

Planning (Regulatory) Committee

Item No.

Report title:	C/5/2015/5007: SPC Atlas Works, Norwich Road, Weston Longville
Date of meeting:	21 October 2016
Responsible Chief Officer:	Tom McCabe, Executive Director of Community and Environmental Services
Proposal and applicant: Resubmission of application for change of use from B8: Warehousing to a Sui Generis use for waste processing and the production of refuse derived fuel (RDF) with an annual throughput of 150,000 tonnes; installation of office, 2 x weighbridges and photovoltaic panels (Serruys Property Company Ltd)	

Executive summary

The planning application seeks planning permission to use a site that is both industrial land and moreover a site (policy WAS 78) that is allocated for waste development within the Council's adopted Waste Site Specific Allocations Development Plan Document. Therefore, in land use terms the proposal accords with the development plan.

Whilst 50 representations have been received raising concern about the proposal (41 explicitly oppose or object to the development), it is considered that subject to conditions, the scheme can be operated without unacceptable impacts on amenity (including both local residents/businesses and users of the Marriott's Way), the landscape, the highway network, ecology, groundwater and surface water (including the River Wensum SAC), and flood risk.

However the application is finely balanced given that it has been recommended for refusal by Historic England. Although Historic England does not object to the principle of the development per se, it is concerned by the lack of suitable mitigation for the adjacent Scheduled Monument.

Whilst Historic England's recommendation for refusal is a material consideration weighing against the grant of planning permission, alone it is not considered powerful enough as a sole reason to recommend refusal of the application particularly given the application site is previously developed land, and that the proposed site would not encroach any further on the Scheduled Monument. Weight is also given the applicant's commitment to contribute £7500 to the maintenance of the Marriott's Way which is adjacent to the site, in order to mitigate against its heavier usage, should planning permission be granted.

Furthermore, the proposal would deal with waste in a sustainable manner, driving waste management up the waste hierarchy in accordance with both the National Planning Policy for Waste (2014), and the Waste Management Plan for England (2013).

Recommendation: The Executive Director of Community and Environmental Services be authorised to :

- I. Grant planning permission subject to the conditions outlined in section 13 and a Unilateral Undertaking relating to the £7500 contribution for**

- maintenance of the Marriott's Way.**
- II. Discharge conditions (in discussion with the Chairman and Vice Chairman of the committee) where those detailed above require the submission and implementation of a scheme, or further details, either before development commences, or within a specified date of planning permission being granted.**
- III. Delegate powers to officers (in discussion with the Chairman and Vice Chairman of the committee) to deal with any non-material amendments to the application that may be submitted.**

1. The Proposal

- 1.1 Type of development : Waste processing and production of Refuse Derived Fuel (RDF).
- 1.2 Site area : 2.1 hectares (including access)
- 1.3 Annual tonnage : Up to 150,000 tonnes per annum
- 1.4 Duration : Permanent
- 1.5 Hours of working / operation : 24 hours a day, seven days a week. Hours of deliveries would be restricted to 07.00 – 18.00 Monday to Saturday (by condition).
- 1.6 Average daily in/out vehicle movements : Worst case scenario if incoming and outgoing trips are separate vehicles (the aim is backfill vehicles when waste is deposited at the site):
Articulated bulk carrier (25t payload): 45-72
Tipper and large skip (15t payload): 30 – 53
Smaller skips (1t payload): 8 – 40
Total: 83-165
- 1.7 Access : Direct (single) access to A1067 Norwich Road.
- 1.8 Plant : Trommels, picking lines, shredders, balers and bale wrappers for the production of Refuse Derived Fuel (RDF) and processing of municipal waste
- 1.9 Planning permission is sought for the change of use of part of the existing SPC Atlas works site to enable a waste processing and refuse derived fuel (RDF) production operation to take place within an existing warehouse building on the site. The proposal would also include the siting of an office and 2 no. weighbridges to the south east of the main building as well as the installation of photovoltaic panels on the roof of the building in order to provide a proportion of the site's power requirements. The plant once operational would deal with a maximum of 150,000 tonnes of commercial, industrial and household waste per annum.
- 1.10 The application proposes that up to 100,000 tonnes of the proposed throughput would be commercial and industrial wastes which have been pre-treated to remove the majority of recyclables: the main treatment process here would be to produce the RDF with the removal of any remaining metals and aggregates for recycling, and biodegradable waste for treatment elsewhere (off site). Capacity for up to

50,000 tonnes of household 'black bag waste' would also be available at the site either for bulking ahead of treatment elsewhere, or for on-site treatment where materials that require removal prior to the production of RDF are extracted from the waste. Wastes accepted on site would be non-hazardous with the exception of up to 5,000 tonnes of Waste Electrical and Electronic Equipment ('WEEE') such as fridges, televisions etc. that the applicant proposes to deal with. All treatment of waste including splitting of black bags, and would take place within the existing building.

- 1.11 With regards to the RDF production, within the building, plant would be installed and used including a waster shredder, conveyors, electromagnets and picking lines to process the waste and remove ferrous metals, glass and other non-combustible wastes before it is ready to be baled and wrapped in plastic. In terms of the household waste, similar (separate) plant would be installed for this including a bag splitter, trommel (to size segregate materials) and a picking line in order to ensure it can be transported off site and utilised in anaerobic digestion plants. Small volumes of skip waste including furniture, WEEE items etc would be sorted by hand.
- 1.12 The existing building that the operation would take place in consists of four linked warehouses which give a total floor area of some 5700 metres² located in the north-western area of the site. The applicant considers this adequate to accommodate all required plant and machinery, and no significant works are required beyond repair and maintenance of the existing cladding to improve its cosmetic appearance. Flood lighting would be attached to the outside of the building. In addition, weighbridges and an office would be located on site to the east of the building to monitor payloads of HGVs entering and leaving the site. The boundary of the site would be secured with existing chain link fencing together with additional chain link or palisade fencing.
- 1.13 The applicant proposes to operate 24 hours a day seven days a week and advises the site will create up to 50 full time positions (it would initially be 35).
- 1.14 Whilst the planning application was originally submitted in September 2015, that submission was found to be invalid during the consultation process on the basis the applicant had included County Council owned land (the Marriott's Way) without serving the required landownership notices (i.e. on the County Council). Accordingly, the red line of the application site was reduced and the application resubmitted. The resubmitted application included additional and revised information to address a number of issues raised by both consultees and the CPA including those relating to impacts on highways, noise, the landscape, heritage, and on the Marriott's Way. At the same time the applicant reduced the proposed annual throughput from 200,000 tonnes initially applied for to 150,000 tonnes on the advice of the CPA, in line with the allocation in the NMWDF Waste Site Allocations Document.
- 1.15 The reduction of the application site southwards also resulted in the removal of a northern access directly onto Marriott's Way. The original application had proposed a turnstile / gate arrangement directly onto the trail, however as the application site no longer directly abuts the trail, the access would be via a

standard pedestrian gate set several metres further back (into the SPC Atlas Works site). Therefore any new turnstile / security arrangement would need to be the subject of a separate planning application considered on its own merits.

2. Site

- 2.1 The application site comprises a strip of vacant industrial land adjacent to the north of the A1067 Norwich Road and measuring some 2.1 hectares in size and occupying land in both the parishes of Morton on the Hill and Weston Longville. The applicant advises that the main building on the site was previously used for the manufacture and storage of polythene products
- 2.2 The Marriott's Way footpath, bridleway and cycle route lies directly adjacent to the north of the site, and beyond this, the River Wensum (a Special Area of Conservation SAC) some 200 metres to the north at its closest point, and the Tumulus in the Warren, a Bronze Age Barrow classified as a scheduled ancient monument, 35 metres to the north of the site. Directly adjacent to the west/northwest of the site lies the access drive to the nearest residential property 'The Warren': the dwelling house itself of which is some 180 metres away from the boundary of the application site. Further west is the Shepherds Business Park which itself is 10 metres away from the application site with the nearest unit 12 metres away from the application site. To the east/south east of the site is the remainder of the Atlas works used largely for heavy industry/manufacturing.
- 2.3 The site is allocated for waste development within the adopted Waste Site Specific Allocations Development Plan Document which was adopted in 2013 (site WAS78).

3. Constraints

- 3.1 The following constraints apply to the application site:
- Site is 200 metres from River Wensum Special Area of Conservation (SAC) and Site of Special Scientific Interest (SSSI).
 - Site is approximately 1 kilometre from Alderford Common Site of Special Scientific Interest (SSSI)
 - Site is located within Norwich Airport consultation zone.
 - Site is some 35 metres from Tumulus in the Warren scheduled ancient monument, a Bronze Age Barrow.

4. Planning History

- 4.1 Planning permission was granted by Broadland District Council in February 1994 for '1) Sub-division of site for industrial, warehouse and office uses; 2) Hardstanding and car parking areas; 3) General purpose bulk mixing plant; 4) Metal Recycling / Waste Yard' for the wider SPC Atlas Works site within which the current application site is located.
- 4.2 In recent years the County Council has granted a number of permissions for development on land to the east of the application site but within the wider SPC Atlas Works complex which has had planning permission for a 'Metal Recycling

Plant' since 1996. The most recent of these applications was approved in 2011 under reference C/5/2011/5012 for 'Retrospective planning permission for a covered storage building for the storage of recycled materials'. At that time, the site was operated by Sita UK Ltd Metal Recycling however it is now understood that site is owned and operated by EMR Group.

- 4.3 The site is allocated for waste development within the adopted Waste Site Specific Allocations Development Plan Document which was adopted in 2013 (site WAS78).

5. Planning Policy

- | | | | | |
|-----|--|---|--------|--|
| 5.1 | Norfolk Minerals and Waste Local Development Framework Core Strategy and Minerals and Waste Development Management Policies Development Plan Document 2010-2026 (2011) | : | 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 |
| | | | CS8 | Residual waste treatment facilities |
| | | | CS13 | Climate change and renewable energy generation |
| | | | CS14 | Environmental Protection |
| | | | CS15 | Transport |
| | | | DM2 | Core River Valleys |
| | | | DM3 | Groundwater and surface water |
| | | | DM4 | Flood risk |
| | | | DM7 | Safeguarded aerodromes |
| | | | DM8 | Design, local landscape and townscape character |
| | | | DM10 | Transport |
| | | | DM12 | Amenity |
| | | | DM13 | Air Quality |
| 5.2 | Norfolk Minerals and Waste Local Development Framework: Waste Site Specific Allocations DPD (2013) | : | WAS 78 | Land at SPC Atlas Works, Lenwade |
| 5.3 | Broadland Development Management DPD (2015) | : | GC1 | Presumption in favour of sustainable development |
| | | | GC4 | Design |
| | | | GC5 | Renewable Energy |
| | | | EN1 | Biodiversity and Habitats |
| | | | EN2 | Landscape |
| | | | EN3 | Green Infrastructure |
| | | | EN4 | Pollution |
| | | | E1 | Existing strategic employment site |

5.4	Broadland Development Management DPD Landscape Character Assessment (Updated 2013)	:	A1	Wensum River Valley
5.5	Joint Core Strategy for Broadland, Norwich and South Norfolk (2014)	:	Policy 1 Policy 2 Policy 3 Policy 5	Addressing climate change and protecting environmental assets Promoting good design Energy and Water The economy
5.6	Adopted Neighbourhood Plan	:		The site falls within the parishes of both Weston Longville and Morton on the Hill. Neither of these parishes have an adopted Neighbourhood Plan or a Neighbourhood Plan in progress. Furthermore, a Neighbourhood Plan would not explicitly deal with waste management development.
5.7	The National Planning Policy Framework (2012)	:	1 10 11 12	Building a strong, competitive economy Meeting the challenge of climate change, flooding and coastal change Conserving and enhancing the natural environment Conserving and enhancing the historic environment
5.8	National Planning Policy for Waste (2014)			
5.9	Waste Management Plan for England (2013)			
6.	Consultations			
6.1	Broadland District Council	:		No objection. Suggest conditions relating to noise levels, operation of the shredding plant and hours regulating deliveries to the site. <i>[Conditions relating to noise levels would be a matter for the Environmental Permit regulated by the Environment Agency].</i>
6.2	Morton-on-the-Hill Parish Council	:		Raise concerns that figures quoted within the application do not align.
6.3	Weston Longville Parish Council	:		Object to the application – feel that the changes made in the application do not address their concerns. Whilst pleased to see otherwise derelict buildings brought back into use and generate employment, the plans give cause for concern

principally for two reasons:

Traffic: if vehicles use newly created B1535 HGV route this would increase movements by more than a third on a road not considered suitable due to the number of bends and poor visibility.

Consideration to changes in the wider area should be given consideration in the application.

Odour: concern relates to issues arising from processing household waste – the planning application continues to skimp on details combating this.

- | | | |
|-----|--|--|
| 6.4 | Swannington with Alderford and Little Witchingham Parish Council | <p>: Application should be refused – object to the application on the basis of noise, pollution, transport impacts and planning creep (the potential for the operators to apply to build an energy producing plant on site [to treat the RDF produced]. The processes described are inappropriate to be located adjacent to private houses, important water sources, SSSI sites and food processing plants such as Bernard Matthews.</p> <p>Planning statement incorrectly states that only one local council objected.</p> |
| 6.5 | Hockering Parish Council | <p>: Wish to object in the strongest possible terms. It is unsuitable for a residential area bearing in mind noise and smell which the application does not seem to address fully. Also concerned about the inevitable increase in HGV traffic along Heath Road and Stone Road.</p> |
| 6.6 | Great Witchingham Parish Council | <p>: Object to the application ‘in the strongest possible terms’ on the grounds of:</p> <ul style="list-style-type: none">- The existing buildings / walls (possible asbestos) are in a very poor state and not fit for purpose or sound proof;- The application states there would be no trace effluent;- Inadequate drainage and surface water management provision proposed for the development posing a risk to groundwater in an environmentally sensitive area (the River Wensum SAC and Alderford Common SSSI are located near to the site);- Impact on highway network – the road system linking the A1067 to the A47 is wholly inadequate- The dust assessment incorrectly referring to the nearest residential property being 300 metres away and therefore cannot be relied |

upon;

- Unacceptable levels of noise on nearest receptors including users of Marriott's Way;
- Noise report is erroneous and cannot be relied upon;
- Proximity of site to and propensity to adversely impact on Scheduled Monument and nationally important archaeological sites – this would be exacerbated if other underused parts of the Atlas Works site are developed in future;
- Concerns of a site dealing with a throughput of 455,000 tonnes of waste per annum – this would be one third of Norfolk's 1,400,000 total per annum;
- Those supporting application are Atlas Works tenants;
- No mitigation measures proposed – measures will be required for amenity, landscape, highways and ecology impacts;
- Proximity of site to River Wensum SAC and SSSI and Alderford Common SSSI;
- The nearest residential property is 30 metres away;

No confidence in the competence and effectiveness of the existing enforcement agencies.

- | | | |
|-----|---|---|
| 6.7 | Environmental Health Officer (district/borough) | : No direct response received. <i>[comments received via Broadland Planning Officer]</i> |
| 6.8 | Natural England | : No objection. The proposal if undertaken in accordance with the details submitted is not likely to have a significant effect on the interest feature for which the River Wensum SAC has been classified – advise that the CPA is therefore not required to undertake an Appropriate Assessment. Similarly the proposal would not be likely to damage or destroy the interest features for which the River Wensum or Alderford Common SSSI's have been notified. |
| 6.9 | Historic England | : Recommend the application be refused. Although HE doesn't object in principle, the lack of suitable mitigation for the adjacent Scheduled Monument or enforceable alternative would give grounds to that application is rejected under paras 132-134 of the NPPF (due to the harm caused to the significance of the heritage assets). HE believes it has provided a number of reasonable options for mitigation be the developer and feel it has no |

choice in this recommendation.

- | | | |
|------|---|--|
| 6.10 | Environment Agency | <p>: No objection to original application. The applicant would require an Environmental Permit to operate and the proximity of the site to the River Wensum SAC/SSSI means it is highly likely this would be a bespoke permit. This may result in additional changes being made to the plans submitted with this application. The EA therefore recommends parallel tracking of the permit and planning applications to allow any issues to be resolved.</p> <p>Requested submission of a surface water management scheme (by condition) following a site visit and further review of the scheme.</p> <p>Raised no objection to surface water management scheme submitted but reaffirmed desire to start pre-permit application discussion as soon as possible to ensure requirements of permit are understood.</p> <p>No objection to foul drainage information submitted.</p> <p>Recommend condition concerning unexpected contamination that may be found during development of the site given that site overlays a principle bedrock aquifer.</p> |
| 6.11 | Norfolk Rivers Internal Drainage Board | <p>: No response received.</p> |
| 6.12 | UK Power Networks | <p>: No response received.</p> |
| 6.13 | Norwich International Airport | <p>: No objection.</p> |
| 6.14 | Lead Local Flood Authority (NCC) | <p>: No comments.</p> |
| 6.15 | Highway Authority (NCC) | <p>: No objection subject to conditions.</p> |
| 6.16 | Norfolk Fire and Rescue Service (NCC) | <p>: No response received.</p> |
| 6.17 | Waste Disposal Authority / Waste Infrastructure Manager (NCC) | <p>: No comments.</p> |
| 6.18 | Norfolk Historic Environment Service | <p>: No objection: no implications in respect of the historic environment.</p> |

(Archaeology) (NCC)

- 6.19 Norfolk Environment Service (Conservation) (NCC) : No response received.
- 6.20 Ecologist (NCC) : No objection.
- 6.21 Green Infrastructure Officer (NCC) : No objection subject to conditions.
- 6.22 Public Rights of Way Officer (NCC) : No response received.
- 6.23 Trails Officer (NCC) : No objection. Requested a S106 contribution towards the improvement of the surface of the Marriott's Way trail for the section most affected by the development. Content with the applicant's offer of a £7,500 contribution paid at different stages as the facility is developed and secured through the developer entering into a Unilateral Undertaking.
- 6.24 NHS Norfolk and Waveney Public Health Directorate : No response received.
- 6.25 County Councillor (James Joyce) : No comments received (to be reported orally).
- 6.26 Representations
The application was advertised by means of neighbour notification letters, site notices, and an advertisement in the Eastern Daily Press newspaper.
- 6.27 Letters of **objection/concern** have been received from 50 individuals / households and businesses (41 explicitly object or oppose the application) since the initial application was initially received in September 2015. These included letters from or on behalf of local businesses including both Bernard Matthews and the Royal Norwich Golf Club as well as businesses within the adjacent Shepherds Business Park. Concerns raised are:
- Proximity to River Wensum SAC / SSSI;
 - Would pose a risk to Wensum which is a special chalk stream with freshwater mussels and wild brown trout and provides locality with drinking water;
 - Impact on other local wildlife and ecology in the area (reference to fledgling heronry alongside the River Wensum and habitat for rare bats in woodland across A1067 from the site);
 - Concerns over soakaway from site and leachate seeping from stored waste posing a risk to the environment (including the River Wensum);
 - Traffic congestion on both A1067 and surrounding local roads from 60 cars and HGVs delivering waste including;
 - Increased HGV traffic (and associated problems) using Wood Lane to

- access the site from the A47;
- Proposed ghost island would provide overtaking opportunity on a road that has 13 accesses within ¾ mile;
- Has previously been many accidents resulting from people turning in and out of the industrial estate;
- Risk posed to school children due to extra heavy traffic;
- Impact of the NDR also bringing even more traffic along this road;
- Amenity impact of 24 hour operation including HGV movements;
- Noise (including from plant and machinery);
- Cumulative impact of development in addition to current industry and road traffic in the vicinity (including noise from existing metalwork company);
- Smell / Odour (Great Withingham has suffered smells before) including from 5,000 tonnes of hazardous waste;
- Risk of infestation from rodent vermin and seagulls;
- Dust and Air pollution including increased levels of nitrogen oxide, a proven health hazard and risk from bio-aerosols;
- Lack of confirmation on noise, dust and odours and controls to mitigate these impacts;
- Biodiversity and Geological risks on adjacent land with Bronze Age Burrows (sic);
- Light pollution;
- Visual intrusion;
- Increase in wind blown litter;
- Risk of fire from the proposed plant (no mention made of safe storage of RDF);
- Credibility of noise assessment information/data used;
- Credibility of dust assessment – states that Shepherds Business Park is 200 metres west when it is actually 15 metres away;
- Consideration should be given to Human Rights Act and in particular the right to a peaceful enjoyment of their possessions which include their home and surroundings;
- Detrimental / negative impact on leaseholders and employees of adjacent businesses including those on the Shepherds Business Park (including the future rentability of the units);
- Adverse impact on other local businesses such as Dinosaur Park, Golf Club, local Inns/Hotels, and private membership fishing lake;
- Only metres away from Marriott's Way cycling/walking path as well as several fishing lakes used for recreation;
- Surrounding area is beautiful and idyllic and the quietness and rural atmosphere is relished by those who use it (for walking cycling etc)
- Would have abject effect on local house prices/property value;
- Plants need to be accessible to good road networks and away from centres of population;
- Lack of public consultation;
- Lack of information with regards to alterations to the buildings and mechanisms within to demonstrate the development would not blight the proposed new 9 hole golf course directly to the south of the A1067;
- Industrial estate was never intended for this type of use – there must be

other locations / alternative sites more suitable for this that are more isolated;

- Proposal is out of proportion for local need;
- There are material circumstance to justify a the presumption in favour of suitable development;
- That the private interests of the existing Bernard Matthews operations should be safeguarded – the proposed development would constitute a ‘bad neighbour’ to a significant food producer and significant employer in the area (an adverse impact on the business could impact employment);
- That an Environmental Statement should have been submitted alongside the planning application;
- The Council has failed to give sufficient consideration to whether there would be significant effects on the River Wensum SAC as required by The Conservation of Habitats and Species Regulations 2010;
- RDF produced would be transported to Holland, Germany and Sweden to be incinerated further increasing vehicle emissions;
- How (and how rigorously) will mitigation measures be monitored and who will be responsible for monitoring them?
- Degrading of the built environment to the detriment of all that work there;
- Village / surrounding area suffered for many years from ‘Pimplots rendering plant’;
- The claim to create local jobs has little weight as the jobs would almost certainly be filled with foreign (not local) labour;

In addition 5 letters of **support** have been received on the grounds of

- The jobs/employment it would bring back to the area;
- Welcome the proposal to bring back unused building and premises into economic use to boost other local business operations;
- Proposal would bring back life into the village that used to be a busy and vibrant employment area
- Would be beneficial to local businesses and adjoining industrial estates;

7. Assessment

7.1 The issues to be assessed for this application are: the principle of development (including need for the facility), and impacts on the landscape, amenity, highways/transport, ecology (biodiversity), sustainability, heritage assets (the scheduled monument), groundwater and surface water, and flood risk.

7.2 Principle of development

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

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

7.3 In terms of the development plan, the County Planning Authority considers the relevant policy documents in relation to this application to be 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”), the Joint Core Strategy for Broadland, Norwich and South Norfolk (2014), and the Broadland Development Management DPD (2015). Whilst not part of the development plan, policies within the National Planning Policy Framework (2012), and the Government’s National Planning Policy for Waste (2014) and their Waste Management Plan for England (2013) are also a further material considerations of significant weight.

- 7.4 In the context of Policy CS5: *General location of waste management facilities* of the NMWDF, the proposal is regarded as a ‘major’ or ‘strategic’ facility on the basis the proposed throughput would exceed 10,000 tonnes per annum (the proposal is to deal with a maximum of 150,000 per annum). Although the site is some 3 miles outside the Norwich Policy Area referred to in this policy, it would nonetheless be well related to Norwich given the location of the site on the A1067. Although the proposal would be both on industrial land and largely contained within an existing building as referred to in the policy, it also requires consideration to be given to the nearby River Wensum SAC, as set out in the ecology section below.
- 7.5 Policy CS6: *Waste management considerations* of the NMWDF Core Strategy states that waste sites should be developed in accordance with Policy CS3 and will be acceptable, provided they would not cause unacceptable environmental impacts, on the following types of land:
- 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.
- 7.6 The application site is located on previously developed land that is identified as a Strategic Employment Site in the Broadland Development Management DPD. That policy itself seeks to reserve employment sites of strategic importance for employment use. Furthermore, the site forms the western most part of site WAS 78 which is allocated in the NMWDF Waste Site Specific Allocations DPD for uses including waste transfer, metal recycling, inert waste recycling, mixed waste processing and other forms of residual waste treatment. Therefore, subject to the proposal not causing *environmental* impacts as also referred to in Policy CS6 and discussed in the report below, the proposal is also compliant with this policy. In addition, the applicant states that the proposal would create up to 50 jobs once fully operational (it would initially be 35) and on that basis the proposal is considered to be compliant with Broadland Development Management DPD policy E1.
- 7.7 The proposal would provide treatment capacity for up to 150,000 tonnes per annum of household, commercial and industrial waste: therefore policy CS8: *Residual waste treatment facilities (RWTFs)* is applicable to this proposal. Because of the location of the site on a brownfield site which is allocated in a Development Plan Document for waste uses, in landuse terms the proposal is compliant with the policy, again subject to it not having unacceptable environmental, amenity or highway impacts, as examined in the report below. The

policy (CS8) also states that RWTFS should not result in an over-provision of residual waste treatment capacity based on the figures outlined in NMWDF Policy CS4: *New waste management capacity to be provided* which states that 703,000 tonnes of recovery (residual treatment) facilities will be needed by the end of 2026. This proposal would provide some of that treatment capacity and is therefore in accordance with CS4.

- 7.8 The Government's National Planning Policy for Waste (2014) is the most direct relevant national guidance. This document underlines that the planning system is pivotal to the timely and adequate provision of waste facilities and it sets out the Government's strategy for sustainable waste management. This scheme would assist with the overarching thrust of dealing with waste in a more sustainable manner i.e. through recycling and recovery of waste and therefore driving waste management up the waste hierarchy (and only disposing of it as a last resort). The application is therefore considered to comply with the aims and objectives of this and the Waste Management Plan for England (2013) which similarly seeks to promote the management of waste up the waste hierarchy. The National Planning Policy for Waste also underlines that the need for a facility is only required to be demonstrated where a proposal is not consistent with an up to date plan. Because of the allocation of the land for waste uses, and because of the compliance with the land use policies detailed above, there is not a requirement to demonstrate a need for this facility at this location.

7.9 **Amenity (noise, dust, light pollution etc)**

The protection of amenity for people living in close proximity of waste management facilities is a key consideration and NMWDF policy DM12: *Amenity* states that development will only be permitted where "...unacceptable impact to local amenity will not arise from the operation of the facility." This echoes policy NMWDF CS14: *Environmental protection* which also seeks to avoid unacceptable impacts on amenity. Broadland Development Management DPD policies GC4 and EN4 also give regard to the protection of existing residential amenity and permitting development that would not have significant impact on human health. NMWDF policy DM13: *Air Quality* seeks to only permit development where development would not impact negatively on Air Quality Management Areas (AQMA), or lead to the designation of new ones. Furthermore, NPPF paragraph 109 requires that new and existing development should be prevented 'from contributing to unacceptable levels of air pollution'.

- 7.10 The nearest residential property to the site is The Warren: although the drive to this house is adjacent to the site, the dwelling house itself is 180 metres away and the garden some 150-160 metres away. Furthermore, the Marriott's Way footpath, bridleway and cycle route lies directly adjacent to the north of the site which is used for recreational purposes. Further west is the Shepherds Business Park which itself is 10 metres away from the application site with the nearest unit 12 metres away from the application site.

- 7.11 With regards to the actual regulation of an operation such as this, in accordance

with paragraph 122 of the NPPF and the National Planning Policy for Waste, the County Council needs to be satisfied that the facility can in principle operate without causing an unacceptable impact on amenity by taking advice from the relevant regulation authority (the Environment Agency (EA)). However, it is the role of the Environmental Permit as issued by the Environment Agency to actually control emissions such as noise, odour and dust through conditions.

- 7.12 The EA in their consultation response commented that it has no objection to the proposal but due to the proximity of the River Wensum SAC, it is likely the operation would require a bespoke permit to operate which may require additional measure to be taken to mitigate the impact of their activities stating 'the operator is required to have appropriate measures in place to prevent pollution to the environment, harm to human health, the quality of the environment and detriment to the surrounding amenity.' With regards to odour, it is likely that an odour management plan would be required before the commencement of activities.
- 7.13 As part of the application, a noise assessment was undertaken which concluded that noise from waste processing operations inside the building is predicted to meet British Standard 4142: 2014, noise from vehicle movements on site is predicted to have an insignificant impact on existing traffic noise and that if recommendations concerning operation of the shredding plant (additional mitigation would be needed between the hours of 22:00 and 6:30) are followed, the proposed development is considered suitable as an RDF facility on the basis of noise.
- 7.14 Although the Broadland District Council's (DC) Environmental Health Officer (EHO) did not respond directly, Broadland DC Planning Authority raised no objection subject to recommending the CPA impose noise conditions including a noise level and approval of a noise assessment, and limiting the hours of use of the shredder (as recommended in the noise assessment) and deliveries to the site. After submission of further information from the applicant and following clarification from the CPA that the CPA would not be the Regulatory Authority to control noise from this development, Broadland DC confirmed that the Environment Agency would be the correct authority to control noise through its permit in order to protect local residents, and it would not be necessary to secure this detail through the planning process.
- 7.15 With regards to dust and air quality, a Dust Assessment was submitted as part of the application documentation. Although it recognized that there is potential for dust impacts arising from vehicle movements including their exhaust emissions, and also from storage of inert materials, these could be controlled through mitigation measures and day to day site management such as avoiding dry sweeping of the site by using wet swept methods, switching off vehicles engines while stationary etc. With regards to treatment of waste itself, this would be undertaken within the existing building. Similarly with noise and odour, this would be a matter that would be controlled and addressed through the site's Environmental Permit issued by the Environment Agency, however it is not expected the development would have an unacceptable adverse impact on amenity with regards to dust or significantly impact on air

quality.

- 7.16 Whilst the applicant proposes to install lighting both to the existing building and around the site to ensure a safe working environment given the 24 hour working proposed, this would be LED and designed to limit light spill. A condition of any planning consent would nonetheless be that that any lighting installed should not cause glare beyond the site boundary.
- 7.17 Subject to conditions including those discussed above, there are no outstanding objections from the EHO or the Environment Agency with regards to matters relating to amenity. Accordingly it is not considered that there would be an unacceptable impact to local amenity including on the users of the Marriott's Way, and the application complies with both NMWDF Policies CS14 and DM12, Broadland Development Management DPD policies GC4 and EN4, and Section 11 of the NPPF and the National Planning Policy for Waste (2014). It is not considered that the proposal would lead to the designation of a new AQMA and the proposal accords with NMWDF policy DM13.
- 7.18 **Landscape / Trees**
- NMWDF Policies CS14: Environmental protection and DM8: *Design, local landscape and townscape* character both seek to only permit development that does not have unacceptable impacts on the character and quality of the landscape. NMWDF Policy CS2: *Core River Valleys* states development will only be permitted in Core River Valleys where it can be demonstrated to enhance the local landscape and/or biodiversity and not impede floodplain functionality. Policy 2 of the Joint Core Strategy and GC4 of the Broadland Development Management DPD promote good design and refer to proposals having regard to the environment, character and appearance of an area. Policy EN2 of the Broadland Development Management DPD states proposals should have regard to the Broadland Landscape Character Assessment SPD and enhance where appropriate, inter alia, Scheduled Ancient Monuments.
- 7.19 The site is located on previously developed land and on land designated as a Strategic Employment Site in the Broadland Development Management DPD. The site is not located within an area that has been designated to be protected for its landscape value (such as would be the case with a Conservation Area or AONB) in terms of the NMWDF policies and the NPPF. As set out above, the site is however within 35 metres of the Tumulus in the Warren Scheduled Ancient Monument.
- 7.20 As inferred above, the site is within one of the Core River Valleys designated in the NMWDF and therefore afforded additional protection. With regards to the Broadland Landscape Character Assessment, the site is located within landscape character type A1: Wensum River Valley. The overall strategy outlined for this area is to 'conserve the predominantly rural character, strong pattern of riverside trees and patchwork of habitats.....There are also opportunities for enhancement through protection and management of woodland, wetland and grassland habitats'.

- 7.21 The proposal is for the change of use of an existing brownfield site that has been out of use for a number of years. The production of RDF processing of waste would take place within the existing warehouse building with only storage and the siting of two weighbridges, an office and other associated infrastructure being located outside. With regards to the building itself, the application states that the developer would repair and replace existing damaged cladding which would make good the building. Not only would it enable it to be fit for purpose for dealing with odorous waste and operating plant and machinery etc, it would also improve the derelict appearance of the building albeit there would be outside storage of waste as part of the proposals. Without this development, there would be a significant likelihood the site would remain vacant and the building may fall into further disrepair. It would be a condition of any consent granted that any replacement cladding would need to match existing materials. Therefore in terms of NMWDF policy DM2, whilst the proposed development is unlikely to enhance the local landscape, any external changes are expected to be in keeping with the existing industrial estate setting and therefore the proposal would not be likely to detract from the local landscape. Due to the location of the development on an existing industrial estate utilising an existing redundant building, the application is not considered to conflict with this policy.
- 7.22 The site benefits from a significant level of landscaping along its northern and western boundaries between the site and the Marriott's Way and the access/drive to the Warren respectively. Whilst there are a number of trees along its southern boundary adjacent to the A1067, because the site is at a lower level to the road itself there are open views into the site. To the east of the application site is the Cemex cement works and rest of the industrial estate. The Landscape and Arboricultural Assessment detailed that the scheme would require the removal of several self-seeded birch copses on site where the service yard / roads for the building would be and other associated infrastructure (weighbridge etc). However, given the new planting proposed, it concluded that the proposal would not result in any increased impact on the surrounding landscape, and that the minor nature of the works proposed would have a negligible if no impact on existing trees. An arboricultural method statement was nonetheless recommended to ensure no harm comes to existing trees (to be retained on site).
- 7.23 With regards to activities outside the building, these would be limited to the above mentioned infrastructure, aggregate / inert waste storage, existing and replacement fencing (chain link or palisade), and car parking provision for some 60 staff and visitor cars. The application proposes that external materials would not be stored above four metres in height (this would be a condition if permission is granted). However the location of the car parking between the A1067 and where the materials would be stored would ensure the development is in keeping with the scale and massing of development in the wider industrial area. Notwithstanding this, further landscaping would be required for soft landscaping works with details of planting plans and specifications, visibility splays in locations where highway planting is proposed, and a 5 year programme of maintenance to for replacement of dead or dying specimens.
- 7.24 Subject to compliance with these conditions, it is considered that there are no landscaping issues with the proposal and it would not undermine the development

plan policies outlined above, namely, NMWDF policies CS14 and DM8 and those outlined above in the Broadland Development Management DPD and the Joint Core Strategy. With regards to the Scheduled Ancient Monument referred to in the Broadland Landscape Character Assessment, this is discussed in section 7.42 – 7.51 below.

7.25 **Biodiversity and geodiversity**

NMWDF policy CS14 states developments must ensure there are no unacceptable adverse impacts on biodiversity including nationally and internationally designated sites and species. The site is only 200 metres from the River Wensum SAC, and protection is also afforded to this through Policy 1: Addressing climate change and protecting environmental assets, and Policy 2: Promoting good design of the Joint Core Strategy which seek to design development to avoid harmful impacts on key environmental assets such as this. Broadland Development Management Policy EN1 also seeks to ensure there are no adverse impacts on the water environment including the River Wensum SAC.

- 7.26 In their consultation response, Natural England advised that, the development (if carried out in accordance with the details submitted) would not be likely to have a significant effect on the interest feature for which the River Wensum SAC / SSSI has been notified. Furthermore, it also advised that it would not destroy the interest features for which Alderford Common has been notified, located some 1 kilometre away. The County Ecologist was satisfied with the conclusions of the Ecology Report accompanying the planning application which states that the proposed use of the site is unlikely to produce greater impacts than those previously generated (during its previous uses for industrial purposes). Minor adverse impacts would be reduced to neutral subject to mitigation measures detailed in the Ecology Report. On this basis the proposal is considered to comply with the above development plan policies and Section 11 of the NPPF: Conserving and enhancing the natural environment

7.27 Appropriate Assessment

The application has been assessed in accordance with Regulation 61 of the Conservation of Habitats and Species Regulations 2010, and based on the information submitted to the County Planning Authority (CPA), it is considered that the development would/would not have a significant impact on the River Wensum SAC or any other protected habitat. Accordingly, as confirmed by Natural England in their consultation response no Appropriate Assessment of the development is required.

7.28 **Transport / Highways**

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. Policy WAS 78 of the NMWDF Waste Site Specific Allocations DPD also requires provision of acceptable highway access, including improvements to and rationalisation of

existing highway accesses from the A1067.

- 7.29 The site is adjacent to the A1067 Norwich Road which is a Principal Route in the County Council's Route Hierarchy. The proposed access point to this road would be some 200 metres away from the main processing building itself with the access road skirting to the north of the existing adjacent Cemex buildings and infrastructure on site. The application proposes to upgrade the proposed access to the highway with the installation of a ghost island / right hand turn lane for HGVs accessing the site from the Norwich direction.
- 7.30 The wider site, whilst not part of the application site red line boundary but nonetheless under the ownership of the applicant, also contains two further access points some 115 metres and 250 metres respectively south east of the proposed access point. In their initial comments, the Highway Authority had requested that both of these other access points would need to be closed off so that users of the entire industrial site used the sole proposed access point. Following the consideration of further information submitted by the applicant with regards to both legal and logistical constraints of using a sole access, the Highway Authority latterly agreed to the retention of the southernmost access (in addition to the proposed site access) provided the central access point is closed. This was on the basis both that there is a commitment from the applicant to improve visibility from the southernmost access point in the trafficked direction (to the west), and that on balance, the positive impacts of the mitigation works outweigh the negative impacts of retaining the existing access.
- 7.31 Although the application initially sought permission to deal with 200,000 tonnes of waste per annum, this was reduced to 150,000 tonnes per annum (tpa) on the advice of the planning authority when the application was resubmitted (with correct landownership details etc): the allocation in the NMWDF Waste Site Specific Allocations DPD specifies a capacity of 150,000 tpa for the site.
- 7.32 In terms of HGV movements, waste would be imported to the site through a combination of articulated bulk carriers (45%), tippers and roll on/off skips (50%), and smaller skips and vans (5%). Output would obviously be equivalent to input levels but given that the waste would have been processed by that point, the majority would be removed by articulated bulk carriers (90%) with the remainder by tipper and large skips (10%). Although the aspiration of the developer would be to backfill incoming lorries wherever possible with processed waste to maximise efficiencies, the worst case figures where all waste is imported and exported on separate vehicles would be between 83-165 in/out movements as broken down as follows:
- Articulated bulk carrier (25t payload): 45-72
- Tipper and large skip (15t payload): 30-53
- Smaller skips (1t payload): 8-40
- In addition, there would be a workforce of some 50 full time staff creating an additional 90 daily movements (45 in and out). The applicant has also accounted for a further 10 in / out movements associated with visitors, courier and post deliveries in cars or light vehicles.
- 7.33 The application was lodged on the premise of the site being operated 24 hours a

day and therefore (the above) deliveries and vehicle movements were also proposed to occur over the 24 hour period. However set out in 7.14 above and detailed in condition 13.7, Broadland District Council has recommend a condition of a consent be that there is no deliveries to the site except between 07.00 and 18.00 Monday to Saturday in order to safeguard residential amenity. On this basis the proposed vehicle movements would be spread over a shorter period of time (over 11 hours) and at a greater intensity than if spread over 24 hours.

7.34 The County Highway Authority has raised no objection to the proposal subject to a number of conditions including provision of the highway access proposed in the application, the permanent closure of the central access to the site, the gradient of the access to the site not exceeding 1:12, no obstructions being placed across the site access without the approval of the Highway Authority, the implementation and maintenance of a visibility splays for the site accesses, implementation of highway works including a Ghost Island Right Turn on the A0167 Lane following approval of a suitable scheme.

7.35 Subject to these conditions is considered that the proposal complies with NMWDF Policies CS15 and DM10, which considers proposals acceptable in terms of access where anticipated HGV movements do not generate unacceptable risks or impacts.

7.36 **Sustainability**

NMWDF policy CS13: *Climate change and renewable energy generation* seeks to ensure new developments generate a minimum of 10% renewable energy on site. Joint Core Strategy Policy 3: Energy and Water states development in the area where possible will minimise the reliance on non-renewable high-carbon energy sources and maximise the use of decentralised sources and renewable sources, and Broadland Policy GC5 states integration of renewable technology will be encouraged where its impacts are acceptable.

7.37 As part of the revised application, the applicant submitted a Sustainability Statement that examined three options for feasibly meeting 10% of the site's energy requirements all of which were considered viable. Alongside this, the amended application included a roof plan identifying the circa 250 photovoltaic panels (option 1) to be located on the existing warehouse building. It is considered that this would be acceptable with regards to the design and landscape impacts and if permission is granted, a condition would be used to secure the implementation of this element of the scheme in order to ensure compliance with these policies.

7.38 **Groundwater/surface water**

NMWDF policy DM3: *Groundwater and surface water* seeks to ensure that developments do not adversely impact on ground water quality or resources, or surface water quality or resources. As stated in section 3.1 above, the site is only 200 metres from the River Wensum SAC, and protection is also afforded to this through Policy 1: Addressing climate change and protecting environmental assets, and Policy 2: Promoting good design of the Joint Core Strategy which seek to design development to avoid harmful impacts on key environmental assets such as this.

- 7.39 As also pointed out by the Environment Agency (EA) in their consultation response, the site also overlays a principle bedrock aquifer. The EA initially raised no objection to the scheme on the basis that a condition be used to address unforeseen contamination of the site with the submission of a remediation strategy. However, on further review of the application and following a site visit, the EA subsequently lodged further comments stating that there was insufficient information within the application to demonstrate the surface water drainage strategy is robust enough to protect the water environment. Whilst the EA recommended a condition requesting a surface water drainage strategy be submitted prior to the commencement of development to address this, this was not considered an acceptable approach by the County Planning Authority in ensuring the proposal complies with the above policies concerning protection of both the River Wensum SAC and the principle bedrock aquifer.
- 7.40 Accordingly the applicant submitted a revised surface water drainage strategy detailing that the existing drainage network comprising drainage channels would be utilised with the addition of two klargester separators. The EA raised no objection to this approach for managing surface water adding that surface water management would also be considered as part of the bespoke Environmental Permit required for the proposal.
- 7.41 On this basis it is not considered the proposal would adversely impact on groundwater or surface water and is therefore compliant with NMWDF DM4 and the Joint Core Strategy Policies 1 and 2.
- 7.42 **Impact on Heritage Assets / Archaeology**
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 importance. Where proposals for waste management facilities would affect a Scheduled Ancient Monument (including their settings), there will be a presumption in favour of preservation *in situ*. As stated above, Policy EN2 of the Broadland Development Management DPD states proposals should have regard to the Broadland Landscape Character Assessment SPD and enhance where appropriate inter alia Scheduled Ancient Monuments.
- 7.43 As stated in 3.1, the site is some 35 metres from Tumulus in the Warren scheduled monument, a Bronze Age Barrow, located to the north of the site. Historic England in their consultation response commented that because this is designated as a scheduled monument it is considered of national importance. Scheduled monuments are not afforded additional protection by the requirements of the Planning (*Listed Buildings and Conservation Areas*) Act 1990. Scheduled monuments are nonetheless protected by the above development plan policy referred to in 7.42 above and by paragraph 17 and section 12 of the NPPF: *Conserving and enhancing the historic environment*.
- 7.44 Accordingly a Heritage Statement undertaken by the Museum of London Archaeology (MOLA) was submitted as part of the application documentation given that paragraph 128 of the NPPF requires an applicant to describe the significance

of any heritage assets affected, including any contribution made by their setting. The Heritage Statement recognized the proposal would not extend beyond the boundaries of the original factory, and that the majority of the works would be in the interior of the building, it concluded it would not harm or alter the current setting of the heritage asset. Furthermore, the position of the proposals would not contribute to the harm already caused by the initial construction of the site (the Atlas Works), but that HGVs accessing the site could negatively influence the ambience of the asset through their movement and noise. It also stated that once the grounds of the application site have been tidied, the development site would appear sharp and more prominent.

- 7.45 Whilst recognizing that in its heyday the Atlas Works would have been far more prominent, and that this development would generally improve the condition of the application site, the Heritage Statement also concluded that the development would however widen the conceptual gap between the modern environment on the one side of Marriott's Way to the wild and unstructured environment of the heritage asset.
- 7.46 In the light of this, the Heritage Assessment recommended a number of measures to improve the setting of the barrow through the development proposals including removal of errant litter and small buildings on land to the south east of the barrow, and to engage with the landowners of the asset to control undergrowth that obscures the view of the barrow. With regards to the application site itself, it is recommended that hoarding is not constructed in the northern boundary of the development site (this is not proposed in the scheme), and that hard wood trees of a similar species be planted along the site boundary to create a soft barrier over time.
- 7.47 In their consultation response, Historic England stated it does not object to the principle of this development but that the aforementioned measures to improve the setting of the monument be implemented through a programme of works secured by condition or Section 106 Legal Agreement. Because some of the works would be undertaken off site, a condition would not be appropriate in this instance. Whilst the applicant advised that they had already cleared the errant building and concrete blocks (this was on their landholding) as specified in the Heritage Statement, and that they would be prepared to undertake planting of hardwood trees as also required, regrettably they would not be able to commit to a Section 106 Legal Agreement in respect of the management of the undergrowth that obscures the view of the barrow as they are not the landowner or in control of the land.
- 7.48 In the light of this, Historic England suggested that the applicant make a more general contribution, secured by a Section 106 Legal Agreement, for community use with a commitment to that some of the money be used for a local heritage/history project with a school or similar. This was subsequently also declined by the applicant who given the associated cost and time implications of associated with such a Legal Agreement instead stated the applicant is 'more than willing to look at various options to help in the community, particularly in working with local schools' (once the planning application process has been concluded). It is the CPAs view that a more general Section 106 Agreement contribution with this

commitment that some of the money be used for a local heritage/history project would not mitigate the harm that Historic England alleges would occur to the significance of the scheduled monument within its setting by virtue that it would relate to works or a project off site.

- 7.49 Given this stance, Historic England's final comment is to recommend refusal due to the lack of suitable mitigation or enforceable alternative, and that the application should be rejected under paragraphs 132-134 of the NPPF due to the harm to the significance of the heritage asset through a development within its setting. At both stages of consultation, the County Council's Historic Environment Service has raised no issues stating that, based on the information submitted, the proposal does not have any implications for the historic environment, and no recommendations are made for archaeological work.
- 7.50 In the context of paragraphs 132-134 of the NPPF as referenced by Historic England in their recommendation for refusal, although the scheduled monument is considered to be of national importance, the application would not result in its 'substantial harm or loss' where paragraph 133 states applications should be refused. The proposal is not for a new site and it would not encroach onto, or extend the existing site further towards the heritage asset, however the proposal is likely to lead to the loss of significance of the asset by virtue of a change of use of land within its setting. Paragraph 134 states: 'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use'. In this instance, it is considered that the loss of significance to the setting of the scheduled monument does not justify a refusal of permission given the public benefits of the proposal, namely, the re-development of the site to a modern facility to sustainably treat waste and move the management of waste up the waste hierarchy, and the employment created in the locality of the area. If not approved under this planning application, the site would either remain in its current state or be likely to come forward as another waste proposal given the allocation of the site for waste uses.
- 7.51 The proposal is also not considered to undermine NMWDF Policy DM9 given that the site can be developed with the scheduled monument remaining in situ, and without adversely affecting it subject to the on-site measures outlined in the Heritage Statement being adhered to (the planting of hardwood trees and not installing hoarding along the northern boundary of the site), which would be secured through planning conditions.
- 7.52 **Flood risk**
NMWDF policy DM4: *Flood risk* only seeks to permit waste management sites that do not increase the risk of flooding. Furthermore, policy DM2: *Core River Valleys* states development will only be permitted in Core River Valleys (which the site is within) if it does not impede floodplain functionality.
- 7.53 Although the entirety of the application site falls in flood zone 1, a Flood Risk Assessment (FRA) was submitted as part of the application in accordance with chapter 10: *Meeting the challenge of climate change, flooding and coastal change* of the NPPF which requires an FRA for proposals of 1 hectare or

greater in flood zone 1 (the site area is some 2.1 hectares).

- 7.54 The FRA concluded that the site is at low risk of flooding from all sources, would not impact on flood risk elsewhere (there is no proposed increase in hard standing) and ultimately that the proposed development is suitable at this location. The EA has raised no comments with regards to this issue and on this basis the proposal accords with policies DM2: Core River Valleys and DM4: *Flood Risk* of the NMWDF and chapter 10 of the NPPF.

7.55 Public Rights of Way / Trails

Although there are not any Public Rights of Way running through the applications site, as stated above the site is adjacent to the Marriott's Way footpath, bridleway and cycle route which lies directly adjacent to the north of the site. Broadland Development Management DPD Policy EN3: *Green Infrastructure* requires Development to make adequate arrangements for the management of green infrastructure.

- 7.56 In their consultation response, the County Council's Trails Officer raised no objection to the scheme and requested the applicant makes a financial contribution to the maintenance of the trail due to the heavier usage of it as a result of the proposal (the site would include a northern access point near to Marriott's Way for pedestrians/cyclists). This was requested in accordance with the County Council's Planning Obligations Standards (April 2016) which states 'where a proposed development is likely to have an impact on PROW, the County Council will seek to negotiate a contribution...'. Whilst not a development plan policy document, the Planning Obligations Standards is nonetheless a material consideration in the determination of the planning application.

- 7.57 Although the Trails team initially requested a contribution of £15,000 towards the upkeep of the trail, the applicant responded with a proposal to pay £7,500 and secure this through a Unilateral Undertaking (a legal agreement with a sole signatory). The applicant proposed this would be paid in three instalments of £2,500 when the site opens, when the monthly input reaches 2,000 tonnes per month and when the monthly input reaches 4,000 tonnes per month (i.e. 48,000 tonnes per annum). This was deemed acceptable by the Trails Officer and should permission be granted by Members, the Undertaking would need to be in place and approved by the County Council prior to any planning permission being issued.

7.58 Cumulative impacts

NMWDF Policy DM15: Cumulative Impacts seeks to consider fully the cumulative impact of developments in conjunction with existing proposals. This echoes the National Planning Policy for Waste which also identifies the cumulative effect of existing and proposed waste facilities on the well-being of the local community as a material consideration.

- 7.59 Reference has been made in representations to both the existing metal recycling business (currently operated by EMR) some 150 metres to the east of the application site, and to the former 'Pimlotts' site understood to be the animal rendering plant previously operated in Great Witchingham. With regards to the

metal recycling business, in recent years the site has operated largely without complaint. A small number of minor complaints have been received from local residents which have been successfully resolved with co-operation of the site operator. With regards to the Great Witchingham site, this is 2.5 kilometres north east of the site and understood to be operated until around 2005 when the site was sold to Banham Composting Ltd who sought permission to build a new rendering plant. The site subsequently changed hands and has not operated since then.

7.60 Also in the Weston Longville parish but some 3 kilometres south west is the existing composting facility operated by TMA Bark Supplies. This is located on the B1535, the designated HGV route connecting the A47 to the A1067, and was referenced in a letter of representation concerning the impacts of additional traffic on Wood Lane in the East Tuddenham Hockering area.

7.61 It considered that the proposed application operated in conjunction with the two operational sites discussed above would not have an unacceptable impact given the modest nature and limited impacts of both existing facilities. Furthermore, in allocating the site for waste management development, it was obviously envisaged at the outset that a facility or facilities with a throughput of up to 150,000 tonnes of waste per annum could be accommodated at this site taking into account existing land uses and their associated impacts (i.e. on the highway, amenity etc). Were the current proposal not to operate from this site, it would be likely that other facilities amounting to 150,000 tonnes would operate from the site.

7.62 **Environmental Impact Assessment**

The application has been screened in respect of any requirement for an Environmental Impact Assessment (EIA) in accordance with The Town and Country Planning (Environmental Impact Assessment) Regulations 2011 ('the EIA Regs'). Though the proposal has been identified as meeting the threshold of Schedule 2 (11b in respect of being an installation for the disposal of waste in excess of 0.5ha in area), the scheme is not considered to be EIA development as the site is not in a sensitive area and would not be likely not have a significant impact on the environment in the context of the EIA Regs.

7.63 Having assessed the application and taken into account the consultation responses received, the proposal has been re-screened for EIA and the Planning Authority remain of the view that the development is not EIA development. This decision has been taken with particular regards to the responses from Natural England that advised both at the Screening and the full application stage, that the proposed development if carried out in accordance with the details supplied would not damage or destroy the interest features for which the River Wensum SAC and SSSI and Alderford Common SSSI have been notified.

7.64 **Responses to the representations received**

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

7.65 The issues raised largely relating to impacts on amenity (dust, noise, odour etc) the public highway, ecology and biodiversity, groundwater and surface water including the River Wensum SAC, landscape, have been addressed above along

with the suitability of the site in land use policy terms and the need for the development at this location. The issues of vermin, seagulls, fire risk and litter would all be matters controlled by the Environmental Permit (issued by the EA). In particular, the EA would require the applicant to submit a fire prevention plan as part of the permit application.

- 7.65 With regards to the issue of decreased property prices, or adverse impacts on neighbouring businesses or industrial units, this is not a material planning consideration given that the planning system is not in place to protect private interests of one another. The question is whether the proposal would unacceptably impact on their amenities (as set out above) and existing use of land which ought to be protected in the public interest. With regards to who would fill local jobs, this is also not material to the application. Concerns were also raised about both non aligning figures and erroneous assessments within the application. However, the County Planning Authority, in consultation with relevant statutory consultees, is content that a recommendation can be made on the basis of the the information provided by the applicant.

7.66 **The Community Infrastructure Levy**

The development is not CIL liable given that the proposals would not create new floor space greater than 100 square metres.

8. Resource Implications

- 8.1 **Finance:** The development has no financial implications from the Planning Regulatory perspective.
- 8.2 **Staff:** The development has no staffing implications from the Planning Regulatory perspective.
- 8.3 **Property:** The development has no property implication from the Planning Regulatory perspective.
- 8.4 **IT:** The development has no IT implications from the Planning Regulatory perspective.

9. Other Implications

9.1 Human rights

- 9.2 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.
- 9.3 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.

9.4 The human rights of the owners of the application site may be engaged under the First Protocol Article 1, that is the right to enjoyment of their property. 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. In any event, in this case it is not considered that Article 1 of the First protocol is infringed by the grant of the planning permission applied for.

9.5 **Equality Impact Assessment (EqIA)**

9.6 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.

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

9.8 **Communications:** There are no communication issues from a planning perspective.

9.9 **Health and Safety Implications:** There are no health and safety implications from a planning perspective.

9.10 **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.

10. Section 17 – Crime and Disorder Act

10.1 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.

11. Risk Implications/Assessment

11.1 There are no risk issues from a planning perspective.

12. Conclusion and Reasons for Granting Planning Permission

12.1 The planning application seeks to use a site that is both industrial land and moreover one that is allocated for waste development within the adopted Waste Site Specific Allocations Development Plan Document (site WAS78). Therefore, in land use terms the proposal accords with the development plan.

12.2 Whilst 50 representations have been received raising concern about the proposal (41 explicitly oppose or object to the development), it is considered that subject to conditions, the scheme can be operated without unacceptable impacts on amenity (including both local residents/businesses and users of the Marriott's Way), the landscape, the highway network, ecology, groundwater and surface water (including the River Wensum SAC), and flood risk.

12.3 However the application is finely balanced given that it has been recommended for refusal by Historic England. Although Historic England does not object to the principle of the development per se, it is concerned by the lack of suitable mitigation for the adjacent scheduled monument. With regards to the impact on the scheduled monument, the Bronze Age Barrow, ultimately, the applicant is unable to deliver one element of the recommendations detailed in their Heritage Statement, namely a scheme for the management of the undergrowth between the

site and the scheduled monument (because the applicant has no control over this land), and this has triggered the recommendation for refusal by Historic England. The requirements concerning the planting of hard wood trees and not installing hoarding along the northern boundary can both be complied with by condition if permission is granted. The Heritage Statement undertaken by MOLA concluded that the impact on the barrow and its setting is considered to be low. Although Historic England's recommendation for refusal is a material consideration, alone it is not considered powerful enough as a sole reason to recommend refusal of the application particularly given the application site is previously developed land, and the proposals would not encroach any further on the scheduled monument.

- 12.4 Some weight is also given to the applicant's commitment to contribute £7500 to the maintenance of the Marriott's Way, adjacent to the site, in order to mitigate against its heavier usage should planning permission be granted. Furthermore, the proposal would deal with waste in a sustainable manner, driving waste management up the waste hierarchy in accordance with both the National Planning Policy for Waste (2014) and the Waste Management Plan for England (2013).
- 12.5 Whilst finely balanced, the proposed development is considered acceptable and there are no other material considerations indicating it should not be permitted. Accordingly, full conditional planning permission is recommended.

13. Conditions

- 13.1 The development hereby permitted shall commence not later than three years from the date of this permission.

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

- 13.2 Except where overridden by this schedule of conditions, the development must be carried out in strict accordance with the application form and plans and documents (including their recommendations) accompanying the application.

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

- 13.3 No more than 150,000 tonnes of waste shall be imported to the site per annum and no more than 75,000 tonnes of waste shall be stored on site at any one time. Records shall be kept of waste imported to and exported from the site and shall be made available to the County Planning Authority upon request. All records shall be kept for a minimum of 24 months.

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

- 13.4 No more than 5,000 tonnes of hazardous waste (which shall be strictly limited to Waste Electrical and Electronic Equipment ('WEEE')) shall be brought onto the site per annum.

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

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

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

- 13.6 Notwithstanding the submitted plans, within 3 months of the date of this permission a detailed specification for the proposed photo-voltaic panels to be installed shall be submitted to and approved in writing by the County Planning Authority. The photo-voltaic panels shall thereafter be installed in accordance with the approved details prior to first use of the building and retained for the lifetime of the development.

Reason: In the interests of sustainability and to ensure the principles of sustainable development are met in accordance with Policy CS13 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026 and Policy 3 of the Joint Core Strategy for Broadland, Norwich and South Norfolk.

- 13.7 No deliveries or collections of waste/process waste shall take place except between the hours of 07.00 and 18.00 Monday to Saturday.

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

- 13.8 No operation of the shredder shall take place except between the hours of 07.00 and 19.00.

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

- 13.9 No vehicle shall be operated on site unless it is fitted with working broad band noise reversing sounders.

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

- 13.10 There shall be no burning of waste on site.

Reason: To protect the amenities of residential properties, in accordance with

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

- 13.11 No external lighting shall be installed on the site unless it is maintained such that it will not cause glare beyond the site boundaries.

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

- 13.12 Any damaged cladding or other building material that is replaced shall be done so with materials to match the existing colour and finish of the existing building.

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

- 13.13 Any drums and small containers used for oil and other chemicals on the site shall be stored in bunded areas which do not drain to any watercourse, surface water sewer or soakaways, and all oil or chemical storage tanks, ancillary handling facilities and equipment, including pumps and valves, shall be contained within an impervious bunded area of a least 110% of the total stored capacity.

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

- 13.14 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

Reason: Reason: To safeguard hydrological interests, in accordance with Policy DM3 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026 and paragraph 109 of the NPPF.

- 13.15 No waste material (both incoming and processed stock) stored on site shall exceed 4 metres above original ground level.

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

- 13.16 Prior to the first use of the development hereby permitted, the vehicular access (shown new site entrance) shall be provided and thereafter retained at the position shown on the approved plan (**drawing number 13896/103 Rev E**) in accordance in accordance with a detailed scheme to be agreed in writing with the County Planning Authority, in consultation with the Highway Authority. Arrangement shall

be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.

Reason: To ensure satisfactory access into the site and avoid carriage of extraneous material or surface water from or onto the highway, in accordance with Policy DM10 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.

- 13.17 Prior to the first use of the development hereby permitted the central access (shown as '*access to be stopped up*' on **drawing 03/001 Rev C**) shall be permanently closed, and the highway verge shall be reinstated in accordance with a detailed scheme to be agreed with the County Planning Authority in consultation with the Highway Authority,

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

- 13.18 Notwithstanding the provision of Class A of Schedule 2, Part 2 of the Town and Country Planning (General Permitted Development) Order 2015, (or any Order revoking, amending or re-enacting that Order) no gates, bollard, chain or other means of obstruction shall be erected across the approved access unless details have first been submitted to and approved in writing by the County Planning Authority.

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

- 13.19 Prior to the commencement of the use hereby permitted, a visibility splay (from the access shown as '*main access*') shall be provided in full accordance with the details indicated on the approved plan **drawing 03/001 Rev C**. The splay shall thereafter be maintained at all times free from any obstruction exceeding 0.6 metres above the level of the adjacent highway carriageway.

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

- 13.20 Prior to the commencement of the use hereby permitted, a visibility splay measuring 4.5 x 160 metres shall be provided to west of the south-eastern access point (shown as existing access on **drawing 03/001 Rev C**) where it meets the highway. The splay shall thereafter be maintained at all times free from any obstruction exceeding 0.6 metres above the level of the adjacent highway carriageway.

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

- 13.21 Prior to the commencement of the use hereby permitted, the proposed access / access road/ pedestrian routes / on-site car parking / servicing / loading, unloading / turning / waiting area shall be laid out, demarcated, levelled, surfaced and

drained in accordance with the approved plan and retained thereafter available for that specific use.

Reason: To ensure the permanent availability of the parking / manoeuvring area, in the interests of highway safety, in accordance with Policy DM10 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.

- 13.22 Notwithstanding the details indicated on the submitted drawings no works shall commence on site unless otherwise agreed in writing until a detailed scheme for the off-site highway improvement works (including a Ghost Island Right Turn Lane and associated works) as indicated on drawing(s) number(ed) **03/001 Rev C** have been submitted to and approved in writing by the County Planning Authority in consultation with the Highway Authority.

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

- 13.23 Prior to the first occupation of the development hereby permitted (or prior to the commencement of the use hereby permitted) the off-site highway improvement works referred to in Part A of this condition shall be completed to the written satisfaction of the County Planning Authority in consultation with the Highway Authority.

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

- 13.24 No development shall take place until a scheme of landscaping has been submitted to and agreed in writing by the County Planning Authority. The scheme as may be so agreed shall be implemented within the next planting season or such other period agreed in writing with the County Planning Authority. The scheme shall include details of size, species and spacing of trees, hedges and shrubs, arrangements for their protection and maintenance. It shall make provision for:
- (a) the screening of the operations by trees, hedges (including the provision of hardwood trees along the northern boundary of the site);
 - (b) A plan identifying planting to take place in the highway verge including the required visibility splay;
 - (c) the protection and maintenance of existing trees and hedges which are to be retained on the site;
 - (d) A management plan to include the replacement of any damaged or dead trees (within a period of five years from the date of planting) with trees of similar size and species at the next appropriate season.

Reason: To protect the amenities of the surrounding area, and to preserving the setting of the scheduled monument Bronze Age Burial Site in accordance with Policies DM9 and DM12 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.

- 13.25 Prior to the commencement of development, an arboricultural method statement and tree protection plan (to include details of all trenching required) shall be submitted to the County Planning Authority for approval in writing and implementation thereafter during development of the site.

Reason: To ensure the protection of existing trees in the interest of the amenities of the area, in accordance with Policies DM9 and DM12 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.

- 13.26 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order (England) 2015 (or any order revoking, re-enacting or modifying that Order), no fencing (and associated gates), hoarding or other means of enclosure shall be erected along the northern boundary of the application site other than those expressly authorised by this permission.

Reason: In the interests of preserving the setting of the scheduled monument Bronze Age Burial Site in accordance with Policy DM9 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026 and Chapter 11 of the NPPF.

- 13.27 Prior to first use of the facility, a dust management shall be submitted to the County Planning Authority for its approval in writing. The approved dust management scheme shall thereafter be implemented for the lifetime of the proposal.

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

Background Papers

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

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

Waste Site Specific Allocations Development Plan Document (DPD) 2013

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

Joint Core Strategy for Broadland, Norwich and South Norfolk

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

Broadland District Council Development Management DPD (2015)

https://www.broadland.gov.uk/info/200139/future_building_and_development/247/current_local_plan

The National Planning Policy Framework (NPPF) (2012)

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

Planning Practice Guidance (2014)

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

National Planning Policy for Waste (2014):

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

Waste Management Plan for England (2013)

<https://www.gov.uk/government/publications/waste-management-plan-for-england>

Norfolk County Council Planning Obligations Standards (2016)

<https://www.norfolk.gov.uk/rubbish-recycling-and-planning/planning-applications/planning-obligations>

Officer Contact

If you have any questions about matters contained in this paper or want to see copies of any assessments, eg equality impact assessment, please get in touch with:

Officer name : Ralph Cox

Tel No. : 01603 233318

Email address : 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 or 0344 800 8011 (textphone) and we will do our best to help.