

**Applications Referred to Committee for Determination:**

**North Norfolk District:**

**C/1/2015/1020: Holt Quarry, Hunworth Road, Holt,  
Norfolk. NR25 6SR**

**Variation of conditions 1 and 2 of Planning Permission  
C/1/2013/1014 to extend duration of mineral extraction  
and restoration until 31st December 2030 and remove  
screen bund from north west boundary:  
Cemex UK Operations Ltd**

Report by the Executive Director of Community and Environmental Services

**Summary**

Planning permission C/1/2013/1014 requires cessation of mineral extraction by 29 July 2015 and restoration of the site by 29 July 2016. Permission is sought to extend the time period for extraction of remaining reserves of sand and gravel at the quarry and for completion of restoration until 31 December 2030, together with temporary removal of part of an existing screen bund along the north west boundary of the quarry. The application is before the Planning (Regulatory) Committee because the application is subject to the Environmental Impact Assessment (EIA) Regulations.

No objections are raised by any statutory consultees, subject to conditions. Objection has been raised by Holt Town Council and concerns are raised by two local residents. Their concerns relate primarily to the impacts arising from removal of the bund, traffic issues in and around Holt and, impacts on local underground water supply.

This is a finely balanced application due to the location of the site within the Glaven Valley Conservation Area. It is concluded that the development would affect the character of the Conservation Area but that this affect and thus harm would be less than substantial. As such, the Planning (Listed Buildings and Conservation Areas) Act 1990 along with the test in Paragraph 134 of the NPPF should be used in determination of this application. The environmental impacts of the proposal have been carefully considered. In this instance, it is considered that there are material considerations of sufficient weight to outweigh the issue with the Planning (Listed Buildings and Conservation Areas) Act 1990 along with the NPPF, and justify a recommendation for approval.

It is recommended that the Director of Community and Environmental Services be authorised to:

- (i) Grant planning permission subject to a legal agreement in respect of vehicle routeing and highway wear and tear payment and, the conditions outlined in section 12.
- (ii) To 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  | Location                      | : | Land at Holt Quarry, Hunworth Road, Holt.   |
| 1.2  | Type of development           | : | Extraction of sand and gravel<br>Restoration to agriculture with small wetland feature  |
| 1.3  | Area                          | : | 22.2 Hectares   |
| 1.4  | Area proposed for extraction  | : | 10.5 hectares   |
| 1.5  | Total tonnage                 | : | 490,000 tonnes  |
| 1.6  | Annual tonnage                | : | Estimated average output 30,000 - 120,000 tonnes  |
| 1.7  | Mineral/waste type:           | : | Sand and gravel; Inert waste  |
| 1.8  | Duration                      | : | Extraction and restoration until 31 December 2030   |
| 1.9  | Hours of working              | : | 07.00 - 18.00 Monday – Friday;<br>07.00 – 13.00 Saturdays<br>No operations on Sundays or Bank Holidays (as currently permitted)           |
| 1.10 | Vehicle movements and numbers | : | Approximately 50 loads out per day = 100 HGV movements<br>Typical payload between two and twenty tonnes                                   |
| 1.11 | Access                        | : | Existing quarry access onto Hunworth Road.  |
| 1.12 | Landscaping                   | : | Temporary screen bunding and existing planting belts  |
| 1.13 | Restoration and after-use     | : | Restoration to gently sloping agricultural field with creation of small wetland habitat area, acid grassland and additional tree planting |

## **2. Constraints**

- 2.1 The following constraints apply to the application site:

Rural Conservation Area:

The site is located within the Glaven Valley Conservation Area.

Ancient Woodland

The site is located some 0.49km from Common Hill Wood Ancient Woodland.

Special Area of Conservation (SAC):

The site is located some 0.6km from Holt Lowes, a component part of the Norfolk Valley Fens Special Area of Conservation (SAC).

Site of Special Scientific Interest (SSSI):

The site is located some 0.6km from Holt Lowes SSSI

Groundwater Protection Zone:

The north west corner of the application site is located within Source Protection Zone 3.

### 3. Planning History

- 3.1 Relevant applications to this application are, as determined by Norfolk County Council are:
- 3.2 **C/1/2013/1014** - Variation of conditions 2 (drawings) and 3 (restoration scheme) of planning permission C/1/2008/1007 to amend approved restoration scheme – Approved 2014.
- 3.3 **C/1/2012/1008** - Non-material amendment to planning permission ref. C/1/2008/1007 to facilitate additional soil storage mounds – Approved 2012
- 3.4 **C/1/2008/1007** - Extraction of sand and gravel, restoration to agriculture, with small wetland feature - Approved 2011
- 3.5 **C/1/2008/1003** - Variation of Condition 2 of PP C/1/1997/1007 (as varied by PP C/1/05/1001) to continue mineral extraction until 1.3.2010 and restoration until 1.3.2012 – Approved 2009
- 3.6 **C/1/2002/1010** - Proposed continued implementation of Planning Permission No C/1/1997/1007 without compliance with condition no. 12 – Approved 2002
- 3.7 **C/1/1997/1007** - Extraction of sand & gravel; restoration and retention of processing plant-supplementary statement and increased site area – Approved 1999

### 4. Planning Policy

- |     |  |   |   |  |
|-----|--|---|---|--|
| 4.1 | Norfolk Minerals and Waste Local Development Framework Core Strategy and Minerals and Waste Development Management Policies Development Plan Document 2010-2026 (2011) | : | CS1<br>CS2<br><br>CS13<br>CS14<br>CS15<br>CS16<br><br>DM1<br>DM3<br>DM4 | Minerals extraction<br>General locations for mineral extraction and associated facilities<br><br>Climate change<br>Environmental protection<br>Transport<br>Safeguarding mineral sites and mineral resources<br><br>Nature conservation<br>Groundwater and surface water<br>Flood risk |
|-----|--|---|---|--|

			DM8	Design, local landscape character
			DM9	Archaeological sites
			DM10	Transport
			DM11	Sustainable construction and operations
			DM12	Amenity
			DM13	Air Quality
			DM14	Progressive working, restoration and after-use
			DM15	Cumulative impacts
			DM16	Soils
4.2	North Norfolk Core Strategy (Incorporating Development Control Policies) (2008)	:	SS 1	Spatial Strategy for North Norfolk
			SS 2	Development in the Countryside
			SS 4	Environment
			EN 1	Norfolk Coast AONB
			EN 2	Protection and Enhancement of Landscape and Settlement Character
			EN 4	Design
			EN 8	Protecting and Enhancing the Historic Environment
			EN 9	Biodiversity & Geology
			EN 10	Development and Flood Risk
			EN 13	Pollution and Hazard Prevention and Minimisation
			CT 5	The Transport Impact of New Development
4.3	The National Planning Policy Framework (2012)	:		1. Building a strong, competitive economy
				3. Supporting a prosperous rural economy
				4. Promoting sustainable transport
				7. Requiring good design
				10. Meeting the challenge of climate change, flooding and coastal change
				11. Conserving and enhancing the natural environment
				12. Conserving and enhancing the historic environment
				13. Facilitating the sustainable use of minerals
4.4	Planning Practice Guidance Suite (2014)	:		Minerals

## 5. Consultations

- |     |   |   |
|-----|---|---|
| 5.1 | North Norfolk District Council                        | <p>: Initially raised concerns in relation to proposed permanent removal of bunding from North West boundary in terms of adverse effect on the landscape within the Conservation Area.</p> <p>Upon submission of additional information / amended proposal raises no objection.</p>   |
| 5.2 | Holt Town Council                                     | <p>: Raise objection on the following grounds:</p> <ol style="list-style-type: none"> <li>1. This application is encroaching into the town boundary</li> <li>2. The bund removal removes protection for the town</li> <li>3. This application will cause even more traffic issues in and around Holt</li> <li>4. This application will be a breach of personal liberties for people in Holt</li> </ol>  |
| 5.3 | Lead Local Flood Authority                            | <p>: No comments to make</p>  |
| 5.4 | Environmental Health Officer (North Norfolk district) | <p>: Initially raised concerns in relation to proposed permanent removal of bunding from North West boundary in terms of potential impact on Oak Farm.</p> <p>Upon submission of additional information / amended proposal raises no objection.</p> <p>Recommends re-imposition of conditions nos. 6 (dust control), 8 (hours of operation) and 9 (flood risk assessment) of PP C/1/2013/1014 and, imposition of condition in relation to reversing alarms.</p> |
| 5.5 | Norfolk Historic Environment Service                  | <p>: No response received</p>   |
| 5.6 | Environment Agency                                    | <p>: No objection</p> <p>Provide informative in relation to the Environmental Permits.</p>  |
| 5.7 | Highway Authority (NCC)                               | <p>: No objection, subject to continuation of the current routing arrangements and 'wear and tear' agreement.</p>   |

- 5.8 County Ecologist: : No objections on ecological grounds
- 5.9 Senior Green Infrastructure Officer: : Initially raised concerns with regard to the permanent removal of the bund alongside Oak Farm.
- Upon submission of additional information / amended proposal, raises no objection subject to condition in relation to reinstatement of the soil bund in September 2016.
- Does not consider that the temporary removal of the bund results in significant harm to the Glaven Valley Conservation Area.
- 5.10 Natural England : No comment to make
- 5.11 Historic England : Do not wish to offer any comments
- 5.12 Norfolk Coast Partnership : Provide the following comments:
- Would not expect this proposal to have any impacts on the landscape setting of the AONB.
- If noise and dust are adequately controlled, would not anticipate that there would be impacts from these.
- Given the location of the quarry above the valley of the River Glaven, there may potentially be some risk from run-off of pollutants and sediment into the river, possibly along roads running down into the valley. Suggest that the County Council should be assured that these potential effects are adequately considered and mitigated if necessary.
- 5.13 Forestry Commission : No comments to make
- 5.14 Health & Safety Executive : From interrogation of the HSE website it would appear that the development does not meet the consultation criteria.
- 5.15 Local residents : Representations have been received from two local residents:
- One resident asks, are there any assurances in regard to the underground water supply to the properties along Thornage Road?
- One resident is concerned that removal of the

screen bund will adversely affect her quiet enjoyment of her property and expose her to noise and dust.

- 5.16 County Councillor (Mr M Baker) : No response received

## **6. Assessment**

- 6.1 The application is before the Planning (Regulatory) Committee, in accordance with the County Council's Scheme of Delegation, because it is subject to the Town and Country Planning (Environmental Impact Assessment) Regulations 2011. The application was accompanied by an Environmental Statement (ES), in accordance with the EIA Regulations. The Committee's decision must take into account the environmental information contained within the ES, and any representations made about the environmental effects of the development. Further information was sought by the County Council during the course of the application under Regulation 22 of the EIA Regulations (2011) in relation to landscape and visual impact. The environmental information is described in the following paragraphs, and the representations made are summarised above.
- 6.2 **Proposal**
- 6.3 Planning permission reference C/1/2013/1014 was granted in 2014 for, Variation of conditions 2 (drawings) and 3 (restoration scheme) of planning permission C/1/2008/1007 to amend approved restoration scheme. Permission is sought for variation of conditions 1 and 2 of PP C/1/2013/1014 to extend the timescale for completion of extraction and restoration, with revised screening arrangements. The specific changes proposed are as follows:-
- 6.4 Condition 1
- Condition 1 relates to the duration of development and the restoration scheme. Condition 1 requires cessation of mineral extraction by 29 July 2015 and restoration of the site by 29 July 2016.
- 6.5 In relation to condition 1, the application under consideration seeks permission to extend the duration of mineral extraction and restoration until 31st December 2030.
- 6.6 The application states that the need to extend the timescale has been brought about by reduced production. At the time of submission of application reference C/1/2008/1007, in 2008, it was estimated that the annual output would be 120,000 tonnes. Production levels have since fluctuated between 120,000 tpa and 30,000 tpa. Extraction to date has seen over half the site stripped and worked.
- 6.7 The applicant predicts an extraction rate of 32,000tpa which would add an additional 15 years to the life of the site; although it is hoped production shall increase to historic levels of 120,000tpa.

6.8 Condition 2

Condition 2 relates to the development details, including screening arrangements.

6.9 The current approved working scheme provides for the site to be worked in an anti-clockwise direction in five phases in total, which will be worked and restored consecutively. The scheme further provides for initially stripped soils to be placed into screening bunds around the boundaries of the extraction area. Currently, screen bunds are in place along the western section of the northern boundary and that section of the western boundary directly adjacent Oak Farm. Soils to be stripped from phase 3 (in the north west corner) will be placed along the remainder of the western boundary. Thereafter, stripped soils will be directly placed for progressive restoration. The bunds along the northern and western boundaries will remain in place until final placement for restoration.

6.10 In relation to condition 2, it is proposed to amend the screening arrangements such that, an approximate 80m long section of the existing soil bund along the north west boundary adjacent Oak Farm, will be removed and the soils relocated approximately 50m further south, along the western boundary. The application states that the need to vary condition 2 has arisen due to a request from the landowners to remove the soil screening bund adjacent to their property (Oak Farm), to accommodate a personal function at Oak Farm during 2016.

6.11 During determination of this application and following consideration of concerns raised by statutory consultees in relation to removal of the bund, the applicant took the decision to amend the proposal such that, instead of the permanent removal of the bund, the bund would be removed for a temporary period (between March 2016 and September 2016). The bunding would then be reinstated.

6.12 **Site**

6.13 The site, known as Holt Quarry, is being progressively worked for sand and gravel, and progressively restored to low level agricultural land, with small wetland feature. Substantial areas of the original quarry have been restored to agricultural use. The current area of extraction is located to the north of the processing plant site.

6.14 The site is located approximately 0.5km south of Holt, with the village of Hunworth approximately 2.0km to the south. The site is bounded to the east by Hunworth Road, with agricultural land to the north and west, and the plant site and restored land to the south.

6.15 The closest residential properties are a property directly abutting the north west corner of the application site (Oak Farm), two properties located some 170m opposite the south east corner of the site across Hunworth Road, and property on the B1110, some 0.32km north of the site. The site is accessed from the east via a purpose built haul road off Hunworth Road.

6.16 **Principle of development**

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



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

- 6.18 In terms of the development plan, the County Planning Authority considers the relevant documents in relation to this application are the Norfolk Minerals and Waste LDF Core Strategy and Minerals and Waste Development Management Policies Development Plan Document 2010-2026, and the adopted North Norfolk Core Strategy (2008). Whilst not part of the development plan, policies within the National Planning Policy Framework (NPPF) are also material to consideration of the application.
- 6.19 The principle of development which this application seeks to vary was most recently considered acceptable in 2014 (ref C/1/2013/1014).
- 6.20 Paragraph 144 of the NPPF requires local planning authorities to give great weight to the benefits of mineral extraction, including to the economy. It is therefore considered that the proposal would be in general accordance with the aims of the NPPF.
- 6.21 The site is an established mineral working, well connected to the strategic road network, with a site access onto Hunworth Road close to it's junction with the B1149, a road classified by the NCC Route Hierarchy as a Main Distributor Route, and being some 1.3km from the A148, a principal Primary Route which has the highest category on the hierarchy. In addition, the site is some 11km (7 miles) from Sheringham. Given the above, it is considered that the proposal is compliant with policy CS2 of the NMWLDF.
- 6.22 The essence of this planning application is to extend the timescale for completion of mineral extraction and restoration, together with revised screening arrangements. Given the above, it is considered that the proposal would be acceptable in principle. It therefore needs to be determined whether the variations sought are acceptable in terms of the potential impacts they may have, primarily upon residential amenity, visual amenity and highway safety.
- 6.23 **Mineral Supply / Need**
- 6.24 NMWLDF Core Strategy Policy CS1 sets out the requirement for the sand and gravel landbank to be maintained at between 7 and 10 years' supply. Paragraph 145 of the NPPF requires MPAs to make provision for the maintenance of at least a 7 year supply of sand and gravel.
- 6.25 As at the end of February 2016, the sand and gravel landbank for Norfolk, calculated in accordance with the National Planning Practice Guidance (based on the past 10 years average sales), stood at 11.24 years.
- 6.26 Notwithstanding that the landbank is slightly above the 10 years' supply required by NMWLDF CS policy CS1, it is important to recognise that this site already benefits from planning permission for mineral extraction. As such, the reserve at this site is already included within the County's existing permitted landbank for sand and gravel. It is therefore considered that there is no conflict with the supply targets referred to in the NPPF and NMWLDF CS Policy CS1.
- 6.27 **Importation of waste**
- 6.28 Policies CS3 and CS4 of the NMWLDF Core Strategy set out the aims to provide sufficient waste management capacity for the County and targets for

different waste management facilities, including for quarry restoration void space. Policy CS6 states that waste sites at existing mineral workings will be acceptable in principle, as long as they are restricted to a temporary permission lasting until the cessation date for the mineral operation.

- 6.29 In addition to use of on-site restoration materials, progressive restoration of the site is supplemented by recycled soils from inert waste recycling operations at Holt Quarry, albeit not currently. Restoration with the aid of inert waste accords with these policies.

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

- 6.31 The impact of the development on neighbouring occupiers was considered acceptable when permission was originally granted in 2011. It is proposed to amend the screening arrangements such that, that part of the three metre high screening bund along the north west boundary adjacent Oak Farm, will be temporarily removed. No other changes to the approved scheme of progressive working or restoration are being proposed as part of this application. Current noise limits at neighbouring locations, including Oak Farm (55dB LAeq, 1 hour free field), are stipulated in condition no. 7 of PP C/1/2013/1014.

- 6.32 Holt Town Council raises concern that the removal of the bund removes protection for the town and one local resident also raises concern that removal of the bund will expose her property to noise and dust.

6.33 Dust

- 6.34 A Dust Assessment was undertaken pursuant to application C/1/2008/1007 which concludes that, the nature of the proposed extraction at Holt Quarry will ensure that potential for dust emissions is low. The dust impact of the development was considered acceptable when permission was originally granted in 2011.

- 6.35 An updated Dust Assessment has also been submitted as part of the ES. The assessment has concluded that, the continuation of operations will have a very low potential to cause dust related disturbance.

6.36 Noise

- 6.37 A Noise Assessment has been undertaken as part of the ES. During the determination process concerns were raised by the EHO in relation to potential impact on Oak Farm arising from permanent removal of the screen bund. This resulted in a Technical Note being provided by the applicant to supplement the ES and demonstrate the potential noise implications arising from the proposed bunding arrangements.
- 6.38 The Technical Note concludes that it is possible for the site to be operated with the amendments to the bunding requested by the landowner whilst demonstrating compliance with the noise limit at Oak Farm as set out in the existing planning permission. The Assessment and Technical Note further conclude that calculated noise levels are compliant with the noise limits at the other locations subject of condition no. 7 of PP C/1/2013/10104.
- 6.39 North Norfolk EHO has been consulted on the application and raises no objection. The EHO recommends re-imposition of conditions nos. 6 (dust control) and 8 (hours of operation) of PP C/1/2013/1014 and, imposition of a condition in relation to reversing alarms. Given the rural location, this would seem to be a reasonable request..
- 6.40 Subject to the above mentioned conditions, it is therefore considered that the extension of timescales, and revised bunding will cause no material harm to

the amenities of neighbouring occupiers or the local area, and the proposal is therefore considered to be in accordance with NMWLDF: Core Strategy Policies DM12 and DM13, North Norfolk Core Strategy policies EN 4 and EN 13, and the NPPF.

6.41 **Landscape**

- 6.42 In the North Norfolk Landscape Character Assessment (2009), the site is identified as lying within the Holt to Cromer Wooded with Parkland landscape character area. This includes areas of arable land interspersed with woodland areas. The Issues sub-section of the LCA states that, Woodland is a very critical element in protecting this busy landscape from exposing its less attractive elements. The site is located some 1.2km south of the southern boundary of the Norfolk Coast AONB.
- 6.43 The proposal is for an extension of time for working and restoration of an existing permitted site, together with temporary removal of part of the soil bund along the north west boundary adjacent Oak Farm. The removal of the soil bund would provide open views to the occupiers of Oak Farm who have requested removal of the bund. The approved restoration scheme for the site is to low level agriculture, with woodland: no changes to the approved restoration scheme are being proposed as part of this application.
- 6.44 A landscape appraisal of the proposed development has been submitted as part of the ES. As regards the Landscape Character Area, the appraisal concludes that the restored site would successfully integrate with the surrounding landscape. Overall, the appraisal concludes that the proposal would not result in unacceptable adverse effects on landscape features, character or visual amenity.
- 6.45 As regards the AONB, the appraisal concludes that the proposals would have negligible adverse effects on this designated area. This view would appear to be supported by the Norfolk Coast Partnership who have been consulted on the application and advise that they would not expect this proposal to have any impacts on the landscape setting of the AONB.
- 6.46 The County Council's Green Infrastructure Officer has been consulted on the application and raises no objection, subject to condition in relation to reinstatement of the bund.
- 6.47 Given the above, it is considered that the proposal respects the character and landscape assets of the Holt to Cromer Wooded with Parkland LCA and there is no conflict with the strategy for this area. As such, it is considered that the development accords with the landscape principles set out in policies CS14 and DM8 of the NMWLDF Core Strategy, policies EN 1 and EN 2 of the North Norfolk Core Strategy, and the NPPF.

6.48 **Heritage Assets**

- 6.49 The site is located within the Glaven Valley Conservation Area. North Norfolk Council has not yet undertaken an appraisal of the conservation area.
- 6.50 Given the site's location within a Conservation Area, it is necessary to have regard to Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, which requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of conservation areas. Recent case law (Penshurst Judgement) has emphasised the considerable weight that Planning Authorities must apply to the preservation of the settings of listed buildings and conservation areas in planning decisions. As such, where

any harm to the setting of a designated heritage asset even if “less than substantial,” can be shown to occur, the default position should be a refusal by the LPA. The decision has made it clear that “special attention,” is a statutory requirement of the Act but that this can be outweighed by sufficiently powerful material considerations. Therefore where harm to the setting of a designated heritage asset is established it will be necessary to prove that compelling reasons exist to set aside the statutory presumption in favour of refusal.

- 6.51 Paragraph 134 of the NPPF states that, “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...” Paragraph 144 of the NPPF states that LPAs should: as far as is practical, provide for the maintenance of landbanks of non-energy minerals from outside Conservation Areas.
- 6.52 Paragraph 142 of the NPPF recognises that, “Minerals are essential to support sustainable economic growth and our quality of life. It is therefore important that there is a sufficient supply of material to provide the infrastructure, buildings, energy and goods that the country needs”. Furthermore, paragraph 144 requires LPA’s to “give great weight to the benefits of mineral extraction”.
- 6.53 The application under consideration seeks: (i) to extend the time period for extraction of remaining reserves of sand and gravel at the quarry and for completion of restoration until 31 December 2030 and, (ii) the temporary removal of part of an existing screen bund along the north west boundary of the quarry.
- 6.54 In support of the application, the ES concludes that the proposal would enable the continued supply of sand and gravel to the local markets and thus continue contributing to the local economy. The proposal would also maintain employment for existing staff and offer biodiversity benefits.
- 6.55 The landscape appraisal submitted as part of the ES concludes that the proposals would result in adverse effects of moderate significance on landscape character and adverse effects of negligible significance on landscape features.
- 6.56 In response to the consultation, North Norfolk Council raises no objection. Historic England has also been consulted on the application and do not wish to offer any comments.
- 6.57 The County Council’s Green Infrastructure Officer raises no objection, subject to condition in relation to reinstatement of the soil bund and does not consider that the temporary removal of the bund would result in significant harm to the Conservation Area.
- 6.58 Given the above, it is concluded that the development would affect the character of the conservation area but that this affect and thus harm would be moderate, and thereby less than substantial. As such, Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 along with the test in Paragraph 134 of the NPPF should be used by the planning committee when determining this application.
- 6.59 As regards the Planning (Listed Buildings and Conservation Areas) Act 1990, as detailed above, where harm to the setting of a designated heritage asset is established it will be necessary to prove that compelling reasons exist to set aside the statutory presumption in favour of refusal. As regards the NPPF, Planning Practice Guidance states that, the NPPF represents up-to-date Government planning policy and must be taken into account where it is relevant to a planning application or appeal. If decision takers choose not to follow the National Planning Policy Framework, clear and convincing reasons for doing so

are needed.

- 6.60 In relation to the proposed extension of time, it is considered that the potential for harm albeit moderate should be weighed against the following material considerations: the site being an existing mineral working with remaining reserves of sand and gravel; the benefits to society of mineral extraction; the temporary nature of the extraction/restoration i.e. until 31st December 2030; and the biodiversity and landscape enhancements arising from the proposed restoration. In this instance, it is considered that the material considerations are sufficiently powerful to outweigh the statutory presumption in favour of refusal.
- 6.61 In relation to the proposed temporary removal of screen bunding from the north west boundary, the material planning considerations raised are more finely balanced. The application states that the need to temporarily remove the bund has arisen due to a request from the landowner to accommodate a personal function at Oak Farm during 2016. Whilst it is acknowledged that removal of the section of bund cannot be said to achieve public benefits, this is balanced against the temporary nature of the removal of the bund, i.e. between March and September 2016 and the fact that no objections have been raised by statutory consultees.
- 6.62 It is therefore considered, on balance, that subject to the imposition of conditions including timescale and restoration, the impact on heritage assets would not be such as to be unacceptable when considered against the requirements of Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, NMWLDF policies CS14, DM8 and DM9, and policy EN 8 of the North Norfolk Core Strategy and government objectives of the NPPF.
- 6.63 **Biodiversity and geodiversity**
- 6.64 The site carries no particular nature conservation designation. The nearest site of international importance is Holt Lowes SSSI, a component part of the Norfolk Valley Fens Special Area of Conservation (SAC), which is situated some 0.6km east of the site. It is important, therefore, to ensure that no development is undertaken which would adversely affect this feature. The site is located some 0.2km from Edgefield Heath County Wildlife Site.
- 6.65 As detailed elsewhere in this report, mineral extraction at the site does not take place below the water table; no dewatering is proposed. With exception of temporary removal of a section of screen bunding, the application does not provide for any amendment to the approved working or restoration scheme.
- 6.66 The submitted ES concludes that, the land has negligible ecological value and subject to implementation of existing conditions there shall be no adverse impact arising from continuation of extraction.
- 6.67 The Council's Ecologist has been consulted on the application and raises no objections on ecological grounds. Natural England has been consulted on the application and has no comment to make.
- 6.68 There are a number of conditions on the existing permission which are aimed at environmental protection (e.g. no. 5 – habitat mitigation scheme including hedgerow protection and Great Crested Newts) and it is recommended that these are retained.
- 6.69 Given the above, it is considered that the variations sought will not have any significant implications for biodiversity. As such, it is considered that the development is compliant with NMWLDF: CS Policies CS14 and DM1, North

Norfolk Core Strategy policy EN 9, and the requirements of the NPPF.

6.70 **Habitats Regulations**

6.71 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 does not have a significant impact on the integrity of any protected habitat. Accordingly, there is no requirement for the CPA to undertake an Appropriate Assessment of the development.

6.72 **Transport**

6.73 The quarry is accessed via an existing access onto Hunworth Road, close to its junction with the B1149. Permission is primarily sought to extend the timescale for completion of extraction and restoration. No changes to the access are being proposed as part of this application.

6.74 The application is accompanied by a Transport Assessment which has assessed historic vehicle movements of 120,000tpa and reduced tonnage. The assessment advises that the proposal will not lead to an increase in traffic and concludes that, the current access arrangements for traffic associated with the site remain suitable for the proposed continuation of extraction.

6.75 Holt Town Council raises concern that this application will cause even more traffic issues in and around Holt. The application does not provide for extraction of any additional sand and gravel at this site and therefore there is no additional traffic. Furthermore, given that extraction rates have been lower than anticipated, the traffic generated by the development has been dispersed over a longer period of time.

6.76 Planning permission reference C/1/2013/1014 is subject to a S106 Agreement requiring vehicles to approach and leave the site via that section of the C267, Hunworth Road, to the north of the site. There is also provision in the agreement for the applicant to pay expenses in respect of 'wear and tear' to Hunworth Road between the site access and the junction with the B1149.

6.77 There is no objection on highway grounds, subject to the current routeing arrangements being secured by S106 Agreement or condition and continuation of the 'wear and tear' agreement. Given the rural road network, this would seem to be a reasonable request

6.78 The applicant has agreed to accept the continuation of the routeing and 'wear and tear' agreement. Subject to the conclusion of the Deed of Variation, the development is considered compliant with NMWLDF: Core Strategy policies CS15 and DM10, North Norfolk Core Strategy Policy CT 5, and the government objectives of the NPPF.

6.79 **Climate change and renewable energy generation**

6.80 NMWLDF Policy CS13 requires applicants to aim for incorporation of renewable or low carbon energy to generate a minimum of 10 per cent of their energy needs. Where this is not considered practicable, appropriate evidence should be provided.

6.81 During the application process additional details relating to renewable energy generation were requested. Consideration has been given to the possibility of how the development could generate its own energy from wind or solar power. It is concluded that neither energy source is appropriate in landscape terms due to the potential impact upon the Conservation Area, and the cost of installation over

the proposed extension period is not considered to be offset by the saving from energy produced on site.

- 6.82 Although it is disappointing that no measures for renewable energy are being proposed, the arguments put forward by the Applicant are accepted in this instance.

6.83 **Flood risk**

- 6.84 The site lies within Flood Zone 1, which is an area at low risk of flooding. A Flood Risk Assessment (FRA) was undertaken pursuant to application C/1/2008/1007 which concludes that, during the period of extraction there will be a net gain of flood storage on the site. Given that post-restoration land levels will be generally below pre-extraction levels, the FRA further concludes that there will be an increase in storage with a slight reduction in flood risk. The impact of the development on flood risk was considered acceptable when permission was originally granted in 2011.

- 6.85 Based on the information provided, the Lead Local Flood Authority has no comments to make.

- 6.86 The EHO has been consulted on the application and recommends re-imposition of condition no. 9 (compliance with submitted flood risk assessment) of PP C/1/2013/1014. This would seem to be a reasonable request.

- 6.87 It is therefore considered, taking into account the above, that the development would not materially increase the risk of flooding. Given the above, it is considered that there is no conflict with NMWLDf Policies CS13 and DM4, Policy EN 10 of the North Norfolk Core Strategy and the NPPF.

6.88 **Groundwater/surface water**

- 6.89 The north west corner of the application site is located within Source Protection Zone 3. With exception of amendment to the screening arrangements, the application does not provide for any amendment to the approved working or restoration scheme for the site.

- 6.90 One local resident has raised concerns in relation to the underground water supply to properties along Thornage Road.

- 6.91 The Norfolk Coast Partnership comment that there may potentially be some risk from run-off of pollutants and sediment into the River Glaven and suggests that the County Council should be assured that these potential effects are adequately considered and mitigated if necessary.

- 6.92 The Planning Statement states that, it is proposed that extraction shall continue at 0.5m above ground water. The applicant has also submitted a Hydrology and Hydrogeology Assessment of the application site. This advises that there will be no dewatering due to the limited depth of extraction and there are no surface water discharges from the site. The Assessment advises that a number of abstractions have been identified in the vicinity of the site and concludes that these potential receptors are not at risk of impact as no dewatering will be required.

- 6.93 In relation to groundwater protection, the EHO and Environment Agency have been consulted on the application and have raised no objection.

- 6.94 In relation to pollution and sediment control to the water environment, the Council's Ecologist and the Environment Agency have been consulted on the application and have raised no objection to the proposal. It is therefore

- considered that no additional mitigation measures are required.
- 6.95 It is therefore considered that there would be no conflict with NMWLDF CS policy DM3, and Policy EN 13 of the North Norfolk Core Strategy, or the NPPF.
- 6.96 **Protection of best and most versatile agricultural land**
- 6.97 The current permitted area of working comprises of grade 2, 3a, 3b and 4 agricultural land. The impact of the development on soil resources was most recently considered acceptable when permission reference C/1/2013/1014 was granted in 2014.
- 6.98 It is proposed to amend the screening arrangements such that, that part of the soil bund along the north west boundary adjacent Oak Farm, will be temporarily removed. No changes to the approved restoration scheme are being proposed as part of this application.
- 6.99 Natural England has been consulted on the proposal and has raised no objection in relation to the revised soil storage arrangements.
- 6.100 There are a number of conditions on the existing permission which are aimed at ensuring the productive afteruse of the land and it is recommended that these are retained should permission be granted. Given the above, it is considered that the extension of timescales, and revised soil storage scheme will cause no material harm to the soil resources, and the proposal therefore complies with NMWLDF CS Policy DM16, and objectives of the NPPF.
- 6.101 **Progressive working, restoration and after-use**
- 6.102 The application is for an extension of time for working and restoration of an existing permitted site, together with revised screening arrangements.
- 6.103 As regards timescale, the application seeks to extend the life of the site by some 14+ years beyond the current planning consent. National Planning Practice Guidance underlines that planning for the supply of minerals has a number of special characteristics that are not present in other development and recognises that mineral working is a temporary use of land, although it often takes place over a long period of time.
- 6.104 As detailed elsewhere in this report, the proposal to extend the timescale has been brought about by lower sale of minerals from the site than was anticipated in the original application, reference C/1/2008/1007. The requested timescale is a function of the projected rate of extraction / restoration and the current permitted reserve. When permission reference C/1/2008/1007 was granted, the permitted timescale was based upon the applicant's estimated timescale for completion of extraction and restoration, which would have been based upon historic and predicted sales from the site. Given that sales volumes of sand and gravel are dependent upon demand, the economic downturn has led to a decline in sales from this site, in common with other mineral workings. The applicant has therefore had to revise the proposed timescales for completion of mineral extraction and restoration, accordingly. Given the reduced extraction rate, it is considered that working and restoration are both feasible and achievable within the timescale proposed.
- 6.105 The approved restoration scheme for the site is to low level agriculture, with woodland and small wetland feature. This application proposes to retain the existing progressive relationship between extraction and restoration.



- 6.106 The Council's Ecologist has been consulted on the application and raises no objection. To conclude on the working and restoration issues, the proposed extension of time would enable the remaining permitted mineral reserve to be extracted and restoration of the site to be completed. It is considered that the proposal is therefore in accordance with NMWLDF: Core Strategy Policy DM14, Policy EN 9 of the North Norfolk Core Strategy and the objectives of the NPPF.
- 6.107 **Responses to the representations received**
- 6.108 The application was advertised by means of neighbour notification letters, site notice, and an advertisement in the Eastern Daily Press newspaper.
- 6.109 A number of objections/concerns were raised, which are summarised in the first section of this report. With exception of the issues detailed below, the response of this authority to those comments is discussed above in the 'Assessment' section of this report.
- 6.110 Representation is made by Holt Town Council that this application is encroaching into the Town boundary. The application under consideration seeks variation of conditions of Planning Permission C/1/2013/1014. The principle of development which this application seeks to vary was originally considered acceptable in 2011 (ref C/1/2008/1007). The application does not provide for any physical extension to the site towards Holt.
- 6.111 It should be noted that the Minerals Site Specific Allocations DPD (adopted 2013) allocates land west of Norwich Road, Lodge Farm, Holt (site reference MIN 71) for sand and gravel extraction. This site lies just southwest of Holt and immediately north of the quarry subject of the application under consideration. The allocated site does not form part of the application under consideration.
- 6.112 Representation is made by Holt Town Council that this application will be a breach of personal liberties for people in Holt. In the UK, personal liberty is protected by the Human Rights Act 1998. This Act gives effect to the human rights set out in the European Convention on Human Rights. As can be seen from section 8 below, in this instance it is not considered that the human rights of adjoining residents would be infringed.
- 6.113 **Intentional Unauthorised Development**
- 6.114 Following the Chief Planner's letter of 31 August 2015 to planning authorities, intentional unauthorised development is now a material consideration in the determination of all planning applications received from 31 August 2015.
- 6.115 The application under consideration was received on 29 July 2015. During inspections of the site in September and December 2015 it was noted that the existing soil bund along the north west boundary adjacent Oak Farm remained in situ. During a subsequent inspection on 10th March this year it was noted that the soil bund along the north west boundary had already been removed.
- 6.116 The Quarry Manager has since confirmed that the bund was removed on 2<sup>nd</sup> March. The applicant company has stated that the bund was removed prior to determination of the application to enable the area to be seeded prior to Easter.
- 6.117 In making unauthorised development a material consideration, the Government was particularly concerned about harm that is caused by intentional unauthorised development in the Green Belt. In this case, the development has taken place pursuant to an application received prior to 31 August 2015 and on a site outside a defined Green Belt.
- 6.118 Whilst regrettable, in this instance it is not felt that the part retrospective nature of

the application would represent a ground for refusal of planning permission for this development and no weight is given to this in the planning balance.

## **7. Resource Implications**

7.1 **Finance:** The development has no financial implications from the Planning Regulatory perspective.

7.2 **Staff:** The development has no staffing implications from the Planning Regulatory perspective.

7.3 **Property:** The development has no property implication from the Planning Regulatory perspective.

7.4 **IT:** The development has no IT implications from the Planning Regulatory perspective.

## **8. Other Implications**

### **8.1 Human rights**

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

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

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

### **8.5 Equality Impact Assessment (EqIA)**

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

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

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

- 8.9 **Health and Safety Implications:** There are no health and safety implications from a planning perspective.
- 8.10 **Any other implications:** Officers have considered all the implications which members should be aware of. Apart from those listed in the report (above), there are no other implications to take into account.

## **9. Section 17 – Crime and Disorder Act**

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

## **10. Risk Implications/Assessment**

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

## **11. Conclusion and Reasons for Grant of Planning Permission**

- 11.1 The proposal is to vary two conditions of planning permission reference C/1/2013/1014 in order to extend the time period for extraction of the remaining reserves of sand and gravel at the quarry and for completion of restoration until 31 December 2030, together with temporary removal of part of an existing screening bund along the north west boundary of the quarry.
- 11.2 It is concluded that the development would affect the character of the Glaven Valley Conservation Area but that this affect and thus harm would be less than substantial. As such, the Planning (Listed Buildings and Conservation Areas) Act 1990 along with the test in Paragraph 134 of the NPPF should be used in determination of this application.
- 11.3 The environmental impacts of the proposal have been carefully considered. Whilst in a Conservation Area, the extension of timescale is considered acceptable in order to allow sufficient time for the completion of extraction and restoration of the site, and the impact on local amenity and the Conservation Area arising from temporary removal of the bunding would not be such as to be unacceptable.
- 11.4 Objection has been raised by Holt Town Council and concerns are raised by two local residents. Their concerns relate primarily to the impacts arising from removal of the bund, traffic issues in and around Holt and, impacts on local underground water supply. No objections are raised by any statutory or non-statutory consultees, subject to conditions.
- 11.5 The original permission was subject to a legal agreement in relation to vehicle routeing to and from the site and, highway 'wear and tear' payment. The applicant has agreed to accept the continuation of the routeing and 'wear and tear' requirements.
- 11.6 Whilst this is a finely balanced application, for the reasons detailed in this report, the proposed development is considered acceptable, and there are no other material considerations why it should not be permitted. Accordingly, full conditional planning permission is recommended.

## **12. Conditions**

- 12.1 The mineral extraction to which this permission relates shall cease and the site shall be restored and completed in accordance with condition number 19 of this permission, by 31 December 2030.

Reason:

To ensure the proper and expeditious restoration of the site, and to protect the character and appearance of the conservation area, in accordance with Policy DM14 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026 and Policies SS4, EN2 and EN8 of the North Norfolk Core Strategy (Incorporating Development Control Policies).

- 12.2 The development must be carried out in strict accordance with the application form, plans and documents as submitted.

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

- 12.3 The soil storage mound Phases 1b and 2 worked together identified on Drawing No. HQE/4 Revision D, Phases 1a to 3, shall be reinstated no later than 30 September 2016. The soil storage mound shall thereafter be retained in accordance with the approved scheme shown on Drawings Nos. HQE/4 Revision D, Phases 1a to 3, Project No. A038162 dated Mar 16 and HQE/5 Revision C, Phases 4 and 5, Project No. A038162 dated Mar 16 until its removal through the implementation of the restoration scheme approved under condition no. 19 of this permission.

Reason

To ensure the duration of visual disturbance within the Glaven Valley Conservation Area is minimised to an acceptable level, in accordance with Policy DM14 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026 and Policies SS4, EN2 and EN8 of the North Norfolk Core Strategy (Incorporating Development Control Policies).

- 12.4 The development shall be undertaken in accordance with the submitted document entitled Archaeological Services; unreferenced; undated.

Reason:

To ensure adequate time is available to investigate any features of archaeological interest, in accordance with Policy DM9 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.

- 12.5 Except as modified by the provisions of condition no. 19 of this consent, the development shall be undertaken in accordance with the submitted Habitat Mitigation Scheme; prepared by Bowland Ecology; unreferenced; dated September 2010

Reason:

To ensure the satisfactory development of the site and continued protection of

protected species, in accordance with Policy CS14 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026 and Policy EN 9 of the North Norfolk Core Strategy (Incorporating Development Control Policies).

- 12.6 Any dust nuisance and sand blow caused by the operations, shall be mitigated in accordance with the details contained in submitted document entitled Holt Quarry Extension Chapter 10, Dust, reference A038162 Final, prepared by WYG Environment Planning Transport Limited, dated 2008.

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.

- 12.7 Noise caused by operations shall be attenuated and in any event shall not exceed the levels indicated below at the locations identified in accordance with the letter from CEMEX, Reference Holt Extension dated the 13/7/2009, received on the 16/7/2009 pursuant to planning permission C/1/2008/1007 and held on that file, these being :-

Monday - Friday 07.00 hours - 18.00 hours, Saturday 07.00 hours – 13.00 hours 55dB LAeq, 1hour, free field at the property named Oak Farm.

Monday - Friday 07.00 hours - 18.00 hours, Saturday 07.00 hours - 13.00 hours 44dB LAeq, 1hour, free field at the property named Sanderlings.

Monday - Friday 07.00 hours - 18.00 hours, Saturday 07.00 hours - 13.00 hours 46dB LAeq, 1hour, free field at the property named Jenis Barn.

Monday - Friday 07.00 hours - 18.00 hours, Saturday 07.00 hours – 13.00 hours 55dB LAeq, 1hour, free field at the junction of Hunworth Road with the B1149.

Monday - Friday 07.00 - 18.00 hours Saturday 07.00 - 13.00 hours 48dB LAeq, 1hour, free field at the property named Heath House Cottage.

Monday - Friday 07.00 hours - 18.00 hours Saturday 07.00 hours - 13.00 hours 53dB LAeq, 1hour, free field at the property named Halfway House.

The above sites are identified on the enclosed plan entitled C/1/2008/1007 – Noise Monitoring Points Holt produced by the County Planning Authority enclosed with this decision notice.

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.

- 12.8 No reversing beepers or other means of audible warning of reversing vehicles shall be fixed to, or used on, any site vehicle, other than those which use white

noise.

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.

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

07.00 hours - 18.00 hours Mondays to Fridays

07.00 hours - 13.00 hours Saturdays

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.

- 12.10 Except as modified by the provisions of condition no. 19 of this consent, the development shall be constructed in accordance with the submitted Flood Risk Assessment, reference K0004/1 (rev1); prepared by Hydrologic, dated November 2007.

Reason:

To avoid any risk of flooding and adverse impact on the hydrogeology of the area in accordance with Policy DM4 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026 and Policy EN10 of the North Norfolk Core Strategy (Incorporating Development Control Policies).

- 12.11 The visibility splay provided to each side of the existing access where it meets the highway, pursuant to condition no. 16 of planning permission C/1/2013/1014, shall for the life of the development be retained free from any obstruction exceeding 0.225m above the level of the adjacent highway.

Reason:

To ensure a safe and satisfactory access, in accordance with Policy DM10 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026 and Policy CT5 of the North Norfolk Core Strategy (Incorporating Development Control Policies).

- 12.12 The grassing, weed killing and maintenance of the soil storage mound shown on Drawings Nos. HQE/4 Revision D, Phases 1a to 3, Project No. A038162 dated Mar 16 and HQE/5 Revision C, Phases 4 and 5, Project No. A038162 dated Mar 16 shall be carried out in accordance with the scheme approved by the County Planning Authority pursuant to condition 9 of planning permission C/1/2008/1007. Except as modified by the provisions of the letter from the agent to the County Planning Authority; reference Holt; dated 10/02/2016, the soil storage mound shall be retained in accordance with this approved scheme until its removal through the implementation of the restoration scheme approved under condition no. 19 of this permission.

Reason:

To ensure the proper and expeditious restoration of the site, and to protect the character and appearance of the conservation area, in accordance with Policy DM14 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026 and Policies SS4, EN2 and EN8 of the North Norfolk Core Strategy (Incorporating Development Control Policies).

- 12.13 Until the topsoil and subsoil have been stripped from the site from each phase of works (excluding Phase 1a) as shown on the plan, Proposed Quarry Phases, Project No A038162, Drawing No HQE/3, submitted pursuant to planning permission reference C/1/2013/1014 and held on that file, the land shall not be traversed by any plant or machinery, save that which is engaged in stripping operations, and all such machinery shall be used in such a way as to minimise soil compaction.

Reason:

To ensure the proper and expeditious restoration of the site, and to protect the character and appearance of the conservation area, in accordance with Policy DM14 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026 and Policies SS4, EN2 and EN8 of the North Norfolk Core Strategy (Incorporating Development Control Policies).

- 12.14 No topsoil or subsoil shall be taken off the site.

Reason:

To ensure the proper and expeditious restoration of the site, and to protect the character and appearance of the conservation area, in accordance with Policy DM14 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026 and Policies SS4, EN2 and EN8 of the North Norfolk Core Strategy (Incorporating Development Control Policies).

- 12.15 An even layer of subsoil shall be re-spread on the site to a depth of 600mm.

Reason:

To ensure the proper and expeditious restoration of the site, and to protect the character and appearance of the conservation area, in accordance with Policy DM14 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026 and Policies SS4, EN2 and EN8 of the North Norfolk Core Strategy (Incorporating Development Control Policies).

- 12.16 An even layer of topsoil shall be re-spread on the subsoil layer to an even depth of at least 300mm.

Reason:

To ensure the proper and expeditious restoration of the site, and to protect the character and appearance of the conservation area, in accordance with Policy DM14 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026 and Policies SS4, EN2 and EN8 of the North Norfolk Core Strategy (Incorporating Development Control Policies).

- 12.17 The subsoil shall be crossripped and any pans and compaction shall be broken up to the satisfaction of the County Planning Authority before replacement of the topsoil.

Reason:

To ensure the proper and expeditious restoration of the site, and to protect the character and appearance of the conservation area, in accordance with Policy DM14 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026 and Policies SS4, EN2 and EN8 of the North Norfolk Core Strategy (Incorporating Development Control Polices).

- 12.18 Handling, movement and re-spreading of topsoil and subsoil shall not take place except when the soils are in a suitably dry and friable condition, and in such a way and with such equipment as to ensure minimum compaction. (No handling of topsoil and subsoil shall take place except between 1st April and 31st October unless otherwise agreed in writing beforehand by the County Planning Authority.)

Reason:

To ensure the proper and expeditious restoration of the site, and to protect the character and appearance of the conservation area, in accordance with Policy DM14 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026 and Policies SS4, EN2 and EN8 of the North Norfolk Core Strategy (Incorporating Development Control Polices).

- 12.19 The restoration of the site shall be completed by 31 December 2030 in accordance with the submitted scheme shown on Drawing No. P2/979/2 Restoration Master Plan, dated May 2013 as supplemented by the submitted details contained in the document entitled, Outline Five Year Aftercare Scheme and Landscaping Details for Holt Quarry Extension, Norfolk, prepared by Cemex UK Operations Ltd (Eastern Region), dated October 2014.

Reason:

To ensure the proper and expeditious restoration of the site, and to protect the character and appearance of the conservation area, in accordance with Policy DM14 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026 and Policies SS4, EN2 and EN8 of the North Norfolk Core Strategy (Incorporating Development Control Polices).

- 12.20 The aftercare scheme as detailed in the submitted document entitled, Outline Five Year Aftercare Scheme and Landscaping Details for Holt Quarry Extension, Norfolk, dated October 2014, shall be implemented over a period of five years following the completion of restoration, or in the case of phased restoration, in stages of five years duration dating from each completed restoration phase.

Reason:

To ensure the proper and expeditious restoration of the site, and to protect the character and appearance of the conservation area, in accordance with Policy DM14 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026 and Policies SS4, EN2 and EN8 of the North Norfolk Core Strategy (Incorporating Development Control Polices).



## Recommendation

It is recommended that the Director of Community and Environmental Services be authorised to:

- (i) Grant planning permission subject to a legal agreement in respect of vehicle routing and highway wear and tear payment and, the conditions outlined in section 12.
- (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.

## Background Papers

Norfolk Minerals and Waste Local Development Framework Core Strategy and Minerals and Waste Development Management Policies Development Plan Document 2010-2026 (2011)

<http://www.norfolk.gov.uk/view/ncc094912>

North Norfolk Council, Adopted Core Strategy Incorporating Development Control Policies Development Plan Document (September 2008):

<http://www.north-norfolk.gov.uk/planning/3481.asp>

The National Planning Policy Framework (NPPF) (2012)

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

DCLG Planning Practice Guidance (2014)

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

Planning (Listed Buildings and Conservation Areas) Act 1990

<http://www.legislation.gov.uk/ukpga/1990/9/contents>

National Planning Policy for Waste (2014)

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

## Officer Contact

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

**Name**

Andrew Harriss

**Telephone Number**

01603 224147

**Email address**

andrew.harriss@norfolk.gov.uk



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