

**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

Members of the Planning (Regulatory) Committee resolved to grant planning permission for this development on the 17 January 2014. Since that committee meeting, it has become apparent that there was the potential for confusion regarding North Norfolk District Council's Planning Authority's comments on the application, lodged as a statutory consultee. Therefore Members are being asked whether this affects their original decision or whether officers can issue the decision notice in accordance with their original recommendation.

Recommendation

It is recommended that Members of the Planning (Regulatory) Committee come to a decision on whether they review their original decision in light of the information in this report or whether they endorse their original resolution made at the last committee on the 17 January 2014.

1. Background

- 1.1 On 17 January 2014, a recommendation was made to Members of the Planning (Regulatory) Committee for refusal of an application for planning permission for the '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' (original report attached as Appendix A).
- 1.2 The resolution of Members of this committee was to permit the application subject to conditions and a Section 106 Legal Agreement concerning off site tree planting. The application was considered in conjunction with another planning application, reference C/1/2013/1010, which would provide an access road for the anaerobic digestion facility. That application was also approved by Members.

2. Update

- 2.1 Since that meeting, County Councillor David Ramsbotham, the local Member for the Electoral Division of Melton Constable, (where the application site is located) has raised concern that North Norfolk's Planning Authority were misrepresented during a presentation made by Russell Wright, District Council Cabinet Member for Customer Services and Economic Development and District Councillor for the Astley Ward (which does not include the application site), in respect of this application. As referred to in the in section 5.2 of the minutes of the meeting, Mr

Wright was quoted as saying that 'North Norfolk District Council had given this application their full support'. However, as detailed in section 5.1 of the appended committee report, the response of Norfolk District Council's Planning Authority had been 'no conservation or biodiversity objection subject to suitable conditions...'.

- 2.2 Given the concerns raised, and that the District Council is a key statutory consultee whose comments are afforded significant weight in the determination of any planning application, officers have sought to clarify the position with North Norfolk District Council to ascertain whether there had been a change in stance and whether the authority did fully support the application, as reported by their District Councillor. However, confirmation of this has not been forthcoming.
- 2.3 Since this committee, the County Council has however received further written confirmation from North Norfolk's Corporate Director clarifying Cllr Wright's comments at January's committee meeting and providing additional explanation for their context. As requested by Norfolk's Corporate Director, this is attached to this report as Appendix B. However officers remain of the view that this does not sufficiently address the issues set out above to the satisfactorily resolve this issue and negate the need to report this application back to this committee.
- 2.4 In the light of this new information, and in the interests of probity and ensuring a robust decision is made on the application which is not open to challenge, the County Council's solicitor has advised that this application be reported back to this committee to allow Members to consider whether or not this changes their original resolution to grant planning permission.
- 2.5 In addition, further representations were also lodged shortly before the day of the committee meeting by both the River Glaven Conservation Group, who raised no objection to the development going ahead subject to assurances that there would be no possibility of discharge of effluent into the River Glaven either by design or accidentally, and by a local resident, who also raised no objection. However, due to an administrative issue, these were not reported on the day of the committee by the case officer. Although the River Glaven Conservation Group's comments represented a change in stance on the application, given that both parties raise no objection, it is not felt they undermine Members' decision to approve the planning application (i.e. they are consistent with the decision made).

3. Conclusion

- 3.1 Members resolved to approve planning permission for this development on the 17 January 2014. Since that committee meeting, it has become apparent that there was the potential for confusion regarding North Norfolk District Council's Planning Authority's comments on the application, lodged as a statutory consultee. Therefore, Members are being asked whether this affects their original decision or whether Officers can issue the decision notice in accordance with their original recommendation.

Recommendation

It is recommended that Members of the Planning (Regulatory) Committee come to a decision on whether they review their original decision in light of the information in this report or whether they endorse their original resolution made at the last committee on the 17 January 2014.

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

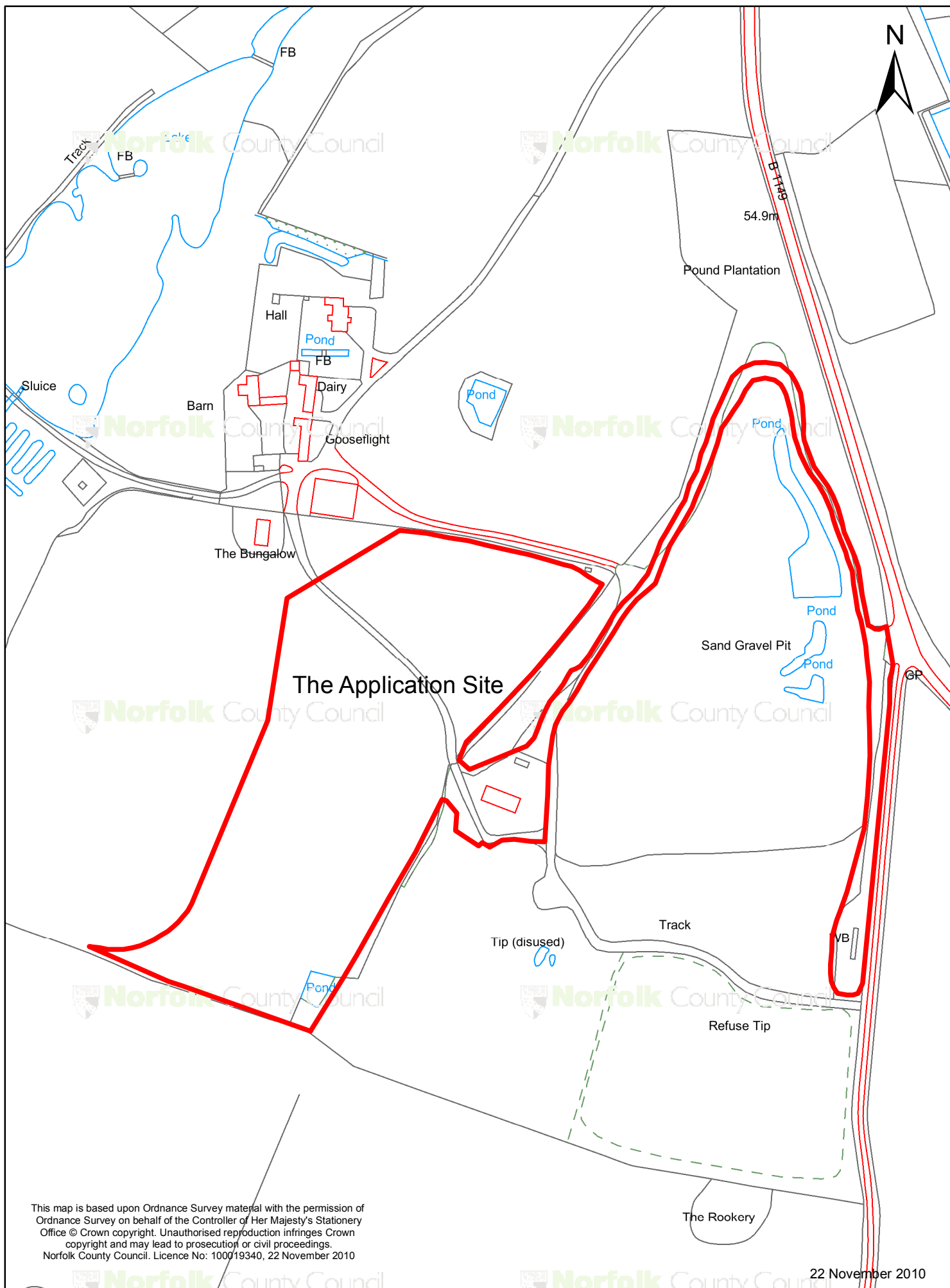
Officer Contact

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

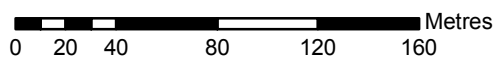


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C/1/2010/1005

Edgefield

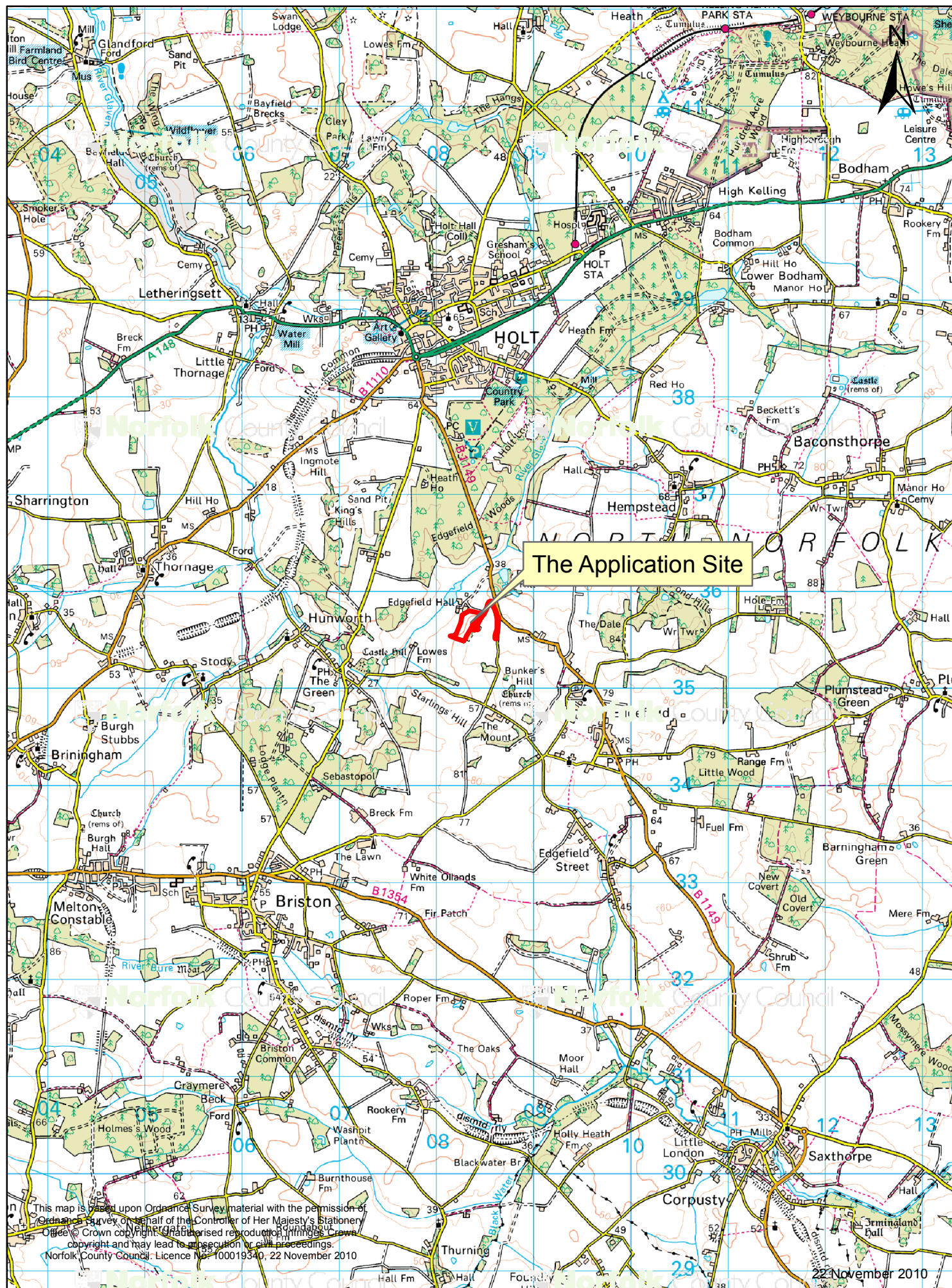


Norfolk County Council

Planning & Transportation GIS

Scale 1: 3000

Centred on 608390 335721



The Application Site

C/1/2010/1005

Edgefield

0 365 730 1,460 2,190 2,920 Metres



Norfolk County Council

Planning & Transportation GIS

Scale 1: 50000

Centred on 608463 335406

22 November 2010

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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	:	SS1	Spatial Strategy for North Norfolk
			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

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

- 5.1 North Norfolk District Council :
- 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.
- 5.2 Edgefield Parish Council :
- 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:
- 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: <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; ▪ 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.

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|------|---|---|--|
| 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 | : | <p>Object to the application on the following grounds:</p> <ul style="list-style-type: none"> • 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 fed 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.

Appendix B: Letter from Corporate Director (North Norfolk District Council)

Note to Norfolk County Council's Planning Regulatory Committee

For the attention of Chris Walton, Head of Democratic Services, Norfolk County Council

Edgefield Landfill Site – Proposal for Anaerobic Digestion plant

The meeting of Norfolk County Council's Planning Regulatory Committee held on 17th January 2014 considered an application Reference: C/1/2010/1005 for the "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 on land to the west of the Edgefield Landfill site for Buyinfo Ltd". At the same meeting consideration was also given to a related application Reference C/1/2013/2010 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 for Buyinfo Ltd."

The Committee resolved to approve both applications against officer recommendations to refuse and the local County Council member Cllr David Ramsbotham, who objected to the proposals on highway safety and environmental grounds, has asked for the decisions to be reviewed. It is understood that Cllr Ramsbotham's challenge of the decisions relates to his view that the Committee was unduly influenced by comments made by Cllr Russell Wright, Cabinet member for Economic Development at North Norfolk District Council who attended the meeting and spoke in support of the application(s) and has asked whether Cllr Wright in addressing the Committee was making a personal representation or was authorised to speak on behalf of the District Council.

Cllr Wright is North Norfolk District Council's Cabinet portfolio holder for Economic Development and attended the meeting of the County Council's Planning Regulatory Committee on 17th January 2014 in that capacity. Prior to attending the meeting he discussed the District Council's position with respect to the applications with a senior officer in the Council's Planning Department and was advised that the District Council had indicated in a consultation response to the principal application – ie C/1/2010/1005, that it had no objections to the proposal subject to a small number of conditions relating to noise and odour control, limitations on hours of delivery and site lighting, and this position is included in the consultation responses received within the published report on the Committee agenda.

North Norfolk District Council has in the recent past approved applications for anaerobic digestion plants at Scottow (generating electricity) and Egmere (generating gas) fuelled by agricultural feedstock, rather than municipal or commercial waste as per the Edgefield proposal, and has regarded these applications as making a positive contribution towards renewable energy production in the district, alongside offshore wind and solar pv schemes.

The Edgefield proposal is seen to accord with the policy objectives of North Norfolk Core Strategy policy EN7: Renewable Energy, subject to other policy considerations with respect to landscape impact, highway access / safety etc. Policy EN7 of the North Norfolk Core Strategy reads:-

Appendix B: Letter from Corporate Director (North Norfolk District Council)

Policy EN 7

Renewable Energy

Renewable energy proposals will be supported and considered in the context of sustainable development and climate change, taking account of the wide environmental, social and economic benefits of renewable energy gain and their contribution to overcoming energy supply problems in parts of the District.

Proposals for renewable energy technology, associated infrastructure and integration of renewable technology on existing or proposed structures will be permitted where individually, or cumulatively, there are no significant adverse effects on;

- the surrounding landscape, townscape and historical features / areas;
- residential amenity (noise, fumes, odour, shadow flicker, traffic, broadcast interference); and
- specific highway safety, designated nature conservation or biodiversity considerations.

In areas of national importance **(xxvi)** large scale **(xxvii)** renewable energy infrastructure will not be permitted unless it can be demonstrated that the objectives of the designation are not compromised. Small-scale developments will be permitted where they are sympathetically designed and located, include any necessary mitigation measures and meet the criteria above.

Large scale renewable energy proposals should deliver economic, social, environmental or community benefits that are directly related to the proposed development and are of reasonable scale and kind to the local area.

It is understood that the two applications are to be considered further at the next meeting of the Planning Regulatory Committee scheduled for 21st March 2014. In order that there is clarity as to the position of North Norfolk District Council with regards the applications I would ask that this note be included within any further report on this matter considered by the Committee, either through its inclusion with the Committee papers or read out at the meeting.

Steve Blatch
Corporate Director
North Norfolk District Council