

**Planning (Regulatory) Committee
Minutes of the Meeting Held on Friday 4 February 2022
at 11am in the Council Chamber, County Hall**

Present:

Cllr Eric Vardy (Vice-Chair)

Cllr Rob Colwell
Cllr Chris Dawson
Cllr Barry Duffin
Cllr Paul Neale

Cllr Matt Reilly
Cllr Steve Riley
Cllr Mike Sands
Cllr Martin Storey
Cllr Tony White

Substitute Members Present

Cllr Lesley Bambridge for Cllr Stephen Askew
Cllr James Bensley for Cllr Will Richmond

Also Present

Hollie Adams	Committee Officer
Ralph Cox	Principal Planner
Stephen Daw	Public Speaker
Phil Garnham	Public Speaker
Rachel Garwood	Lawyer - Planning
John Hanner	Principal Engineer (Developer Services)
Michael Hudspith	Public Speaker
Nick Johnson	Head of Planning
Cllr Mark Kiddle-Morris	Local Member
Cllr Kay Mason-Billig	Local Member
Neil McLeod	Public Speaker
Cllr Jim Moriarty	Local Member
Chris O'Donohue	Public Speaker
Andrew Sierakowski	Consultant Planner

1 Apologies and Substitutions

- 1.1 Apologies were received from Cllr Stephen Askew (Cllr Lesley Bambridge substituting), Cllr Brian Long, and Cllr Will Richmond (Cllr James Bensley substituting).
- 1.2 Vice-Chairman Cllr Eric Vardy took the Chair. Cllr Vardy wished Cllr Long a speedy recovery.
- 1.3 Cllr Duffin was duly elected to take the position of Vice-Chair for the meeting.

2 Minutes

- 2.1 The minutes from the Planning (Regulatory) Committee meeting held on 5 November 2021 were agreed as an accurate record and signed by the Chair.

3 Declarations of Interest

- 3.1 Cllr Barry Duffin declared an interest as a South Norfolk District Council member in relation to FUL/2019/0031 Lagoons at Upgate Road, Seething, Norfolk, NR15 1EL.

4 Urgent Business

- 4.1 There was no urgent business discussed.

Applications referred to the Committee for determination.

5. Point of Order

- 5.1 The Committee agreed to consider item 7, "FUL/2019/0031 Lagoons at Upgate Road, Seething, Norfolk, NR15 1EL" first, and then return to the running order of the agenda.

6. FUL/2019/0031 Lagoons at Upgate Road, Seething, Norfolk, NR15 1EL

- 6.1.1 The Committee received the report setting out a retrospective application for a change of use, to use the existing lagoons at Upgate Road, Seething, for the storage of organic liquid waste from the food and drinks industry. The lagoons have a storage capacity of 27,000m³ and the application states that the maximum annual throughput of the site would be 141,258 tonnes of waste.
- 6.1.2 The Case Officer drew the Committee's attention to the update report, circulated to Committee Members before the meeting. This included additional information related to traffic movements at the site. The Case Officer gave a presentation to the Committee:
- This was a retrospective application submitted in August 2019.
 - The fourth lagoon on the site did not form part of the application.
 - The lagoons were developed at least 20 years ago without planning permission being secured and used for manufacture of fertilisers. The existing lawful use consisted of planning permission granted by Norfolk County Council in 2007 for bringing in and processing agricultural waste and vegetable oils.
 - Issues related to construction of the lagoons were not in the remit of the council.
 - Issues raised by objectors related to odour from the site; discussion was

ongoing between the applicant and the Environment Agency about ways to manage this. Regulation of such matters was controlled by the Environment Agency through the environmental permit. The Council should not duplicate controls in place through the permit.

- Issues raised by local residents were set out in paragraph 3.38 of the report
- No information was included in the application on traffic movements taking material in and out of the site. This meant there was inadequate information to identify the impact on highway, noise, disturbance and highway safety.

6.1.3 Members asked questions about the presentation:

- A committee member queried the volume of material that trucks going in and out of the site held. The Case Officer confirmed that the total tonnage over a year transported to the site was stated at 140,000 tonnes. Most HGVs could carry 28 tonnes, equating to 5000 HGV loads per year. The application did not include highways or traffic information related to material taken out of the lagoons before being spread on land.
- The Case Officer confirmed that the reason the application was recommended for refusal was related to lack of information allowing planning officers to assess the impact on highways.
- Government guidance stated that the Environment Agency were required to deal with issues related to odour through the environmental permit. The Environment Agency had received complaints related to odour at the site in 2019, 2020 and 2021. Norfolk County Council met with the Environment Agency who had provided a response to the consultation on the application; they advised that some of the complaints received were substantiated while others were not. They had discussed ways to mitigate the odours from the site with the applicant and operator and required them to take additional measures to do so. The use of clay balls over the surface of the lagoons had been trialled and had been reported to have a beneficial impact.
- The Case Officer confirmed that material brought to the site was from food and drink production and that the operator preferred to take the material directly from the source and spread it straight on land however there were times of the year when this was not possible so it would be stored in the lagoons. It was not clear how much material was brought to the site and how long it was stored in the lagoons as vehicle movements provided for 2020 did not give consistent data; the applicant had confirmed the use of lagoons was uncertain.
- A Committee Member asked when the County Council and District Council knew the unconsented use was taking place. The Case Officer confirmed that the Council did not know about the unlawful use on the site until the application was submitted. It was unclear what the established use on the site was, however, if it was an industrial process, it would be a matter for the District Council to investigate, and if it was an established waste use it would be a matter for the County Council.

6.2 Committee Members heard from registered speakers.

6.2.1 Phil Garnham spoke in objection to the application:

- Mr Garnham stated that local villagers' quality of life had been impacted by

smell, flood lights and volume of traffic from the site. The local community were not consulted before operations began and there had been no communication from South Norfolk District Council or Cllr John Fuller, the owner of the site. Residents had also not received a reply from the local MP about their concerns

- The material at the site was stated to be a mix of waste from poultry farms, blood and caustic cleaners, and Mr Garnham asked the Committee how the business was able to disrupt the lives of local people for so long.
- The site was 200-300metres from homes, a glamping site and a flying club which Mr Garnham felt was inappropriate. He felt that all the products in the lagoons could go through the water treatment plant and therefore there was no reason for the site to exist.
- In lockdown, local residents couldn't isolate in their gardens or have windows open because of the smell and flies besieged their homes; complaints were made to the Environment Agency.
- There were concerns from residents about traffic; Harvey Lane was too narrow for HGVs with not enough room for two cars and few passing places.
- When injecting material was permitted, a team ran slurry lorries, with 12-15 trips an hour running along local roads from early in the morning until 11pm. These fast-moving HGVs were dangerous for pedestrians. Making complaints to the company was difficult as it was managed in Lincolnshire.
- Mr Garnham stated the site was a dumping ground for waste from local counties and Norfolk and felt the application would have ramifications for future generations of local residents if granted.

6.2.2 Michael Hudspith of Seething Parish Council spoke to the Committee on behalf of Seething and Mundham Parish Councils:

- Mr Hudspith stated that Seething and Mundham Parish Councils both objected to the application in "the strongest terms". The grounds for their objection were that approval would have a detrimental impact on the local population, environment, ecology and cause unacceptable levels of HGV and agricultural traffic movements.
- Odour: effluent in the lagoon caused volatile odours with waste from meat, fish and animal origin including products from abattoir waste. The odour could be smelled from Seething Village and local homes and made outdoor activity unpleasant. The windbreak and clay balls had not been seen to protect against these odours.
- Traffic: existing planning permission on site was for small scale recycling of waste and cooking oil with 800 traffic movements per year; this did not result in HGV traffic through Seething and Mundham. The proposal was for around 5000 movements per year which was a 10-fold increase over existing regulation. Traffic movements were prevalent when waste was offloaded with significant noise for those living nearby.
- Environment: the use of clay balls was to mitigate against release of volatile compounds, indicating that these were being released from the lagoons, and raising issues for the health of local residents.

6.2.3 Chris O'Donohue spoke to the Committee on behalf of the applicant:

- Whites Recycling Ltd was a liquid waste recycling management business; Norfolk was its largest area by volume site and had been in use for 3 years
- The site was operated to the highest industry standards and improvements had been made to the site and would continue to be made if the application was granted.
- The company had worked with the Environment Agency on management of the site and management of odour in particular.
- The lagoons had been in place since the 1970's and since the 1980's had been used for processing fertiliser, up until 3 years ago.
- Use continued for production of agricultural fertiliser, with all material coming from food and drink factories; this material was not hazardous and human waste was not used.
- 20,000 tonnes of material were delivered to the site in 2021, with 750 vehicle movements in and 750 out of the site. Over the last 3 years, practice showed that use of the lagoons at 140,000 tonnes was unrealistic and twice what was put in last year, 2021, was more realistic.
- In the past 2 years, total vehicle movements were just over 4000, so current use was below that of the previous occupier. Of the 4000 movements over 2000 were HGV movements; the use of Harvey Lane for HGV movements in and out of the site was long established.
- The traffic management plan had been submitted and Mr O'Donohue was happy to work with the highways team and planners to refine it. Current use was consistent with previous usage of the site and there was a section 106 agreement binding the land with a covenant detailing the route in and out of the site.
- Mr O'Donohue suggested that routing of vehicles and vehicle movements could be dealt with by conditions.

6.2.4 Cllr Kay Mason-Billig spoke to the Committee as Local Member for Loddon:

- Cllr Mason-Billig recognised that recycling should be encouraged however felt it should be carried out in the right location.
- South Norfolk District Council had concerns about odour and noise and suggested the lagoons should be covered, as testing with clay balls had not been sufficient to date.
- Cllr Mason-Billig felt that the report wasn't detailed enough and may give rise to an appeal and was therefore pleased that more information had come forward.
- Cllr Mason-Billig had received many complaints related to odour noting that residents had been unable to enjoy the outdoors because of it.
- HGV movements were by agricultural vehicles carrying heavy loads and Cllr Mason-Billig noted that once HGVs had left the site the tenant had no control over where they went, stating that HGVs had travelled through Seething, which had no pavements, causing a risk to pedestrians. Many movements had occurred late at night and early in the morning, disturbing residents.
- Cllr Mason-Billig queried whether other options were available for storage such as tanks instead of lagoons.

- 6.2.5 Committee Members moved on to debate of the application:
- A Committee Member pointed out the recommendations put forward by South Norfolk District Council such as including a time limit to reduce the noise impact on residents; she felt this time limit was too wide to benefit residents and noted it did not place a limit on days.
 - A Committee Member queried liaison with the head of planning at South Norfolk District Council regarding changes at the site; the Case Officer confirmed that South Norfolk District Council had been consulted since the time the application was put forward. If the Committee refused the application, the activity being undertaken would be looked at to identify whether any investigations regarding breach of enforcement were necessary including whether breaches were a matter for the District or County Council.
 - Members noted the lack of sufficient information about vehicle movements to support the application.
 - A Committee Member discussed the idea of deferring the application. The Head of Planning noted that the application had been with the County Council for a long time and residents were keen for it to be resolved.
 - Cllr Tony White, seconded by Cllr Mike Sands **PROPOSED** to defer the application and request further information on truck movements and information from the Environment Agency on control of odours.
 - The Head of Planning clarified that it was not illegal to operate a development without planning permission, therefore refusing the application would not make operations illegal. In this case, the matter would be looked at to see if operations being carried out required enforcement action to be taken. If the application was refused, a new application could be submitted with the additional information required.
- 6.3.1 Committee Members voted on the proposal to defer the application and request further information on truck movements and information from the Environment Agency on control of odours. With 2 votes for, 7 against and 3 abstentions, the proposal was **lost**.
- 6.3.2 With 9 votes for and 3 abstentions, the Committee **RESOLVED** That the Executive Director of Community and Environmental Services be authorized to:
1. **Refuse** planning permission for the reasons set out in section 11 of the report.
- 6.4 Cllr Martin Storey left the meeting.
7. **FUL/2021/0051: Bittering Quarry (Plant Site), Reed Lane, Bittering; FUL/2021/0052: Land Adjoining Longham Heath and Spreadoak Plantation**
- 7.1.1 The Committee received the report setting out an application for use of land for the storage of inert processed secondary aggregate produced at new Spreadoak recycling facility until 31 December 2031 without compliance with conditions 1 (restoration date) and 2 (approved documents) and 3 (source of recycled aggregate) of permission reference FUL/2021/0004 (McLeod Aggregates Ltd) Relocation of inert recycling facility from existing position within the Longham

extraction area onto land designed to serve the Spreadoak extraction area (Raymond McLeod (Farms) Ltd).

7.1.2 The Case Officer gave a presentation to the Committee:

- The two sites in the application shared access onto Reed Lane. The relocated recycling facility would give rise to approximately 40 daily HGV movements (20 in and 20 out).
- The proposal stated no more than 6 HGVs per day could access the site from Reed Lane North
- No trees would be lost in creating the proposed access to the plant site as this was already in use for access to the Spreadoak site.
- Land would be lost from agricultural use for a minimum of 15 years and the application did not accord with the Core Strategy
- The application was recommended for refusal for the reasons set out in the report. Officers felt the proposed site could be relocated within the existing site or Spreadoak site.

7.1.3 The Case Officer confirmed that the applicant's preference for the proposed site was because of the convenience of taking the residual waste from this site to be used in in the Spreadoak quarry to the south.

7.2 The Committee heard from registered speakers

7.2.1 Stephen Daw spoke to the Committee on behalf of the applicant:

- Mr Daw stated that officers' assessment of the application as a departure was a mistake, noting that there had been no objections received to the applications.
- Mr Daw said that policy CS6 stated "waste sites of existing mineral workings and landfill sites would also be acceptable in principle but would be restricted to a temporary permission". The preamble gave further background, stating "waste management provision will be achieved in accordance with the special strategy for strategic and non-strategic sites" and "opportunities for integrated waste management will be encouraged where various waste management options can be co-located to reduce transport requirements". Mr Daw therefore noted that the policy was intended to be applied at strategic level and encourage colocation of mineral, landfilling and recycling activities to be located together as at Bittering but did not intend to say exactly where it would take place
- The applicant had not provided land quality surveys as this was not requested however the application included measures to ensure the land was restored to a standard at least as high as at the present time.
- In July 2021, planning officers recommended approval for an application at Stannghall for quarrying of 69 hectares of grade 2 and 3 land with the same restoration measures; this site was smaller at 0.9 hectares.
- The application made a need case in the site visit and in written submission.

7.2.2 Neil McLeod spoke to the Committee on behalf of the applicant:

- Mr McLeod owned Longham Hall and McLeod Aggregates and had farmed

there for 54 years. He intended to ensure the land was restored to good agricultural lands, and so far, ponds for wildlife had been created and miscanthus grown on restored land.

- Mr McLeod felt the officers' recommendation was unbelievable as the site was the best and most efficient way of operating however noted officers' observation that it was against the NCC mineral planning policies, which he pointed out had not been updated to take account of global warming
- The suggested plant site was not possible due to the accumulation of noise from other operations and high risk of contamination of high-quality gravels; lorries needed to clean their wheels of clay before driving to load up with clean aggregates. In addition, to comply with the Environment Agency licence loads should be inspected when tipped. The suggested alternative plant site would mean that on days when recycling was not taking place, someone would have to travel up to the alternatively site to check loads and as the site progressed each distance would become further.
- When the white diesel changeover occurred, Any vehicles left isolated overnight would be susceptible to diesel theft; police advice was to keep large equipment and diesel tanks away from isolated places
- The 0.9hectare site was the second worst piece of land farmed by the company and the application description of the land adjoining Longham Heath was out of date as it had been woodland for nearly 60 years.
- The only way to continue with the current permission would be to reduce operations substantially as the availability of clean soils to restore to good agricultural land was limited. A riddle bucket could be used which would not require planning permission, but this would produce inferior produce and emit more carbon.

7.2.3 Cllr Mark Kiddle-Morris spoke to the Committee as Local Member for Necton and Launditch

- Cllr Kiddle-Morris was in support of the application and believed that the departure from the development plan was justified in this instance.
- The proposed site was on 2.4 acres of land previously part of Longham Heath and difficult to use for agriculture.
- Storage of inert material should take place on mineral workings; the new Spreadoak site was suggested as suitable but would involve a round trip of 1km for storage and processing. The existing plant was fully occupied and would not be suitable for storage and recycling of material.
- Approval of the application would remove the requirement for the 1km round trip and reduce the carbon footprint of the site.
- Cllr Kiddle-Morris noted that the application had received no objections and felt that the solution put forward in the application would reduce the carbon footprint and cost of producing the recycled product, outweighing the loss of 2.4 acres of agricultural land.

7.2.4 Committee Members asked questions to the registered speakers:

- The applicants were asked when the agricultural land on the site was last used for farming; Mr McLeod stated that the land was last farmed in 2020. It was a short piece of land and not very manageable for farm machinery.

- Mr McLeod explained that the recycling area for Longham was over the other side of the road, with extraction taking place 500-600m away depending on the distance along the field. The proposed site would be on route to the extraction area, reducing the distance to be travelled.

7.2.5 The Committee moved on to debate of the application:

- The Case Officer confirmed that a soil survey was not requested during the application process, but soil samples were carried out by Tarmac in 2007 for the Spreadoak quarry application. Seeking additional sampling would be costly and likely come to the same conclusion and the case officer wanted to report that application to Members without delay.

7.3.1 Cllr Tony White, seconded by Cllr Mike Sands, **proposed** to approve the application on the grounds that moving waste up the hierarchy outweighed the loss of agricultural land. Conditions would be drafted for approval by the Chair if approved.

7.3.2 With 8 votes for and 3 against the Committee **RESOLVED** to **approve** the application on the grounds that moving waste up the hierarchy outweighed the loss of agricultural land.

8. C/2/2018/2016: Grandcourt Quarry, Leizate Works, Station Road, Leziate, King's Lynn, PE32 1EH and C/2/2018/2017: Grandcourt Quarry, Leizate Works, Station Road, Leziate, King's Lynn, PE32 1EH

8.1.1 The Committee received the report setting out the application for an additional area of extraction at Grandcourt Quarry and in a parallel planning application, to vary four No. conditions of planning permission C/2/2004/2034 in-order-to amend the timing of the working and restoration at the existing Grandcourt Quarry. Application reference C/2/2018/2017 is to be considered concurrently with application reference C/2/2018/2016 as the two are inherently linked.

8.1.2 The Head of Planning in the absence of the Case Officer gave a presentation to the Committee:

- The applicant had lodged an appeal to the Secretary of State for non-determination of the application. Therefore, the Committee's decision would be to inform the Secretary of State of the County Planning Authority's intention over the application.
- The proposed extraction area was immediately north of the A47.
- A public bridleway ran north to south through the site up to Northgate Farm. The proposed restoration included moving the bridleway 100m to the east to form a boundary between the two landowners. A footpath diversion was suggested to go around the extraction site for the duration of the extraction. Upon completion it was proposed to divert the footpath along the hedge parallel to the A47, effectively extinguishing part of the footpath, as there was already a footpath along the A47.
- Most of the mineral extracted on the site was to be transported by rail rather than road.

- 8.1.3
- All issues apart from those related to the footpath had been resolved.

The Head of Planning confirmed that the temporary diversion of the footpath would be an improvement however on completion of the proposed work, a loss in footpath would be seen. The footpath could not be retained in its current route due to the proposal to return the land to water.

8.2.1

Cllr Jim Moriarty, Local Councillor for Gayton and Nar Valley, spoke to the Committee:

- Cllr Moriarty noted the need to be mindful of the impact of extraction on residents and its disruption on their lives.
- After extraction the land would be different than before; the water would pose a risk of fatalities, and Cllr Moriarty noted that antisocial behaviour was a risk brought from creation of lakes after extraction.
- Cllr Moriarty felt that mining and extraction companies needed to be a good neighbour and fulfil obligations when they leave a site, obeying requirements of policy DM14 for aftercare and restoration.
- Cllr Moriarty believed that Sibelco were trying to “shirk their responsibilities” by going straight to Secretary of State and he supported officers’ recommendations.

8.2.2

Cllr Moriarty was asked for more information on the local area; there was a restaurant, pub and other businesses nearby however Cllr Moriarty was not sure if they were close enough to be affected by noise from the site. The restoration of the right of way was the main concern about this application.

8.2.3

The Committee moved to debate on the application:

- It was noted that this application site was located very close to East Winch residents.
- The Head of Planning confirmed that officers had sought to secure an improvement to the proposed change to the rights of way but had been unable to do so . The proposal would therefore result in a deterioration of access to the countryside and so did not accord with DM14. and was
- It was noted that Norfolk County Council landbank for silica sand was currently below 7 years .

8.3

With 9 votes for and 2 abstentions the Committee **RESOLVED** that the Executive Director of Community and Environmental Services be authorised to:

1. Advise the Secretary of State that the County Planning Authority would have been minded to refuse the Applications for the reason set out in section 11 (Recommendations) of the report.

The meeting ended at 13:16

Chair



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