provision of
landscaping: Buyinfo Ltd**

Report by the Interim Director of Environment, Transport and Development

Summary

Planning permission is sought for the construction of an anaerobic digestion (AD) facility on a site (adjacent) to the west of Edgefield Landfill site. The AD plant would deal with 30,000 tonnes of mixed household, garden and kitchen waste together with other suitable waste food stuffs and surplus or spoiled agricultural vegetable products, per annum. The application was previously brought before this committee in December 2010 with a recommendation for refusal and latterly in February 2011 with a recommendation for a site visit whilst further information was awaited. These reports are attached as Appendices 1 and 2. Members' resolutions to the two reports were to defer the application in December 2010, and not hold a site visit in February 2011.

As well as being contrary to policy, there were a number of issues that needed clarification, and the resolution of Members was that the application be deferred until all outstanding matters had been dealt with so that if Members were minded to approve the scheme, the planning permission could be legally enforced. As well as outstanding information required, there was also an issue with the application conflicting with the approved restoration scheme for the adjacent landfill site where the access would be.

The applicant now proposes to use the access road that forms part of the landfill's restoration scheme and accordingly an application was recently lodged for the change of use of that road, and the removal of the access road element from this current application. Because the two applications are intrinsically linked, it is therefore recommended that the two are determined together with the same decision i.e. the AD plant could not operate without the access road, and there would be no case for the use of the access road without the AD plant.

The application is a departure from development plan policy given the location of the proposed site in open countryside and in the Glaven Valley Rural Conservation Area.

Whilst the proposal would divert waste from landfill and move it up the waste hierarchy, it is not felt the scheme represents an acceptable form of development. There are not sufficient material considerations that would outweigh the departure from policy and the application is therefore recommended for refusal.

Recommendation

It is recommended that the Director of Environment, Transport and Development be authorised to refuse permission for the grounds outlined in section 12.

1. The Proposal

- 1.1 Location : Land adjacent to Edgefield Landfill Site, Edgefield
- 1.2 Type of development : Anaerobic Digestion plant together with ancillary office and weighbridge, provision of landscaping, and retention of existing landfill gas engines.
- 1.3 Annual tonnage/waste type : 30,000 tonnes per annum of organic waste consisting of:
- 27,000 tonnes of municipal waste; and,
 - 3,000 tonnes of commercial and industrial waste.
- 1.4 Plant : Eleven digester vessels (each is a cast concrete tunnel), six concrete composting tunnels, steel portal framed central mixing area, waste reception area.
- 1.5 Market served : Within a 25-30 mile radius of site.
- 1.6 Duration : Permanent
- 1.7 Hours of working : Monday – Friday 07:00 hours – 18:00 hours
Saturday 07:00 hours – 13:00 hours
Sunday and Bank Holidays – Closed
- 1.8 Vehicle movements and numbers : Delivery of waste (Large Goods Vehicles)
Average of 36 daily movements of waste collection vehicles (18 in and 18 out);
Removal of composted material (Large Goods Vehicles)
Average of 6 daily movements;
Removal of contaminants for disposal (Large Goods Vehicles)
4 weekly movements of waste collection vehicle
Staff vehicle movements (private light goods vehicles)
Average of 8 daily movements.
- 1.9 Access : Access from B1149 Holt Road which would follow the northern boundary of the landfill site (this is the subject of application reference C/1/2013/1011).

2. Constraints

- 2.1 The following constraints apply to the application site:
- Site within the Glaven Valley Rural Conservation Area;
 - Site within 125 metres of nearest listed building: Edgefield Hall (grade II);

- Site within 1 kilometre of Holt Lowes Special Area of Conservation (SAC) and Site of Special Scientific Interest (SSSI);
- Site is on Grade 3 Agricultural Land.

3. Planning History

- 3.1 The bulk of the amended site which amounts to just under 3.9 hectares is agricultural land used for arable farming. The remainder of the application site consists of the existing landfill gas compound.
- 3.2 In November 2009 a planning application (reference C/1/2009/1015) was submitted for an AD plant at this site. This was very similar to the current one that is the subject of this report, however this proposed the creation of an access road across the centre of the (already restored part of the) landfill site. The application was subsequently withdrawn by the applicant following concerns expressed by the Environment Agency regarding the impact on the cap of the landfill site, and also by County Council officers about the landscape impact of the development given its location in a Rural Conservation Area.
- 3.3 The application site includes the existing landfill gas engines which are to be retained for the life of this development in order to utilise the landfill gas produced. These are covered by two permissions the first of which was granted in May 1995 (reference C/1/1994/1013) and was for the installation of three gas powered engine sets. This permission expires on the 31 December 2015, or when the maximum concentration of flammable gas in the landfill gas in the waste is below 1% by volume and carbon dioxide is below 0.5% by volume over a 24 month period measured on at least four separate occasions spread over that period, whichever is sooner.
- 3.4 The second permission (reference C/1/2005/1005) was for the installation of gas powered generator producing electricity for the national grid. This permission expires on the 23 November 2030, or when the maximum concentration of flammable gas in the landfill gas within the waste is below 1% by volume and carbon dioxide is below 0.5% by volume over a 24 month period measured on at least four separate occasions spread over that period, whichever is sooner.
- 3.5 More recently a further application determined in 2013 (reference C/1/2013/1002) permitted the replacement of the gantry and water cooling tower with office, and other additional infrastructure.
- 3.6 The adjacent landfill site, located on the western side of the Norwich-Holt road (B1149), has been operated for more than 30 years under a series of temporary planning permissions. The site, which is some 11.5 hectares in size, occupies a former sand and gravel quarry and is divided into 13 phases. Phases 1-12 at the have already been filled and capped with non-hazardous waste and phase 13 is currently in the process of being capped.
- 3.7 In accordance with the conditions of the most recent planning consent (reference C/1/2012/1006), granted for the landfill site in November last year, the landfill site is required to be restored by 31 December 2014. Significantly, that application also amended the landfill site's approved restoration scheme to include a perimeter access road for operational requirements to provide access to the gas extraction plant and for the management and associated monitoring of the landfill

site.

- 3.8 As referred to in the Assessment section of this report, a slightly smaller site in this vicinity (although not exactly the same shape) was put forward for inclusion in the County Council's Waste Site Allocations DPD document as WAS 88. However it was not included in the now adopted plan on the basis that it was unacceptable on landscape grounds.

4. Planning Policy

- | | | | | |
|-------|---|------|--|--|
| 4.1 | Norfolk Minerals and Waste Local Development Framework Core Strategy and Minerals and Waste Development Management Policies Development Plan Document 2010-2016 | : | CS3 | Waste management capacity to be provided |
| | | CS4 | New waste management capacity to be provided | |
| | | CS5 | General location of waste management facilities | |
| | | CS6 | General waste management considerations | |
| | | CS7 | Recycling, composting, anaerobic digestion and waste transfer stations | |
| | | CS14 | Environmental protection | |
| | | CS15 | Transport | |
| | | DM3 | Groundwater and surface water | |
| | | DM4 | Flood risk | |
| | | DM8 | Design, local landscape and townscape character | |
| | | DM9 | Archaeological Sites | |
| | | DM10 | Transport | |
| | | DM12 | Amenity | |
| | | DM15 | Cumulative impacts | |
| | | DM16 | Soils | |
| | | 4.2 | North Norfolk District Council Local Development Framework: Core Strategy & Development Control Policies | : |
| SS2 | Development in the Countryside | | | |
| SS4 | Environment | | | |
| SS6 | Access and Infrastructure | | | |
| EN2 | Protection and Enhancement of the Landscape and Settlement Character | | | |
| EN 4 | Design | | | |
| EN 6 | Sustainable Construction and Energy Efficiency | | | |
| EN 7 | Renewable Energy | | | |
| EN 8 | Protecting and Enhancing the Historic Environment | | | |
| EN 9 | Biodiversity and Geology | | | |
| EN 10 | Development and Flood Risk | | | |
| EN 13 | Pollution Prevention and Hazard Minimisation | | | |
| CT 5 | The Transport Impact of New Development | | | |
| CT 6 | Parking Provision | | | |

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|-----|--|---|----|--|
| 4.3 | The National Planning Policy Framework (2012) | : | 10 | Meeting the challenge of climate change, flooding coastal change |
| | | | 11 | Conserving and enhancing the natural environment |
| | | | 12 | Conserving and enhancing the historic environment |
| 4.4 | Technical Guidance to the National Planning Policy Framework | : | | Flood Risk |

5. Consultations

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|-----|--------------------------------|---|--|--|
| 5.1 | North Norfolk District Council | : | <p>No conservation or biodiversity objection subject to suitable conditions to safeguard visual amenity and ecology. Although the site lies on the valley side of the Glaven river valley and is in an exposed position, the landform, existing vegetation and lack of publicly accessible sites limit the visual impact of the scheme. Reference is made to the detrimental impact on the landscape that would occur being offset by the degraded nature of the existing landscape (i.e. the landfill site) as recognized in the ES limiting the visual impact of the scheme. Also regard the ecological impact of the development as being limited.</p> | |
| 5.2 | Edgefield Parish Council | : | <p>No objection (following receipt of additional information) however the Council is very concerned that overall traffic levels through the village will increase to the site particularly when other waste sites and quarries become operational in the vicinity. The Council believes road improvements are essential to safeguard parishioners road users and property and requests the following conditions to be applied:</p> <ul style="list-style-type: none"> • The 30mph area extended to cover dangerous bends/corners to the north of the village as far as Valley Farm; • Work to straighten the dangerous bends/corners in particular adjacent to the Old Pottery, Duck Pond Cottage and Potters Farm; • Flashing signs and other calming measures to reduce speed; • Request for planning gain; • Clarification for the need for this plant as that has not been established. | |

- 5.3 Stody Parish Council : No objection.
- 5.4 Environmental Health Officer (North Norfolk District) : No objection. Recommend a number of conditions including:
- noise levels at measured points not exceeding the existing background level;
 - deliveries limited to the hours proposed;
 - the installation of odour controls as detailed in the ES;
 - proposed lighting is restricted to the hours of 07.00 until 18.00 hours as detailed in the lighting assessment.
- 5.5 Norfolk Historic Environment Service : No objection. Trial trenching has indicated pit features containing pottery of Neolithic and Bronze Age date which indicates there is a high probability that other heritage assets with archaeological interest would be present on site. Therefore recommend a condition requiring the implementation of a programme of archaeological work in accordance with a written scheme of investigation.
- 5.6 Environment Agency : No objection subject to appropriate conditions. Comment that the development would require an Environmental Permit covering a range of issues including management, operations, and emissions and monitoring.
- Is satisfied that the proposed development would not increase flood risk on or off site and that the surface water scheme is suitable for the scale and nature of the development. The approval would therefore need to be subject to a condition requiring the development to be carried out in accordance with the Flood Risk Assessment submitted and supplementary information supplied.
- The consent would also need to be subject to a condition concerning the submission and implementation of a working practices procedure in order to prevent pollution of the water environment.
- 5.7 Natural England : No objection.
- 5.8 Highway Authority (NCC) : No objection.
- 5.9 National Planning Casework Unit (previously Go-East) : No objection.
- 5.10 English Heritage : Do not wish to offer any comments on this

- occasion: the application should be determined in accordance with national and local policy guidance and on the basis of your specialist conservation advice.
- 5.11 Waste Disposal Authority (NCC) : NCC is partly responsible and will in the future become fully responsible for the adjacent landfill site. The WDA encourages new technologies such as AD plants for the disposal of waste and as such fully supports the application.
- 5.12 UK Power Networks : No objection. Highlight requirements concerning the maintenance of satisfactory clearances between plant apparatus and people and equipment; and, a separate application would need to be made for any additional electrical capacity to meet increased loads generation etc. These would be attached to any permission granted as an informative.
- 5.13 Southern Norfolk Primary Care Trust (now NHS Norfolk and Waveney Public Health Directive) No response received.
- 5.14 Anglian Water No response received.
- 5.15 Campaign to Protect Rural England : Object to the application on the following grounds:
- The site lies in the Glaven Valley an attractive area of rural countryside which with the closure of the landfill site is planned to be restored to regain in full the former landscape quality and tranquillity;
 - The development proposed would be incompatible with the built character of the landscape and Conservation Area designation due to the industrial nature of the development. The site would be visible in close and distant views within the vicinity;
 - The proposal would subvert the spirit and objectives of the restoration plans of the landfill site by having removed the one blight on the local landscape, then replacing it with another permanent planning permission as opposed to the long term series of temporary planning permissions that supported the landfill site;
 - Vehicles serving the plant would result in visual and noise pollution;

- There would be light pollution from the plant and facilities in what would be a 'dark skies' area;
- On a precautionary approach it is inherently not good practice to locate this type of development within 500 metres of the River Glaven.

5.16 Local residents

: A total of 33 letters of objection (5 of which are from the same residents) or opposition have been received (including a letter written on behalf of the River Glaven Conservation group expressing concern). One of the letters of objection was accompanied by a letter from the local MP Normal Lamb asking that his constituent's comments be registered as a formal representation and also inquiring about the application itself: Mr Lamb's letter is not however classed as an objection.

The objections are on the following grounds:

- Unsuitability of highway network in locality: there has been previous instances of HGVs colliding with properties (would highway numbers be limited?);
- The lack of need for the facility given that a number of similar sites already exist in Norfolk;
- Should be refused because it ignores several respects of Norfolk County and North Norfolk District development plans and Planning Policy Statements.
- Adverse visual impact on the landscape of the area - natural beauty of area will be damaged.
- Unacceptable development in the Conservation Area;
- Impact on / loss of amenity with reference made to odour;
- Further prospect of urban style flood lighting near the plant;
- Nearby to residential property – this would pose a health and safety risk with regards to that posed by fire and explosions;
- Archaeological remains have been found in the area;
- Damage that may be caused to the Glaven

Valley in the event of leakage of materials or washing of nutrients from stored materials into the river which is in close proximity (this would then affect the river's water quality and ecology);

- Development could result in flooding of properties at the foot of the slope on which the application is proposed;
- The escape of effluent could be disastrous for the whole length of the River Glaven far beyond the limits of the site of the plant;
- Is a sloping site and any run off would have implications for the valley and housing below;
- Development would be visible from concessionary footpaths;
- Scale of access road out of keeping with the area and would be an eyesore for walkers and residents;
- Further upgrade of the grid may have a further detrimental impact on the Glaven Valley;
- The negative impact on the environment and local ecology;
- Local people understood the site would be fully restored once landfilled;
- This proposal would prolong operations – people have planned their lives on the basis of closure of landfill site and its restoration to countryside and this would lead to further industrialisation of the area;
- It is therefore spurious to justify the development on the basis the landfill site already represents a blot on the landscape (i.e. it would not make things any worse);
- The plans to restore the landfill site make no reference to build an access road [this letter was received before the application to amend the restoration of the landfill site had been received];
- The area should be restored as part of Conservation Area;
- Edgefield has already suffered several years from impacts from landfill site with

reference made to traffic and the noise and dust created by it, noise and smell, its unsightly appearance with insufficient screening, plastic bags and other rubbish strewn around the countryside;

- Application is viewed as an attempt to 'piggy-back' a further unsustainable development on a previous one; 'this sort of incremental desecration should not be allowed';
- It is therefore felt the village has already 'contributed its share to the community';
- The site being closer to dwellings and bore holes than 250 metres;
- Possibility of effluent contamination bore hole which serves three properties;
- Possibility of contaminants causing toxic fumes or an explosion in AD plant;
- Would the applicant check for contaminants in delivery loads?
- Not giving consideration of the cumulative environmental impact of two or more closely located waste management sites – reference made to Core Strategy policy DM15: *Cumulative impacts* and organic waste site between Edgefield and Saxthorpe.
- Adjacent to Holt Country Park and Holt Lowes which has increased number of visitors locally and on holiday;
- Adverse impact on house prices
- Adverse impact of industrial style flood lighting;
- The principle of AD plants per se given the likely world shortage over the next 20 – 30 years – what is required is a government campaign to prevent wastage of food;
- The power created from this process would not compensate for the energy expended in the creation and consumption of food and the transportation of the waste to the AD plant;
- Setting aside a small area for Common Cudweed displays a complete lack of

understanding of the ecology of this arable weed;

- It is proposed to screen the site with indigenous woodland planting however it is not possible to create indigenous woodland and any trees planted would be of limited conservation benefit;
- Whether vehicles taking material off site would use the access proposed or an existing access used currently be farm vehicles;
- The applicant has consistently presented 'no objection' for consultees as a de facto vote in favour. Because organizations such as the River Glaven Conservation Group or Natural England raise no objection, this is a far cry from being 'in favour of the development'.

An objection was also received from Norfolk Environmental Waste Services (NEWS) the commercial company that operates the adjacent landfill site and is part of the County Council owned Norse Group. Their objection was received after the first round of consultation in 2010 and is on the grounds that:

- The applicant does not have any commercial agreement or other rights to cross their land (i.e. the access road proposed);
- The application appears to contain conflicting information about the route of the proposed access site: NEWS does not have planning permission for either road layout; and,
- The proposed route and turning circle conflicts with NEWS' current planning permission and environmental permit which include final settlement contours which requires the removal of the current turning circle.

In addition, 69 no. 'tear off pro-forma' slips were submitted from members of the public stressing that the landfill site should be managed on a long term basis for the benefit of nature conservation as previously agreed by the council. The slips do not explicitly object or refer to the AD plant directly.

Four letters of support have been received on the following basis (one of these is from the District Cllr for Edgefield, John Perry-Warnes):

- There is a desperate need to make north Norfolk sustainable in terms of waste and electricity. Any negatives would far be outweighed by positives;
- A local facility using an existing site that generates electricity/renewable energy for the national grid would make a sensible and cost effective answer to reducing landfill usage in this area;
- The transportation of waste to sites as far away as Kent cannot possibly be eco friendly or cost effective;
- Would produce a composted material for use in production of domestic and agricultural humus;
- Would save on mileage of collecting vehicles from domestic premises to point of process;
- The applicant has considered all aspects to ensure conservation of the area.

5.17 County Councillor (David Ramsbotham)

: Nothing to add to the objections/comments he made (in March 2011) before he became Cllr (as set out below) except that he is really concerned about the road safety aspects of the B1149 between Edgefield and the site. Only a few weeks ago the corner of a listed barn was badly damaged by an HGV. Wishes to record his support for officers in refusing this application. Is surprised that the landfill was ever granted permission in the first place and would question whether the conditions of the current approval for electricity/gas production are being followed. Objects to the application for the following reasons:

1. The current highway [B1149] through Edgefield is not suitable for the size of lorries which will be transporting material to and from the site. Traffic on this road has collided with one property, Old Hall Cottage, at least 12 times in the last year! In this connection please note that the 30 mph speed limit needs to be extended to cover this area;
2. The risk of the possible damage that the new plant could do to the Glaven Valley in the event of the leakage of materials is unacceptable. It has taken years to restore

this river valley to its former glory with an array of flora and fauna and all this could be destroyed by just one incident of mismanagement;

3. The visual impact on the area of outstanding natural beauty [like the current plant] is also unacceptable. This is one of the most beautiful areas in Norfolk and should be preserved for future generations.
4. I understand that evidence of Neolithic man has been found in the area;
5. I also noticed that the plans omitted to show four residential properties which are very close to the proposed plant. These dwellings obviously pose health and safety considerations. I have seen reports of fires and explosions occurring at these plants;
6. There is also the nuisance created by smells to be considered and the possibility that the connection to the grid may have to be upgraded creating further detrimental visual impact on the Glaven valley;
7. I understand that a previous planning application C/1/2001/1002 stated that the area would be returned to nature as an open space by 2013. A lot of people have planned their lives on the basis of this promise not expecting further industrialisation of the area;
8. The effect that it [and other inappropriate developments in the area] will have on the tourist industry which is the lifeblood of North Norfolk. If we keep chipping away at our unique environment there will be nothing left to attract tourists to the area;
9. Would like clarification why the perimeter access road is necessary - It follows the brow of the hill which means traffic will be clearly visible from the Glaven Valley. If an access road to the restored area is really necessary it would be better placed on the southern boundary of the site.

Is also intrigued as to why members felt it necessary to oppose the Officers recommendations on this case which seems clean cut.

On a general point would it not make sense for

NCC to pinpoint areas where this type of waste disposal would be of benefit to the County i.e. centrally, on a good road network and where the impact on the environment is minimal rather than allowing “get rich quick” landowners and farmers to dictate the location of these plants?

6. Assessment

Background

- 6.1 This is an application that the County Council initially received in 2010 albeit it was amended in August 2013 with removal of the proposed access road over the adjacent landfill site. The proposed access is now the subject of a separate application, reference C/1/2013/1010 that is to be considered in conjunction with this planning application. This application was initially reported to Planning (Regulatory) Committee in December 2010 with a recommendation for refusal (Appendix 1) on policy grounds, the conflict that the application would have on the adjacent landfill operations (with regard to the access road) and both insufficient and inconsistent information submitted. The resolution of Members was that the application should be deferred until all the outstanding issues had been resolved so that if Members were minded to approve the scheme, the planning permission could be legally enforced. While this information was being awaited, a further report was taken to this committee in February 2011 (Appendix 2) recommending a site visit. The resolution was that a site visit should not take place until the required information was available to the Committee. It is now considered that sufficient information has been supplied to enable the application to be determined and a legally enforceable permission to be granted should Members be minded to do so.

Proposal

- 6.2 The application lodged by Buyinfo Limited is for the development of an Anaerobic Digestion (AD) facility on a site adjacent to the west of Edgefield Landfill site. It is proposed that the AD plant would deal with 30,000 tonnes of mixed household, garden and kitchen waste, together with other suitable waste food stuffs and surplus or spoiled agricultural vegetable products, per annum. The plant would be based on a dry fermentation process which allows recovery of energy contained in bio-waste. The gas produced by the digestion process facility would be piped to the existing adjacent landfill gas engines (which this application seeks to retain) to generate electricity. The development would therefore produce a form of renewable energy. The composted digestate from the end process can be used as a fertiliser in the agricultural and horticultural industries and it is envisaged that, in addition to the 5200 MWh of electricity that would be produced, some 15,000 tonnes of soil improver could be produced each year.
- 6.3 In addition to the plant itself, the application also requires new ancillary infrastructure in the form of an office, and also a weighbridge to ensure all waste arriving at the site can be weighed and booked in. At this point waste transfer notes would be inspected to ensure the waste is suitable to be used in the AD plant.

- 6.4 The new office building is required for the purpose of housing the technical equipment needed to control the operation of the plant itself. This would be accommodated within an extension to the existing building (the 'Generation Hall') that houses the generators that convert landfill gas into electricity. This would extend the length of the existing building by 4.5 metres and at 7.5 metres in width and would be slightly narrower than the existing building. It would actually provide two small office rooms and a WC. The walls would be finished in smooth render painted in neutral stone and the roof would be green mineral felt. The Generation Hall itself is located to the east of where the AD plant would be and to the west of the current landfill site.
- 6.5 As part of the scheme, the site of the AD plant would be re-contoured to allow the plant to be set into the ground and screened by the new landform in attempt to reduce the visual impact of it. The application also proposes some 2.5 hectares of indigenous woodland planting to the south, west and north of the plant. In this resubmitted application, the applicant also made reference to a further 0.33 hectares of planting to the west of the landfill site, i.e. in an attempt to screen the proposed access. In the previous reports, no weight was given to this however the applicant has now committed to entering a Section 106 Legal Agreement to secure this planting should the application be approved.
- 6.6 The AD plant itself would be accommodated within a structure which would occupy a footprint of 69 metres in width by 62 metres in length. It would be 8 metres in height to the ridge line. This structure would consist of 11 digester vessels; each is a cast concrete tunnel approximately 6 metres wide, 27.5 metres and length and 5 metres high. In addition there are 5 or 6 composting tunnels (this number differs between the application documentation submitted) that are similar cast concrete tunnels. These vessels are linked by an enclosed central mixing area which would be accommodated in a steel portal framed structure clad with dark green plastic coated profiled sheeting.
- 6.7 Process
- Once weighed, waste would be deposited into a reception hall via a chute, and following inspection, would be screened and then shredded into 40mm maximum dimension and added to a stockpile.
- 6.8 Each of the eleven digester units would be loaded (and unloaded) on a six week cycle. When unloaded, 50% of the material would be blended with fresh material from the reception hall stockpile and the other 50% transferred to the composting stage. These operations would occur twice a week in an enclosed and ventilated space at the front of the digester units; the transfer of material within the building would be undertaken with a wheeled loading shovel.
- 6.9 On completion of a six week period, post digestion material would then be transferred through a roller shutter arrangement to a concrete box tunnel unit for composting. Heating elements would be provided in the floor and the walls of this unit, and air would be forced through the material to stimulate aerobic digestion of the remaining organic carbon in the feedstock. During this process the temperature of the material would be raised beyond 60 degrees Celsius for a period of 48 hours. Following a one week period in this vessel, the material would then be transferred to a secondary identical tunnel where this heating process would be repeated.

- 6.10 Having passed through the two stage composting process, the digestate would be transferred to an outdoor storage and maturation area and stored in windrows. This would enable any composting taking place within the material to be completed before the material is taken off site by tractor and trailer for use as an agricultural soil improver.
- 6.11 All waste held within the building, reception and mixing halls would be held at negative pressure with the exhaust air from the air handling unit directed to a biofilter. Located to the north west of the main structure, this biofilter would be a tank filled with woodchip impregnated with enzymes which degrade the organic chemicals that cause the odour to occur.
- 6.12 The biogas created within the plant would be transported via an over ground pipeline to the existing landfill gas engines to generate electricity. There is an existing cable that links this into the local network. Waste heat created would be used to manage the temperature within the respective stages of the process to ensure optimum temperatures are achieved and effective pathogen kill occurs during the composting process.
- 6.13 As referred to above, the biogas captured would be directed to the existing landfill gas engines that are already in situ to the north east of where the AD plant would be erected. This application seeks permission to retain this infrastructure for the life of this development (i.e. in perpetuity) to utilise both the landfill gas already emanating from the landfill site and the biogas produced which would make use of the existing spare capacity available. The landfill gas engines are currently covered by two temporary planning permissions the details of which are provided in section 2 of this report.
- 6.14 The process detailed above would obviously take place 24 hours a day however the operations such as waste deliveries and transfer of waste would only take place when the plant would be staffed between 07.00 hours and 18.00 hours Monday to Friday and 07.00 hours and 13.00 hours on Saturdays.
- 6.15 Because of the nature of the proposal, the County Council provided a Screening Opinion for this development in April 2008 to the effect that an application would need to be accompanied by an Environmental Statement (ES). It was considered by officers that the proposal has the potential to have significant impacts on the environment, not only because of the sensitive nature of the landscape that the application site is located within, but also by virtue of other factors such as the impact that could occur with regards to ecology, flooding, water resources, pollution and nuisances, and highways. Accordingly, the application has been determined in accordance with The Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 as amended and latterly The Town and Country Planning (Environmental Impact Assessment) Regulations 2011 which replaced the 1999 Regulations. The ES submitted assessed the impacts of the development on ecology, landscape, hydrology and hydrogeology, archaeology, odour, traffic and noise. A Regulation 19 request was made to the application following planning committee in December 2010 asking for information relating to landscape, archaeology, highways and lighting.

Site

- 6.16 The application site comprises sloping arable farmland on the side of the Glaven Valley. It is situated approximately one kilometre north west of Edgefield village

and some two kilometres to the south of the town of Holt. It is bounded by farmland to the south west and north, and by Edgefield Landfill site to the east. The access to the site around the northern perimeter of the adjacent landfill site was previously part of the application, however it is now the subject of a separate application, reference C/1/2013/1010.

- 6.17 The revised application site now totals 3.9 hectares which includes the agricultural land where the AD plant would be erected and the remainder being the existing landfill gas compound that the application seeks to retain. This compound includes the existing electricity generators and associated plant and buildings (previously it was 4.96 hectares when it included the access road).
- 6.18 A small group of residential dwellings lie to the north west of the site with the closest of these being 'The Bungalow' some 140 metres away. Significantly, the site lies within the Glaven Valley Rural Conservation Area which was designated by the district council in 1980 because of its high landscape value.
- 6.19 The landfill site remains operational with tipping and capping operations taking place in the northern extent of landfill in the final phase. The current extant planning permission for the landfill requires the site to be restored by the end of December 2014. Significantly, it is around the northern perimeter of this landfill where the access road is proposed albeit that is now the subject of a separate planning application.
- 6.20 The application site includes the existing landfill gas engines which would be retained for the life of the proposed AD plant, i.e. in perpetuity. These are located between (to the east of) where the AD plant would be situated and (to the west of) the existing landfill site.

Principle of development

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

“if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise”.
- 6.22 In terms of the development plan, the County Planning Authority considers the relevant documents in relation to this application are the Norfolk Minerals and Waste Local Development Framework Core Strategy and Minerals and Waste Development Management Policies Development Plan Document 2010-2016 (the “NMWDF Core Strategy”), and the North Norfolk District Council Local Development Framework: Core Strategy & Development Control Policies. Whilst not part of the development plan, policies within the National Planning Policy Framework (NPPF) and Planning Policy Statement 10: Planning for Sustainable Waste Management (2011) (PPS10) are also a further material consideration of significant weight. The NWMDf Core Strategy however takes precedence over this because it is regarded as an ‘up to date plan’. Therefore, since the planning application was originally put to committee in December 2010, there has been significant changes to the policy framework against which the application was originally assessed in terms of the Waste Local Plan (2000) being replaced by the Core Strategy. In addition the Regional Spatial Strategy: The East of

England Plan has also been revoked and all of the national Planning Policy Statements, with the exception of PPS10, were replaced by the NPPF when it was published in 2012.

- 6.23 As referred to in the original committee report that went before this committee on 10 December 2010 (Appendix 1), when the application was received it was deemed to be a departure from development plan policy and accordingly was advertised to that effect. As set out below, notwithstanding the change in policy framework explained in 6.22, the application is still considered to be a departure from policy. Therefore, in accordance with Section 38(6) of the Town and Country Planning Compulsory Purchase Act 2004, the presumption for this application is that it should be refused given that it is contrary to policy however it needs to be determined whether there are sufficient material considerations that would outweigh this policy conflict and justify a grant of permission.
- 6.24 NMWDF policies CS3: *Waste Management Capacity to be provided* and CS4: *New waste management capacity to be provided* set out the waste management needs of the County over the plan period, until 2026. Related to this, and also part of the Development Plan, the County Council recently adopted its Waste Site Allocations document Development Plan Document which identifies the allocated sites where waste management facilities are considered acceptable in principle over that period. This document identifies allocations to meet the need in policies CS3 and CS4, and the document was examined by the Planning Inspectorate in April 2013, who found it to be sound and legally compliant. The Inspector considered whether sufficient sites were to be allocated so as to meet the need identified in CS3 & CS4 and concluded that the need would be met by the allocated sites. Therefore, the need for the site should not be given great weight in relation to the CS3 and CS4, as there are other more appropriate sites available and more importantly allocated within the plan.
- 6.25 A slightly smaller site in this vicinity (although not exactly the same shape) was initially put forward for inclusion in this document as WAS 88. However it was not included in the adopted plan on the basis that it was unacceptable on landscape grounds. No representations were received from the applicant objecting to the non-allocation of this site. As part of the extensive consultation process, North Norfolk District Council had supported the County Council's conclusion that the site should not be allocated given that it was considered unsuitable on landscape grounds on the basis that it 'seemed odd to be promoting an allocation in a Development Plan adjacent to a site which would not exist'. Therefore, with regards to the adopted development plan, this site is not required to meet the identified need for waste management facilities in Norfolk with regards to both policies CS3 and CS4.
- 6.26 NMWDF policy CS5: *General location of waste management facilities* defines this proposal as a 'strategic' or major waste site given that the proposed throughput exceeds 10,000 tonnes per annum. This policy seeks to direct such facilities to sites that are 'well related' (within 10 miles) to one of four main settlements. The closest of these to Edgefield is the 'Norwich Policy Area' however due to its size this does not have such a zone hence the facility would need to be within the Norwich Policy Area itself. Clearly the site does not comply with this element of

the policy, but the policy does have further flexibility for sites given the largely rural nature of Norfolk and that some sites may be less well related to major centres of population. In this instance the proposal would need to be well related to the major road network, take advantage of cross border opportunities for the efficient management of waste, or enable the re-use of brownfield sites unsuitable for other uses. However it is not considered that the scheme complies with any of these caveats hence it is contrary to this policy.

6.27 NMWDF policy CS6: *General waste management considerations* requires waste sites to be developed on the following types of land for them to be acceptable providing they do not cause unacceptable environmental impacts:

- a) land already in waste management use;
- b) existing industrial/employment land of land identified for these uses in a Local Plan or DPD;
- c) other previously developed land; and,
- d) contaminated or derelict land.

The development is proposed to be sited on agricultural land in the open countryside. Clearly the scheme does not comply with this policy given that the development is not proposed to be built on any of the types of land listed above and, as discussed below, would have an unacceptable environmental impact on the landscape and Conservation Area.

6.28 NMWDF policy CS7: *Recycling, composting, anaerobic digestion and waste transfer stations* states that the development of new anaerobic digestion facilities will be considered favourably so long as they would not cause unacceptable environmental, amenity and/or highway impacts. Whilst the land use departure from policy has already been highlighted, there are other development plan and NPPF policies against which it will be determined if there are unacceptable impacts, as examined in the assessment section below.

6.29 With regards to policies in the North District Council Local Development Framework, policies SS1 and SS2 provide weight for a countryside location, however the plan also makes reference to the quality and character of the area which is enjoyed by residents and visitors, being protected and enhanced where possible. In this instance the level of detriment to the countryside caused by the industrial nature of the plant is considered unacceptable.

6.30 Planning Policy Statement 10 sets out the strategy for sustainable waste management with reference to moving the management of waste up the hierarchy and using it as a resource wherever possible. The Anaerobic Digestion process proposed diverts waste from landfill and recovers value from the waste with regards to both the energy produced from biogas, and the digestate produced that would be able to be used in agriculture and horticulture. However PPS 10 also underlines that the development plan forms the framework within which decisions on proposals are taken. It adds that when proposals are consistent with an up to date plan, there is not a requirement for applicants to demonstrate a quantitative or market need for their proposal. Therefore in this instance given that the application is not in accordance with the development plan and has not been included in the Site Specific Waste Allocations Document, there is a need for the applicant to demonstrate a need; however this has not

been done with this application.

- 6.31 Notwithstanding this, PPS 10 states that, for unallocated sites (which this is), applications should be considered favourably when consistent with policies in the PPS (including criteria set out in paragraph 21 of the PPS), and the planning authority's Core Strategy (this is explored throughout the report). In terms of paragraph 21 of the PPS, there are physical and environmental constraints on development as discussed elsewhere in the report. In addition, the PPS also states that priority should be given to the re-use of previously developed land or redundant agricultural buildings and their curtilages, however this is not the case with this proposal.

Amenity

- 6.32 The protection of amenity for people living in close proximity of waste management facilities is a key consideration and NMWDF policy DM12 states that development will only be permitted where "...unacceptable impact to local amenity will not arise from the operation of the facility." This echoes policy NMWDF CS13 which also seeks to avoid unacceptable impacts on amenity.
- 6.33 Both PPS10 and the NPPF underline that planning authorities should focus on whether the development itself is an acceptable use of the land, and the impact of the use, rather than the control of processes or emissions themselves where these are subject to approval under pollution control regimes. Furthermore, the County Council should assume that these regimes will operate effectively. It is understood the applicant is awaiting the outcome of the planning applications before applying for an Environmental Permit.

6.34 Odour

With regards to odour, because of the nature of both the waste stream proposed to be treated, i.e. organic waste, and the process proposed to treat the waste, there is a potential for this development to create a significant level of odour. The ES identified a number of different sources of odour and assessed the severity of the risk and method of control. In order to operate effectively, the plant relies on providing a controlled environment with the effective containment of gases. All waste held within the building, the reception, and mixing halls would be held at negative pressure in order to contain odours. Exhaust air from the air handling unit would pass through a biofilter which is a standard means of treating the emissions from this nature of waste treatment facility. Gases created from the digestion process would be collected and utilized in the landfill gas engines that are already in place.

- 6.35 The conclusion of this assessment draws comparisons with the odour produced by the existing landfill site and states that the plant would have significantly less impact when compared to the landfill operation. In accordance with the current extant permission, the landfill site is required to be restored by the end of December 2014 and consequently that source of odour will no longer exist. In the event that planning permission is granted, the site would be regulated by the Environment Agency (EA) through an Environmental Permit, and given that no objection has been received from

either the EA or EHO (subject to a condition requiring the installation and maintenance of the odour control detailed in the ES), it is considered that there is not likely to be an impact on amenity with regards to odour.

6.36 Noise

As with the odour assessment, the noise study has been carried out against the backdrop of the existing landfilling operations that are required to cease by December 2013. Having modelled predicted noise levels against the surveyed existing noise levels the ES concludes that the plant is not likely to cause any loss of amenity to residents or lead to complaint.

6.37 Subject to any grant of permission being conditioned to the effect that the noise level at the measured points does not exceed the existing background level, as detailed in the noise survey in the ES, the EHO is satisfied with the development with regards to noise. Furthermore, the Environment Agency, which would monitor noise as an aspect of its Environmental Permit, has similarly not raised an objection to the scheme.

6.38 Lighting

When the application originally came before Planning (Regulatory) Committee in December 2010, one of the grounds for refusal (ground number 7) was on the basis that insufficient information had been submitted to demonstrate that the proposal would not have an adverse impact on the countryside and residential amenity. After that committee meeting a Regulation 19 request was sent to the applicant requesting further information relating to the Environmental Statement and specifically in respect of site lighting. Subsequently to this, the applicant submitted further information in respect of a site lighting assessment. Following a statutory re-consultation period, North Norfolk's Environmental Health Officer raised no objection to this on the basis the proposed lighting is restricted to the hours of 07.00 until 18.00 hours as detailed in the lighting assessment.

6.39 It is considered that, subject to the aforementioned conditions, and the site being regulated by an Environmental Permit, as issued by the Environment Agency, the proposal would not have an unacceptable impact on amenity with regards to these matters in accordance with policy DM12.

Landscape / Design

6.40 When this application originally came before this committee in December 2010, a number of the grounds for refusal, namely grounds number 2, 3, 7 and 8 were on the basis of the visual impact of the site in the Countryside and moreover in the Glaven Valley Rural Conservation Area, designated because of its high landscape value. As stated above, there has been a change in the policy framework since this time and the scheme therefore needs to be assessed in the light of the current policy framework.

6.41 Norfolk MWWDF Core Strategy Policy DM8: *Design, local landscape and townscape character* states that 'development will be permitted if it will not harm the conservation of, or prevent the enhancement of, key characteristics of its surroundings with regard to the character of the landscape...., including

consideration of historic character. It adds that development will only be permitted where it would be within Conservation Areas where the applicant the applicant can demonstrate the development would not adversely impact on the historic form, character and/or setting of these locations taking into account any mitigation measures.

- 6.42 Norfolk MWWDF Core Strategy Policy CS14: *Environmental Protection* states that developments must ensure there are no unacceptable adverse impacts on, and ideally improvements to, the character and quality of the landscape.
- 6.43 In terms of North Norfolk's Core Strategy, Policy EN 2: *Protection and Enhancement of Landscape Settlement Character* states that development proposals should demonstrate that their location, scale, design and materials will protect, conserve and where possible enhance the setting of Conservation Areas. Policy EN 4: *Design* states that design which fails to have regard to local context and does not preserve or enhance the character and quality of an area will not be acceptable. Furthermore Policy EN 8 adds that the character and appearance of Conservation Areas will be preserved and where possible enhanced.
- 6.44 Also of significant material weight are PPS10 and NPPF. PPS10 makes reference to a number of criteria to be taken into account in the decision making process for unallocated sites. One of these considerations is any adverse effect on a site of a nationally recognized designation i.e. a Conservation Area.
- 6.45 NPPF policies 11 and 12 set out the broad objectives to development in relation to landscape impact and the need to conserve the historic environment. The NPPF directs that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes. It also states that planning authorities should take account the desirability of new development making a positive contribution to local character and distinctiveness.
- 6.46 With regards to the design of the buildings proposed, this would be industrial in its nature and would include cast concrete composter tunnels and a central mixing area accommodated in a steel portal framed structure clad with plastic coated profiled steel sheeting.
- 6.47 The application site lies adjacent to three landscape character areas: small valleys, wooded parkland and tributary parkland, and their key characteristics are described within the ES. The ES also recognizes that the proposed site would be in an elevated position on the western side of the river valley and consequently development within the site would be visible from a wide zone.
- 6.48 The application proposes some 2.5 hectares of tree planting which would result in a significant amount of 'indigenous' woodland planting, which when mature, could form a positive landscape feature. The site of the proposed digestion plant would also be re-contoured to allow the development to be set into the ground and screened by the new landform. In addition to this, the application also proposes some additional tree planting that would be located to the north east of the AD plant, and to the west of the landfill site and would amount to an additional 0.33 hectares. Notably, this was added to the application when it was lodged for the second time with the amended access route which would take vehicles around the north of the landfill instead of across the middle of it (as proposed in the original application referred to in section 2 of this report).

- 6.49 The application refers to this additional strip of tree planting as 'planning gain' because it falls outside the red line boundary because the applicant was not prepared to amend the original red line site boundary drawing (used with the first application) to incorporate this planting.
- 6.50 When this application was initially reported to this committee, no weight was attached to this tree planting because it could not be secured through a planning condition because it was outside the application site and also because the applicant had not offered to secure this planting through a Unilateral Undertaking or Legal Agreement. However since that Committee meeting the applicant has resolved to agree to enter into a Section 106 Legal Agreement which has been progressed in the interim. Therefore should this application be approved, the recommendation would be that it is subject to the said Section 106 Agreement.
- 6.51 The Landscape and Character Assessment and Visual Impact Assessment included within the ES and which made reference to the North Norfolk's Landscape Character Assessment concludes that although there would be a detrimental impact on the landscape; this is offset by the degraded nature of the existing landscape (against the backdrop of the landfill site), and as such effects on landscape character would be significantly less than they would in an area where the landscape character was in tact. Notably, this is also a point that North Norfolk District Council referred to in its consultation response and gave weight to when not raising an objection to the scheme. However, both the applicant, in the ES, and North Norfolk District Council, in their consultation response, have failed to appreciate that whilst the landfill site undoubtedly currently degrades the landscape, the landfilling operations are only temporary use of the land which are required in order to restore what is a former mineral working.
- 6.52 The initial justification for the landfill at this site was because it was here that the glacial deposit occurred hence a hole in the ground was left after extraction of the mineral. However, landfilling of the working was approved in order to restore the land to ensure activities would not have a permanent detrimental impact on the landscape. The final restoration scheme proposed for the landfill site requires the site to be restored to a mixture of woodland and grassland with an access road around the northern perimeter of the site (as approved last year under reference C/1/2012/1006). This will ensure the landfill site is not left 'degraded' and furthermore will provide positive enhancements to the overall landscape with both a final profile and landscape planting that will assimilate well with the wider landscape. Consequently, the County Planning Authority does not attach any weight to this argument detailed in the ES regarding the 'degraded landscape'.
- 6.53 The development would be a large industrial type structure within the countryside which would be served by vehicles travelling across the landfill site (albeit that element is now the subject of a separate planning application). The application would also require the re-contouring of the landfill site in order to accommodate the AD plant. The applicant has proposed a significant amount of woodland planting, which when mature (after 20 to 25 years) could form a valuable landscape feature. However, in the short to medium term the new structure would be clearly visible from the permissive footpaths to the south and west and would have a significant detrimental impact on the rural character of the Conservation Area and landscape.

- 6.54 Given the above, it is considered that the application would not preserve or enhance the character and quality of the Conservation Area. It is not considered that the design of the buildings proposed would be of a local quality or reinforce local distinctiveness, and would adversely impact on the character and setting of this sensitive location and landscape. Therefore it is considered the proposal does not comply with NMWDF Core Strategy Policies DM8 and CS14, North Norfolk Core Strategy Policies EN2, EN4 and EN8, and PPS10.

Biodiversity

- 6.55 NMWDF policy CS14: *Environmental Protection* states developments must ensure there are no unacceptable adverse impacts on biodiversity including nationally and internationally designated sites and species.

6.56 Appropriate Assessment

While the proposed development would be approximately 1 kilometre from Holt Lowes Special Area of Conservation (SAC) and Site of Special Scientific Interest (SSSI), following consultation with Natural England and the County Council's Ecologist, no issues have been raised that would indicate that this development would affect the integrity of this site. This view is consistent with the conclusion within the ES which concluded that there would not be a significant impact on designated sites in the area (including this one).

- 6.57 In accordance with an assessment under Article 61 of The Conservation and Habitats and Species Regulations 2010, because it is considered that the scheme is unlikely to have any adverse impacts on the ecology of the designated area, an Appropriate Assessment is not required.

- 6.58 In addition to the aforementioned internationally and nationally designated site, the wider surroundings of the site also include Edgefield Woods which is some 600 metres to the north. Neither the ES submitted nor the consultations carried out have given any indication that the scheme would result in significant damage to the area.

- 6.59 It is considered that the proposal complies with NMWDF policy CS14, which seeks the avoidance of unacceptable adverse impacts on biodiversity, including nationally designated sites.

Highways

- 6.60 NMWDF Policies CS15: *Transport* and DM10: *Transport* requires that proposed new waste facilities in terms of access will be satisfactory where anticipated HGV movements, taking into account any mitigation measures proposed, do not generate, inter alia, unacceptable risks/impacts to the safety of road users and pedestrians, the capacity and efficiency of the highway network, or to air quality and residential and rural amenity, including from air and noise. Furthermore, there is a requirement for applications for new waste sites to be accompanied by a Transport Statement demonstrating suitable highway access and egress and a suitable route to the nearest major road. In addition, this should include an assessment of the potential for non-HGV transportation of materials to and from facilities principally by rail or water.

- 6.61 Previously this application had included the construction of a bespoke 4 metre

wide concrete access road around the northern perimeter of the adjacent landfill site. As referred to in the proposed grounds of refusal of the original committee report, this however would detrimentally interfere with the approved restoration scheme for the landfill site which did not include such a road. At this time, there was also no indication that the operator of the landfill site would lodge an application to vary their approved restoration scheme. A further issue was that the landfill site was not due to be restored for a further three years hence it would have been premature to at the time have granted permission for a development that could not be utilized for up to three years (while the landfill site was restored) and furthermore no construction details had been provided on how the road would otherwise be constructed if this was to take place while the landfill site was still operational particularly given that from the drawing provided, it appeared to cross active cells of the landfill site that were still being filled.

- 6.62 Since this time, the operator of the landfill site has now obtained planning permission to vary their restoration scheme for the landfill site to make provision for a perimeter access road for the purposes of operational requirements to provide access to the gas extraction plant, and for the management and associated monitoring of the landfill site. The access road approved under that application would be 3.5 metres in width with a 12 metre passing place and constructed from loose crushed gravel. This formed part of an application that also obtained permission to extend the lifetime of the quarry for a further year.
- 6.63 In view of the difficulties explained above and potential conflict with the restoration of the landfill site a decision was made by the applicant to amend the application for the AD plant and use the permitted access road as the access to serve the proposed facility. In order to facilitate this in planning terms, the applicant withdrew the access road element of the scheme from this application and submitted a second application for the 'Change of use of permitted access road to be provided as part of the final restoration of Edgefield Landfill site to serve proposed anaerobic digestion facility'. A report for that application is to be read and determined in conjunction with this application. The point of contact to the public highway would however remain the same as originally proposed, i.e. access would still be via the B1149, just west of the junction with Rookery Lane (U14273).
- 6.64 With regards to vehicle movements themselves, the application states that the average daily movements are anticipated to be 42 large goods vehicles and 8 private light goods vehicles. These are detailed in section 1 of this report. The County Highway Authority's initial response to the application, as reported in the first committee report (Appendix 1) was no objection to the proposal subject to conditions concerning the widening of the vehicular access road for its first 15 metres and the provision of wheel cleaning facilities following the approval of details.
- 6.65 Since this report, the applicant subsequently submitted an explanation as to why wheel cleaning facilities and widening of the access would not be required as originally requested. The Highway Authority accepted the applicant's explanation that mud on the roads was not likely to be an issue due to the nature of the operations and access arrangements proposed for this development, and that the existing access that would be used has already been constructed from a concrete hard surface. Therefore these conditions would no longer be required if planning

permission is granted.

- 6.66 Despite a number of the objections referring to the highway safety risks posed by the development citing damage that has previously been caused and accidents, the highway serving the site (B1149) is specifically recorded within the Norfolk route hierarchy as a Main Distributor route available for through movement and local distribution. The B1149 is identified as being a suitable route for HGV traffic. In the circumstances the proposal is not expected to pose unacceptable risks/impacts to the safety of road users or to the capacity and efficiency of the highway network. Whilst these policies make reference to exploring options for transport of waste by rail or water, this is not considered feasible at this location. The proposal is considered consistent with policies CS15: *Transport* and DM10: *Transport*.
- 6.67 In the event of approval, objectors have asked for the existing 30mph urban speed limit to be extended northwards into open countryside. In order to be effective there has to be a reasonable expectation that traffic would adhere to any new speed limit. Given the characteristics of the environment, the Highway Authority concludes that traffic would simply continue to travel at the speed it was travelling at previously. Put simply, they do not believe lowering the speed limit will be safe, as compliance is likely to be poor and they are not supportive of such a condition.

Sustainability

- 6.68 Policy NMWDF policy CS13: *Climate change and renewable energy generation* promotes the generation of on site renewable energy with a minimum of 10% generated from a decentralised source and renewable or low carbon sources. When this application was originally reported to planning committee in December 2010, ground number 10 of the recommendation for refusal was that insufficient information had been submitted with regards to how the facility would directly meet at least 10% of its own energy requirements.
- 6.69 The applicant has subsequently submitted further information in respect of this matter including detail of the route of the electricity cable from the landfill gas plant to the AD plant that would enable the plant's electricity needs to be wholly met by the AD process, around 5% of the total estimated output figure of just under 5500 MWh.
- 6.70 It is now considered that sufficient information has been submitted in respect of this matter. Given that the proposal would generate 100% of its own electricity needs, the application is considered to be fully compliant with this policy.

Groundwater/surface water

- 6.71 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. NMWDF Core Strategy Policy CS14: *Environmental Protection* aims to ensure that there are no adverse impacts through development proposals on natural resources, including water, air and soil.
- 6.72 A number of measures have been proposed to ensure the AD plant would not pose a risk of contamination to surface groundwater resources or drainage. In addition to the use of a sealed drainage system within the building which would collect water to be stored in a sealed holding tank, a

concrete apron would be provided outside the waste reception/processing building which would slope to a central low point with gulleys to drain the surface water. Water would then be channelled through an oil interceptor to the balancing pond. From this balancing pond, which would also be feed with roof water, water would then drain away to the River Glaven. Potentially contaminated water from the compost storage area would be directed to a sealed tank and re-used to either dampen down compost or used in the digestion process.

- 6.73 Whilst limited details have been provided with regards to the balancing pond, in terms of drawings identifying its depth, gradients etc, the Environment Agency (EA) is satisfied there is adequate room on site to construct this pond. Subject to a condition concerning the submission of a comprehensive working practices procedure with regard to preventing pollution and minimizing environmental impacts of operations during construction, the EA has raised no objection with regards to the risk of contamination to ground or surface water.

Flood risk

- 6.74 The site is located in the EA's Flood Zone 1 but by virtue of the fact the site is area exceeds 1 hectare a Flood Risk Assessment (FRA) was required to determine whether the development would exacerbate flooding in the surrounding area. A Hydrological and Hydrogeological Assessment was also submitted as part of the ES.
- 6.75 The EA is satisfied that the proposed development would not increase flood risk on or off site and that the surface water scheme is suitable for the scale and nature of the development. An approval of this application would therefore need to be subject to a condition requiring the development to be carried out in accordance with the FRA submitted.
- 6.76 It is therefore considered that the proposal complies with NMWDF policy DM4, which only seeks to permit waste management sites that do not increase the risk of flooding.

Protection of best and most versatile agricultural land

- 6.77 NMWDF framework policy DM16: *Soils* states that where development is proposed on agricultural land there is a clear preference for locating it on grades 3b, 4 and 5. The application site is classified as grade 3 land however no further information has been provided to determine whether this is 3a or 3b. The policy is principally aimed at mineral extraction applications, and composting facilities, that require rural locations. As already detailed above, the presumption of the Core Strategy is that developments such as these should be located on industrial/employment land or previously developed land including that already in waste management use. However should Members be minded to depart from this land use requirement the application would not significantly undermine this policy.

Cumulative impacts

- 6.78 Third party comments were made in respect of the impact on of the proposal

in combination with other developments with particular reference made to the existing adjacent landfill site. NMWDF Policy DM15: *Cumulative Impacts* seeks to consider fully the cumulative impact of a number of waste sites located closely together, and if necessary phase development or impose other controls such as the routing of vehicles. This echoes PPS10 which also identifies the cumulative effect of previous waste facilities on the well-being of the local community as a material consideration.

6.79 A number of the objections received from local people refer to the fact that they have already suffered several years from impacts from landfill site with reference made to traffic, odour, noise and litter impacting on amenity, and that people have put up with these impacts on the basis that there was an end date in sight for closure of the landfill site. Therefore objections have been made that approval of the plant would prolong operations in this vicinity.

6.80 As discussed above the application is contrary to policy because of its countryside location and it is considered that there would be an unacceptable impact on the landscape and Conservation Area within which it is situated. This is the case regardless of the close proximity of the landfill site which is currently in the process of being restored to a landform that will assimilate with the surrounding landscape with appropriate planting taking place.

6.81 Whilst it would be regrettable for local residents that this new site would be adjacent to an existing longstanding development, the plant would operate after the closure of the landfill site and therefore in the context of this policy, there would not be a need to manage impacts such as vehicle movements etc to ensure there would not be an unacceptable impact of both developments operating concurrently. Although the landfill site has been the subject of a number of complaints in recent years with particular regards to odour, the proposed AD plant would be controlled by an Environmental Permit which would address matters such as odour dust and noise etc which would control any further impacts on local amenity in the event permission is granted.

Archaeology

6.82 NMWDF Policy DM9: *Archaeological Sites* states development will only be permitted where it would not adversely affect the significance of heritage assets (and their settings) of national and/or regional importance, whether scheduled or not. Whilst English Heritage has confirmed that the site would not affect any Scheduled Ancient Monuments, it has however advised that the area has a high archaeological and palaeoenvironmental potential.

6.83 When the application was originally presented to the Planning (Regulatory) Committee in December 2010, ground 12 referred to the fact that at the time of committee, a further response was being awaited from Norfolk Historic Environment Service regarding information submitted by the applicant. Therefore at that moment in time it could not be determined whether the application was in accordance with the relevant development plan policy.

6.84 Since that committee, additional information was requested from the applicant under Regulation 19 (now Regulation 22 of the 2011 Regulations) of the 'EIA Regs' regarding a programme of archaeological work, the results of an archaeological evaluation, and a programme of archaeological mitigatory work.

- 6.85 Further to this, an archaeological evaluation was submitted by the applicant which identified pit features containing pottery of Neolithic and Bronze Age date associated with worked flint flakes. The presence of these features within the evaluation trenches indicates that there is a high probability that other heritage assets with archaeological interest would be present on site, and furthermore, the proposed terracing of the hillside on which these assets are located would result in the complete loss of their significance through their removal.
- 6.86 Notwithstanding this, Norfolk Historic Environment Service, after further consultation, has raised no objection subject to a condition requiring submission of a programme of archaeological work in accordance with a written scheme of investigation, should planning permission be granted. Subject to compliance with that condition the application would comply with NMWDF Policy DM9 and chapter 12: *Conserving and enhancing the historic environment* of the NPPF.

Other Issues

- 6.87 Ground 11 of the originally proposed reasons for refusal referred to inconsistencies within the drawings submitted which would result in an unenforceable planning consent should permission be granted. The ground also referred to the fact that the proposed access could not be constructed on site because the plans did not represent the current situation on site: an active landfill site.
- 6.88 In the interim period since the application was first reported to committee, amendments have been made to the drawings submitted to rectify the initial errors within them. With regards to the access road issue, that element has been withdrawn from this application and is now being considered under application reference C/1/2012/1010 which seeks to use the road that has since been permitted as part of the landfill's restoration scheme and is currently under construction.

Responses to the representations received

- 6.89 The application was advertised by means of neighbour notification letters, site notices, and an advertisement in the Eastern Daily Press newspaper.
- 6.90 A number of concerns/objections were raised the vast majority have related to impacts on amenity (noise/dust etc), pollution of ground or surface water resources, flooding, landscape impact etc which have already been addressed in the report.
- 6.91 With regards to impact on house prices, this is not material in the consideration of the application.
- 6.92 In terms of the objection received from NEWS, the issue of whether the applicant has rights to cross the landfill site is a commercial matter and one to be resolved by the two parties: it does not prevent planning permission being granted for the development. NEWS also raised issues with regards to the application conflicting with their operations on site with regards to road layouts, the turning circle for HGVs and final restoration scheme. Since the applicant amended their scheme to withdraw the access road element and submit a separate application to change the use of access road permitted as part of NEWS' restoration scheme for the landfill, it is considered that that element of the objection has been addressed (as there is no longer a conflict).

7. Resource Implications

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

8. Other Implications

8.1 Human rights

- 8.2 The requirements of the Human Rights Act 1998 must be considered. Should permission not be granted Human Rights are not likely to apply on behalf of the applicant.
- 8.3 The human rights of the adjoining residents are engaged under Article 8, the right to respect for private and family life and Article 1 of the First Protocol, the right of enjoyment of property. A grant of planning permission may infringe those rights but they are qualified rights, that is that they can be balanced against the economic interests of the community as a whole and the human rights of other individuals. In making that balance it may also be taken into account that the amenity of local residents could be adequately safeguarded by conditions albeit with the exception of visual amenity. However, in this instance it is not considered that the human rights of adjoining residents would be infringed.
- 8.4 The human rights of the owners of the application site may be engaged under the First Protocol Article 1, that is the right to make use of their land. An approval of planning permission may infringe that right but the right is a qualified right and may be balanced against the need to protect the environment and the amenity of adjoining residents.

8.5 Equality Impact Assessment (EqIA)

- 8.6 The Council's planning functions are subject to equality impact assessments, including the process for identifying issues such as building accessibility. None have been identified in this case.
- 8.7 **Legal Implications:** There are no legal implications from the Planning Regulatory perspective.
- 8.8 **Communications:** There are no communication issues from a planning perspective.
- 8.9 **Health and Safety Implications:** There are no health and safety implications from a planning perspective.
- 8.10 **Any other implications:** Officers have considered all the implications which members should be aware of. Apart from those listed in the report (above), there are no other implications to take into account.

9. Section 17 – Crime and Disorder Act

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

10. Risk Implications/Assessment

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

11. Conclusion

- 11.1 Planning permission is sought for the construction of an AD plant to deal with some 30,000 tonnes of municipal, commercial and industrial waste per annum. The proposal also includes an ancillary office and weighbridge, provision of landscaping and the retention of existing landfill gas engines. The access road no longer forms part of the application but is considered under application reference C/1/2013/1010 (to be determined in conjunction with this application).
- 11.2 The application was previously reported to this committee in December 2010 and February 2011 with recommendations for refusal and a site visit respectively. The resolution of Members was to defer the application at the first committee pending the submission of the required information by the applicant to enable a legally enforceable permission to be issued (should Members be minded to), and not to hold a site visit at that time.
- 11.3 The proposed application site is situated on agricultural land in the open countryside within the Glaven Valley Rural Conservation Area. Because of the location of the site, the application is considered to be a departure from the Development Plan. Furthermore it is considered that the industrial nature of the building proposed and the re-contouring of the landform would have an adverse impact on the landscape and Conservation Area. In accordance with Section 38(6) of the Town and Country Planning Compulsory Purchase Act 2004 the determination of this application must be made in accordance with the development plan unless material considerations indicate otherwise. Therefore the starting point for this decision is for refusal.
- 11.4 With regards to material considerations that could justify an approval, the AD plant would move waste up the hierarchy and value would be recovered from in the form of energy from the biogas produced, and a digestate that would be used in agriculture or horticulture. However, as discussed in the report, there is not an overriding need for this development given that the Council adopted its Waste Site Specific Allocations DPD which identifies sufficient provision for the County's waste arisings over the next plan period, until 2026.
- 11.5 Therefore it is recommended that it is refused in accordance with the grounds of refusal detailed in Section 12 below.

12. Reasons for refusal

- 12.1 NMWDF policy CS5: *General location of waste management facilities* defines this proposal as a 'strategic' or major waste site given that the proposed throughput exceeds 10,000 tonnes per annum. This policy seeks to direct such facilities to sites that are 'well related' (within 10 miles) to one of four main settlements. The site does not fall within the Norwich Policy Area (the closest of these settlements) and furthermore is not well related to the major road network, does not take advantage of cross border opportunities for the efficient management of waste, or

does not enable the re-use of brownfield sites unsuitable for other uses. Therefore the proposal is considered contrary to this policy and there are not sufficient material considerations to justify a departure from this.

12.2 The application site is located in the countryside within the Glaven Valley Conservation Area as designated in North Norfolk District Council Local Development Framework (2008). The proposed site is therefore contrary to Norfolk Minerals and Waste Development Framework Core Strategy Policy CS6: *General waste management considerations* which requires waste sites to be developed on the following types of land provided they do not have unacceptable environmental impacts:

- a) land already in waste management use;
- b) existing industrial/employment land or land identified for these uses in a Local Plan or Development Plan document;
- c) other previously developed land; and,
- d) contaminated or derelict land.

The proposed site does not fulfil any of these criteria and would have an adverse impact on the Conservation Area and landscape within which the site is located, as set out below. The proposal does not seek to make use of an unused or underused agricultural building as this policy and Planning Policy Statement 10: Planning for Sustainable Waste Management (2011) also make reference to. The application is therefore contrary to both this development plan policy and national guidance.

12.3 The application site lies within the Glaven Valley Rural Conservation Area as identified in North Norfolk District Council Local Development Framework (2008). Norfolk MWWDF Core Strategy Policy DM8: *Design, local landscape and townscape* states that development will only be permitted within a Conservation Area where the applicant can demonstrate the development would not adversely impact on the historic form, character and/or setting of these locations taking into account any mitigation measures. Furthermore, North Norfolk's Core Strategy, Policy EN 2: *Protection and Enhancement of Landscape Settlement Character* states that development proposals should demonstrate that their location, scale, design and materials will protect, conserve and where possible enhance the setting of Conservation Areas, and Policy EN 8: *Protecting and Enhancing the Historic Environment*, adds that the character and appearance of Conservation Areas will be preserved and where possible enhanced. It is considered that the applicant has not demonstrated that the proposed development would preserve the character of the Conservation Area. Due to the location of the site, the industrial nature of the design and materials proposed, and the re-contouring of the landform, it is considered that the development would have an adverse impact on the Conservation Area and is contrary to these development plan policies, and Planning Policy Statement 10: Planning for Sustainable Waste Management (2011).

12.4 The industrial nature of the proposed design, which would include cast concrete composter tunnels and a central mixing area accommodated in a steel portal framed structure clad with plastic coated profiled steel sheeting, means the development is not considered to be designed to a high quality and would not reinforce local distinctiveness. Overall the design would not preserve or enhance

the character and quality of the Conservation Area or the landscape within which the site is in, and it is considered contrary not only to Norfolk MWWDF Core Strategy Policy CS14: *Environmental Protection* which states that developments must ensure there are no unacceptable adverse impacts on, and ideally improvements to, the character and quality of the landscape, but also North Norfolk LDF (2008) policy EN4 (Design) and Planning Policy Statement 10: Planning for Sustainable Waste Management (2011).

- 12.5 Adequate sites are identified in the County Council's adopted Waste Site Specific Allocations Development Plan Document (DPD) for sufficient waste sites to deal with waste arisings in the County during the plan period with regards to Norfolk Minerals and Waste Development Framework Core Strategy policies CS3 and CS4. Therefore there is no demonstrable need that would outweigh the harm identified in the four reasons for refusal.

Recommendation

It is recommended that the Director of Environment, Transport and Development be authorised to refuse permission for the reasons outlined in Section 12 above.

Background Papers

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

North Norfolk Local Development Framework Core Strategy and Development Control Policies (2008)

North Norfolk Local Development Framework Design Guide

North Norfolk Local Development Framework Landscape Character Assessment
The National Planning Policy Framework and technical Guidance (NPPF) (2012)

Application file references C/1/2010/1005 (and Environmental Statement)
C/1/2009/1015, C/1/2013/1010, C/1/2009/1020 and C/1/94/1013.

Officer Contact

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

| Name | Telephone Number | Email address |
|-------------|-------------------------|--------------------------|
| Ralph Cox | 01603 223318 | ralph.cox@norfolk.gov.uk |



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

**Applications Referred to Committee for Determination
North Norfolk District: C/1/2010/1005: Edgefield:
Land adjacent to Edgefield Landfill Site:
Erection of plant to accommodate an anaerobic digestion facility,
provision of ancillary office and weighbridge, retention of existing
landfill gas engines, construction of access road and provision of
landscaping: Buyinfo Ltd**

Report by the Director of Environment Transport and Development.

Summary

This application seeks full planning permission for the construction of an anaerobic digestion (AD) facility on a site (adjacent) to the west of Edgefield Landfill site. The AD plant would deal with 30,000 tonnes of mixed household, garden and kitchen waste together with other suitable waste food stuffs and surplus or spoiled agricultural vegetable products, per annum. The gas produced by the digestion process would be piped to the existing adjacent landfill gas engines (which the application seeks to retain) to generate electricity. The application also includes an ancillary office and weighbridge, construction of a new access road (around the northern boundary of the landfill site) from the B1149 (Holt Road), and the provision of landscaping.

The application has been assessed in accordance with the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999. No objections have been received from statutory consultees to the application. An objection has been received from Norfolk Environmental Waste Services (NEWS), the commercial company that operates Edgefield landfill site.

The site is not allocated for development, and the application constitutes a departure from the County Council's adopted Waste Local Plan as it is contrary to 'saved' policy WAS 4 (Countryside Protection) which presumes against waste development in the open countryside. The application site is also significantly located in the Glaven Valley Rural Conservation Area. The proposal is also contrary to a number of other policies within the development plan in terms of both the adopted Norfolk Waste Local Plan (2000) and the North Norfolk Local Development Framework Core Strategy (2008). It is also contrary to the East of England Plan ('the RSS') and a number of the Government's planning policy statements.

The scheme would interfere with the approved restoration scheme for Edgefield landfill and the proposal could not actually be fully implemented because the area of the landfill site where the proposed access is to be located has not been restored.

Whilst the proposal would divert waste from landfill and move waste up the Waste Hierarchy, it is not felt the scheme represents an acceptable form of development. There are no other material considerations that indicate planning permission should be granted and the application is therefore recommended for refusal.

Recommendation

That the Director of Environment, Transport and Development be authorised to refuse planning permission on the grounds listed in the Recommendation at the end of this report.

1. The Proposal

- 1.1 Location : Land adjacent to Edgefield Landfill Site, Edgefield
- 1.2 Type of development : Anaerobic Digestion plant together with ancillary office and weighbridge, construction of new access road, provision of landscaping, and retention of existing landfill gas engines.
- 1.3 Material : 30,000 tonnes per annum of organic waste consisting of:
- 27,000 tonnes of municipal waste; and,
 - 3,000 tonnes of commercial and industrial waste.
- 1.4 Area : 4.96 hectares (including proposed access road and retained existing landfill gas engines)
- 1.5 Duration : Permanent
- 1.6 Market served : Presumed to be local although detailed information not provided.
- 1.7 Plant : Eleven digester vessels (each is a cast concrete tunnel), six concrete composting tunnels, steel portal framed central mixing area, waste reception area.
- 1.8 Hours of working : Monday – Friday 07:00 hours – 18:00 hours
Saturday 07:00 hours – 13:00 hours
Sunday and Bank Holidays – Closed
- 1.9 Vehicle movements and numbers : Delivery of waste (Large Goods Vehicles)
Average of 36 daily movements of waste collection vehicles (18 in and 18 out);
Removal of composted material (Large Goods Vehicles)
Average of 6 daily movements;
Removal of contaminants for disposal (Large Goods Vehicles)
4 weekly movements of waste collection vehicle
Staff vehicle movements (private light goods vehicles)
Average of 8 daily movements.

- 1.10 Access : Creation of new access from B1149 Holt Road which would follow the northern boundary of the landfill site.

2. History

- 2.1. The bulk of the site which amounts to just under 3.9 hectares is fallow agricultural land which has been in recent cultivation.
- 2.2. The remainder of the application site consists of the proposed access road which is proposed to run around what will be the northern extent of the restored landfill site, and the existing landfill gas compound.
- 2.3. The adjacent landfill site, located on the western side of the Norwich-Holt road (B1149), has been operated for more than 30 years under a series of temporary planning permissions. The site, which is some 11.5 hectares in size, occupies a former sand and gravel quarry and is divided into 13 phases. Phases 1-9 at the south of the site have been filled with non-hazardous waste and phases 10, 11 and 12 are currently in the process of being filled (also with non-hazardous waste) and restored.
- 2.4. In accordance with the conditions of the most recent planning consent (reference C/1/2009/1020), granted for the landfill site in May this year, the landfill site is required to be restored by 31 December 2013. The principle of that application was to enable phases 12 and 13 of the site, the final two phases, to be filled with non-hazardous waste as opposed to inert waste which was originally permitted. That application also permitted an amended restoration scheme with a significant level of landscaping.
- 2.5. The application site includes the existing landfill gas engines which are to be retained for the life of this development in order to utilise the landfill gas produced. These are covered by two permissions the first of which was granted in May 1995 (reference C/1/94/1013) and was for the installation of three gas powdered engine sets. This permission expires on the 31 December 2015, or when the maximum concentration of flammable gas in the landfill gas in the waste is below 1% by volume and carbon dioxide is below 0.5% by volume over a 24 month period measured on at least four separate occasions spread over that period, whichever is sooner.
- 2.6. The second permission (reference C/1/2005/1005) was for the installation of gas powered generator producing electricity for the national grid. This permission expires on the 23 November 2030, or when the maximum concentration of flammable gas in the landfill gas within the waste is below 1% by volume and carbon dioxide is below 0.5% by volume over a 24 month period measured on at least four separate occasions spread over that period, whichever is sooner.
- 2.7. In October 2009, a proposed site at this location was included in the County Council's Waste Site Allocations Development Plan Document: Further Issues and Options consultation as part of the Norfolk Minerals and Waste Development Framework. Whilst the site included was not exactly the same in terms of its boundary or size, the submission proposed Anaerobic Digestion as a use and was lodged by the owner of the applicant company for this current application.

- 2.8. The site was put forward by the developer as a late submission in this process thus it was not included in the initial Issues and Options consultation document that was published in February 2008. Pertinently, within the latter 2009 consultation, the County Council identified this site as one that should **not** be considered further as a preferred site on the grounds of the visual impact of the development on the landscape.
- 2.9. In November 2009 an actual planning application (reference C/1/2009/1015) was submitted for an AD plant at this site. This was very similar to the current one that is the subject of this report, however this proposed the creation of an access road across the middle of the (already restored) landfill site. The application was subsequently withdrawn by the applicant following concerns expressed by the Environment Agency regarding the impact on the cap of the restored landfill site, and also by County Council officers about the landscape impact of the development given its location in a rural conservation area.

3 Policy

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| 3.1 | Government Planning Policy Statements | PPS 1: Delivering Sustainable Development PPS 4: Planning for Sustainable Economic Growth PPS 5: Planning For The Historic Environment PPS 7: Sustainable Development in Rural Areas PPS 9: Biodiversity and Geological Conservation PPS 10: Planning for Sustainable Waste Management PPG 13: Transport PPS 22: Renewable Energy PPS 23: Planning and Pollution Control PPG 24: Planning and Noise PPS 25: Development and Flood Risk |
| 3.2 | Norfolk Structure Plan | No relevant saved policies. |
| 3.3 | The Regional Spatial Strategy: The East of England Plan (2008) | WM1: Waste Management Objectives WM2: Waste Management Targets ENG2: Renewable Energy Targets |
| 3.4 | Norfolk Waste Local Plan (2000) Saved Policies | WAS 1: Hierarchy Framework WAS 2: Resource Recovery WAS 4: Countryside Protection WAS 9: Landscape WAS 10: Landscape WAS 11: Nature Conservation WAS 12: Nature Conservation WAS 13: Amenity WAS 15: Archaeology |

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| | | WAS 16: Traffic |
| | | WAS 18: Water Resources |
| | | WAS 19: Water Resources |
| | | WAS 33: Planning Considerations |
| | | WAS 34: Planning Control |
| | | WAS 35: Planning Control |
| 3.5 | North Norfolk District Council Local Development Framework: Core Strategy & Development Control Policies | <p>SS 1: Spatial Strategy for North Norfolk</p> <p>SS 2: Development in the Countryside</p> <p>SS 4: Environment</p> <p>SS 6: Access and Infrastructure</p> <p>EN 2: Protection and Enhancement of the Landscape and Settlement Character</p> <p>EN 4: Design</p> <p>EN 6: Sustainable Construction and Energy Efficiency</p> <p>EN 7: Renewable Energy</p> <p>EN 8: Protecting and Enhancing the Historic Environment</p> <p>EN 9: Biodiversity and Geology</p> <p>EN 10: Development and Flood Risk</p> <p>EN 13: Pollution Prevention and Hazard Minimisation</p> <p>CT 5: The Transport Impact of New Development</p> <p>CT 6: Parking Provision</p> |
| 4 | Consultations | |
| 4.1 | North Norfolk District Council | : No conservation or biodiversity objection subject to suitable conditions to safeguard the visual amenity and ecology. Although the site lies on the valley side of the Glaven river valley and is in an exposed position, the landform, existing vegetation and lack of publicly accessible sites limit the visual impact of the scheme. Reference is made to the detrimental impact on the landscape being offset by the degraded nature of the existing landscape (i.e. the landfill site) as recognized in the ES limiting the visual impact of the scheme. Also regard the ecological impact of the development as being limited. |
| 4.2 | North Norfolk District Council Environmental Health | : No objection. Recommend a number of conditions including: <ul style="list-style-type: none"> ▪ noise levels at measured points not exceeding the existing background level; ▪ deliveries limited to the hours proposed; ▪ the installation of odour controls as detailed in the ES; |

| | | | |
|------|-------------------------------------|---|--|
| | | | <ul style="list-style-type: none"> ▪ the submission of a scheme of lighting before the commencement of use. |
| 4.3 | Edgefield Parish Council | : | No objection although the Parish Council would wish to request the improvement of the Rookery Road junction be a condition of any approval. |
| 4.4 | Stody Parish Council | : | No objection. |
| 4.5 | Go-East | : | No comments received. |
| 4.6 | Natural England | : | No objection. |
| 4.7 | Environment Agency | : | <p>No objection subject to appropriate conditions. Comment that the development would require an Environmental Permit covering a range of issues including management, operations, and emissions and monitoring.</p> <p>Is satisfied that the proposed development would not increase flood risk on or off site and that the surface water scheme is suitable for the scale and nature of the development. The approval would therefore need to be subject to a condition requiring the development to be carried out in accordance with the Flood Risk Assessment submitted and supplementary information supplied.</p> <p>The consent would also need to be subject to a condition concerning the submission and implementation of a working practices procedure in order to prevent pollution of the water environment.</p> |
| 4.8 | Southern Norfolk Primary Care Trust | : | No response received. |
| 4.9 | Anglian Water | : | No response received. |
| 4.10 | EDF Energy | : | No response received. |
| 4.11 | Highways | : | <p>No objection subject to conditions concerning:</p> <ul style="list-style-type: none"> ▪ the width of the first 15 metres of the access road being a minimum of 6 metres; ▪ submission of details of wheel cleaning facilities; and, ▪ provision of the approved wheel cleaning facilities. |
| 4.12 | Waste Disposal Authority (NCC) | : | Has no objection with regards to the proximity of the site to the landfill site and supports the application. |
| 4.13 | English Heritage | : | No objection, advise that the Local Authority Archaeologist is contacted by the developer to determine a suitable archaeological mitigation strategy given that the area has high archaeological and palaeoenvironmental potential (environmental remnants from the past). |
| 4.14 | Norfolk Landscape Archaeology | : | No response received to date (has been chased for comments in light of English Heritage's consultation response). |

- 4.15 Local Residents and other third parties : An objection has been received from Norfolk Environmental Waste Services (NEWS) the commercial company that operates the adjacent landfill site and is part of the County Council owned Norse Group. Their objection is on the grounds that:
- the applicant does not have any commercial agreement or other rights to cross their land (i.e. the access road proposed);
 - the application appears to contain conflicting information about the route of the proposed access site: NEWS does not have planning permission for either road layout; and,
 - the proposed route and turning circle conflicts with NEWS' current planning permission and environmental permit which include final settlement contours which requires the removal of the current turning circle.

Two representations were received from local residents. Whilst not objecting, the following issues were raised:

- concern about the access road into the development (i.e. over the landfill site and around its northern perimeter) and that vehicles using the route would be continually visible and audible to properties;
- residents have already experienced a considerable amount of problems with regards to visual and noise disturbance from the existing landfill site;
- whether bales which are to be sold or distributed for agricultural uses (presumably as a result of this development) would be required to exit the field on vehicles (proposed to be used for the AD plant) from the existing entry to the landfill site as opposed to the existing exit that is used currently by farm vehicles.

One letter of support has been received from the District Council Member for Edgefield. The local Member supports scheme because it would:

- reduce material going to landfill;
- produce composted material for use in the production of domestic and agricultural humus; and,
- save on mileage of collecting vehicles from domestic premises to the point of process.

- 4.16 County Councillor : No objection; is fully in support of the application.
Mr R Wright (Melton
Constable)

5. **Assessment**

Proposal

- 5.1 The planning application lodged by Buyinfo Limited is for the development of an Anaerobic Digestion (AD) facility on a site adjacent to the west of Edgefield Landfill site. It is proposed that the AD plant would deal with 30,000 tonnes of mixed household, garden and kitchen waste, together with other suitable waste food stuffs and surplus or spoiled agricultural vegetable products, per annum. The plant would be based on a dry fermentation process which allows recovery of energy contained in bio-waste. The gas produced by the digestion process facility would be piped to the existing adjacent landfill gas engines (which this application seeks to retain) to generate electricity. The development would therefore produce a form of renewable energy. The composted digestate from the end process can be used as a fertiliser in the agricultural and horticultural industries and it is envisaged that, in addition to the 5200 MWh of electricity that would be produced, some 15,000 tonnes of soil improver could be produced each year.
- 5.2 In addition to the plant itself, the application also requires new ancillary infrastructure in the form of an office, and also a weighbridge to ensure all waste arriving at the site can be weighed and booked in. At this point waste transfer notes would be inspected to ensure the waste is suitable to be used in the AD plant.
- 5.3 The new office building is required for the purpose of housing the technical equipment needed to control the operation of the plant itself. This would be accommodated within an extension to the existing building (the 'Generation Hall') that houses the generators that convert landfill gas into electricity. This would extend the length of the existing building by 4.5 metres and at 7.5 metres in width and would be slightly narrower than the existing building. It would actually provide two small office rooms and a WC. The walls would be finished in smooth render painted in neutral stone and the roof would be green mineral felt. The Generation Hall itself is located to the east of where the AD plant would be and to the west of the current landfill site.
- 5.4 As part of the scheme, the site of the AD plant would be remoulded to allow the plant to be set into the ground and screened by the new landform in attempt to reduce the visual impact of it. The application also proposes some 2.5 hectares of indigenous woodland planting to the south, west and north of the plant. In this resubmitted application, the applicant also made reference to a further 0.33 hectares of planting to the west of the landfill site, i.e. in an attempt to screen the new access. However the applicant's refusal to include this in the red line application boundary means it is not part of the planning application and no weight can be afforded to it given the uncertainty of actually securing it.
- 5.5 The AD plant itself would be accommodated within a structure which would occupy a footprint of 69 metres in width by 62 metres in length. It would be 8 metres in height to the ridge line. This structure would consist of 11 digester vessels; each is a cast concrete tunnel approximately 6 metres wide, 27.5 metres and length and 5 metres high. In addition there are 5 or 6 composting tunnels (this number differs between the application documentation submitted) that are

similar cast concrete tunnels. These vessels are linked by an enclosed central mixing area which would be accommodated in a steel portal framed structure clad with dark green plastic coated profiled sheeting.

5.6 Process

Once weighed, waste would be deposited into a reception hall via a chute, and following inspection, would be screened and then shredded into 40mm maximum dimension and added to a stockpile.

- 5.7 Each of the eleven digester units would be loaded (and unloaded) on a six week cycle. When unloaded, 50% of the material would be blended with fresh material from the reception hall stockpile and the other 50% transferred to the composting stage. These operations would occur twice a week in an enclosed and ventilated space at the front of the digester units; the transfer of material within the building would be undertaken with a wheeled loading shovel.
- 5.8 On completion of a six week period, post digestion material would then be transferred through a roller shutter arrangement to a concrete box tunnel unit for composting. Heating elements would be provided in the floor and the walls of this unit, and air would be forced through the material to stimulate aerobic digestion of the remaining organic carbon in the feedstock. During this process the temperature of the material would be raised beyond 60 degrees Celsius for a period of 48 hours. Following a one week period in this vessel, the material would then be transferred to a secondary identical tunnel where this heating process would be repeated.
- 5.9 Having passed through the two stage composting process, the digestate would be transferred to an outdoor storage and maturation area and stored in windrows. This would enable any composting taking place within the material to be completed before the material is taken off site by tractor and trailer for use as an agricultural soil improver.
- 5.10 All waste held within the building, reception and mixing halls would be held at negative pressure with the exhaust air from the air handling unit directed to a biofilter. Located to the north west of the main structure, this biofilter would be a tank filled with woodchip impregnated with enzymes which degrade the organic chemicals that cause the odour to occur.
- 5.11 The biogas created within the plant would be transported via an over ground pipeline to the existing landfill gas engines to generate electricity. There is an existing cable that links this into the local network. Waste heat created would be used to manage the temperature within the respective stages of the process to ensure optimum temperatures are achieved and effective pathogen kill occurs during the composting process.
- 5.12 As referred to above, the biogas captured would be directed to the existing landfill gas engines that are already in situ to the north east of where the AD plant would be erected. This application seeks permission to retain this infrastructure for the life of this development (i.e. in perpetuity) to utilise both the landfill gas already emanating from the landfill site and the biogas produced which would make use of the existing spare capacity available. The landfill gas engines are currently covered by two temporary planning permissions the details of which are provided in section 2 of this report.
- 5.13 The process detailed above would obviously take place 24 hours a day however the operations such as waste deliveries and transfer of waste would only take place when the plant would be staffed between 07.00 hours and 18.00 hours

Monday to Friday and 07.00 hours and 13.00 hours on Saturdays.

5.14 Environmental Impact Assessment

Because of the nature of the proposal, the County Council provided a Screening Opinion for this development in April 2008 to the effect that an application would need to be accompanied by an Environmental Statement (ES). It was considered by officers that the proposal has the potential to have significant impacts on the environment, not only because of the sensitive nature of the landscape that the application site is located within, but also by virtue of other factors such as the impact that could occur with regards to ecology, flooding, water resources, pollution and nuisances, and highways. Accordingly, the application has been determined in accordance with the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 as amended. The ES submitted assessed the impacts of the development on ecology, landscape, hydrology and hydrogeology, archaeology, odour, traffic and noise.

Site

- 5.15 The application site comprises sloping arable farmland on the side of the Glaven Valley. It is situated approximately one kilometre north west of Edgefield village and some two kilometres to the south of the town of Holt. It is bounded by farmland to the south west and north and by Edgefield Landfill site to the east albeit part of the application site; the access road, does cross the landfill site around its northern perimeter.
- 5.16 The site totals 4.96 hectares of which 3.9 hectares is the agricultural land where the AD plant would be erected and the remainder being the proposed access road located on the north of the existing landfill site, and the existing landfill gas compound that the application seeks to retain. This compound includes the existing electricity generators and associated plant and buildings.
- 5.17 A small group of residential dwellings lie to the north west of the site with the closest of these being 'The Bungalow' some 140 metres away. Significantly, the site lies within the Glaven Valley Rural Conservation Area which was designated by the district council in 1980 because of its high landscape value.
- 5.18 The landfill site remains operational with tipping operations taking place in the northern extent of landfill in the final two phases. The current extant planning permission for the landfill requires the site to be restored by December 2013. Significantly, it is around the northern perimeter of this landfill where the access road is proposed to be constructed.
- 5.19 The application site includes the existing landfill gas engines which would be retained for the life of the proposed AD plant, i.e. in perpetuity. These are located between (to the east of) where the AD plant would be situated and (to the west of) the existing landfill site.

Principle of Development

- 5.20 The application is for the development of a new AD plant on land adjacent to Edgefield Landfill site with associated infrastructure. Given the need to reduce the reliance on landfill, and promote the movement of waste up the waste hierarchy, there is a need for this type of development in the county.
- 5.21 A basic principle when assessing planning applications is outlined in Section 38(6) of the Town and Country Planning Compulsory Purchase Act 2004 which states:

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

5.22 In terms of the development plan, the County Planning Authority considers the relevant documents in relation to this application are the saved policies in the adopted Norfolk Waste Local Plan (2000), the Development Control policies contained within the North Norfolk District Council Local Development Framework (LDF), and the Regional Spatial Strategy (‘the RSS’): The East of England Plan (2008).

5.23 Significantly, when the application was received it was deemed by officers to be a departure from the development plan and was accordingly advertised to this effect.

Departure

5.24 Saved policy WAS 4 (Countryside Protection) of the adopted Norfolk Waste Local Plan states:

“Waste development for re-use, materials and energy recovery, transfer and storage of waste, will not be permitted in the open countryside. However, permission will be granted for re-use, materials and energy recovery, transfer and storage of waste at minerals extractions and waste disposal sites, provided that conditions are imposed which limit the life of the waste management facility to an absolute number of years or to the period during which the minerals or landfill operations continue, whichever is the shorter. A condition will also be imposed requiring all buildings to be removed when minerals or waste activities on the site cease”.

5.25 As already established in this report, the application site is located in open countryside within the Glaven Valley Rural Conservation Area as confirmed on the North Norfolk District Council LDF Proposals Map.

5.26 As this saved policy indicates, there is a clear presumption against waste development in the open countryside. The bulk of the application site lies on arable farmland and whilst the proposed access road lies on ‘a waste disposal site’, as referenced in the policy, this aspect of the development would actually compromise the restoration of the landfill site and result in development that prolong activities at this site which would again undermine this policy.

5.27 The application is therefore clearly a departure from this plan in respect of this policy, however in accordance with Section 38(6) of the Town and Country Planning Compulsory Purchase Act 2004, it is important to determine whether there are any other policies in the development plan or other national guidance that would override this departure and justify approval of the scheme.

5.28 **Hierarchy Framework**

Saved policy WAS1 (Hierarchy Framework) of the adopted Norfolk Waste Local Plan (2000) states:

“In deciding applications for waste development, the Council will be

guided by the principles of the waste hierarchy. An assessment will be made as to whether the proposal represents BPEO [Best Practical Environmental Option]. This assessment will include consideration of the location and nature of the development in relation to the proximity principle and regional self sufficiency.”

- 5.29 There is no longer a national policy requirement for the application of “BPEO” as required under WAS1. The AD plant proposes to deal with some 30,000 tonnes of organic waste which would largely consist of municipally collected garden and kitchen waste. By recovering energy from this waste stream in the form of biogas, which can then be used to generate electricity, it would be moving waste up the Waste Hierarchy in terms of the energy recovery taking place and because of the waste diverted from landfill.
- 5.30 The concept of the Waste Hierarchy is to extract the maximum practical benefits from products and generate the minimum amount of waste. Disposal therefore falls at the bottom of the hierarchy and waste prevention sits at the top of it. With regards to this planning application, the proposal would enable energy to be recovered from the waste stream in the form of biogas that would be used to generate electricity. This sits directly above disposal and is therefore preferable. The plant would also produce a soil improver from the final compost process which could be used on farm land. Composting sits above energy recovery, thus both of these aspects of this development are preferable to disposing of the waste (to landfill).
- 5.31 With regards to the proximity principle, information on this is limited in the application and insufficient information has therefore been provided in terms of the source of the waste stream to determine whether the application is fully in accordance with the policy.

5.32 **Resource Recovery**

Saved policy WAS 2 (Resource Recovery) of the adopted Norfolk Waste Local Plan states:

“Proposals for waste development will need to demonstrate that, wherever practicable, they contain integrated proposals for the recovery and utilisation of resources and/or energy”.

- 5.33 Proposals to recover energy from waste are encouraged and are consistent with the waste hierarchy. The development includes the retention of the existing landfill gas engines that would convert the biogas produced by the AD plant into electricity.

5.34 **Landscape**

Saved policy WAS 9 (Landscape) states of the adopted Norfolk Waste Local Plan states:

“Waste development in river valleys, the Brecks, areas of landscape protection, conservation areas, historic parkland, areas of importance to the setting of listed buildings and woodland areas will only be permitted where it can be shown to provide a significant enhancement to the local landscape”.

Policy WAS 10 (Landscape) states:

“Waste development in the countryside will only be permitted where there would be no unacceptable harm to the landscape and visual appearance of the

countryside, either during operations or in terms of the final landform”.

- 5.35 In addition to policy WAS 4 (Countryside Protection) that seeks to safeguard the open countryside from waste development, there are also policies within the plan aimed at protecting the environment, and in this instance the landscape, from inappropriate development that would detrimentally impact on attractive areas of countryside.
- 5.36 As already stated, the application site is located in the Glaven Valley Rural Conservation Area, designated because of its high landscape value. Saved policy WAS 9, which is therefore clearly relevant, states that waste development will only be permitted where it can be shown to ‘provide a significant enhancement to the local landscape’.
- 5.37 Furthermore, Policy WAS 10 (Landscape) seeks to only permit development where there would not be unacceptable harm on the landscape or visual appearance of the countryside.
- 5.38 The application site lies adjacent to three landscape character areas: small valleys, wooded parkland and tributary parkland, and their key characteristics are described within the ES. The ES also recognizes that the proposed site would be in an elevated position on the western side of the river valley and consequently development within the site would be visible from a wide zone.
- 5.39 The Landscape and Character Assessment and Visual Impact Assessment included within the ES concludes that although there would be a detrimental impact on the landscape; this is offset by the degraded nature of the existing landscape (against the backdrop of the landfill site), and as such effects on landscape character would be significantly less than they would in an area where the landscape character was in tact. Notably, this is also a point that North Norfolk District Council referred to in its consultation response and gave weight to when not raising an objection to the scheme. However, both the applicant, in the ES, and North Norfolk District Council, in their consultation response, have failed to appreciate that whilst the landfill site undoubtedly currently degrades the landscape, the landfilling operations are only temporary use of the land which are required in order to restore what is a former mineral working. Obviously the initial justification for the landfill at this site was because it was here that the mineral occurred. However, landfilling of the mineral working was approved in order to restore the land to ensure activities would not have a permanent detrimental impact on the landscape.
- 5.40 The most recent application for the landfill site that was approved in May 2010, under reference C/1/2009/1020, was to vary the type of waste deposited in the northern area of the site to allow non-hazardous waste to be deposited. Because of the nature of the application, the restoration scheme was required to be revised with regards to both the contours of the land itself, and the planting required, to enable the site to be restored to a mixture of woodland and grassland. The revised restoration scheme will therefore ensure the land is not left ‘degraded’ and furthermore will provide a positive enhancement to the overall landscape with both contours and planting approved that will assimilate well with the wider landscape. As such, the County Council does not attach any weight to this argument detailed in the ES regarding the degraded landscape.
- 5.41 The application proposes some 2.5 hectares of tree planting which would result in a significant amount of indigenous woodland planting, which when mature, could

form a positive landscape feature. The site of the proposed digestion plant would also be remoulded to allow the development to be set into the ground and screened by the new landform. In addition to this, the application also proposes some additional tree planting that would be located to the north east of the AD plant, and to the west of the landfill site and would amount to an additional 0.33 hectares. Notably, this was added to the application when it was lodged for the second time with the amended access route which would take vehicles around the north of the landfill instead of across the middle of it (as proposed in the original application referred to in section 2 of this report).

- 5.42 The application refers to this additional strip of tree planting as ‘planning gain’ because it falls outside the red line boundary because the applicant was not prepared to amend the original red line site boundary drawing (used with the first application) to incorporate this planting. The application puts forward the argument that tree planting does not require planning permission and because it is proposed on land in the ownership of the owner of the applicant company it need not be included within the application site boundary. However, within the application documentation, the applicant did not indicate that they control the said land where the landscaping would be planted (as is required on the Location Plan) and furthermore, no formal undertaking has been submitted by the applicant that they would plant this landscaping in the event that planning permission is granted.
- 5.43 Because the land is outside the red line application boundary, it would not be appropriate to use a condition to secure the planting of trees here, therefore in this instance it would be appropriate for the applicant to offer it through a Unilateral Undertaking or a draft Section 106 Legal Agreement which would be entered into with the Council. The applicant has not offered either of these thus in considering this application officers can attach no weight to this additional tree planting given the uncertainty of securing it.
- 5.44 In conclusion, the development would be a large industrial type structure within the countryside which would be served by vehicles travelling across the landfill site. The applicant has proposed a significant amount of woodland planting, which when mature (after 20 to 25 years) could form a valuable landscape feature. However, in the short to medium term the new structure would be clearly visible from the permissive footpaths to the south and west and would have a significant detrimental impact on the rural character of the Conservation Area.
- 5.45 Given the above, it is considered that the application is in conflict with both policies WAS 9 (Countryside Protection) because the scheme would not provide a significant enhancement to the landscape, and WAS 10 (Landscape) because of the unacceptable harm it would have on the landscape.

5.46 **Nature Conservation**

Saved policy WAS 11 (Nature Conservation) of the adopted Norfolk Waste Local Plan (2000) states:

“Waste development which will have significant effects on internationally designated (special areas of conservation and special protection areas) sites either individually or in combination with other plans or projects and which would affect the integrity of the site will not be permitted unless

There is no alternative solution and there are imperative reasons of

overriding public interest for the development

Where such development does proceed then compensatory measure will be taken to ensure the overall coherence of the Natura 200 network is protected

Waste development in or near nationally designated sites (sites of special scientific interest's national nature reserves), will not be permitted where it would adversely affect these sites".

- 5.47 While the proposed development would be approximately 1 kilometre of Holt Lowes Special Area of Conservation (SAC) and Site of Special Scientific Interest (SSSI), following consultation with Natural England and the County Council's Ecologist, no issues have been raised that would indicate that this development would affect the integrity of this site. This view is consistent with the conclusion within the ES which concluded that there would not be a significant impact on designated sites in the area (including this one).
- 5.48 Furthermore, in accordance with an assessment under Article 61 of The Conservation and Habitats and Species Regulations 2010, because it is considered that the scheme is unlikely to have any adverse impacts on the ecology of the designated area, an Appropriate Assessment is not required.
- 5.49 Saved policy WAS 12 (Nature Conservation) of the adopted Norfolk Waste Local Plan (2000) states:
- "Waste development in or near conservation sites of regional or local importance (including county wildlife sites, woodland areas which are predominantly broadleaf and regionally important geological/geomorphological sites) will only be permitted where it can be ensured that there would not be significant damage to such areas".*
- 5.50 In addition to the aforementioned internationally and nationally designated site, the wider surroundings of the site also include Edgefield Woods which is some 600 metres to the north. Neither the ES submitted nor the consultations carried out have given any indication that the scheme would result in significant damage to the area.
- 5.51 Accordingly the scheme is considered to be in accordance with both policies WAS 11 (Nature Conservation) and WAS 12 (Nature Conservation) of the adopted Norfolk Waste Local Plan (2000).
- 5.52 **Amenity**
- Saved policy WAS13 (Amenity) of the adopted Norfolk Waste Local Plan (2000) states:
- "Waste development will be permitted only where there would be:*
- No unacceptable harm to the amenities enjoyed by all; and*
 - No endangerment to human health".*
- 5.53 Waste developments of this nature have the potential to give rise to a number of impacts on amenity including visual intrusion, noise, dust, fumes, odour, pests and litter. The ES submitted with the application included both noise and odour assessments.
- 5.54 Odour

With regards to odour, because of the nature of both the waste stream proposed to be treated, i.e. organic waste, and the process proposed to treat the waste, there is a potential for this development to create a significant level of odour. The ES has identified a number of different sources of odour and assessed the severity of the risk and method of control. In order to operate effectively, the plant relies on providing a controlled environment with the effective containment of gases. All waste held within the building, the reception, and mixing halls would be held at negative pressure in order to contain odours. Exhaust air from the air handling unit would pass through a biofilter which is a standard means of treating the emissions from this nature of waste treatment facility. Gases created from the digestion process would be collected and utilized in the landfill gas engines that are already in place.

5.55 The conclusion of this assessment draws comparisons with the odour produced by the existing landfill site and states that the plant would have significantly less impact when compared to the landfill operation. In accordance with the current extant permission, the landfill site is required to be restored by December 2013 and consequently that source of odour will no longer exist. In the event that planning permission is granted, the site would be regulated by the Environment Agency (EA) through an Environmental Permit, and given that no objection has been received from either the EA or EHO (subject to a condition requiring the installation and maintenance of the odour control detailed in the ES), it is considered that there is not likely to be an impact on amenity with regards to odour.

5.56 Noise

As with the odour assessment, the noise study has been carried out against the backdrop of the existing landfilling operations that are required to cease by December 2013. Having modelled predicted noise levels against the surveyed existing noise levels the ES concludes that the plant is not likely to cause any loss of amenity to residents or lead to complaint.

5.57 Subject to any grant of permission being conditioned to the effect that the noise level at the measured points does not exceed the existing background level, as detailed in the noise survey in the ES, the EHO is satisfied with the development with regards to noise. Furthermore, the Environment Agency, which would monitor noise as an aspect of its Environmental Permit, has similarly not raised an objection to the scheme.

5.58 Lighting

The application details for lighting are limited to a statement that floodlighting would be required for the waste reception area during the hours when mobile plant and lorries are being operated on site. No further details have been submitted with regards to the exact type of lighting that would be used, the appearance of the lighting and any associated apparatus, and the impact it would have on the environment and amenity. By the very nature of floodlighting it obviously has the potential to have a significant impact, and given the location of the site in the countryside and within a Rural Conservation Area, this information is required before it can be deemed that what is proposed is acceptable.

5.59 Visual Intrusion

As already stated, the site lies in a sensitive landscape and the ES submitted describes a zone of visual impact and views of the development from a number of viewpoints. A number of residential properties lie to the north west of the site and in close proximity of the proposed development. The application fails, however, to examine the impact of the development on the outlook of these properties and whether it would represent a visual intrusion to residents. Whilst a significant amount of landscaping is proposed between the development site and the nearby properties, this will take a substantial amount of time to provide effective mitigation. Therefore, on the basis of the current information provided, it is not considered that this issue has been explored in sufficient depth to make a judgment of the impacts of the scheme on residential amenity.

5.60 Because of the nature of the area, i.e. a river valley that benefits from its status as a Rural Conservation Area, the surrounding landscape is also visited for recreational enjoyment. In the short to medium term before the proposed landscaping comes to fruition, the plant would be clearly visible from the permissive footpaths to the south and west and would therefore adversely affect the enjoyment of the area in this respect.

5.61 In conclusion, the lack of information supplied in respect of lighting and the visual impact of the development on residential properties, coupled with the detrimental impact that the scheme would have on the recreational enjoyment of the area, means that it is considered that the proposal would undermine policy WAS 13 (Amenity) and result in an unacceptable impact on the amenities enjoyed by all.

5.62 **Archaeology**

Saved policy WAS 15 (Archaeology) of the adopted Norfolk Waste Local Plan (2000) states:

Waste development adversely affecting sites of archaeological interest, other than those covered by Policy WAS 14, will be permitted only where arrangements are made for the prior evaluation, recording or excavation and subsequent publication of results.

5.63 Whilst English Heritage has confirmed that the site would not affect any Scheduled Ancient Monuments, it has however advised that the area has a high archaeological and palaeoenvironmental potential. Norfolk Landscape Archaeology has been consulted for further information on this site however at the time of writing this report no response has been received. In light of this, it cannot at this moment in time be determined whether the application is in accordance with this policy.

5.64 **Highways**

Saved policy WAS 16 (Traffic) of the adopted Norfolk Waste Local Plan (2000) states:

“Waste development will only be permitted where the access and the highway network is suitable, and is able to accommodate increased lorry movements, or where improvements would not cause unacceptable harm to the environment”.

- 5.65 Access to the application site would be achieved via an existing access that the existing landfill site utilizes off the B1149, just west of the junction with Rookery Lane (U14273). This existing access onto the landfill site consists of a 7.5 metre wide concrete road from a bellmouth arrangement onto the B1149 to the landfill weighbridge. On site of the existing landfill weighbridge and offices, a new turning area would be created. Vehicles would then double back in the direction of the B1149 and turn left onto a new concrete road that would be engineered.
- 5.66 The route of this new road would follow the north eastern boundary of the landfill site outside of the engineered cells and would go around the northern most point of the landfill before turning south and following the outside edge of the landfill to reach the exiting gas compound. The road would be constructed using 175mm thick reinforced concrete and would be 4 metres wide. A number of passing places would increase the width to 7 metres in places.
- 5.67 The application states that the average daily movements are anticipated to be 42 large goods vehicles and 8 private light goods vehicles. These are detailed in section 1 of this report.
- 5.68 The County Highway Authority has raised no objection to the scheme subject to conditions concerning the widening of the vehicular access road for its first 15 metres and the provision of wheel cleaning facilities following the approval of details.
- 5.69 Whilst there is not an objection to the scheme from a safety perspective, there is a fundamental issue that relates to the ability of the developer to actually construct the access road were permission to be granted. Because the landfill is still operational, and does not need to be restored until December 2013, a permission could not actually be fully implemented until after this date based on the plans and drawings submitted. No construction of the plant would be able to take place because vehicles associated with the development and building of the plant would also be required to use this route (given that no other access is identified in the documentation submitted). In order to be confident that the access could be constructed, amended plans and details would need to be submitted showing the access road and detailing how it would be built based on the land as it currently is (i.e. an active landfill site).
- 5.70 The development as proposed is considered acceptable in the context of Policy WAS 16 (Traffic) given that no unacceptable harm would be placed on the local highway network in terms of environmental harm, structural damage, safety and congestion. However, based on the information submitted, notwithstanding the fact the proposed access road cannot be constructed, the location of the road proposed is not in accordance with North Norfolk LDF Core Strategy Policy CT5 due to the detriment that would be caused to the amenity and character of the locality of a new road on a restored landfill site. This is further elaborated on in section 5.91 below.

5.71 **Water Resources**

Saved policy WAS 18 (Water Resources) of the adopted Norfolk Waste Local Plan states:

“Waste development will only be permitted where there would not be an unacceptable risk of contamination to surface or groundwater resources or drainage”.

- 5.72 A number of measures have been proposed to ensure the AD plant would not pose a risk of contamination to surface groundwater resources or drainage. In addition to the use of a sealed drainage system within the building which would collect water to be stored in a sealed holding tank, a concrete apron would be provided outside the waste reception/processing building which would slope to a central low point with gulleys to drain the surface water. From the gulleys the water would be channelled through an oil interceptor to the balancing pond. From this balancing pond, which would also be feed with roof water, water would then drain away to the River Glaven. Potentially contaminated water from the compost storage area would be directed to a sealed tank and re-used to either dampen down compost or used in the digestion process.
- 5.73 Drainage for the proposed access road would on the eastern site connect, via a series of drains, to a perforated pipe to allow the surface water to soak away, and on the western side, connect to the surface water drain proposed as part of the final restoration for the landfill site.
- 5.74 Whilst limited details have been provided with regards to the balancing pond, in terms of drawings identifying its depth, gradients etc, the Environment Agency (EA) is satisfied there is adequate room on site to construct this pond. Subject to a condition concerning the submission of a comprehensive working practices procedure with regard to preventing pollution and minimizing environmental impacts of operations during construction, the EA has raised no objection with regards to the risk of contamination to ground or surface water.
- 5.75 Saved policy WAS 19 (Water Resources) of the adopted Norfolk Waste Local Plan states:
- “Waste development will only be permitted where there would not be an unacceptable risk of impediment to the free flow of surface or groundwater resulting in flooding either within the vicinity of the site or elsewhere”.*
- 5.76 The site is located in the EA’s Flood Zone 1 but by virtue of the fact the site is area exceeds 1 hectare a Flood Risk Assessment (FRA) was required to determine whether the development would exacerbate flooding in the surrounding area. A Hydrological and Hydrogeological Assessment was also submitted as part of the ES.
- 5.77 The EA is satisfied that the proposed development would not increase flood risk on or off site and that the surface water scheme is suitable for the scale and nature of the development. An approval of this application would therefore need to be subject to a condition requiring the development to be carried out in accordance with the FRA submitted.

North District Council Local Development Framework: Core Strategy & Development Control Policies (September 2008)

5.78 Core Strategy Policy SS1: Spatial Strategy

This policy, which reaffirms that the application site is in a countryside location, states that within the countryside development will be restricted to particular types which include the provision of renewable energy.

5.79 Core Strategy Policy SS2: Development in the Countryside

This policy advises that in the countryside development will be limited to that which requires a rural location, and both waste management facilities and renewable energy are amongst this list.

5.80 The principle of the development here is for waste disposal which would also create renewable energy as a by-product. In this instance it is not felt that the development would comply with these policies given that the supporting text makes reference to the need to protect and where possible enhance the quality and character of this sensitive area which is enjoyed by both residents and visitors. It is acknowledged that the both policies SS1 and SS2 provide weight for a countryside location, however in this instance the level of detriment to the countryside caused by the industrial nature of the plant is considered unacceptable.

5.81 Core Strategy Policy SS 4: Environment

The proposal would undermine this policy which seeks to ensure the protection and enhancement of natural environmental assets. Whilst accepting the scheme would produce renewable energy (although not principally a renewable energy proposal), the impact on the landscape would be unacceptable because of the nature of the design of the plant and the location in a sensitive area protected for its high landscape value.

5.82 Core Strategy Policy SS 6: Access and Infrastructure

The scheme would comply with this policy given the close proximity to the highway network and the availability of utility services.

5.83 Policy EN 2: Protection and Enhancement of Landscape and Settlement Character

The proposal is not in accordance with this policy as the location, scale, design and materials of the scheme would not protect enhance or conserve the setting of the Glaven Valley Rural Conservation Area.

5.84 Policy EN 4: Design

The industrial nature of this design, which would include cast concrete composter tunnels and a central mixing area accommodated in a steel portal framed structure clad with plastic coated profiled steel sheeting, means it is not considered to be in accordance with this policy. The development is not considered to be designed to a high quality and would not reinforce local distinctiveness. Overall the design would not preserve or enhance the character and quality of the area.

5.85 Policy EN 6: Sustainable Construction and Energy Efficiency

According to the application documentation submitted, the scheme would meet its own energy requirements (through the electricity created from biogas). The application states that biogas would be directed via an overground pipe to the existing landfill gas engines to generate electricity. It is explained that the electricity would then be exported to the local distribution network using existing underground cable. However, no reference is made to how this energy would also be transported back to the AD plant for it to meet 'its own energy requirements' as detailed in the application. Whilst not disputing that it is the applicant's intention to do this, at this moment in time insufficient information has been submitted to demonstrate that at least 10% of predicted energy usage (this being the threshold for developments over 1000 square metres) would be provided by on-site renewable energy technology. Without this detail the application cannot be said to be in accordance with the policy.

5.86 Policy EN 7: Renewable Energy

The application is principally for a waste management development however it would create a source of renewable energy from the biogas produced as a result of the digestion process. The proposal would undermine this policy because of the significant adverse impact on the local landscape.

5.87 Policy EN 8: Protecting and Enhancing the Historic Environment

This policy seeks to preserve and where possible enhance the character and appearance of conservation areas. Because of the industrial nature of the design process, and the time it would take for the proposed landscaping to come to fruition, it is considered that proposal would actually have a significant detrimental impact on the landscape. The proposal is therefore contrary to this policy.

5.88 Policy EN 9: Biodiversity & Geology

There is no indication that the scheme would cause a direct or indirect adverse impact on nationally, or any other designated sites, and the proposal is therefore considered consistent with this policy.

5.89 Policy EN 10: Development and Flood Risk

The site is located in Flood Zone 1 and by virtue of the fact the site area exceeds 1 hectare in size, a FRA was submitted with the application. The Environment Agency confirmed that it is satisfied that the proposal would not increase flood risk on or off site and that the surface water scheme is suitable for the scale and nature of the development. The proposal accords with this policy.

5.90 Policy EN 13: Pollution and Hazard Prevention and Minimisation

Subject to appropriate conditions, in the event that planning permission is granted, it is not considered that the scheme would create emissions or other forms of pollution. The proposal is therefore consistent with this policy.

5.91 Policy CT 5: The Transport Impact of New Development

As detailed in earlier sections of the report, the scheme requires the development of an access road across (what will eventually be) a restored landfill site in order to access the public highway. Irrespective of the fact that the road could not be constructed possibly until December 2013, if permission were to be granted, the principle of developing a 4 metre wide concrete road on a restored landfill is unacceptable because of the landscape impact and the fact it would be in breach

of the approved restoration and aftercare schemes. With regards to this policy, because of the detriment to amenity and character of the locality that would occur by developing the road, the scheme is considered to undermine this policy.

5.92 Policy CT 6: Parking Provision

The proposal would have limited parking needs given the small number of employees required to operate the site. No issues have been raised with regards to the adequacy of parking provision and the scheme accords with this policy.

5.93 In addition to the Core Strategy and Development Control policies contained in the LDF, there are also other Supplementary Planning Documents that are also to be given due weight in the determination of an application in this district.

5.94 North Norfolk Design Guide (December 2008)

The proposed development would not achieve a high standard of design which would be compatible with the character and appearance of the area, due to the industrial nature of the development proposed. The scheme would also impinge on views into, and views within, the Glaven Valley Rural Conservation Area.

5.95 Landscape Character Assessment of North Norfolk (June 2009)

Reference is made to this in the ES submitted with the planning application. This concluded that although there will be a detrimental impact on the landscape; this is offset by the degraded nature of the existing landscape, i.e. against the backdrop of the landfill site. This is referenced in North Norfolk District Council's consultation response where no objection has been raised because the suggested planting will provide mitigation.

5.96 However, as discussed in section 5.39 and 5.40, this fails to acknowledge that the terms of the planning permission for the landfill site require the landfill to be restored by 2013 and then enter a 5 year period of aftercare. Therefore, the land will not be left 'degraded' and a significant amount of negotiation took place when the latest planning consent (reference. C/1/2009/1020) was issued for the landfill site earlier this year to ensure an appropriate restoration scheme was agreed which will provide an enhancement to the landscape.

5.97 The County Council disagrees with the ES and North Norfolk District Council with regards to the Landscape Character Assessment. The landfill site is in the process of being restored to a high standard with a significant level of tree planting, in addition to the grassland proposed, to ensure the site assimilates with the wider landscape. It is felt the proposed AD plant would radically alter the sensitive landscape and would have a detrimental impact on the wider landscape.

The Regional Spatial Strategy: The East England Plan (2008)

5.98 Further to a recent successful legal challenge which rendered the Secretary of States decision to revoke Regional Spatial Strategies unlawful, the East of England Plan is now again considered part of the development plan, and is therefore material to the assessment of this planning application.

5.99 Policies WM1, WM2: Waste Management Objectives/Targets

The waste policies contained within the plan reinforce the policies in PPS 10: Planning for Sustainable Waste Management and the Waste Strategy for England 2007 which promote the movement of waste up the waste hierarchy and recover maximum value from waste produced. The RSS seeks to ensure the timely and adequate provision of waste facilities required for recovery and disposal of waste required for the recovery and disposal of the region's waste.

5.100 The RSS also makes reference to waste management being carried out near to where it arises to minimize the impact of transporting waste. The planning application however provides limited details on the source of the waste stream and only brief references are made to meeting the 'County's needs' and 'wastes of this nature arising in North Norfolk. When dealing with applications of this scale it is expected that a greater level of detail is required regarding the source of waste in order to ensure compliance with the proximity principle.

5.101 Significantly, reference is also made to the 'environmental impact of waste management', and given the already explained impact on the (protected) countryside; it would clearly have an adverse impact on the environment in respect of the detrimental impact on the landscape. This fundamental issue, coupled with the lack of information on the source of the waste stream, means that the application is not in accordance with the waste policies in this plan.

5.102 Policy ENG2: Renewable Energy targets

The waste facility would produce a source of renewable energy by producing electricity from the biogas that would occur in the anaerobic digestion process. The scheme would therefore assist in the aim of producing 10% of the region's energy by 2010 and 17% by 2020.

National Planning Guidance

5.103 In addition to the relevant policies in the respective development plan documents, there is also national planning guidance that is material to the determination of this application.

5.104 Planning Policy Statement 10: Planning for Sustainable Waste Management

The most direct relevant guidance in this case is PPS 10: Planning for Sustainable Waste Management. This document underlines that the planning system is pivotal to the timely and adequate provision of new waste facilities and it sets out the Government's strategy for sustainable waste management. Whilst the scheme is consistent with the overarching thrust of dealing with waste in a more sustainable manner i.e. through moving waste up the waste hierarchy, using it as a source of energy, and only disposing of it as a last resort, when looking at the detail of the document, the proposal clearly falls foul of the more detailed guidance provided for assessing waste development.

- 5.105 In accordance with paragraph 17 of PPS 10, the County Council identified in its Waste Site Development Plan Document: Further Issues and Options (Preferred Options) areas suitable for new or enhanced waste management facilities which would support the apportionment set out in the RSS. An allocation for a similar site area to this planning application was put forward by the owner of the applicant company which has submitted this application for an anaerobic digestion use. Significantly, the site was assessed and the conclusion in the DPD was that the site should not be considered further as a preferred site on landscape grounds. Therefore, not only is the site not actually required to support the apportionment (of waste required to be disposed of) set out in the RSS, it has also been deemed unsuitable at an earlier date.
- 5.106 Notwithstanding the fact that the principle of an AD facility at this location has already been deemed unacceptable, for unallocated sites (which this site currently is), PPS 10 guidance is that applications for new facilities at unallocated sites should be considered favourably when consistent with policies in the PPS including those in paragraph 21 of the guidance, and the authority's Core Strategy.
- 5.107 In terms of policies in the PPS, the most relevant of these relate to the physical and environmental constraints that exist, as referred to in paragraph 21 of the guidance. Annex E of the PPS provides further detail of the Locational Criteria to be considered and the two relevant of these are 'visual intrusion' and 'historic environment and built heritage'. With regards to the former, it has already been established in this report that the setting of the proposed location is not acceptable (in the Rural Conservation Area) and would represent a visual intrusion to the wider landscape. Furthermore, it is not felt the design would be appropriate, and that the ES has failed to address the impact of the development on local residential properties.
- 5.108 With regards to the historic environment and built heritage, PPS 10 makes reference to the consideration of any adverse effect on a site with a nationally recognized designation, in this instance this being a Conservation Area.
- 5.109 Other criteria when assessing unallocated sites to be considered include the cumulative effect of previous waste disposal facilities. In this instance, the existing Edgefield landfill site, which is located here solely because of the occurrence of mineral at this site, has had a significant adverse impact on the environmental quality with regards to impacts on the landscape and amenity. Whilst the existing landfill site is to be restored (this was not appreciated in the ES), the existence of the landfill does not provide justification to further degrade the landscape in perpetuity as intimated by the applicant (in the ES) and by North Norfolk District Council.
- 5.110 In terms of locating new sites, the PPS also seeks to give priority to the re-use of previously developed land, and redundant agricultural and forestry buildings and their curtilages. The applicant has not proposed to utilise any of the aforementioned sites.

- 5.111 Planning Authority's Core Strategies are also referenced in PPS 10 as a consideration for unallocated sites. The proposed Core Strategy for mineral and waste development is currently out for public consultation as part of the process of producing a Minerals and Waste Development Framework. While this document has very limited weight as a material planning consideration, it does contain a policy relevant to this type of development.
- 5.112 The relevant policy is CS7 Recycling, composting, anaerobic digestion and waste transfer sites. The policy advises such developments will be considered favourably so long as they would not cause unacceptable environmental, amenity and/or highway impact. The adverse environmental and amenity impacts of the scheme have been fully detailed throughout the report to warrant further discussion.
- 5.113 In addition to this guidance on identifying suitable sites, PPS 10 also makes reference to the design of waste management facilities. Pertinently, the guidance states that facilities in themselves should be well-designed, so that they contribute positively to the character and quality of the area in which they are located. Not only is the proposal poorly designed with regards to the structures and materials proposed, but it would undoubtedly not positively contribute to the character and quality of the area.
- 5.114 As has been discussed, there are a number of policies within this PPS that underline that this proposal is not consistent with this Government guidance.
- 5.115 In addition to PPS 10, which the application does not comply with, there are also a number of other policy documents that are relevant to the assessment of this proposal.
- 5.116 Planning Policy Statement 1: Delivering Sustainable Development
- Whilst the scheme proposed would deliver a more sustainable method of dealing with a waste stream that may otherwise need to be landfilled, and would therefore move waste up the waste hierarchy and recover value in the form of the energy recovered, it is not considered that the scheme accords with PPS 1 due to the impact on the development on this sensitive area of countryside. The guidance states that the Government is committed to protecting and enhancing the quality of the natural and historic environment. Furthermore, planning decisions should be based on the potential impact on the environment both long and short term. In addition, the PPS advises that planning authorities should seek to enhance the landscape as part of the development proposal and that 'significant adverse impacts on the environment should be avoided...'. The scheme is therefore not considered compliant with this PPS which sets out the overarching planning policies on the delivery of sustainable development through the planning system.
- 5.117 Planning Policy Statement 4: Planning For Sustainable Economic Growth
- This policy guidance is applicable as the proposal would provide a small number of employment opportunities in the operation of the facility. The scheme is however not in accordance with the policy statement because it would not continue to protect the open countryside for the sake of its own intrinsic character and beauty (for the benefit of all) which is one of the Government's objectives.

5.118 Planning Policy Statement 5: Planning For the Historic Environment

There are two aspects of this PPS that are relevant to the determination of this application: archaeology and the impact on the Glaven Valley Rural Conservation Area. English Heritage has highlighted that the area has high archaeological potential however a response from Norfolk Landscape Archaeology has not been received at the time of writing this report thus the potential impact on archaeology cannot be determined. In terms of the impact on the Conservation Area, it is not felt the benefits of the scheme outweigh the detrimental impact on the designated area, thus the proposal undermines this policy statement.

5.119 Planning Policy Statement 7: Sustainable Development in Rural Areas

The scheme is not in accordance with the policy because it would not conserve the Glaven Valley Rural Conservation Area, a specific feature of landscape and historic value. As referenced in the PPS it is the role of the planning authority, when considering applications to ensure the quality of the countryside is protected and where possible enhanced. The development of an AD plant at this site would not do this and consequently the scheme is not considered compliant with this guidance.

5.120 Planning Policy Statement 9: Biodiversity and Geological Conservation

Neither Natural England nor the County Council's own Ecologist have any issues that would suggest that the scheme would have an adverse impact on any designated sites of ecological international/national importance or any other ecology in the wider area. The scheme is therefore consistent with the underlying principles of this guidance.

5.121 Planning Policy Guidance 13: Transportation

The proposed development would not result in any major traffic increase, is served by roads of appropriate standards and would not have a detrimental impact on the existing highway network. Accordingly, the development is considered compliant with the principal aims of this guidance.

5.123 Planning Policy Statement 22 Renewable Energy

This guidance is applicable to this application because it makes reference to the renewable energy that can be created from waste. However the scheme would undermine the guidance because it would compromise the objectives of the Glaven Valley Rural Conservation Area, and it is not considered that this would be outweighed by any environmental, economic or social benefits.

5.124 Planning Policy Statement 23: Planning and Pollution Control

This policy statement clarifies that the planning and pollution control systems are separate but complementary. Planning authorities should work on the assumption that the relevant pollution control regime will be properly applied and enforced and should act to complement but not seek to duplicate it.

In short, the County Council needs to be satisfied planning permission can be granted on land use grounds taking full account of environmental impacts, and that potential releases can be adequately regulated under the pollution control framework.

- 5.125 In this instance, the Environment Agency would be the relevant pollution control authority and in its consultation response it confirmed that the development would require an Environmental Permit which would cover issues such as the management of the site (systems, accidents, energy efficiency), the operations (storage and containment), and significantly emissions and monitoring (including odour, noise and vibration).
- 5.126 The Environment Agency (EA), as the relevant pollution control authority, has no objection to the development subject to conditions. Furthermore, North Norfolk's EHO has raised no objection subject to conditions including noise levels, operating hours, and odour controls. Accordingly, the development is considered compliant with this guidance.
- 5.127 **Planning Policy Guidance 24: Planning and Noise**
A Noise Assessment was carried out and formed part of the ES that was submitted with the planning application. Having modelled predicted noise levels against the surveyed existing noise levels the ES concludes that the plant is not likely to cause any loss of amenity to residents or lead to complaint.
- 5.128 It is considered that, following consultation with the EA and North Norfolk's EHO, the development accords with the requirements of this guidance as shown by the Noise Assessment submitted with the ES, and would not, subject to appropriate conditions, result in any adverse noise to the surrounding area.
- 5.129 **Planning Policy Statement 25: Development and Flood Risk**
A Flood Risk Assessment (FRA) formed part of the ES that was submitted with the application by virtue of the fact the site area exceeds 1 hectare in size. Subject to appropriate conditions, the Environment Agency is satisfied that the proposed development would not increase flood risk on or off site. An approval of this application would therefore need to be subject to a condition requiring the development to be carried out in accordance with the FRA submitted. Consequently, the scheme is consistent with this guidance.

6.0 **Resource Implications**

- 6.1 **Finance:** The development has no financial implications from the Planning Regulatory perspective
- 6.2 **Staff:** The development has no staffing implications from the Planning Regulatory perspective.
- 6.3 **Property:** The development has no property implication from the Planning Regulatory perspective.
- 6.4 **IT:** The development has no IT implications from the Planning Regulatory perspective.

7.0 **Crime and Disorder Act**

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

8.0 **Human Rights Act 1988**

- 8.1 The requirements of the Human Rights Act 1998 must be considered. Should permission not be granted Human Rights are not likely to be apply on behalf of the applicant.
- 8.2 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.
- 8.3 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.

9.0 **Conclusion and reasons for refusing permission**

- 9.1 This application seeks full planning permission for the construction of an AD facility on a site adjacent to the west of Edgefield Landfill site. It is proposed that the AD plant would deal with 30,000 tonnes of mixed household, garden and kitchen waste together with other suitable waste food stuffs and surplus or spoiled agricultural vegetable products per annum. The gas produced by the digestion process facility would be piped to the existing adjacent landfill gas engines (which this application seeks to retain) to generate electricity.
- 9.2 The application also includes an ancillary office (which form an extension to an existing building) and weighbridge, construction of a new access road (around the northern boundary of the landfill site) from the B1149 (Holt Road), and the provision of landscaping.
- 9.3 The site is located outside any defined settlement limit and is therefore located in the open countryside. The site is not allocated for development, and the application constitutes a departure from the County Council's Adopted Norfolk Waste Local Plan as it is contrary to 'saved' policy WAS 4 (Countryside Protection) which presumes against waste development in the open countryside. The application site is significantly located in the Glaven Valley Rural Conservation Area.
- 9.4 The proposal is also contrary to a number of other policies within the development plan in terms of both the adopted Norfolk Waste Local Plan (2000), the North Norfolk Local Development Framework Core Strategy and Development Control Policies (2008) and other associated Development Plan Documents. It is also contrary to the East of England Plan (the Regional Spatial Strategy), and would undermine a number of the Government's planning policy statements that are also material planning considerations when determining applications.

- 9.5 The scheme would interfere with the approved restoration scheme for Edgefield landfill site thus any grant of permission would result in two conflicting planning permissions being issued for the same land. Furthermore, the application could not actually be fully implemented if permission were to be granted because the area of the landfill site where the proposed access is to be located has not yet been restored: under the terms of their permission, the operator of the landfill site is not required to complete this until December 2013.
- 9.6 Whilst the proposal would divert waste from landfill and move waste up the waste hierarchy, it is not felt the scheme represents an acceptable form of development. There are no other material considerations that would override the fundamental policy conflicts this proposal has with the development plan and national guidance, and would justify granting planning permission.
- 9.7 Therefore it is recommended that the application be refused for the reasons detailed below.

Recommendation

- (i) That the Director of Environment, Transport and Development be authorised to refuse planning permission on the following grounds:
1. The application site is located in the countryside within the Glaven Valley Conservation Area as designated in North Norfolk District Council Local Development Framework (2008). Saved policy WAS 4 (Countryside Protection) of the adopted Norfolk Waste Local Plan (2000) presumes against waste development for re-use, materials and energy recovery, and transfer and storage of waste, in the open countryside, unless at mineral extraction and waste disposal sites. Whilst the application site, which is currently used for agriculture, is located adjacent to an existing landfill site, this is due to be restored by December 2013. The proposal, which would be visually intrusive and incongruous in the landscape due to the industrial nature of the design proposed, is therefore contrary to the aims of policy WAS 4 (Countryside Protection), Planning Policy Statement 7: Sustainable Development in Rural Areas and would conflict with Locational Criteria C (Visual Intrusion) of Annex E of Planning Policy Statement 10: Planning for Sustainable Waste Management.
 2. The application site lies on the valley side of the Glaven River within the Glaven Valley Rural Conservation Area as designated in North Norfolk District Council Local Development Framework (2008). Saved policy WAS 9 (Landscape) of the adopted Norfolk Waste Local Plan (2000) seeks to only permit waste development in river valleys and conservation areas where it can be shown to provide a significant enhancement to the local landscape. The applicant has not demonstrated that the proposed development would provide a significant enhancement to the local landscape and therefore it is concluded that the proposal is contrary to policy WAS 9 (Landscape) and North Norfolk LDF Core Strategy (2008) policy EN 2: Protection and Enhancement of Landscape and Settlement Character.
 3. The application site lies within the Glaven Valley Conservation Area and as such is in an area identified for its historic interest because of its high landscape value. Policy EN 8 (Protecting and Enhancing the Historic Environment) of the North Norfolk LDF Core Strategy (2008) states that development proposals should preserve and where possible enhance the

character and appearance of Conservation Areas through high quality sensitive design. The industrial appearance of the proposed design, and the re-moulding of the landform, would have an adverse impact on the Conservation Area and as such the proposal is in conflict with policy EN 8 (Protecting and Enhancing the Historic Environment), Planning Policy Statement 5: Planning for the Historic Environment, Locational Criteria E (Historic Environment and Built Heritage) of Annex E of Planning Policy Statement 10: Planning for Sustainable Waste Management, and Planning Policy Statement 22: Renewable Energy (2004).

4. The application proposes the formation of a new reinforced concrete access road on adjacent land which is currently being used for the landfill of non-hazardous waste. Therefore any approval of this scheme would detrimentally interfere with the agreed restoration scheme for the landfill site that was approved in May 2010 under planning permission reference C/1/2009/1020. Any approval of this scheme would therefore have a detrimental impact on the wider landscape with regards to both the planting areas that would be lost from the approved restoration scheme, and also the concrete road that would be engineered. The proposal is in conflict with policy WAS 9 (Landscape) of the adopted Norfolk Waste Local Plan (2000) and would result in a neighbouring land owner being unable to implement a restoration scheme that they are required to do in order to comply with their planning permission. Furthermore, no information has been submitted to indicate that the landfill operator would be prepared to lodge an application to vary their approved restoration and aftercare schemes notwithstanding the fact the County Planning Authority would be unlikely to approve such an application given it would be likely to reduce the quality of the approved restoration.
5. The application proposes the formation of a new access road on land which is currently being used for the landfill of non-hazardous waste. Under the terms of the extant planning permission for the landfill site, reference C/1/2009/1020, the landfill site is required to be restored by 31 December 2013. Given that the proposed access road relates to the northern area of the landfill site which is the final area of the landfill to be restored, a grant of planning permission could result in consent for a development that would not be utilised for at least three years in the event that restoration is not completed until December 2013, notwithstanding the fact that the application, as proposed, would be in breach of the approved restoration scheme as outlined in ground number 4. Therefore, it would be premature to grant planning permission for a development that could not be utilized for up to three years. Furthermore, the applicant has failed to provide sufficient highway information to demonstrate the access is acceptable.
6. The proposed Anaerobic Digestion plant would be erected in a countryside location on land to the west of the existing Edgefield Landfill site. A number of residential properties are situated to the north west of the site and in close proximity of the application site. The application fails, however, to examine the impact of the development on the outlook of these properties and whether it would represent a visual intrusion to residents. Notwithstanding the landscaping that is proposed, it is considered that the issue of visual impact has not been explored in sufficient depth to make an informed assessment of impacts of the scheme. Furthermore, the plant would be visible from permissive footpaths in the locality in the short to medium term before the

landscaping comes to fruition. This would result in a detrimental impact on the recreational enjoyment of the area. Consequently, it is considered that the proposal is contrary to saved policy WAS 13 (Amenity) of the adopted Norfolk Waste Local Plan (2000) and Planning Policy Statement 7: Sustainable Development in Rural Areas.

7. The proposed Anaerobic Digester plant would be erected in a countryside location on land near to residential dwellings and within the Glaven Valley Rural Conservation Area. With regards to lighting, the application documentation proposes floodlighting to illuminate the waste reception area. However, insufficient information has been submitted to demonstrate that the proposal would not have an adverse impact on the countryside and residential amenity. Without this information the application cannot be considered to be in accordance with saved Policy WAS 13 (Amenity) of the adopted Norfolk Waste Local Plan (2000) which seeks to prevent unacceptable harm to the amenities enjoyed by all, North Norfolk LDF (2008) Core Strategy Policy EN 8 (Protecting and Enhancing the Historic Environment), Planning Policy Statement 5: Planning for the Historic Environment, and Planning Policy Statement 7: Sustainable Development in Rural Areas.
8. The industrial nature of the proposed design, which would include cast concrete composter tunnels and a central mixing area accommodated in a steel portal framed structure clad with plastic coated profiled steel sheeting, means the development is not considered to be designed to a high quality and would not reinforce local distinctiveness. Overall the design would not preserve or enhance the character and quality of the area and it is considered contrary not only to North Norfolk LDF (2008) policy EN4 (Design) and the North Norfolk Design Guide, but also Planning Policy Statement 10: Planning for Sustainable Waste Management (2005).
9. The proposed application site is located in the parish of Edgefield in the North Norfolk District of the County. The application states the site is 'ideally suited to meet the County's needs and is well placed to manage wastes of this nature arising in North Norfolk'. However, no further locational detail is provided on exactly where this waste stream would arise and be collected from. It is expected that this information is included in planning applications to ensure authorities can determine whether waste management facilities would comply with the 'proximity principle'. The Regional Spatial Strategy (RSS); The East of England Plan (2008), advises that waste management should take place near to where it arises as communities take responsibility for their own waste. Therefore without this information, the application cannot be demonstrated to accord with this development plan document.
10. North Norfolk LDF (2008) policy EN 6 (Sustainable Construction and Energy Efficiency) requires development proposals over 1000 square metres to include on-site renewable energy technology to provide 10% of predicted total energy usage. According to the application documentation submitted, the scheme would meet its own energy requirements through the electricity created from biogas. However, no reference is made to how this energy would be transported from the landfill gas engines back to the Anaerobic Digestion plant for it to meet 'its own energy requirements' as detailed in the application. Whilst not disputing that it is the applicant's intention to do this, at this moment in time insufficient information has therefore been submitted to demonstrate that at least 10% of predicted energy usage would be provided

by on-site renewable energy technology. Without this detail the application cannot be said to be in accordance with the policy.

11. The drawings submitted by the applicant contain inconsistencies and a number do not accurately reflect the development that requires planning permission on site. On the basis of the current plans, the proposed access could not be constructed because the plans do not represent the current situation on site, namely an operational landfill site. Consequently, it is considered that the drawings are of an inadequate standard to fully assess the proposal and moreover any grant of planning permission would be unenforceable due to the disparities between the respective drawings submitted.
12. The proposed application site has a high archaeological and palaeoenvironmental potential. However, the applicant has provided insufficient information to demonstrate that the proposal would not have an adverse impact on these features. As such the proposal is not in accordance with saved Norfolk Waste Local Plan (2000) Policy WAS 15 (Archaeology) and Planning Policy Statement 5: Planning for the Historic Environment.

Background Document(s):

Norfolk Waste Local Plan 'Saved' Policies

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

Norfolk Minerals and Waste Local Development Framework: Waste Site Allocations Development Plan Document: Further Issues and Options (Preferred Options)

North Norfolk Local Development Framework Core Strategy and Development Control Policies

North Norfolk Local Development Framework Design Guide

North Norfolk Local Development Framework Landscape Character Assessment

Regional Spatial Strategy: The East of England Plan

PPS 1: Delivering Sustainable Development

PPS 4: Planning For Sustainable Economic Growth

PPS 5: Planning For The Historic Environment

PPS 7: Sustainable Development in Rural Areas

PPS 9: Biodiversity and Geological Conservation

PPS 10: Planning for Sustainable Waste Management

PPG 13: Transport

PPS 22: Renewable Energy

PPS 23: Planning and Pollution Control

PPG 24: Planning and Noise

PPS 25: Development and Flood Risk

Application file references C/1/2010/1005 (and Environmental Statement), C/1/2009/1015, C/1/2009/1020 and C/1/94/1013.

Officer Contact

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**Applications Referred to Committee for Determination
North Norfolk District: C/1/2010/1005: Edgefield:
Land adjacent to Edgefield Landfill Site:
Erection of plant to accommodate an anaerobic
digestion facility, provision of ancillary office and
weighbridge, retention of existing landfill gas engines,
construction of access road and provision of
landscaping: Buyinfo Ltd**

Report by the Director of Environment, Transport and Development.

Summary

In December 2010, an application was reported to this committee which sought full planning permission for the construction of an anaerobic digestion (AD) facility on a site (adjacent) to the west of Edgefield Landfill site. The AD plant proposed to deal with 30,000 tonnes of mixed household, garden and kitchen waste together with other suitable waste food stuffs and surplus or spoiled agricultural vegetable products, per annum. The application was recommended for refusal on twelve grounds as detailed in the full committee report that is appended to this report (Appendix A).

The unanimous resolution of Members of this committee, as detailed in the minutes of that meeting (Appendix B), was: 'That the decision on the application be deferred until inconsistencies within the drawings, issues with tree planting, lighting, and any other outstanding matters, were dealt with so that the planning permission could legally be enforced, but stated that there was no reason to hold a site visit as the information needed did not require a site visit'.

The issue of a site visit was discussed during the meeting, and whilst Members of the committee did not resolve to carry out a site visit at that point in time, it is felt by officers that it may be prudent to do so whilst the County Council awaits the submission of the further information detailed in the resolution.

By visiting the site, it would help ensure Members are able to make an informed decision on the scheme with a full understanding of the context of the site in a sensitive landscape setting (the Rural Conservation Area), and enable Members to understand why the application was recommended for refusal when originally reported to committee in December. Furthermore, it would allow a decision to be made without any further delay that could occur if a site visit is discussed again and/or proposed when the application itself is brought back to committee.

Recommendation

That Members of the Planning Regulatory Committee undertake a site visit to ensure an informed decision can be made when the amended application is reported to a future committee meeting.

1. **Background**

1.1. In December 2010, an application was reported to this committee which sought full planning permission for the construction of an anaerobic digestion (AD) facility on a site (adjacent) to the west of Edgefield Landfill site. The AD plant proposed to deal with 30,000 tonnes of mixed household, garden and kitchen waste together with other suitable waste food stuffs and surplus or spoiled agricultural vegetable products, per annum. The application was recommended for refusal on twelve grounds as detailed in the full committee report that is appended to this report (Appendix A).

1.2. The unanimous resolution of Members of this committee, as detailed in the minutes of that meeting (Appendix B), was: 'that the decision on the application be deferred until inconsistencies within the drawings, issues with tree planting, lighting, and any other outstanding matters, were dealt with so that the planning permission could legally be enforced, but stated that there was no reason to hold a site visit as the information needed did not require a site visit'.

1.3. **Update**

1.4. Following this resolution, a letter was sent to the applicant's agent providing full details of the additional information that is required.

1.5. The application, as referenced in the original committee report, is being determined in accordance with the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999, as amended, because of the potential for the scheme to have significant impacts on the environment.

1.6. Therefore, this information was requested under regulation 19 of the aforementioned legislation, and in accordance with this regulation, the additional information must be publicised, and consulted on, before the application can be brought back to committee with a recommendation. At this moment in time, no additional information has been received from the applicant in response to the regulation 19 request.

1.7. **Proposal**

1.8. It is well highlighted in the appended committee report that officers are very concerned about the impact that the AD plant would have on the Glaven Valley Rural Conservation Area, and that the proposal would not provide a significant enhancement to the local landscape. Furthermore, it is considered that the development would be visually intrusive and incongruous in the landscape due to the industrial nature of the design proposed. Consequently, this means that the scheme is contrary to the development plan. This view was re-affirmed by the Senior Landscape Architect consulted on the scheme who objected to the application.

1.9. Whilst the resolution at December's committee did not include the requirement to undertake a site visit, the possibility of a site visit was however discussed during the meeting. It is felt by officers it may be prudent to do so in the interim period before the application itself is reported to committee again (once the additional information has been received from the applicant, publicised and consulted on).

- 1.10. Visiting the site may provide Members with a better understanding of the context of the site and its surroundings, and enable a more informed decision to be made on the scheme. Members would gain a fuller appreciation of the sensitive nature of the landscape that resulted in it being designated a Rural Conservation Area (for its high landscape value) by North Norfolk District Council, and which was a significant factor in the application being recommended for refusal when it was initially reported to December's committee. Furthermore, it will ensure a decision can be made without any further delay that could occur if a site visit is discussed and/or proposed when the application itself is brought back to committee.
- 1.11. In the context of the County Council's Constitution, and specifically 'Appendix 18A: Planning Procedures - Code of Best Practice', the justification for recommending the site visit is that officers believe it would significantly assist the Committee's understanding of the issues that need to be considered when determining the planning application. The benefit here would, in the opinion of officers, be substantial, and it would not in this instance cause delay given the outstanding information required from the applicant. The recommendation is therefore in accordance with 'Section 13: Committee Site Visits' of this appendix of the County Council's Constitution.

2.0 **Resource Implications**

- 2.1 **Finance:** The report has no financial implications from the Planning Regulatory perspective
- 2.2 **Staff:** The report has no staffing implications from the Planning Regulatory perspective.
- 2.3 **Property:** The report has no property implications from the Planning Regulatory perspective.
- 2.4 **IT:** The report has no IT implications from the Planning Regulatory perspective.

3.0 **Other Implications**

- 3.1 **Legal Implications:** This issue is covered in the appended committee report.
- 3.2 **Human Rights:** This issue is covered in the appended committee report.
- 3.3 **Any other implications:** Officers have considered all the implications which members should be aware of. Apart from those listed in the report (above), there are no other implications to take into account.

4.0 **Conclusion**

- 4.1 In December 2010, an application was reported to this committee which sought full planning permission for the construction of an anaerobic digestion (AD) facility on a site (adjacent) to the west of Edgefield Landfill site. The resolution of Members was that officers should request further information to enable a legally enforceable planning permission to be granted.

4.2 The County Council has now requested further information under regulation 19 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999, as amended, in accordance with the resolution of December's Planning Regulatory Committee. Officers are of the view that it may be prudent to undertake a site visit to help enable an informed decision to be made on the proposal (with an appreciation of the location of the site in the wider area) when it is reported back to this committee, and prevent any further delay.

Recommendation

- (i) That Members of the Planning Regulatory Committee undertake a site visit to ensure an informed decision can be made when the amended application is reported to a future committee meeting.

Background Papers

C/1/2010/1005 Committee Report: 10 December 2010
Planning Regulatory Committee Minutes: 10 December 2010 (extract)
Planning Application: C/1/2010/1005

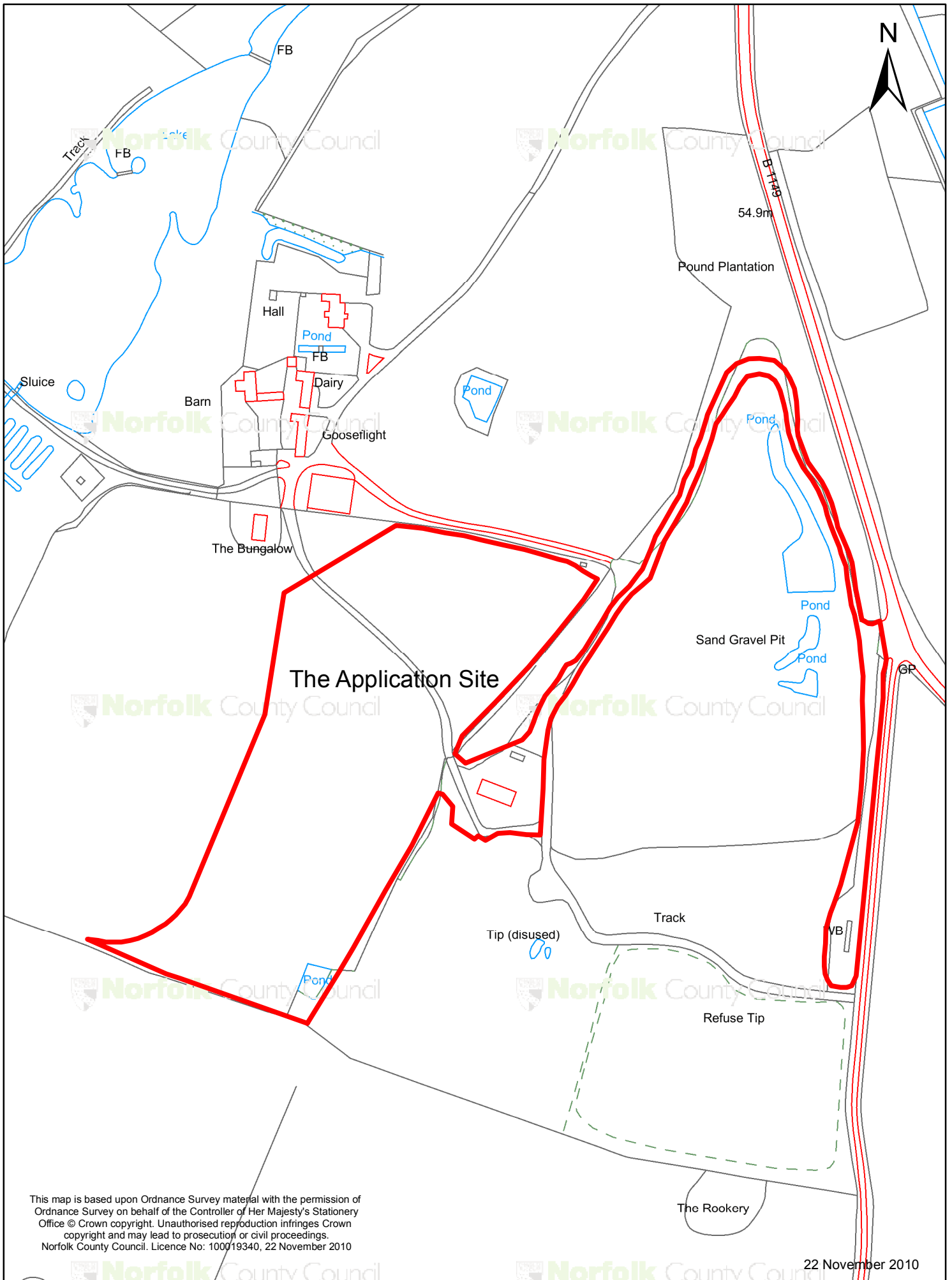
Officer Contact

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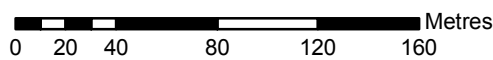


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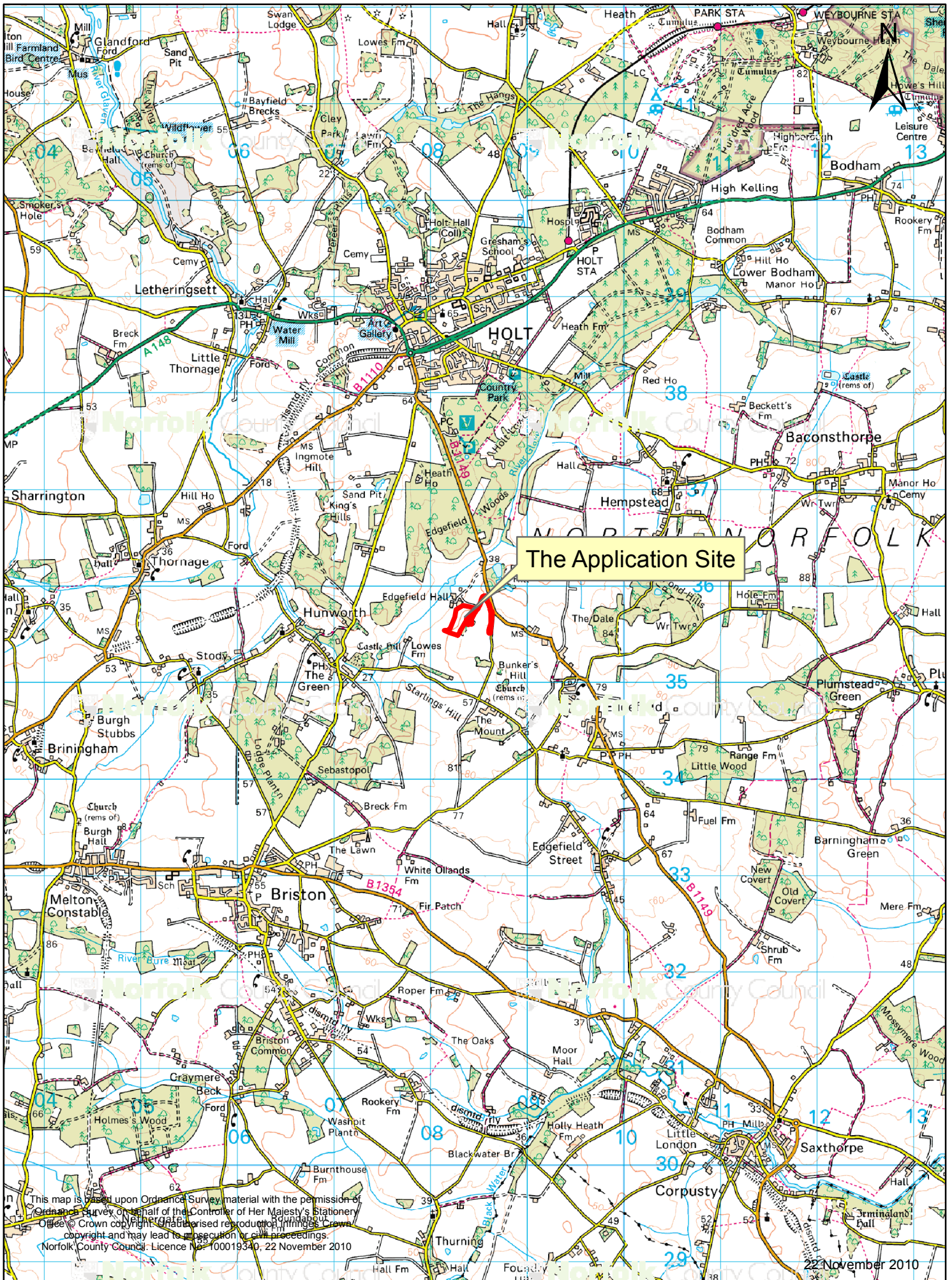


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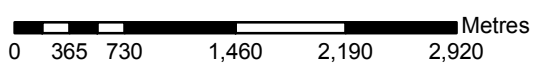


The Application Site

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