

Planning (Regulatory) Committee

Date: **Friday, 31 March 2017**

Time: **10:00**

Venue: **Edwards Room, County Hall,
Martineau Lane, Norwich, Norfolk, NR1 2DH**

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

Membership

Mr M Sands (Chairman)

Mr S Agnew

Mr S Askew

Mr M Baker

Mr B Bremner

Mr C Foulger (Vice-Chairman)

Mr A Grey

Mr D Harrison

Mr T Jermy

Mr J Law

Mr B Long

Ms E Morgan

Mr W Northam

Mr E Seward

Mr M Storey

Mr J Ward

Mr A White

At meetings of this Committee, members of the public are entitled to speak before decisions are made on planning applications. There is a set order in which the public or local members can speak on items at this Committee, as follows:

- Those objecting to the application
- District/Parish/Town Council representatives
- Those supporting the application (the applicant or their agent.)
- The Local Member for the area.

Anyone wishing to speak regarding one of the items going to the Committee must give written notice to the Committee Officer (committees@norfolk.gov.uk) at least 48 hours before the start of the meeting. The Committee Officer will ask which item you would like to speak about and in what respect you will be speaking. Further information can be found [here](#).

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

Julie Mortimer on 01603 223055 or email committees@norfolk.gov.uk

Under the Council's protocol on the use of media equipment at meetings held in public, this meeting may be filmed, recorded or photographed. Anyone who wishes to do so must inform the Chairman and ensure that it is done in a manner clearly visible to anyone present. The wishes of any individual not to be recorded or filmed must be appropriately respected.

When the County Council have received letters of objection in respect of any application, these are summarised in the report. If you wish to read them in full, Members can do so either at the meeting itself or beforehand in the Community and Environmental Services Department, County Hall, Martineau Lane, Norwich.

A g e n d a

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

2. To confirm the minutes from the Planning (Regulatory) Committee meeting held on 17 February 2017.

Page 6

3. **Declarations of Interest**

If you have a **Disclosable Pecuniary Interest** in a matter to be considered at the meeting and that interest is on your Register of Interests you must not speak or vote on the matter.

If you have a **Disclosable Pecuniary Interest** in a matter to be considered at the meeting and that interest is not on your Register of Interests you must declare that interest at the meeting and not speak or vote on the matter

In either case you may remain in the room where the meeting is taking place. If you consider that it would be inappropriate in the circumstances to remain in the room, you may leave the room while the matter is dealt with.

If you do not have a Disclosable Pecuniary Interest you may nevertheless have an **Other Interest** in a matter to be discussed if it affects

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

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

4. **Any items of business the Chairman decides should be considered as a matter of urgency**

5. **C/2/2016/2011: Land at Crossbank, King's Lynn**
Report by the Executive Director of Community and Environmental Services.

Page 11

6. **C/5/2015/5007: SPC Atlas Works, Norwich Road, Weston Longville**
Report by the Executive Director of Community and Environmental Services.

Page 53

Chris Walton
Head of Democratic Services
County Hall
Martineau Lane
Norwich
NR1 2DH



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STANDING DUTIES

In assessing the merits of the proposals and reaching the recommendation made for each application, due regard has been given to the following duties and in determining the applications the members of the committee will also have due regard to these duties.

Equality Act 2010

It is unlawful to discriminate against, harass or victimise a person when providing a service or when exercising a public function. Prohibited conduct includes direct discrimination, indirect discrimination, harassment and victimisation and discrimination arising from a disability (treating a person unfavourably as a result of their disability, not because of the disability itself).

Direct discrimination occurs where the reason for a person being treated less favourably than another is because of a protected characteristic.

The act notes the protected characteristics of: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The introduction of the general equality duties under this Act in April 2011 requires that the Council must in the exercise of its functions, have due regard to the need to:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by this Act.
- Advance equality of opportunity between people who share a relevant protected characteristic and those who do not.
- Foster good relations between people who share a relevant protected characteristic and those who do not.

The relevant protected characteristics are: age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation.

Crime and Disorder Act, 1998 (S17)

Without prejudice to any other obligation imposed on it, it shall be the duty of the County Council to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area.

Human Rights Act 1998

The requirements of the Human Rights Act 1998 must be considered.

The human rights of the adjoining residents under Article 8, the right to respect for private and family life, and Article 1 of the First Protocol, the right of enjoyment of property are engaged. A grant of planning permission may infringe those rights but they are qualified rights, that is that they can be balanced against the economic interests of the community as a whole and the human rights of other individuals. In making that balance it may also be taken into account that the amenity of local residents could be adequately safeguarded by conditions albeit with the exception of visual amenity.

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

**Planning Regulatory Committee
Minutes of the Meeting Held on Friday 17 February 2017
at 10am in the Edwards Room, County Hall**

Present:

Mr M Sands (Chairman)

Mr S Agnew
Mrs J Chamberlin
Mr N Dixon
Mr A Grey
Mr D Harrison
Mr J Law

Mr B Long
Ms E Morgan
Mr W Northam
Mr M Storey
Mr J Ward
Mr A White

1 Apologies and Substitutions

Apologies for absence were received from Mr S Askew (Mr N Dixon substituted); Mr M Baker, Mr B Bremner, Mr C Foulger (Mrs J Chamberlin substituted); Mr T Jermy and Mr E Seward.

2 Minutes from the meeting held on 6 January 2017

- 2.1 The minutes from the Planning (Regulatory) Committee meeting held on Friday 6 January 2017 were agreed as a correct record by the Committee and signed by the Chairman.

3 Declarations of Interest

There were no declarations of interest.

4 Urgent Business

There was no urgent business.

Applications referred to the Committee for Determination:

5 C/7/2016/7011: Unit 1, Bridge Industrial Estate, Silfield Road, Wymondham, NR18 9AU.

- 5.1 The Committee received the report by the Executive Director of Community and Environmental Services seeking part retrospective planning permission for use of a

site as an aggregates and waste storage and distribution depot. The proposed development site was located within an existing industrial area and within the settlement boundary for Wymondham. The retrospective nature of the development related to waste aggregate currently being stored on the site.

- 5.2 During the presentation of the report, the Committee was informed that, since the report had been published, further retrospective development had taken place beyond that accounted for in the committee report. The work had included the addition of new storage bays as well as additional storage of material on site.

As a result, it was therefore proposed, if planning permission was granted, that Condition 13.3 should be amended to reflect that fact.

- 5.3 With regard to points raised in a letter of objection to the application, from Mr S Mitchell (member of the public) (Appendix A), which had been circulated to the Committee following agreement by the Chairman, the Committee noted the following responses from officers:

Paragraph 1: The Officers opinion was that the application did comply with policy CS6.

Paragraphs 2 and 4: These points related to the impact on the highway which had been addressed within the report. No objections had been received from the Highways Authority.

Paragraph 3: The permission proposed a maximum limit of 20,000 tonnes of material – 10,000 tonnes of waste and 10,000 tonnes of aggregate material. This would be less than the maximum number of vehicle movements permitted under the site's existing permission and a material consideration.

- 5.3.1 It was the opinion of officers, that the points raised in the letter did not necessitate any amendments to the proposed recommendation to approve the application and to grant planning permission, subject to the proposed conditions.
- 5.4 Mr G Mitchell, owner of land adjacent to the site and part owner of the access road, addressed the Committee in objection to the application. Mr Mitchell raised particular concerns about the effect on amenity caused by dust, impact on the highway and surface water drainage. He urged the Committee to refuse the application on the grounds of impact on the local amenity. Mr Mitchell confirmed that the applicant had a right to use the access road.
- 5.5 Ms A Molyneux of PDE Consulting Limited, addressed the Committee on behalf of the applicant. Ms Molyneux advised that the applicant sought to process a small quantity of aggregates, as well as the siting and usage of a cement silo. The retrospective work carried out had provided temporary A-frame storage and the applicant had demonstrated that the development was sustainable and that the impact on amenity had been addressed. Ms Molyneux added that the site had been granted an Environmental Permit by the Environment Agency and no objections to

the application had been received from any of the statutory consultees.

- 5.6 In response to questions from the Committee, the following points were noted:
- 5.6.1 The industrial estate comprised of industrial units, including a JCB hire/storage facility with a range of other industrial units making up the industrial estate.
- 5.6.2 The application site would be used as a waste transfer station, processing inert waste which was not likely to cause any surface water pollution. The Committee was reassured that no municipal or biodegradable waste would be processed at the site.
- 5.6.3 Officers confirmed they were happy with the provision for vehicles to access and leave the site, by using the existing access to the industrial estate. Furthermore, the red line application boundary only needed to identify the point of access to the site from the public highway.
- 5.6.4 The site would need re-engineering to make room to house the cement silo and the additional machinery required on site. If the weighbridge was not working, a new one would need to be installed. Provision for a silo had not been requested in any previous applications.
- 5.6.5 Network Rail had been consulted on the mitigation measures proposed in the dust management plan and had not raised any objections to the application.
- 5.6.6 The proposed conditions would limit the throughput of the site to 20,000 tonnes per annum and this was ultimately the figure upon which the Highway Authority had based its response (of no objection). If the applicant wished to increase the number of vehicle movements in future a further section 73 planning application would need to be lodged with statutory consultations carried out, and if necessary, recourse to this planning committee.
- 5.6.7 The planning consent granted by South Norfolk District Council in 2012 was for the site to be used for scrap metal recycling, with a maximum output of 75,000 tonnes per annum. This particular application limited output to a maximum of 20,000 tonnes of material per annum. No (legal) challenge was made to the consent during the six-week period after it was issued, hence it still stood as a legal planning permission.
- 5.6.8 The Team Lead (Planning & Environment) nplaw, advised that this application had requested a maximum output of 20,000 tonnes of material, not 75,000 tonnes. If in the future, permission was applied for to increase the output at the site, the site owners could request a covenant to be imposed restricting the use of the access road, although this would be a civil matter which would not be for consideration by the Planning (Regulatory) Committee.
- 5.6.9 The Committee was advised that an application for Planning Permission resulted in a one-off payment, whereas, in addition to an application fee Environmental Permits

resulted in annual subsistence fee, the size of which was determined by the amount of material authorised by the Permit. As a result the quantity applied for could often initially be lower than that allowed under the planning permission and increased subsequently as operations expanded.

- 5.6.10 The bridge along the permitted access route had a height restriction of 14ft, with no weight restrictions in force. The section of Silfield Road running under the bridge was approximately 6.1m wide.
- 5.6.11 To reduce the risk of dust contamination, all trucks leaving the site would be covered.
- 5.6.12 The Planning Enforcement Team would monitor tonnage outputs as part of the conditions imposed by the planning permission.
- 5.6.13 The site would be used to store materials, with cement mixing lorries accessing the site to collect and mix cement.
- 5.6.14 The access road running from Silfield Road (the adopted highway) to the site was a private road. Therefore, if the access road was to become damaged, it would be the responsibility of the owners of the access road to maintain it, not the Highway Authority.
- 5.6.15 The Planning Services Manager clarified that he had not been made aware of any complaints since the applicant had operated the site, apart from the 27 letters of objection which had been received as part of the planning application process.
- 5.7 Upon being put to a vote, with 12 votes in favour, 1 vote against and 0 abstentions, it was **RESOLVED** to
 - i) Grant planning permission subject to the conditions outlined in section 13 of the report.
 - ii) Discharge conditions (in discussion with the Chair and Vice-Chair of the Committee) where those detailed in the report require the submission and implementation of a scheme, or further details, either before development commenced or within a specified date of planning permission being granted.
 - iii) Delegate powers to officers (in discussion with the Chair and Vice-Chair of the Committee) to deal with any non-material amendments to the application that may be submitted.

The meeting ended at 10.45am.

Chairman

**Yare Farm,
Bramerton,
Norwich
Norfolk NR14 7EF**

Tel. 01508 538333

To: Norfolk County Council Planning
Regulatory Committee on Friday 17th Feb.2017

14.02.17

Dear Sirs,

Re C/7/2016/7011 - Unit 1 Bridge Industrial Estate.

I am sorry to have to write direct to committee members but if approved this application will directly conflict with current Waste Planning Policy.

1. The Norfolk Waste Local Development Framework states under policy CS6 waste sites should not cause impact on the following types of land: Existing industrial /employment land or land identified for these uses in a local plan or development plan document.

The Bridge Estate is an important employment area for Wymondham and should therefore now be protected from any waste operation.

2. In assessing this application the highway officer has referred to a previous use on this site for importation of scrap metal however that use was quite different, it involved end of life cars coming onto the site for scrap and only generated between 2 and 10 skip lorries leaving the site per week, this application is for 16 two way HGV movements per day it is a substantial increase not a reduction.

3. Environment Agency permits limited Compass Metals acceptance to 5,000 tonnes per year whereas Aggmax Transport Ltd propose 75,000 tonnes per year, the Highway Assessment is therefore seriously misleading.

4. The Scrap Metal use of the site has ceased and the new proposal is involving the use of very heavy HGV and artic lorries with a carrying capacity of 30 tonnes which will certainly generate an increase in traffic impact and under policy DM 10 "suitable highway access and egress in accordance with published highway design guidance" is a statutory requirement. This detail was not supplied as part of the HGV management plan.

It is clear from the application the site does not include any bellmouth access land needed for long HGV 's to safely access the highway.

5. I submit that this application does not meet the current statutory waste site policy requirements and therefore it should not receive approval.

Yours sincerely,



Simon Mitchell

Planning (Regulatory) Committee

Item No.

Report title:	C/2/2016/2011; Land at Cross Bank Road, King's Lynn PE30 2HD
Date of meeting:	31 March 2017
Responsible Chief Officer:	Tom McCabe, Executive Director of Community and Environmental Services
Proposal and applicant: Erection of anaerobic digestion facility (to process up to 14,000 tonnes of biomass/ slurry) including reception/office building and workshop, two digesters, two storage tanks, combined heat and power plant, energy crop storage area, and ancillary plant (Michael Stollery, Mikram Ltd).	

Executive summary

In total, 72 letters in opposition to the scheme have been received from local residents largely on the basis of the adverse impact on amenity (noise odour, dust etc.), highways, the byway, inappropriate location. 17 letters of support (jobs, energy production, infrastructure available etc.). The Borough Council of King's Lynn & West Norfolk has objected on the basis of unacceptable traffic, flood risk & supporting information relating to the construction phase.

The application documentation has failed to enable officers to determine whether the proposed development during its construction and operation would be acceptable or whether it would result in an unacceptable impact on the safe use of Cross Banks Road in the Fisher Fleet and Dock areas. Officers are unable to determine whether the benefits of the proposed development in terms of energy generated are outweighed by the impact on public safety and economic activity which is a policy requirement.

The level of information submitted in support of the construction phase of the development does not enable officers to determine whether the amenity of local residents and businesses could be protected to an acceptable level during site construction. Therefore officers cannot establish whether the facility can be constructed in a manner which would satisfy the relevant policies.

The proposed development is not acceptable in flood risk terms, the applicant has not provided an adequate justification for locating this type of facility in flood zone 3 as such the proposal fails the sequential test. Therefore the application is considered to not be in accordance with the policy requirements.

Recommendation:

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

- I. **Refuse permission for the grounds outlined in section 12.**

1. The Proposal

- 1.1 Type of development : Construction of anaerobic digestion plant, electricity generating plant and concrete hard standing.
- 1.2 Site area : 0.8 hectares
- 1.3 Annual tonnage : 12,000 tonnes of cereal/ beet feedstock
2,000 tonnes of animal waste (slurry) when the principal feedstock is unavailable
- 1.6 Duration : Permanent
- 1.7 Hours of working / operation : 09:00 – 17:00 Monday to Friday
09:00 – 13:00 Saturday (harvest times only)
No operation Sunday or Bank Holidays
- 1.8 Vehicle movements and numbers : Harvest time
(2 x 5 week period March & September).
7 x 30 tonne deliveries per day.
Outside harvest time
3 deliveries per day (digestate off site and slurry in).
- 1.9 Access : A1078 (Edward Benefer Way) to Cross Banks Rd (private port road) & Byway Open to All Traffic (BOAT).
- 1.10 Landscaping : Landscaping scheme of native planting shrubs and hedgerow to screen the development on 3 of the 4 boundaries.
- 1.13 Description of proposal
- 1.14 The application seeks permission for an anaerobic digestion plant to process cereal crops/slurry in the open countryside positioned on a man-made earth embankment which forms the eastern flood defence for the Great Ouse in King's Lynn. The site is accessed via Cross Bank Road which is an un-adopted section of private carriageway and a byway open to all traffic (BOAT). The proposal also includes an ancillary reception/office building, a workshop, two digesters, two storage tanks, a combined heat & power plant, energy crop storage area, flare stack, ancillary plant and new vehicular access.
- 1.15 The applicant states that the plant would produce up to 9 GWhrs of renewable energy per annum (providing the equivalent power for 2,000 households). The

digestion process would also produce hot water and steam. The applicant states that the electricity and hot water/steam will be used by two local companies. However the pipe work/cabling/infrastructure required for this to happen has not been included in the red line application area and as such this can be given little or no weight in the decision.

- 1.16 The total site area is 0.8 ha. The facility would comprise a reception building, 2 x primary digesters (low profile rectangular tanks), storage tanks, energy crop silage clamp (measuring 79m x 31m), combined heat and power plant, and ancillary plant. A Bio-Gas boiler has been specified within the process building.
- 1.17 The applicant has applied to process up to 12,000 tonnes of cereal/ beet feedstock per annum, supplemented by 2000 tonnes of animal waste (slurry) when the principal feedstock is unavailable. The application makes no provision for processing food waste. Therefore the percentage of waste throughput now equates to approximately 14%.
- 1.18 The facility would be staffed initially by 2 full time employees (or equivalent), who would be responsible for the day to day management of the facility. The applicant states that as a by-product of the AD process, the plant will produce approximately 6,000 to 7,000 tonnes of liquid digestate per annum, which is said will be taken from site for use as a soil improver on the farm from which the principal feedstock will be supplied (unconfirmed).
- 1.19 The Environment Agency has confirmed that an Environmental Permit will be required to control operations on site.
- 1.20 The application includes a proposal to amend the width and the surfacing of the BOAT. It is proposed that the width will be increased to 6 metres consisting of a 2.5 metre wide, type 1 surfaced section on the shore side to be used by pedestrians and for horse riding and a 3.5 metre wide metalled section on the eastern side for vehicles.
- 1.21 The application also proposes a landscaping scheme which the applicant states has been designed to mitigate the views towards the site and integrate the site in to the surroundings.

2. Site

- 2.1 The site is located in open countryside on top of the flood defence on the north bank of the River Great Ouse to the east of Cross Bank Road, approximately 2km to the north west of King's Lynn town centre and some 200m to the north of the defined built environment. It is adjacent to an established industrial estate, which extends south and west to the urban fringes of King's Lynn. The site measures approximately 0.8 hectares and is centred on OS grid reference 560850, 322099.
- 2.2 Access to the site is from Cross Bank Road, which runs along and leads through the port area on to Edward Benefer Way. Links to King's Lynn and beyond, including east-west connectivity, are via the A148 to the A47 and the A149.

- 2.3 An existing mature hedgerow and intermittent trees separate the site from the river Great Ouse to the west. The River Great Ouse occupies a wide channel to the west of Cross Bank Road and King's Lynn sewage works lies to the north west of site, across the river. Industrial buildings are located to the south east. The eastern boundary of the site adjoins a drainage ditch with open farmland beyond.
- 2.4 The site is located some 500m from the closest dwelling, and approximately 800m from The Wash National Nature Reserve and 1.7km from the closest European designated site, RAMSAR, or SSSI. It lies within Flood Zone 3.

3. Constraints

- 3.1 The following constraints apply to the application site:
- Site is accessed via and immediately abuts King's Lynn BOAT1.
 - Flood Defence Bank
 - The application site is 1.7km (south) of the Wash SPA and the Wash & North Norfolk Coast SAC
 - Kings Lynn Footpath 2.5 metres
 - 7 listed buildings (II) within 35 metres.

4. Planning History

- 4.1 C/2/2015/2040 - Erection of anaerobic digestion facility (to process cereal crops/food waste) including ancillary reception/office building and workshop, two digesters, two storage tanks, energy crop storage area, combined heat & power plant, flare stack, ancillary plant and new vehicular access. **(Withdrawn)**

5. Planning Policy

Development Plan Policy

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

- CS7 – Recycling, composting, anaerobic digestion and waste transfer stations
- CS13 – Climate change and renewable energy generation
- CS14 – Environmental Protection
- CS15 –Transport

Development Management Policies

- DM1 – Nature conservation
- DM3 –Groundwater and surface water
- DM4 – Flood risk
- 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 05 – Land at Estuary Road, King's Lynn

5.3 King's Lynn & West Norfolk Borough Council, Core Strategy (July 2011)

- CS01 – Spatial Strategy
- CS08 – Sustainable Development
- CS11 – Transport
- CS12 – Environmental Asset

5.4 King's Lynn & West Norfolk Borough Council, Site Allocations and Development Management Policies Plan (September 2016)

- DM1 – Presumption in Favour of Sustainable Development
- DM2 – Development Boundaries
- DM15 – Environment, Design and Amenity
- DM20 – Renewable Energy

5.5 Adopted Neighbourhood

There are no adopted neighbourhood plans for the application site and waste is not a matter for neighbourhood plans in any event.

Other Material Considerations

5.6 The National Planning Policy Framework (2012)

- 1: Building a strong competitive economy
- 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

5.7 National Planning Policy for Waste (2014)

5.8 Waste Management Plan for England (2013)

5.9 National Anaerobic Digestion Strategy and Action Plan (2011)

6. Consultations

- 6.1 County Councillor (Mr David Collis) : No comments received at the time of writing the report.

- 6.2 County Councillor (Miss Alexandra Kemp) : The applicant has not dealt with the issue of slopes and levels onsite, from the water management point of view, or provided calculations or modelling. Expect more detail due to size and as there is potential to pollute waterways and the River Ouse. Environmental Health has unresolved reservations on the impact on air quality on Clockcase Lane Clenchwarton in my Division opposite the site during the construction phase, when 80,000 m³ of soil, will be removed from the town's flood defences when deep piling will be driven into the river bank. Food security impact to grow 12,000 tonnes of crop per annum for energy production, instead of processing food waste. As the plans have not always matched OS maps it has been impossible to determine if the clamps will be within 10 metres of water courses which could impact on the River Ouse re; manufacturers specifications.
- 6.3 Borough Council of King's Lynn and West Norfolk (Planning) : Objection due to an unacceptable impact on the users of Cross Banks Road and the potential to interfere with the operations of the dock. The flood risk assessment is technically deficient. Concerns relating to noise and odour.
- 6.4 Borough Council of King's Lynn and West Norfolk (Scientific Officer, Environmental Quality) : Concerned that section 10 (CMP) appears to be a direct copy of BRE 2003 "Control of dust from construction and demolition activities. As no satisfactory construction management plan is in place. Recommend that should permission be granted it contains a condition requiring submission and approval of a construction management plan.
- 6.5 Borough Council of King's Lynn and West Norfolk (Community Safety and Neighbourhood Nuisance Officer) : Requests a condition requiring submission of a detailed construction management plan prior to commencement of the development. Concerned that the Construction Environmental Management Plan references legislation from India and Australia and makes incorrect reference to contact a port in Australia in the event of an oil spill. The document is unacceptable and clearly lacks an understanding of what is required. Requests conditions to control odour and noise in the proximity of properties on Cross Bank Road. Requests conditions to control vehicle movement numbers during harvest and non-harvest times.

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|------|--|---|---|
| 6.6 | Borough Council of King's Lynn and West Norfolk (Emergency Planning) | : | Suggests conditions requiring the site operator to sign up to the Environment Agency Floodline Warnings Direct (FWD) service and submission of a flood evacuation plan. |
| 6.7 | Highway Authority (NCC) | : | No concerns with regard to the suitability of the access onto the A1078 Edward Benefer Way. Recommends conditions requiring submission of construction details, PROW surfacing improvements |
| 6.8 | Public Rights of Way Officer (NCC) | : | Require construction of the access to the appropriate full carriageway (road) specification. Requires a temporary traffic regulation order to suspend when necessary the public vehicular traffic (except for residents) for the duration of the reconstruction of the Byway. Not sure of the justification for the provision of a “sleeping policeman” for traffic calming measures. Requires a long term maintenance agreement for the surface of the byway. Applicant to dedicate additional width to the BOAT in order to accommodate the width required for access traffic and recreational/private use alongside. |
| 6.9 | Ecologist (NCC) | : | No objection. Satisfied with the measures outlined in the Construction Management Plan for management of Japanese Knotweed and with the measures to minimise the risk of disturbance of protected species. Satisfied with the ecological supervision set out in the Construction Management Plan. |
| 6.10 | Norfolk Historic Environment Service (NCC) | : | The proposed development will not have any significant impact on the historic environment and we do not wish to make any recommendations for archaeological work. |
| 6.11 | Sustainability Manager (NCC) | : | No objection. Using the figures quoted in the Carbon Footprint document the combined carbon footprint figure equates to 16,102.73 kg/CO ₂ e (16.1T). The value of this scheme is the thought has gone into containing vehicle movements, and also targeting a locally available, renewable feedstock. |

6.12	Lead Local Flood Authority (NCC)	: To ensure that development is undertaken in line with Paragraph 103 of the National Planning Policy Framework has suggested wording for a condition.
6.13	Green Infrastructure Officer (NCC)	: No objection clarification is still required regarding boundary treatment of the site, particularly to the south and regarding gradients on the eastern boundary.
6.14	Natural England	: No objection.
6.15	Environment Agency	: No objection subject to condition requiring development to be in accordance with the FRA and addendums.
6.16	Health and Safety Executive	: The HSE does not advise against the granting of planning permission for this application.
6.17	RSPB	: No comments received at the time of writing the report.
6.18	Associated British Ports (ABP)	: No objection subject to the applicant entering into a road user agreement with ABP. ABP would be pleased if a condition restricting vehicle movements to a maximum of one per hour was introduced.
6.19	UK Power Networks	: Satisfied that the stand-off of circa 9.5m is sufficient for the proposed works not to affect UK Power Networks apparatus.
6.20	King's Lynn Internal Drainage Board	: The Board requests that one or more pre-commencement conditions be imposed relating to drainage matters to ensure that surface water drainage issues are satisfactorily addressed prior to works taking place.
6.21	Marine Management Organisation	: Advise that activities taking place below the mean high water mark may require a marine license. Provides further advice relating to marine planning, minerals & waste plans and local aggregate assessments.
6.22	Anglian Water	: This application is not intending to connect to the mains sewer for either foul sewage or disposal of surface water, therefore Anglian water would have no comments to make.
6.23	Ramblers Association	: No comments received at the time of writing the

report.

6.24 National Grid : No comments received at the time of writing the report.

6.25 Norfolk Fire and Rescue Service (NCC) : No comments received at the time of writing the report.

6.26 Representations

The application was subject to 5 separate rounds of consultations which included neighbour notification letters. The application was also advertised by means of site notices and an advertisement in the Eastern Daily Press newspaper.

6.27 79 letters of objection/concern have been received from individuals / households and businesses since the application was received in May 2016. The concerns raised are:

1. Impact the development would have on Byway Open to All Traffic and users of and access to The Point
2. Cross Bank Road not suitable for vehicle movements
3. Cross Bank Road lacks pedestrian and cycle paths
4. Cross Bank Road already heavily used.
5. Operation of the swing bridge will result in tail backs
6. Impact on area for enjoyment which is the closest point to King's Lynn in countryside.
7. Traffic generation during the construction phase
8. Inappropriate site for this type of development.
9. The Boat is not suitable for HGV's.
10. Impact on the amenity of vehicle movements on the residents of the Old Battery House and residents of the terraced properties on Cross banks Road.
11. Effect of traffic on people riding horses along the BOAT
12. Impact of the proposed structures on the landscape.
13. The development encroaches on to the BOAT.
14. The curve on the BOAT will become dangerous with the intensification of traffic and improved surfacing and speeds.
15. Impact on wildlife
16. Potential for odour
17. Anaerobic Digester that is fed by maize especially grown for and then transported to it, cannot be considered a truly 'green' energy.
18. Widening of the BOAT would lead to urbanisation.
19. Impact on local residents
20. Devalue properties
21. Damage to flood defences
22. Monitoring and enforcement of the development if approved
23. Not visually pleasing impact on landscape
24. Impact on hedge on the upper sea defence
25. Slippage of the sea defence caused by HGV's – EA no objection re; effect on

defence

26. Construction phase disruptions to boat
27. Disrupt fisher fleet activities cross bank road
28. Parking along cross bank road renders it to be a single carriageway
29. Loading and unloading of fish (Jan- March & June – Sept/Oct)
30. No pavement through port area
31. Pollution to shellfish beds as a result of spills of digestate etc. land drain discharged from IDB no pollution control 2-3 miles downstream cockle beds
32. Impact of the HGV's on the landscape given height on top of the bank
33. Reputation of the operator
34. Air pollution and contradiction in the air quality report, dust
35. Odour
36. Rotten maize in the clamp will give odour
37. Re-directing boat
38. Questions applicants ability to run the plant
39. Not an allocated site
40. Impact on listed buildings
41. Toxic flammable atmosphere
42. Impact on health
43. Erection of a fence
44. Not a green issue but money making
45. Site is contaminated and digging will disturb contaminants
46. Gas main
47. Altering BOAT requires written approval from residents
48. The by way improvements will result in more anti-social behaviour
49. Land should be used to grow more food and not for highly subsidised schemes which are of no benefit to the local community.
50. No confidence that the unimpeded access will maintained for residents.
51. It would have been fairer to withdraw the application and resubmit as information is getting confusing.
52. The application site is too small and narrow for the development.
53. HGV's travelling from the other side of the Great Ouse will have a long way to travel because they are not allowed through the town.
54. Having the site access directly on to the byway causes safety concerns. No visibility splays in this area.
55. Growing maize is subsidised soil destruction.
56. 76% of the emissions from the proposed process is from transportation.
57. Lack of detailed information regarding the site operation.
58. The carbon footprint document and transport statement contradict one another in parts relating to vehicle movements, supply of electricity to grid.
59. The transport statement makes inaccurate reference to diverting the byway.
60. The low density of maize means that 30 tonnes cannot be delivered at a time as such the vehicle movements will increase to cater for this.
61. What measure would be put in place to control the vehicle movement numbers.
62. People living close to the source of the crops should be consulted.
63. There is a bewildering array of documents submitted which contain contradictory information.
64. The block plan (revision 1) is incomplete and of no use.
65. The carbon footprint document is at best educated guess work.

66. Allocated waste site WAS05 was apparently not suitable for an AD plant and that the policy identified a number significant constraints and traffic generation impacts which would adversely impact residential amenity if this site was fully developed. If this is the case with this allocated site then surely the same must apply to this proposed un-allocated site given its close proximity and the fact residential amenity will also be adversely affected and users of a PROW will also be affected contrary to the requirements of policies CS14 and DM12.
67. This proposal is not a waste facility. Its specific purpose is to turn specially grown crops (subsidised by the tax payer?) into energy for the benefit of businesses.
68. We are all well aware that Dow Chemicals and KL Technologies intend to utilise the power, hot water and steam. Where and how will these pipes be constructed as there are no documents/drawings on how the energy will be physically transported to the 'customers'?

6.28 17 letters of support have been received from individuals/households and businesses since the application was received in May 2016. The issues raised are:

1. The jobs/employment it would bring back to the area;
2. Welcome the proposal to bring back unused building and premises into economic use to boost other local business operations;
3. Proposal would bring back life into the village that used to be a busy and vibrant employment area
4. Would be beneficial to local businesses and adjoining industrial estates;
5. Green energy should be embraced for our future generations.
6. Improved management of the area and litter picking.
7. Increase in vehicle movements is small compared with summer & Christmas increases.
8. Surrounding infrastructure is able to support the slight rise in traffic.
9. Access roads and infrastructure are good. The average daily increase (of vehicle movements) is insignificant.
10. The area is highly industrialised and not visited by many.
11. A belief that this type of development is needed.
12. Small scale traffic numbers compared to ABP vehicle movements
13. This a commercial area where you would expect to see commercial traffic.
14. The improvements to Cross Bank Road will help businesses to continue to develop in the area.
15. Renewable energy to the benefit of the local community.
16. Most of the HGV traffic in the port enter the dock at the first entrance.
17. The application can demonstrate that it is viable, it has customers for its Electricity and Steam and importantly they will be used very locally.
18. Noise and odour will be tightly controlled.

7. Assessment

7.1 The issues to be assessed for this application are:

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 The amount of waste to be processed on the site equates to approximately 14% of the total throughput of material. Therefore in terms of the development plan, the County Planning Authority considers the relevant documents in relation to this application are:

- The Norfolk Minerals and Waste Local Development Framework Core Strategy and Minerals and Waste Development Management Policies Development Plan Document 2010-2016 (2011) (NMWDF).
- Norfolk Minerals and Waste Local Development Framework Waste Site Specific Allocations DPD (2013).
- King's Lynn & West Norfolk Borough Council, Core Strategy (2011).
- King's Lynn & West Norfolk Borough Council, Site Allocations and Development Management Policies Plan (2016).

Whilst not part of the development plan, policies within the National Planning Policy Framework and National Planning Policy for Waste (2014) are also a further material consideration of significant weight.

7.4 The National Planning Policy Framework (NPPF) does not deal with waste policy specifically but it does propose the creation of renewable energy as a core planning principle (para 17). In addition, it establishes the presumption in favour of development that is sustainable (para 11-16) and gives encouragement to projects that would lead to a reduction in greenhouse gases (para 95).

7.5 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. to generate power. The application is therefore considered to comply with the aims and objectives of this and the Waste Management Plan for England (2013). 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 local plan.

7.6 In this instance the up to date local plan Waste Site Specific Allocations Document 2013 allocates an alternative site WAS 05 in the vicinity for a range of waste uses anaerobic digestion not being one. Currently covering the whole site is a solar panel installation which was approved by the Borough Council of King's Lynn & West Norfolk.

- 7.7 The Government's National Anaerobic Digestion Strategy and Action Plan, published in 2011, includes a commitment to increase energy from waste through anaerobic digestion.
- 7.8 Policy CS 7 Recycling, composting, anaerobic digestion and waste transfer stations of the NMWDF (2011) is consistent with national policy and states that "...the development of new, ...anaerobic digestion facilities... will be considered favourably as long as they would not cause unacceptable environmental, amenity and/or highways impact.
- 7.9 Policy CS08 "Sustainable Development" states that the Borough Council and its partners will support and encourage the generation of energy from renewable sources. These will be permitted unless there are unacceptable locational or other impacts that could not be outweighed by wider environmental, social, economic and other benefits.
- 7.10 The application site is outside of the development boundary for King's Lynn policy DM 2 "Development Boundaries" from King's Lynn & West Norfolk Borough Council, Site Allocations and Development Management Policies Plan (September 2016) is relevant. The policy states that the areas outside development boundaries (excepting specific allocations for development) will be treated as countryside where new development will be more restricted and will be limited to that identified as suitable in rural areas by other policies of the local plan. The suitable development includes renewable energy generation (under Policy DM20 "Renewable Energy").
- 7.11 Policy DM20 "Renewable Energy," states that proposals for renewable energy and associated infrastructure will be assessed to determine whether or not the benefits they bring in terms of the energy generated are outweighed by the impacts they would have on:
- Sites of international, national or local nature or landscape conservation importance, whether directly or indirectly, such as the Norfolk Coast Area of Outstanding Natural Beauty (AONB), Sites of Special Scientific Interest (SSSIs) and Ramsar Sites;
 - The surrounding landscape and townscape;
 - Designated and un-designated heritage assets, including the setting of assets;
 - Ecological interests (species and habitats);
 - Amenity (in terms of noise, overbearing relationship, air quality and light pollution);
 - Contaminated land;
 - Water courses in terms of pollution;
 - Public safety (including footpaths, bridleways and other non-vehicular rights of way in addition to vehicular highways as well as local, informal pathway networks);
 - Tourism and other economic activity.

In addition the Borough Council will seek to resist proposals where there is a significant loss of agricultural land or where land in the best and most versatile

grades of agricultural land) are proposed to be used.

Development may be permitted where any adverse impacts can be satisfactorily mitigated against and such mitigation can be secured either by planning condition or by legal agreement.

- 7.12 Officers therefore consider that in principle the development of an anaerobic digestion plant in open countryside within the borough of west Norfolk is potentially acceptable and supported by the national/ local policies and guidance listed above. This is subject to a full assessment of whether the benefits such a facility would bring are outweighed by the impacts and if adverse impacts exist the can be satisfactorily mitigated against.
- 7.13 **Amenity (noise, dust, light pollution etc)**
- 7.14 The protection of amenity for people living in close proximity of waste management facilities is a key consideration and NMWDF policy DM12: *Amenity* states that development will only be permitted where "...unacceptable impact to local amenity will not arise from the construction and /co-operation of the facility." This echoes policy NMWDF CS14: *Environmental protection* which also seeks to avoid unacceptable impacts on amenity.
- 7.15 Policy DM15 Environment, Design and Amenity of King's Lynn & West Norfolk Borough Council, Site Allocations and Development Management Policies Plan (September 2016) states that proposals will be assessed against their impact on neighbouring uses and their occupants and development that has a significant adverse impact on the amenity of others will be refused.
- 7.16 Policy DM20 "Renewable Energy," states that proposals for renewable energy and associated infrastructure will be assessed to determine whether or not the benefits they bring in terms of the energy generated are outweighed by the impacts they would have on amenity (in terms of noise, overbearing relationship, air quality and light pollution).
- 7.17 The nearest residential properties to the application site are numbers 1–7 St Edmunds Terrace and the Old Battery House all of these properties have back gardens which abut the proposed access, the properties are approximately 25 metres from the proposed access road. The properties are approximately 1.1km from the operational part of the site. In the other direction and positioned beyond the site and accessed via Cross Banks Road are numbers 1-4 Point Cottages which are located approximately 510 metres from the operational part of the site and share an access with the site. The nearest business building is located approximately 220 metres from the site.
- 7.18 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)). Officers have not been made aware of the site currently benefitting from having an Environmental Permit. 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. The EA in their consultation response commented that it has no objection to the proposal.

7.19 Amenity - Construction Phase

- 7.20 The construction of the proposed development is significant in that it would involve removing approximately 8,000m³ of soil from the flood defence, piling to add stability, pouring of concrete to create a base for the scheme and construction of the digesters. The applicant has submitted a construction management plan (CMP) and a construction environmental management plan to support of the application. The applicant explains in the CMP that site preparation would take place from April with excavation commencing from April to July. The contract duration thereafter would be 12-14 weeks. This means that construction activities having started in April will continue until October/November. Officers consider this to be quite a considerable length of time particularly when considered with the particular constraints associated with this site i.e. flood defence, access, countryside location this justifies the requirement for details of the construction phase to be fully understood prior to determination of the application. This position is supported by policy DM12 "Amenity" of NMWDF (2011).
- 7.21 The CMP sets out project organisation & responsibilities, communication co-ordination, staff training, operational control, checking & corrective action, detailed construction method statements, working arrangements on the byway, working hours, air quality, ecology supervision and the complaints procedure.
- 7.22 The Environmental Quality Team from the Borough Council of King's Lynn and West Norfolk raise concern that the CMP does not follow a logical sequence of identifying, quantifying and providing mitigation proposals for risks of dust emissions. The reason being that dust is not identified as a potential risk in section 7.1 principal risks. The information in the air quality section 10 of the CMP appears to have been directly copied from the BRE 2003 document Control of dust from construction and demolition activities. The legal team of a company (IHS Markit) have contacted officers on this matter to confirm that in their opinion there has been an infringement of copyright in relation to the CMP and requested that the material be removed from the Council's website. Further legal advice has been received from NP Law who recommend that it is not appropriate for the Council to consider or rely on material which is in breach of copyright and that the report should be removed from the Council's website.
- 7.23 The applicant in support of the application also submitted a Construction Environmental Management Plan which has been found to contain references to Indian legislation (Environmental Protection Act 1986) and Australian guidance and legislation (AS 2436-1981 Guide to Noise Control on Construction, Maintenance and Demolition Sites and Environmental Protection (Noise) Regulations 1997). It also makes reference to the Pilbara Ports Authority in Australia and includes their telephone number as contact in the event an oil spill. The Community Safety and Neighbourhood Nuisance Team has been dismissive of this document and did not consider its content in full. They consider the

document to be unacceptable and clearly demonstrating a lack of understanding of what is required.

- 7.24 Residents have raised concerns that during the construction phase there will be an unacceptable number of vehicle movements associated with the construction which will cause disruption to users of the byway and local residents.
- 7.25 The applicant states in the CMP that 8,000 m³ of spoil will have to be removed from site. The transport management plan details that soil removal will be in 10 tonne HGV's and will require 800 lorries (1600 movements) between April and July. This equates to approximately 47 lorries or 94 movements per week. The applicant has also provided numbers of HGV's required for the remainder of the construction period, this equates to approximately 710 vehicles or 1420 movements. Therefore in total there will be approximately 3,020 movements between April and November.
- 7.26 Officers acknowledge that the applicant made efforts to demonstrate a level of control for activities during the construction phase. However given the extended construction period and the potential for disturbance officers consider that the level of information submitted in support of the construction phase of the development does not enable officers to determine whether the amenity of local residents and businesses could be protected to an acceptable level during site construction. Therefore officers consider that the applicant has not been able to demonstrate that the facility can be constructed in a manner which would satisfy the requirements of NMWDF policy DM12, policies DM15 & DM 20 of King's Lynn & West Norfolk Borough Council, Site Allocations and Development Management Policies Plan (September 2016).
- 7.27 Amenity – Operational site
Operational Site – noise
- 7.28 The applicant has provided a noise assessment which considers the noise impact associated with externally located fixed plant and machinery, on-site mobile plant and vehicle movements on the surrounding road network.
- 7.29 The assessments highlights that the gas-burning CHP engine housed in an attenuated enclosure, the emergency/backup flare stack specified with sufficient capacity (m³/h) to control gas generation at the site, storage tanks, digesters and peripheral plant and equipment are the noise generating elements of the proposed on site operations. The applicant monitored noise levels at two locations in 2011 (considered to still be relevant by the applicant). Appropriate noise limits have been derived in accordance with King's Lynn and West Norfolk Borough Council guidance.
- 7.30 The assessment concludes that noise levels from fixed/ static plant associated with the proposed AD facility would meet the noise limits as required by the Local Planning Authority. The noise assessment contains a noise management plan which includes details of how noise levels will be controlled.
- 7.31 The Environmental Quality Team and Community Safety and Neighbourhood

Nuisance (Central and Community Services) Team from the Borough Council of King's Lynn and West Norfolk have not objected on the grounds of unacceptable noise resulting from the onsite operation.

- 7.32 Residents have raised concerns that during should the application be approved, operation of the site would lead to an unacceptable impact on area to the detriment of the general public's enjoyment. Also that the site is inappropriate for this type of development.
- 7.33 The Environment Agency has also been consulted and raise no objection on the grounds of noise generated on site. The environmental permit which would need to be issued by the Environment Agency would control emissions such as noise.
- 7.34 Officers consider that the applicant has demonstrated that operations on site if controlled by the noise management plan which can be secured by condition and the requirements of the environmental permit (as yet unknown) would not give rise to an unacceptable noise impact on the amenity for local residents, businesses and visitors. As such the application is considered acceptable in this regard and in accordance with NMWDF policies CS14 & DM12 & policy DM15 King's Lynn & West Norfolk Borough Council, Site Allocations and Development Management Policies Plan (September 2016).

Operational Site – air quality

- 7.35 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'.
- 7.36 The applicant has provided an air quality assessment identifying the air pollution sources which will be present at the facility, estimates air pollution emissions from the proposed facility, quantify impacts on sensitive receptors based upon the emission values and assesses the significance of these impacts. The assessment considers that the potential sources of emissions to air are odour from feedstock & digestate storage and combustion pollutants from Combined Heat and Power (CHP) process. The CHP process involves essentially powering an engine generator using the biogas generated through the AD process. Power is produced by the generator and heat from the running of the engine.
- 7.37 The assessment concludes that as the facility has been designed around the principal of containment, releases to air will be minimal. This, combined with the distance to receptors, will result in the impact of the AD facility being negligible in air quality terms. The assessment carries on to state that should control measures detailed in the site management plan be followed during typical operation and abnormal events, any potential impacts will be reduced even further.
- 7.38 The applicant has confirmed that the biogas boiler being proposed will be used and controlled under the environmental permit.

- 7.39 Residents have raised concerns that proposed use of the site for anaerobic digestion will result in unacceptable odorous, toxic and flammable emissions to air.
- 7.40 The Environmental Quality Team from the Borough Council of King's Lynn and West Norfolk have not objected on the grounds of unacceptable emissions to air during onsite operation and are satisfied that the use of the biogas boiler will be used and controlled under the environmental permit.
- 7.41 Officers therefore conclude that the proposed onsite operations would not lead to any unacceptable emissions to air, would be controlled by the environmental permit and as such this aspect of the proposed development is considered acceptable and therefore in accordance with NMWDF policy DM13 and paragraph 122 of the NPPF.

Operational site – access (air quality & noise)

- 7.42 The applicant in the air quality assessment states that traffic movements have been screened against the Environmental protection UK thresholds. The assessments concludes that in this location, more than 500 cars and / or 100 HGV per day would need to use the site for an air quality assessment to be needed. This is well above even peak movements.
- 7.43 The Environmental Quality Team from the Borough Council of King's Lynn and West Norfolk have not objected on the grounds unacceptable emissions to air from use of the access during operation of the site.
- 7.44 The noise assessment considers the potential level of noise expected to be generated by vehicle movement specifically at a nominal distance of 8 metres from the carriageway in the vicinity of the properties at St Edmund's Terrace which are located approximately 22 metres from the carriageway. The level at the 8 metres is considered to be 53.5dB LAeq, 1hr during the peak harvest period. Which it's considered would fall below the level at which serious annoyance would occur in accordance with the World Health Organisation guidelines for community noise.
- 7.45 The Environmental Quality Team from the Borough Council of King's Lynn and West Norfolk has not objected. The Community Safety and Neighbourhood Nuisance (Central and Community Services) Team has suggested conditions to control vehicle movement numbers during the operation of the site during and outside the harvest periods and that the applicant be required to keep records of all vehicle movements and tonnages and that these records are made available upon request. They also suggest a condition requiring an "offsite" traffic noise management plan which would educate drivers of their responsibilities.
- 7.47 There has been a significant number of objections received from local residents who are concerned that the vehicles bring materials on to and off of the site will cause a high level of disturbance (noise and dust) which will have a negative impact on their residential amenity.

- 7.48 Officers conclude that the access arrangements at the levels being proposed for the operational phase would not lead to any unacceptable emissions to air and as such this aspect of the proposed development is considered acceptable. Officers also conclude that the scale of importation and exportation of material being proposed during the operation phase, in the type of vehicles being proposed has potential to have a noise impact on the amenity of the residents of St Edmund's Terrace. However the advice received from the Community Safety and Neighbourhood Nuisance (Central and Community Services) Team recommends that this can be controlled by condition. Officers accept the advice and conclude that subject to the conditions set out above the development impacts can be mitigated to an acceptable level. The development is therefore considered to be in accordance with NMWDF policies CS14 & DM12 & policy DM15 King's Lynn & West Norfolk Borough Council, Site Allocations and Development Management Policies Plan (September 2016).

Lighting

- 7.49 The applicant has included with the submission details of the exterior lighting for consideration. This includes details of the proposed specification for the light fittings & locations, details of proposed light spill, proposed management arrangements and timing of lighting.
- 7.50 External lighting will be provided to illuminate the following areas of the application site:
- Site entrance gate
 - Digester control buildings
 - Maize hopper exterior
 - Car parking area
 - CHP area
- 7.51 The applicant confirms that the lighting scheme proposed will use horizontally mounted floodlights with low power LED's mounted at max 3M height for control room lighting. The upward lighting ratio from this form of fitting will be 0%. As such the applicant considers that light spill from the proposed development would not extend beyond the boundaries of the site. The applicant concludes that the development will not have a significant effect on resident receptors.
- 7.52 The lighting proposed for the site entrance, foot path and control areas and Low level eyelid bulkhead lighting will be activated by PIR detectors and will remain illuminated on a timer. The applicant that the setting will be for "*shortest necessary period.*" Light fittings based outside of the main Bund will be operated via a manual switch, located near to the area being illuminated.
- 7.53 Neither the Environmental Quality Team and Community Safety and Neighbourhood Nuisance (Central and Community Services) Team object to the proposed development.
- 7.54 Officers therefore consider that the lighting being proposed is acceptable and in

accordance with NMWDF policies CS14 & DM12 & policy DM15 King's Lynn & West Norfolk Borough Council, Site Allocations and Development Management Policies Plan (September 2016).

Operational site – odour

- 7.55 The applicant in describing the proposal states that digestate will be transported from site in closed tanks so that any dust and odour associated with the processing operation will be effectively contained. It is confirmed that no slurry will be stored on site as it will be piped directly from tankers to digesters hence containing the odour. The air quality assessment which supports the application concludes that due to the facility being designed around the principal of containment, there will be minimal releases to air. This, combined with the distance to receptors, will result in the impact of the proposed development being negligible in air quality terms.
- 7.56 The Community Safety and Neighbourhood Nuisance officer has spoken with the Environment Agency who confirm that a permit would be required for the activities specified in the application. This would involve a separate consultation process and onsite plant odour and noise management would be assessed through this process. The Environment Agency will assume the role of the lead regulatory body once the development becomes operational. The Officer recommends a condition that prior to the first use of the development an offsite odour management plan to protect residents along Cross Bank Road shall be submitted to and approved in writing by the Local Planning Authority. This is due to only the site being covered by the environmental permit.
- 7.57 Officers conclude that subject to condition that the development would not lead to any unacceptable emissions of odour and as such this aspect of the proposed development is considered compliant with NMWDF policy DM12 and as such acceptable.
- 7.58 **Design**
- 7.59 The application consists of a storage clamp area, primary digester & secondary digester (rectangular), digestate storage area, dry digestate collection, 2 CHP engines, bund wall, administration portacabin, car parking, feeder and acoustic fencing.
- 7.60 The rectangular digestion tanks measures 4.8m high but will sit 1.5m below the level of the embankment, so will stand 3.3m above the level of the access track. The maximum storage clamp height is 5m and also sits below the level of the embankment. The top of the clamp will be 3.5m above the ground level of the access track.
- 7.61 The primary digester, membrane on top of secondary digester, CHP and storage tanks are proposed to be finished in a moss green colour (RAL 6005).
- 7.62 Policy DM8 of the NMWDF (2011) states that Development will be permitted if it will not harm the conservation of, or prevent the enhancement of, key characteristics of its surroundings with regard to the character of the landscape

and townscape, including consideration of its historic character and settlement pattern, taking into account any appropriate mitigation measures.

- 7.63 Policy DM15 Environment, Design and Amenity states that the scale, height, massing, materials and layout of a development should respond sensitively and sympathetically to the local setting. Proposals will be assessed against their impact on neighbouring uses and their occupants and development that has a significant adverse impact on the amenity of others or which is of a poor design will be refused.

Layout

- 7.64 Officers are satisfied that the layout being proposed in design terms would meet the requirements of the operation and is in accordance with the requirements of national and local policy.

Scale, Height & Massing

- 7.65 The rectangular digestion tanks measures 4.8m high but will sit 1.5m below the level of the embankment, so will stand 3.3m above the level of the access track. The maximum storage clamp height is 5m and also sits below the level of the embankment. The top of the clamp will be 3.5m above the ground level of the access track. The combined heat and power structures will not extend above the height of the storage clamp and will therefore be viewed with the development as a backdrop.
- 7.66 The applicant has also proposed a landscaping scheme to mitigate any impact the development would have on the wider landscape due to the scale, height and massing.
- 7.67 Officers therefore consider that the proposed structures and equipment are of functional design and would be consistent with this type of facility. As such in design terms the proposed structures in terms of their scale, height and massing are considered to be acceptable subject to a suitable landscape scheme being agreed.

Materials/Appearance

- 7.68 The materials being proposed are functional and have been selected to be fit for the purpose that they are intended for. The buildings are of an agricultural appearance and the choice of colour i.e. moss green colour (RAL 6005) results in a development which is visually appropriate to a rural location.

Conclusion – Design

- 7.69 Officers consider that the proposed development by virtue of its layout, scale, height, massing and choice of materials is acceptable should a suitable landscaping scheme be proposed. Therefore subject to the introduction of a suitable landscape scheme the proposed development is considered to be acceptable and in accordance with policy DM8 of the NMWDF (2011) and policy DM15 Environment, Design and Amenity of King's Lynn & West Norfolk Borough

7.70 Landscape / Trees

- 7.71 Policy DM20 “Renewable Energy,” states that proposals for renewable energy and associated infrastructure will be assessed to determine whether or not the benefits they bring in terms of the energy generated are outweighed by the impacts they would have on the surrounding landscape and townscape.
- 7.72 Policy CS14 “Environmental Protection,” of the NMWDF (2011) states that protection and enhancement of Norfolk’s natural and built environments is a vital consideration for future waste management facilities. Developments must ensure that there are no unacceptable adverse impacts on, and ideally improvements to....The character and quality of the landscape and townscape, including nationally designated landscapes (the Norfolk Coast Area of Outstanding Natural Beauty).
- 7.73 The applicant has provided a Landscape and Visual Impact Assessment (LVIA) which considers the development proposal in line with current industry best practice guidelines.
- 7.74 The site lies within the Landscape Character Area (LCA) of North Wootton, and Landscape Character Type (LCT) of Drained Coastal Marshes (King’s Lynn and West Norfolk Landscape Character Assessment, 2007). Key characteristics of this LCT include;
- Large, geometric arable fields that are intensively farmed and bordered by ditches and dykes.
 - The River Great Ouse cutting through the landscape with significant sections canalised and embanked.
 - Views both distant and panoramic, defined by wide open skies and a simple uninterrupted horizon often defined by the sea wall.
 - A notable absence of vertical elements across most of the area with no obvious landmarks or points of focus aside from the strong visual line of the sea walls and embanked rivers.
 - Although greatly influenced by humans, the majority of the landscape feels both physically and perceptually remote.
- 7.75 The application has been amended throughout the process such that the height and massing of the proposed structures are now of a scale that would be sympathetic to the landscape. This has resulted in the Green Infrastructure Officer concluding that the impact on the wider landscape is acceptable subject to a suitable landscaping scheme to mitigate impacts for users of the BOAT and other public rights of way to the east and west, including the Sir Peter Scott Walk.
- 7.76 The applicant has submitted a landscape scheme which they specify has been designed to ensure that the development is integrated into the surrounding landscape in a satisfactory manner and to safeguard visual amenity. The scheme includes:

- Planting of a hedgerow along the site's western boundary
- Earthwork bunding and planting of a wider band of shrubs on the eastern side of the site

Native plant species are being proposed which are claimed to be suitable for the localised conditions and informed by those found in the surrounding area.

It is said that the planting will mitigate the effects of the development in views towards the site, including points on public footpaths to the north-east. The planting will integrate the site into the adjacent drained coastal marsh landscape character. Safeguard the visual amenity of users of the Byway Open to All Traffic (BOAT) along the western edge of the site. Provides habitat for species present on the site and adjacent areas by maintaining linkages with adjacent habitats, enabling species to flourish. Observes the need to retain vehicle movement along the BOAT.

- 7.77 Officers have queried whether there is sufficient land area available to accommodate the development including the proposed landscaping. The applicant has provided a site plan which includes a red line which appears to be based on the outer edge of the red line taken from the location plan. Officers having assessed both plans consider that the site plan demonstrates that sufficient space is available to accommodate the proposed development including the landscaping albeit with potential for encroachment on the BOAT (see rights of way section of the report).
- 7.78 The Green Infrastructure Officer has considered the proposed development and the landscaping scheme and is generally satisfied with the content. Further clarification is still required regarding boundary treatment of the site, particularly to the south, where fencing is proposed along the bund wall and slope the gradients proposed for the eastern boundary. These are details that can be dealt with by condition through the submission of a final landscaping scheme prior to commencement.
- 7.79 The proposed development subject to condition is considered to be in accordance with Policy CS12 of King's Lynn & West Norfolk Borough Council, Core Strategy (July 2011). Policies DM15 & DM20 of King's Lynn & West Norfolk Borough Council, Site Allocations and Development Management Policies Plan (September 2016). Policy CS14 of the NMWDF (2011).
- 7.80 **Biodiversity and geodiversity**
- 7.81 DM1 Nature conservation of the NMWDF (2011) states that developments that would harm.... Locally designated nature conservation and geodiversity sites and/or habitats, species or features identified in UK and Norfolk biodiversity and geodiversity action plans will only be permitted if it can be demonstrated that sufficient measures to mitigate harm to the site, habitat(s) and/or species can be put in place, preferably in advance of development.
- 7.82 A Preliminary Ecological Appraisal has been submitted with the application, dated March 2016. The County Ecologist is satisfied that the appraisal provides an

adequate assessment of the site. The appraisal makes recommendations for mitigation to prevent disturbance to protected species such as reptiles, nesting birds and potentially water voles /otters (which no evidence was found during the surveys but as transient species may arrive before site clearance work begins). Hedgehog habitat was also identified and as a UK Priority species for conservation. The County Ecologist request that a condition be introduced which requires the applicant to adhere to the recommended mitigation suggested in the appraisal in order to prevent contravening European protected species legislation or The Wildlife and Countryside Act 1981.

- 7.83 The County Ecologist also recommends that mitigation relating to nesting birds and ground nesting birds will be required if the excavation and construction work takes place between April and September. If the work is requested to take place prior to winter high tides, it will coincide with the nesting bird period and mitigation such as removing the vegetation on the site during the prior winter period and keeping short during the nesting period will be required. The County Ecologist concludes that if the proposed mitigation is carried out there will not be any significant impact on ecology during the construction phase.
- 7.84 On this basis subject to condition the proposal is considered to comply with policy DM1 Nature conservation of the NMWDF (2011) and Section 11 of the NPPF: Conserving and enhancing the natural environment.

Appropriate Assessment

- 7.85 The site is situated 1.7 kilometres of the Wash SAC, SPA, RAMSAR. The County Ecologist assessed the application 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), considered that the development would not have a significant impact on this or any other protected habitat. Accordingly, no Appropriate Assessment of the development is required. This is also the view of Natural England as such Officers are satisfied with the County Ecologist's and Natural England's conclusions.
- 7.86 **Transport**
- Highways
- 7.87 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.
- 7.88 Policy CS11 "Transport," of King's Lynn & West Norfolk Borough Council, Core Strategy (July 2011) states that new development should demonstrate that they have been designed to provide for safe and convenient access for all modes.
- 7.89 Policy DM20 "Renewable Energy," states that proposal for renewable energy will be assessed to determine whether or not the benefits they bring in terms of the energy generated are outweighed by the impacts.... Public safety including vehicular access.

- 7.90 Vehicular access to the site is achieved from A1078 (Edward Benefer Way) on to Cross Banks Rd which is a metalled private port road which leads to a Byway Open to All Traffic (BOAT) which is part metalled and part constructed from shell materials. The shell material part of the BOAT is currently maintained by the applicant.
- 7.91 A transport statement was submitted which provides details of the traffic to be generated by the development. The figures quoted indicate that the 12,000 tonnes of beet Pulp and Maize will be delivered in bulk 30 tonne container HGV's to the site over two 30 day periods, which denotes the harvest period, typically March and September. The harvest period deliveries will last for 5 weeks with deliveries only occurring Monday through to Saturday, i.e. one of two 30 day delivery period. The peak movements during the harvest period being 7.1 deliveries and 3.1 per outside of the harvest period. As follows:
- 6,000 tonnes of Beet Pulp which will be delivered over 30 days around March. Deliveries will be Monday through to Saturday.
 - 6,000 tonnes of Maize which will be delivered over 30 days around March. Deliveries will be Monday through to Saturday.
 - 2,000 tonnes of animal waste will be delivered when Beet Pulp and Maize is not being delivered over 30 days around March and 30 days around September. Deliveries will be Monday through to Saturday.
- 7.92 There has been a significant number of objections received from local residents regarding the impact associated with the HGV movements and the potential for HGV queues to form back on to the A1078 Edward Benefer Way as a result of the operation of the swing bridge.
- 7.93 There has been support shown for the application with it considered that the increase in vehicle movements would be small/insignificant when compared with summer & Christmas increases. The Surrounding infrastructure is able to support the slight rise in traffic and the access roads.
- 7.94 The highway authority having considered the proposal conclude the site benefits from good access directly from the adopted road network via the A1078 Edward Benefer Way (which is a Principal Road) via a right turn lane. Therefore raises no concerns regarding highways access. They are satisfied that in principle the surfacing scheme for the BOAT is suitable as such subject to the inclusion of the suggested conditions relating to parking arrangements for construction workers, a construction traffic management plan and full details of the surfacing design & materials the Highway Authority would not wish to restrict the granting of the application.
- 7.95 Officers consider that the site access from the A1078 Edward Benefer Way on to port area of Cross Banks Road is suitable for the expected vehicle movements and therefore acceptable in highways terms. The distance between the swing bridge and the highway (approximately 130 metres) is considered sufficient to

avoid queues backing on to the highway. Therefore the proposed development in its current form is considered to be in accordance with policy CS15 “Transport,” & policy DM10 “Transport” of the NMWDF (2011). Policy CS11 “Transport,” of King’s Lynn & West Norfolk Borough Council, Core Strategy (July 2011) and policy DM20 of King’s Lynn & West Norfolk Borough Council, Site Allocations and Development Management Policies Plan (September 2016).

Rights of Way

- 7.96 Policy DM20 “Renewable Energy,” of King’s Lynn & West Norfolk Borough Council, Site Allocations and Development Management Policies Plan (September 2016) states that proposals for renewable energy and associated infrastructure will be assessed to determine whether or not the benefits they bring in terms of the energy generated are outweighed by the impacts they would have on public safety (including footpaths, bridleways and other non-vehicular rights of way in addition to vehicular highways as well as local, informal pathway networks).
- 7.97 The applicant is proposing to replace the un-metalled section of the BOAT with a 6 metre wide carriageway made up of 2.5 metre of type 1 surfacing shore side for pedestrian and equestrian usage and 3.5 metres metalled section on the eastern side of the track for vehicular access.
- 7.98 The applicant in the construction management plan provides an explanation of how operations will be managed to prevent “blocking” the BOAT during the construction phase.
- 7.99 The County Council has carried out a survey of the site which when overlain with the proposed access arrangements demonstrates that the operation area and proposed landscaping would encroach on the BOAT. The County Council’s Public Rights of Way Officer in response explained that the legally recorded width of the BOAT is 4m. The actual track on the ground is mostly wider than that (say 6m). He considers it difficult to define where within the physical width of the BOAT, lies the legal width. Therefore the Officer considers that some encroachment from the eastern side would effectively be de minimis if the legal width still remains in a useable condition. A wider route is being proposed wherever possible (6m) which is likely to mean moving the BOAT a bit further towards the hedge. That width would be dedicated (increase from 4m to 6m) to ensure that the public use remains on the legal route.
- 7.100 In light of this situation residents who can only access their property via the BOAT have made representation which states that they are seeking a legal view regarding the legal standing of the right of way. The County Council’s Public Rights of Way Officer considers that the issue is essentially a private rights issue and not a public rights issue. He also considers that if there was any encroachment onto the private rights then the applicant will need written consent from the rights holders to make any changes to it. Officers in considering this issue agree that the issue appears to be a private rights issue and should planning permission be granted that the applicant will have 3 years to implement the permission and resolve this issue.

- 7.101 There has been a significant number of objections received from local residents who are concerned that the development will have an unacceptable impact on the BOAT and the users of the BOAT including horse riders. They also are concerned that the BOAT is unsuitable for the vehicle movements being proposed, the operation site encroaches on to the BOAT. They are concerned with the potential for impact the changes to the BOAT will have on the landscape and the proposed widening will result in urbanisation of the area. Concern has also been raised regarding the HGV movements and potential for damage to the flood defences. It is stated that the alterations to the BOAT will require written approval from the residents. Residents are concerned that the alterations to the BOAT will increase use and potential for anti-social behaviour and that the alterations will mean greater speed and result in a safety issue particularly at the point where the BOAT meets the flood defence.
- 7.102 In support of the application a representation has been received which states that the application will improve the management of the area and litter picking.
- 7.103 The County Council's Public Rights of Way Officer raises no objection subject to the following:
- Detail design to be agreed with Highways regarding construction specification including surface treatments in line with BHS advisory documents. *The revised scheme has been agreed in principle with highways subject to final details being submitted prior to commencement of the development.*
 - Applicant to dedicate additional width to the BOAT in order to accommodate the width required for access traffic and recreational/private use alongside. *The applicant has agreed in principle.*
 - Incorporation of a maintenance agreement to ensure long term maintenance of the surface for its public purpose. *The applicant has submitted a draft legal agreement.*
 - Ensuring that during the construction phase the route is kept open for the private access to property. *A construction management plan has been submitted which makes reference to works will be managed. See section below.*
 - If the route is required to be closed for public traffic on safety grounds at any point, then a temporary traffic regulation order will be required. *Agreed by the applicant.*
- 7.104 The County Council's Green Infrastructure Officer has the considered the impacts that the amendments to the BOAT and the traffic movements would have on the landscape and raises no objection.
- 7.105 Officers consider that this section of the proposed access i.e. from the dock area along the route of the BOAT and along the top of the flood defence is difficult to justify. However there has not been any objections received from the stakeholders as such the proposed development and the impact associated vehicle movements during the construction and operational phases is considered to be acceptable and therefore in accordance with policy DM20 "Renewable Energy," of King's Lynn & West Norfolk Borough Council, Site Allocations and

Development Management Policies Plan (September 2016).

Port/Dock/Fisher Fleet Area

- 7.106 Policy DM20 “Renewable Energy,” of King’s Lynn & West Norfolk Borough Council, Site Allocations and Development Management Policies Plan (September 2016) states that proposals for renewable energy and associated infrastructure will be assessed to determine whether or not the benefits they bring in terms of the energy generated are outweighed by the impacts they would have on public safety.
- 7.107 The dock area is in private ownership and rights exist to allow access through the area. As you enter the dock area you encounter entrances to the ports either side of the Cross Bank Road approximately 70 metres from the junction with the A1078 Edward Benefer Way. The swing bridge which enables large shipping to enter the ports is a further 83 metres along Cross Bank Road. Beyond the swing bridge the road narrows and there is a crossroad with “Central Road,” which also provides access in to the port area. Beyond this area there is a section known as “Fisher Fleet.” This section has a dock area and landing stage for the fisher fleet who unload their fishing boats along Cross banks Road and park their vehicles along the dock wall in the carriage way.
- 7.108 The dock area as a whole including the Fisher Fleet is not public highway, nor does it form part of the BOAT. As such it is not in the remit of the highways authority or the Public Rights of Way Officer to provide comments for this area.
- 7.109 There has been concern raised by a member of the fisher fleet that regarding site access along Cross Bank Road as it passes the Fisher Fleet, and the effects upon this will have on King's Lynn fishermen's activities.
- 7.110 The Borough Council of King’s Lynn and West Norfolk planning committee has objected to the proposed development due to the impact upon the users of Cross Bank Road. They consider that the increased movement of traffic through the dock area has potential to interfere with the operations of the dock with an adverse impact upon the operations of a major employer.
- 7.111 The applicant has submitted a Transport Management Plan to support the application which includes “3 spot surveys,” conducted between the hours of 08:00 17:00 on weekdays. The surveys measure the number of vehicles entering Cross Bank Road from Edward Benefer Way. The surveys demonstrate that during the survey periods 40% of the vehicles entering the dock turned off before reaching the Fisher Fleet Area. During the peak periods for the docks this rises to 62%. The number of vehicles which carried on past the fisher fleet area remains stable during both periods. The applicant states that the reason for this that all the extra traffic, enters the port at the first entrance and not travelling through the dock and onto the Fisher Fleet. The survey results report that the number of HGV’s travelling along the Fisher Fleet section during the periods measured equals 19 HGV movements. The application seeks during the peak harvest period to increase the number of HGV’s by a further 14 movements (7 in, 7 out). This represents an increase of approximately 74%. This level of increase is only being proposed for two (undefined) 30 day block periods per annum.

- 7.112 The Transport Management Plan includes estimated vehicle numbers for the construction period this set out in the amenity section of this report. This equates to approximately 3,020 movements between April and November. This represents another significant percentage increase in the number of vehicles using the dock area. For reference the Transport Management Plan also includes under roles and responsibilities a reference to a duty of care to prevent harm under Indian legislation.
- 7.113 Officers consider that it is important that the applicant provides a full appraisal of whether the dock and fisher fleet areas are capable of accommodating the proposed levels of vehicular activity both during the construction and the operational stages. Officers would have expected as much information as possible of the current activities in these areas along with technical details of the carriageway i.e. width and parking arrangements. A further comprehensive assessment of whether Cross Banks Road can cope with the current levels of activity in these areas and whether the proposed increases can be accommodated without compromising safety is essential.
- 7.114 The transport management plan lacks details of the internal vehicle movements associated with the port and fisher fleet activities. The plan also lacks a technical appraisal of the carriageway. The transport management plan therefore does not provide an assessment of whether the carriageway is technically capable of accommodating the proposed vehicle movement numbers. It also lacks an assessment of whether there safety implications for existing users of Cross Bank Road in these areas.
- 7.115 Officer consider that the applicant has not provided sufficient information to demonstrate that the proposed development during the construction and operation phases would not result in an unacceptable impact on the safe use of Cross Banks Road in the Fisher Fleet and Dock areas. Officers therefore cannot determine whether or not the benefits of the proposed development in terms of energy generated are outweighed by the impact on public safety and economic activity which is a requirement of policy DM20 of King's Lynn & West Norfolk Borough Council, Site Allocations and Development Management Policies Plan (September 2016). As such in this regard the officers are unable to recommend approval of the application.
- 7.116 **Sustainability**
- 7.117 Policy CS13 "Climate change and renewable energy generation," of NMWDF (2011) states that all opportunities for new waste developments to generate renewable energy on-site will be welcomed and should be explored fully.
- 7.118 Policy CS08 "Sustainable development," of King's Lynn & West Norfolk Borough Council, Core Strategy (July 2011) states that the Council will support and encourage the generation of energy from renewable sources. These will be permitted unless there are unacceptable locational or other impacts that could not be outweighed by wider environmental, social, economic and other benefits.
- 7.119 Policy DM1 "Presumption in favour of sustainable development" of King's Lynn & West Norfolk Borough Council, Site Allocations and Development Management Policies Plan (September 2016) states that when considering development

proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. The Council will work proactively and jointly with applicants to find solutions that allow proposals to be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.

- 7.120 Policy DM 20 – Renewable Energy of King’s Lynn & West Norfolk Borough Council, Site Allocations and Development Management Policies Plan (September 2016) states that proposals for renewable energy and associated infrastructure, will be assessed to determine whether or not the benefits they bring in terms of the energy generated are outweighed by the impacts.

- 7.121 The sustainability credentials of the proposed development have been brought in to question through representation on the basis that it is clear that the harvesting and transporting of the feedstock to the facility also creates emissions.

- 7.122 In support of the sustainability credentials the applicant states that the proposed development will generate 9 GWh of power and surplus heated water which will be used to provide local, sustainable and renewable energy. The applicant states that they already have a Power Purchase Agreement (PPA) with Dow Chemicals (the nearest neighbour) and is in the process of negotiating a PPA with KL Technologies. Both companies are keen to use the electricity as this will help offset rising energy costs.

- 7.123 The applicant states that anaerobic digestion is a key part to play in reducing reliance on fossil fuels and is Government’s preferred option for the treatment of organic waste streams. Officers consider that this statement is supported in the Government’s National Anaerobic Digestion Strategy and Action Plan (the Strategy), published in 2011, where there is a commitment to increasing energy from waste through anaerobic digestion.

- 7.124 The applicant in the Carbon Footprint document provides an assessment of the annual carbon emissions associated with the proposed AD plant. The document also calculates how much carbon would be required to generate an equivalent amount of electricity by “traditional methods.” The document concludes 3,847kg of Co₂ would be emitted per annum by the plant and the equivalent traditional method would emit 15,946 KG Co₂. The Council’s Sustainability Manager calculates a different figure for the proposed AD plant and this equates to 15,726 KG Co₂ but does not raise an objection and considers the proposal to be sustainable. A representation has been received in response which states that the Co₂ resulting from the AD process would be released in any event because as the crops bio degrade they release Co₂ as part of the atmospheric process.

- 7.125 The government in the UK Bioenergy Strategy (2012) whilst not planning policy is a material consideration for this type of application sets out their responsibilities to ensure that their policies only support bioenergy use in the right circumstances. The strategy is based on the following four principles, which in summary are:

1. Policies that support bioenergy should deliver genuine carbon reductions that help meet UK carbon emissions objectives to 2050 and beyond.
 2. Support for bioenergy should make a cost effective contribution to UK carbon emission objectives in the context of overall energy goals.
 3. Support for bioenergy should aim to maximise the overall benefits and minimise costs (quantifiable and non-quantifiable) across the economy.
 4. At regular time intervals and when policies promote significant additional demand for bioenergy in the UK, beyond that envisaged by current use, policy makers should assess and respond to the impacts of this increased deployment on other areas, such as food security and biodiversity.
- 7.126 Principle 1 recognises that policies should only support bioenergy where the reductions in emissions through the use of bioenergy exceed any new emissions created as a consequence of the policy. If you apply this principle to the consideration of this individual application on the basis of the information provided it is unclear whether the emissions required to grow, harvest and transport the feedstock to site would be less than the emissions required to generate the same amount of electricity from the grid. The precise answer to this depends on haulage distances which are not completely clear although the source is believed to be grown locally. It is widely acknowledged that anaerobic digestion is a sustainable method of generating electricity.
- 7.127 Officers in conclusion note that the government supports this type of development. Officers also note the comments of the Sustainability Manager who considers the proposal to be a sustainable method for generating electricity. It is clear is that energy would be generated from a renewable source rather than using finite resources. Officers on balance consider that the proposed development is acceptable in this regard. The proposal is therefore considered to comply with policy CS13 of NMWDF (2011), policy CS08 "Sustainable development," of King's Lynn & West Norfolk Borough Council, Core Strategy (July 2011) and policies DM1 and DM 20 of King's Lynn & West Norfolk Borough Council, Site Allocations and Development Management Policies Plan (September 2016).

Food growing

- 7.128 The government in the UK Bioenergy Strategy (2012) includes a principle (4) which responds to the issue of ensuring that the production of biomass for bioenergy must not pose a threat to food security, in the UK. The Anaerobic Digestions Strategy and Action Plan produced also makes the same point.
- 7.129 Officers consider that the proposed development is relatively small in scale such would not have a significant adverse impact on food security. Any reduction in capacity is likely to be a relatively small amount and on such a small scale this would not be an unacceptable consequence of the development.
- 7.130 **Impact on Heritage Assets**

- 7.131 Section 66 (1) of the Planning (Listed Buildings and Conservations Areas) Act 1990 requires that the Local Planning Authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 7.132 The relevant paragraphs in Chapter 12 of the NPPF which specifically address the need for conserving and enhancing the historic environment are paragraphs 126 – 141. They also allow for “harm” or “loss” to heritage assets arising from development to be justified in certain circumstances.
- 7.133 Paragraph 132 states:
‘When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation. The more important the asset, the greater the weight should be.
- 7.134 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.”
- 7.135 Policy CS01 “Spatial strategy,” of King’s Lynn & West Norfolk Borough Council, Core Strategy (July 2011) states that development priorities for the borough will be to protect and enhance the heritage assets.
- 7.136 Policy CS12 “Environmental assets” of King’s Lynn & West Norfolk Borough Council, Core Strategy (July 2011) states that Development should seek to avoid, mitigate or compensate for any adverse impacts on heritage assets as well as seeking to enhance sites through the creation of heritage interest.
- 7.137 Policy DM15 Environment, Design and Amenity of King’s Lynn & West Norfolk Borough Council, Site Allocations and Development Management Policies Plan (September 2016) states that Development must protect and enhance the amenity of the wider environment including its heritage value. Proposals will be assessed against heritage impact.
- 7.138 Policy DM 20 – Renewable Energy of King’s Lynn & West Norfolk Borough Council, Site Allocations and Development Management Policies Plan (September 2016) states that proposals for renewable energy and associated infrastructure, will be assessed to determine whether or not the benefits they bring in terms of the energy generated are outweighed by the impacts upon designated and un-designated heritage assets, including the setting of assets.
- 7.139 Policy CS14 “Environmental protection of NMWDF (2011) states that developments must ensure that there are no unacceptable adverse impacts on heritage assets and their setting.
- 7.140 The Applicant in their Heritage Statement concludes that the proposed scheme takes careful account of its context, including 7 Listed Buildings located at St Edmunds Terrace. The statement is said to take account of national planning policy (NPPF paragraphs 133 and 134) and shows that, whilst there will be a

small increase in noise, dust and vibration as a result of additional HGV movements passing along Cross Bank Road, this would not have a harmful impact on the listed buildings or their setting.

- 7.141 Having considered all of the information Officers consider that there will be an increase in noise, dust and vibration as a result of additional HGV movements passing along Cross Bank Road. The applicant in the heritage statement have concluded that there will be no harm to the listed buildings or their setting Officers agree with this conclusion. As such an assessment against the requirements of section 66 (1) of the Planning (Listed Buildings and Conservations Areas) Act 1990 is not required. Therefore officers consider that the proposed development is in accordance with section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, the NPPF, policies CS01, CS12 of King's Lynn & West Norfolk Borough Council, Core Strategy (July 2011), DM15, DM20 of King's Lynn & West Norfolk Borough Council, Site Allocations and Development Management Policies Plan (September 2016) and CS14 of NMWDF (2011).
- 7.142 **Groundwater/surface water**
- 7.143 Policy CS14 "Environmental Protection" of NMWDF (2011) states that developments must ensure that there are no unacceptable adverse impacts on, and ideally improvements to natural resources including water and that enhancement of Norfolk's natural and built environments is a vital consideration for future waste management facilities in the county.
- 7.144 Policy DM3 "Groundwater and Surface Water" of NMWDF (2011) states that that proposed developments would not adversely impact upon groundwater quality or resources and surface water quality or resources.
- 7.145 Policy DM15 Environment, Design and Amenity of King's Lynn & West Norfolk Borough Council, Site Allocations and Development Management Policies Plan (September 2016) states that proposals will be assessed against their impact on neighbouring uses. Proposals will be assessed against a number of factors including water quality.
- 7.146 The applicant has provided details of how surface water drainage will be managed during operation and construction. The drainage principle is to contain the surface water within the bunded area of the site for use within the process. Rainwater captured in the CHP bund will be pumped into the bunded area. The applicant has provided calculations of the expected quantities of rainwater likely to be stored on the site during a 1:100 year rainfall event. The applicant has also provided calculations which demonstrate that depth of water which would lay within the bunded area when empty and full. Drawings have also been provided which demonstrate the falls on site.
- 7.147 King's Lynn Drainage Board considers that in order to ensure that surface water drainage issues related to all elements of the applicant's proposals are satisfactorily addressed prior to works taking place one or more pre-commencement conditions should be imposed relating to drainage matters,

should the application be approved. The Lead Local Flood Authority to assist officers has suggested the wording that a condition should contain.

- 7.148 Based on the advice received Officers consider that the proposed development is in accordance with policy CS14 “Environmental Protection” & DM3 “Groundwater and Surface Water” of NMWDF (2011) and policy DM15 Environment, Design and Amenity of King’s Lynn & West Norfolk Borough Council, Site Allocations and Development Management Policies Plan (September 2016).
- 7.149 **Flood risk**
- 7.150 Policy CS01 “Spatial Strategy” of King’s Lynn & West Norfolk Borough Council, Core Strategy (July 2011) states that one of the development priorities for the borough will be to avoid areas at risk of flooding whilst recognising the role of King’s Lynn and that some development at risk of flooding will be acceptable to maintain sustainability.
- 7.151 Policy CS08 “Sustainable Development” of King’s Lynn & West Norfolk Borough Council, Core Strategy (July 2011) states that the Council’s Strategic Flood Risk Assessment (SFRA) findings will be used to guide future developments away from areas of high flood risk. Development proposals in high flood risk areas will need to demonstrate that:
- The type of development is appropriate to the level of flood risk identified in the SFRA.
 - Flood risk is fully mitigated through appropriate design and engineering solutions.
- 7.152 Policy CS13 “Climate change and renewable energy generation,” of NMWDF (2011) states potential waste developers will need to demonstrate that the sites can be developed, operated without unacceptable flood risk to the site itself, and also to ‘downstream’ land uses, taking into account potential climate change impacts.
- 7.153 Policy DM4 “Flood Risk” of NMWDF (2011) states that the SFRA’s will be used to inform decisions for waste management facilities and that a flood risk assessment will be required for all development in flood zone 3. The County Planning Authority will expect developers, through site layout, design and access, to ensure flood risk is not increased as a result of all waste management sites.
- 7.154 The EA has noted that the proposal is in flood zone 3 and, being very close to the flood embankments of the Gt Ouse, represents a high risk and high consequence location for development. The proposed development would see the excavation of a man-made earth embankment which forms the eastern flood defence for the Great Ouse in King’s Lynn. The applicant in mitigation states that the concrete bund wall surrounding the proposed site would extend to 300mm above the current level of the BOAT which is referenced at +7.26.AOD.
- 7.155 The Borough Council of King’s Lynn and West Norfolk has objected to the proposal on the grounds that the flood risk assessment is technically deficient

and currently does not allow the MWPA to determine that the exception test has been met. Since these comments have been received a revised Flood Risk Assessment has been received. The borough council although prompted have not provided any further comments.

- 7.156 The Environment Agency on the basis of the information provided has not raised an objection subject to the development being carried out in accordance with the submitted details. This is on the basis the requirements of the National Planning Policy Framework will only be met if the height of the bund and flood gate shall be a minimum of 300mm above the adjacent access track, if no development takes place until a detailed method of work has been submitted to, and approved in writing by the local planning authority. Also only if the measures detailed within the FRA submitted with this application, addendums & Engineering Support Practice Ltd are implemented and secured by way of planning conditions on any planning permission. The EA advises that it is for the *“Local Planning Authority to determine whether or not there are other sites available at lower flood risk as required by the Sequential Test in the NPPF.”*
- 7.157 Officers note that the site and the surrounding area is in flood zone 3, the nearest area of land outside of zone 3 is approximately 2.8km away. Paragraph 101 of the NPPF states that new development should be steered to areas with the lowest probability of flooding. A sequential risk based approach to site selection is therefore recommended. Development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. The applicant in their assessment of this proposal has not considered any other alternative sites at lower risk of flooding. In justifying this site the applicant states that the electricity and heat will be used by commercial users in the vicinity. However this usage has not been confirmed and nor has the necessary pipework required to transport the heat to the potential end users been included in the application area. Therefore little weight can be placed on this. As such Officers consider that potentially there are alternative sites available with a suitable connection to the grid at a lower risk of flooding. As such with the information/justification submitted officers consider that the site fails the sequential test.
- 7.158 The applicant in the flood risk assessment states that a site specific flood emergency preparedness emergency plan will be agreed with the Emergency Planning Department of BCKLWN. Officers are not aware of a plan being agreed. This information ideally should be known in advance of any development and contained within the construction management plan.
- 7.159 The EA has confirmed that a flood defence consent will be required. Under the terms of the Water Resources Act 1991 and the Anglian Regional Byelaws, prior written consent of the Environment Agency is required for any proposed works or structures, in, under, over or within 9 metres of the top of the bank of the River Great Ouse Tidal River which is designated a “main river.”
- 7.160 Officers conclude that the proposed development is not acceptable in flood risk terms, the applicant has not provided an adequate justification for locating this type of facility in flood zone 3. The information to demonstrate emergency

procedures in the event of flooding is lacking from the submission but could be secured through condition if required. Therefore the application is considered to not be in accordance with policies CS01 & CS08 of King's Lynn & West Norfolk Borough Council, Core Strategy (July 2011) and policies CS13, DM4 of NMWDF (2011) and section 10 of the NPPF.

7.161 Cumulative impacts

7.162 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.

7.163 In this instance, there is another existing permitted waste management facility on the opposite bank of the Great Ouse. The applicant has not provided supporting information demonstrating how the proposal relates to other development nearby and details of how any cumulative effects are proposed to be mitigated satisfactorily. However in this instance it is clear that the access arrangements for the two sites are not linked and the only linking factor is in landscape terms. The Green Infrastructure Officer has not raised any concerns in this regard. On this basis the proposal is compliant with the policy.

7.164 Environmental Impact Assessment

7.165 In accordance with the Town and Country Planning Environmental (Impact Assessment) Regulations 2011 the application was screened on receipt and re-screened at the determination stage and it is that it does not meet the criteria contained within Schedules 1 or 2 for an Environmental Impact Assessment. Therefore this is not required.

7.166 Responses to the representations received

7.167 The application was advertised by means of neighbour notification letters, site notices, and an advertisement in the Eastern Daily Press newspaper.

7.168 A large number of objections were received to the scheme raising a number of different issues. Many of these, including those that relate to amenity, have already been addressed in the report i.e. noise, odour, visual impact etc.

With regard to adverse impact on property prices the potential the local residents would not be able to sell their properties, these are not a material consideration in the assessment of the application.

With regards to the following points:

- Monitoring and enforcement of the development if approved – the council has a monitoring and enforcement team who would carry out proactive monitoring and take enforcement action as appropriate.
- Reputation of the operator – not a material consideration.
- Questions applicant's ability to run the plant - the application sits with the land and the applicant may not in fact be the operator if permission were to be granted.

- Not a green issue but money making – the financial incentives or otherwise associated with development is not a material consideration.
- The by way improvements will result in more anti-social behaviour – there is no evidence to support this claim therefore given no weight in determining the application.
- It would have been fairer to withdraw the application and resubmit as information is getting confusing – it is for the applicant to withdraw the application or not. Officers note that there has been a lot of information submitted in support of the application. The applicant provided a documents list to assist which has been posted on the Council's website.
- HGV's travelling from the other side of the Great Ouse will have a long way to travel because they are not allowed through the town – The Sustainability Manager considers that the development is sustainable.
- The carbon footprint document and transport statement contradict one another in the parts relating to vehicle movements, supply of electricity to grid – Officers consider that there are number of contradictions within the documentation which if the application were to be approved would need to be addressed through condition.
- The low density of maize means that 30 tonnes cannot be delivered at a time as such the vehicle movements will increase to cater for this – the vehicle movement numbers have been specified by the applicant. Conditions will be in place to ensure vehicle movements numbers are not exceeded should permission be granted.
- People living close to the source of the crops should be consulted – This is not a requirement. The application has been widely advertised.
- The block plan (revision 1) is incomplete and of no use – further elaboration required, the plan appears to be complete.
- This proposal is not a waste facility. Its specific purpose is to turn specially grown crops (subsidised by the tax payer?) into energy for the benefit of businesses - the financial incentives or otherwise associated with development is not a material consideration.

The Community Infrastructure Levy

- 7.169 The development is exempt from CIL in accordance with the King's Lynn & West Norfolk Borough Council CIL charging schedule (February 2017).

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 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.

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 Refusing the Planning Permission

12.1 The application documentation has failed to enable officers to determine whether the proposed development during its construction and operation would be acceptable or whether it would result in an unacceptable impact on the safe use of Cross Banks Road in the Fisher Fleet and Dock areas. Officers are unable to determine whether the benefits of the proposed development in terms of energy

generated are outweighed by the impact on public safety and economic activity which is a requirement of policy DM20 of King's Lynn & West Norfolk Borough Council, Site Allocations and Development Management Policies Plan (September 2016).

- 12.2 The application documentation has failed to provide sufficient information in support of the construction phase of the development to enable officers to determine whether the amenity of local residents and businesses could be protected to an acceptable level during site construction. Therefore officers cannot establish whether the facility can be constructed in a manner which would satisfy the requirements of NMWDF policy DM12 and policies DM15 & DM 20 of King's Lynn & West Norfolk Borough Council, Site Allocations and Development Management Policies Plan (September 2016).
- 12.2 The application documentation has failed to demonstrate that the proposed development is acceptable in flood risk terms. The applicant has not provided an adequate justification for locating this type of facility in flood zone 3 as such the proposal fails the sequential test. The application is considered to not be in accordance with policies CS01 & CS08 of King's Lynn & West Norfolk Borough Council, Core Strategy (July 2011), policies CS13 & DM4 of NMWDF (2011) and section 10 of the NPPF.

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>

King's Lynn & West Norfolk Borough Council, Core Strategy (July 2011)

https://www.west-norfolk.gov.uk/downloads/download/68/core_strategy_document

King's Lynn & West Norfolk Borough Council, Site Allocations and Development Management Policies Plan (September 2016).

https://www.west-norfolk.gov.uk/info/20093/site_allocations_and_development_management_policies_plan/514/adopted_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>

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:

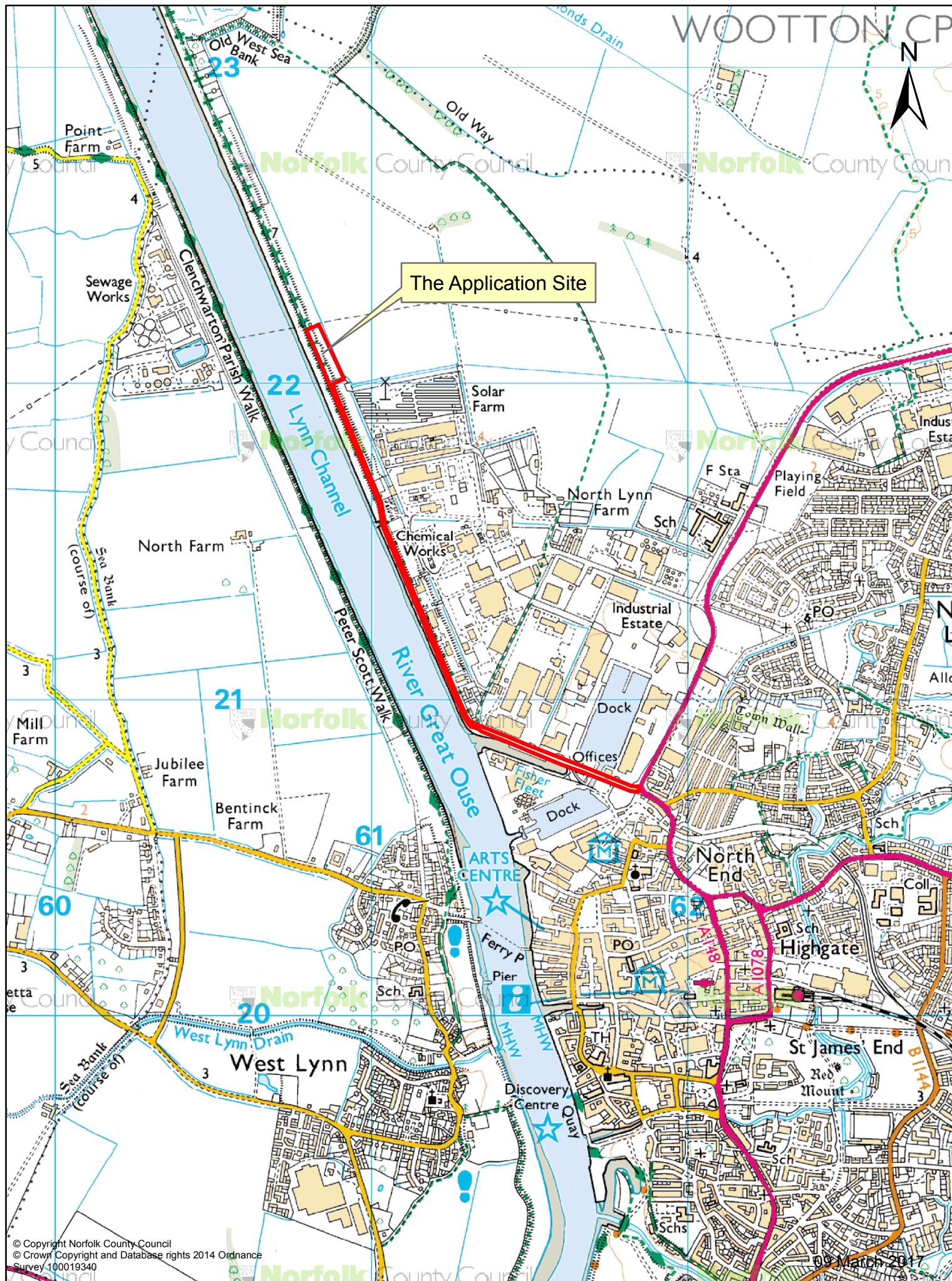
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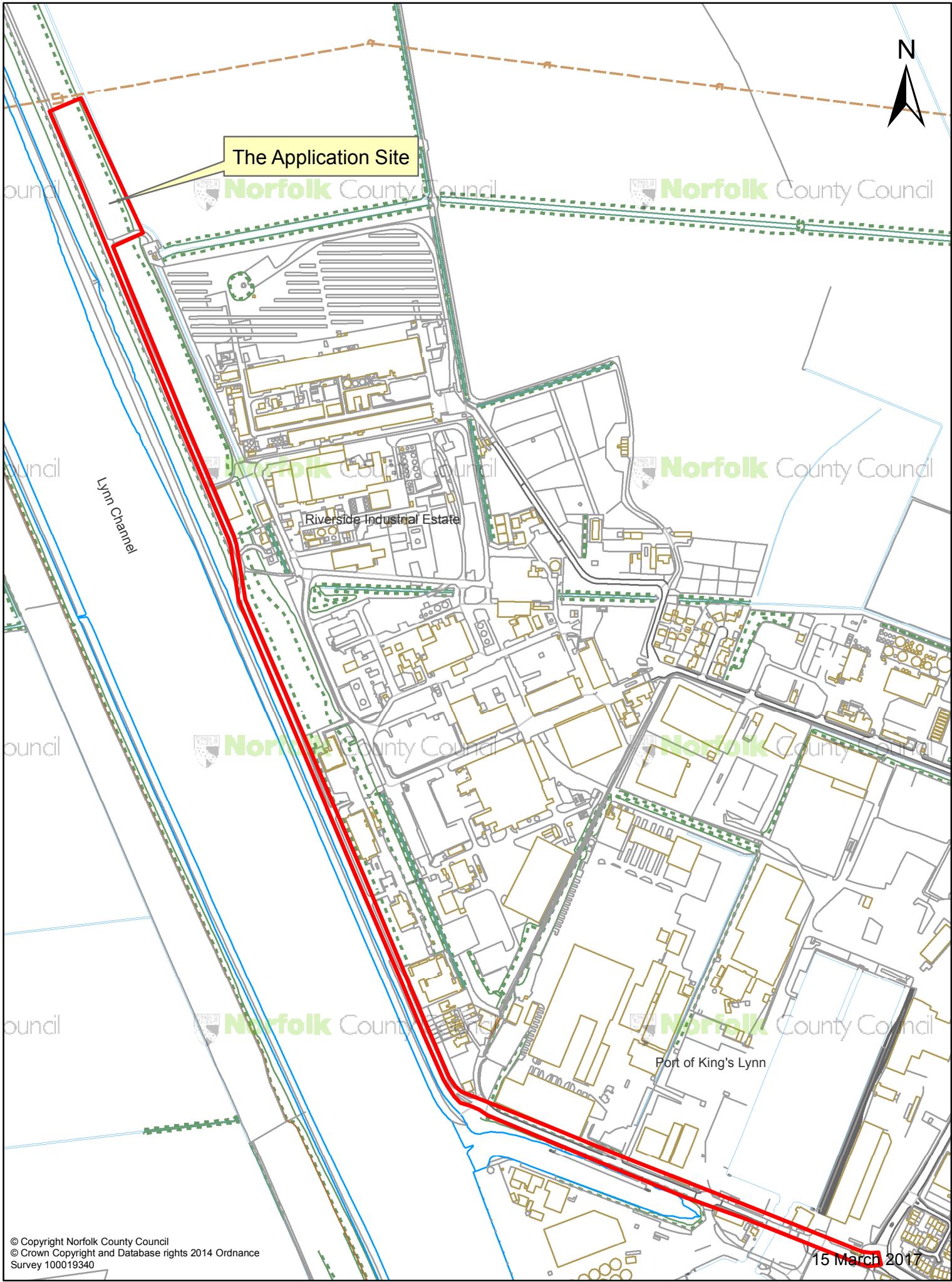
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C/2/2016/2011
 King's Lynn

0 250 500
 Metres
 51

Norfolk County Council

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15 March 2017

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King's Lynn

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Norfolk County Council

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Planning (Regulatory) Committee

Item No.

Report title:	C/5/2015/5007: SPC Atlas Works, Norwich Road, Weston Longville
Date of meeting:	31 March 2017
Responsible Chief Officer:	Tom McCabe, Executive Director of Community and Environmental Services
<p>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)</p>	

Executive summary

Members of the Planning (Regulatory) Committee considered a report for this planning application on 21 October 2016 with a resolution to defer the application, pending the submission of a fire risk assessment by the applicant; to request that Norfolk Fire and Rescue Service comment on the implications of the assessment; and, request that a representative of the Environment Agency attend committee when the matter is next considered to advise on the Environmental Permitting process.

Officers requested a fire risk assessment which was subsequently consulted on. Whilst outlining a number of issues that that would need to be addressed in the Environmental Permit, Norfolk Fire and Rescue Service have raised no objection to the proposal.

Officers have also requested that a representative of the Environment Agency attend the next Planning (Regulatory) Committee meeting and it is understood an officer from their Environmental Permitting Team will be attending.

Since the last committee meeting, a further twelve letters of objection have been received from third parties. One of these representations included a consultant's letter entitled 'Water EIA Concerns relating to the Planning Application for an RDF Production Facility...' as commissioned by one of the respondent.

There remains no objection to the proposal from statutory consultees. There are no outstanding issues or other material considerations that would indicate that the application should be refused.

The site is allocated for waste development in the Waste Site Allocations DPD considered and adopted in 2013 by full Council. Members should be aware that a refusal of permission without adequate supporting evidence and robust planning grounds is likely to result in an award of costs against the authority if an Appeal by the applicant is successful.

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

- I. **Grant planning permission subject to the conditions outlined in section 8 and a Legal Agreement relating to the £7500 contribution for maintenance of the**

- Marriott's Way and £2848.84 for an information board on 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. Background

- 1.1 On 21 October 2016, a recommendation was made to Members of the Planning (Regulatory) Committee (PRC) for approval of an application for planning the 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 up to 150,000 tonnes; installation of office, 2 x weighbridges and photovoltaic panels. The full committee report that formed part of that meeting's agenda and the minutes from that meeting are attached as Appendices 3a and 3b respectively.
- 1.2 The resolution of Members of this committee was to defer the application pending:
- the submission of a fire risk assessment by the applicant;
 - to request that Norfolk Fire and Rescue Service comment on the implications of the assessment; and,
 - a request that a representative of the Environment Agency attend the committee, when the matter is next considered, to provide advice on the extent to which matters of concern to the committee can be addressed through the permitting process and permit and thus do not require to be dealt with by conditions in any planning permission that might be granted.
- 1.3 This report is an update with regards to the new issues raised and information received from both consultees and third parties, and should be read in conjunction with the original report attached as Appendix 3a, with particular regards to the assessment of the proposal itself.

2. Update

- 2.1 Since that meeting, a Fire Prevention Plan was lodged by the applicant and forwarded to Norfolk Fire and Rescue Service for comment. In addition to this, the applicant also lodged detail relating to the external landscaping of the site and proposed visibility splays required on the A1067. These issues are discussed fully below.
- 2.2 Representations
 Since the meeting in October, a further twelve letters of objection have been received by the Planning Authority with three of these lodged by the same individual. The additional correspondence also includes a further letter from Richard Buxton Environmental and Public Law, and a letter from Campaign to Protect Rural England (CPRE). The following concerns and objections have been raised:
- That an Environmental Impact Assessment has not been carried out for the development with concerns raised about mitigation measures considered

at the screening stage – it would be unlawful to grant permission without one;

- The reliance on the Environmental Permit (which is not yet in place) to control environmental impacts;
- That no risk assessment has been carried out given the presence of the River Wensum Special Area of Conservation (SAC) and Site of Special Scientific Interest (SSSI);
- It is in Norfolk County Council's interest as waste authority to have a new waste processing plant with a 150,000 tonne capacity within near reach;
- The increase in, and impact on amenity, of the 24hour HGV movements including along the B1535 Weston Hall Road which is already badly damaged and not wide enough to accommodate these heavy duty vehicles;
- The lack of a footpath on the B1535 where HGVs would be travelling;
- The potential risk of contamination of the water table particularly given properties are dependent on borehole water;
- Major impacts on Marriott's Way, a leisure resource, which will suffer from noise rubbish and general pollution;
- The potential risks to air quality and the local environment;
- Problems with the production and storage of Refuse Derived Fuel (RDF);
- That there is a lack of clarity in the officer's original committee report over the division between planning and pollution control regimes and specifically whether Members can debate pollution issues that are also considered by the Environment Agency as part of the permitting process;
- Issues relating to fire risk including reference to Norfolk Fire and Rescue Service's response relating to the structure of the building, and procedures that would be followed in the event of a fire.

2.3 One of the additional letters of representation also included a letter from GWP Consultants entitled 'Water EIA Concerns relating to the Planning Application for an RDF Production Facility at the Atlas Works, Norwich Road' who had been commissioned to review the water related impact of the proposed development by one of the respondents. It is understood that this submission was copied to all Members and substitute Members of the Planning (Regulatory) Committee (on the 28 February 2017), and also the Environment Agency.

2.4 With regards to the other issues raised by third parties, many have already been raised and addressed in the original committee report (Appendix 3a) however where they are new issues they have been addressed in this report. For clarity this is set out below:

- The lack of EIA and reliance on mitigation has been addressed in 2.20 and 4.7 below;
- The reliance on the Environmental Permit (which is not yet in place) to control environmental impacts and the relationship between the Environmental Permitting and planning regimes has been addressed in 2.6-2.8 of this report and 7.11 of the original report;
- The risk posed to the River Wensum Special Area of Conservation (SAC) and Site of Special Scientific Interest (SSSI) has been addressed in 7.25-7.27 of the original report (Appendix A) and further below in 2.18;

- Norfolk County Council's interest as waste authority to have a new waste processing plant with a 150,000 tonne capacity within near reach is discussed below in 2.21;
- The impact of the increased HGV movements including along the B1535 Weston Hall Road have been addressed in 7.28-7.35 of the original report;
- The potential risk of contamination of the water resources is addressed below in 2.5 – 2.8 below and in the original report in 7.38 – 7.41;
- The impacts on amenity and air quality including on Marriott's Way were addressed in 7.9-7.17 of the original committee report;
- The impacts to amenity and pollution arising from the production and storage of Refuse Derived Fuel (RDF) have been addressed throughout original committee report and this report; it is not considered there would be 'serious problems';
- Issues relating to fire risk have been addressed in 2.11 – 2.14 below.

2.5 The principal issues the consultant's letter covered relate to the absence of a hydrological or hydrological risk assessment within the application which has meant there is:

- no explicit or systematic assessment of impact risk to the surface or groundwater bodies near the site, and no robust consideration of future run-off water quality per se;
- no reported design consideration of the existing run-off conveyance system and no consideration of whether it is fit for purpose to meet current run-off management legislative requirements;
- a lack of detail on how the buildings are to be internally drained; and,
- no consideration of potential for the imported waste to generate leachate.

Furthermore, the consultants also raise concern about the capacity and integrity of the existing surface water management system to be used particularly as it is over 30 years old.

2.6 Environment Agency response

The Environment Agency (EA) lodged further comments in response to both this additional information, and the Fire Prevention Plan received by the County Council. Their comments in full are attached as Appendix 4. With regards to the issues raised by GWP Consultants, the EA commented that the proposal does not suggest outside storage on any material other than inert construction and demolition waste. The wastes more likely to pose risks to the water environment including municipal wastes and similar, Waste Electrical and Electronic Equipment (WEEE) and finished Refuse Derived Fuel (RDF) bales are to be stored inside the buildings. This would include used beverage glass bottles that have been incorrectly referred to in the GWP letter as a waste that would be stored externally. The EA added that the drainage at the site would be required to meet certain standards contingent on the wastes to be stored in each area – municipal wastes would need to be stored on a location with impermeable paving and sealed drainage to prevent any leachate escaping. The applicant would be required to demonstrate suitable condition of the site prior to accepting any waste and the surface of the site would be regularly inspected along with any maintenance to ensure it is fit for purpose. Management of drainage and impermeable surfacing

is intrinsic to developments of this nature, and is considered an established and acceptable method of pollution control. The County Planning Authority is not aware of any reasons that this standard practice could not be relied upon to prevent groundwater pollution from this application.

- 2.7 The County Planning Authority gave full regard to the issues of groundwater and surface water in consideration of the application in sections 7.38 to 7.41 of the original committee report. As underlined, whilst the EA has requested a surface water drainage strategy as a planning condition (prior to commencement of development), given the constraints of the site including the presence of both the principle bedrock aquifer (beneath the site) and the nearby River Wensum SPA, the CPA requested this prior to reporting this to planning committee. 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 largest 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. The CPA therefore considers that regard has been given to the risk to surface or groundwater bodies near to the site with a surface water management scheme approved by the Environment Agency (EA) that considers run-off from the site. Whilst as discussed above, only inert waste is proposed to be stored externally to the building, this scheme nonetheless would need to manage any leachate present on the site. Furthermore, the scheme also recognized that the existing system is over 30 years old and on this basis the integrity of drainage works would be checked during surfacing and that the ongoing maintenance of the system would be essential to ensuring the drainage system functions efficiently. However, the integrity and effectiveness of the system would be assessed as part of the Environmental Permitting process and the EA would not issue the permit if it was not satisfied it would be an effective system. It is considered therefore that the proposal remains compliant with NMWDF DM4 and the Joint Core Strategy Policies 1 and 2.
- 2.8 The EA also underlined (as this committee was advised at the meeting of 21 October 2016) that prior to the site becoming operational the applicant would need to obtain an Environmental Permit and based on the location and tonnages proposed, the permit is expected to be bespoke and tailored to the specific environmental constraints of the site and activities proposed. If in order to obtain their bespoke permit changes are required to the existing building or site infrastructure (including drainage) that would be considered 'development' in the context of the Town and Country Planning Act 1990, this would require further recourse to the planning system in terms of the requirement for a new planning application to be lodged to address this. Therefore, not twin tracking the permit and planning applications is entirely at the applicant's own risk. The proposal could not lawfully operate without an Environmental Permit, enforcement powers are available to the Environment Agency, who would assess any application on its merits and impose conditions appropriate to control all matters within the scope of the Permitting regime. Whilst pollution control is a material consideration in planning, duplication between regulatory regimes is to be avoided. As stated in paragraph 122 of the National Planning Policy Framework, planning authorities should assume that pollution control regimes will operate effectively, and focus on

whether the development itself is an acceptable use of land. The lack of an Environmental Permit is therefore in itself a consideration to which very little weight should be accorded.

- 2.9 With regards to fire risk, the EA confirmed the submitted Fire Prevention Plan (FPP) will have to meet the requirements of their guidance and will be assessed as part of the normal permit compliance inspections. The FPP will have to include the provision of suitable fire suppression systems for the building and details of the containment infrastructure for fire water, and in the event of a fire, how the site would be cleaned and decontaminated.
- 2.10 Following the County Council's request, it is understood that an officer from the Environment Agency's Environmental Permitting Regulations Team will be attending the next committee meeting.
- 2.11 Norfolk Fire and Rescue Service response
In accordance with the Committee's recommendation, comments on the proposal and Fire Prevention Plan lodged were provided by Norfolk Fire and Rescue Service following two meetings between the Planning Officer and Fire Service Group Manager. Their comments in full, which raise no objection to the proposals, are attached as Appendix 5.
- 2.12 The Fire and Rescue Service, in recognizing it is not a statutory consultee for the purposes of considering the planning application, advised that the agency with primacy for the site would be the EA and therefore the conditions of the Environmental Permit (issued by the EA) would be integral to the ongoing and safe working of the site. Nonetheless, advice to be considered in the Environmental Permitting which seeks to both reduce the likelihood and frequency of fire and reduce the potential health and environmental impacts where it does occur, has been provided by the Fire and Rescue Service with regards to the points outlined below:
- structure of buildings;
 - internal storage and waste processing;
 - layout, amount and size of any materials;
 - water supplies for firefighting;
 - the recommendation a quenching pool be provided on the basis of the processing of RDF taking place;
 - Access for firefighting appliances.
- 2.13 In addition, as part of the Environmental Permit conditions the Fire and Rescue Service would expect to see the following points covered:
- a full Fire Risk Assessment;
 - detail of how the waste will be received, processed and stored;
 - how accidents and emergencies would be prevented and managed.
- 2.14 As with other Environmental Permitting requirements, should any of the above require further 'development' on site this would necessitate a further planning application to address any new infrastructure required for fire prevention / fighting purposes. The Fire Service has not however requested any planning conditions for the management of the site should it be granted planning permission. Although

the possibility of fire at this site can never be ruled out, it is considered the assessment and measures required under the Environmental Permit would be adequate to safely manage the site and ultimately a fire, were one to occur. With regards to the economic impacts on neighbouring businesses in the event of a fire, these are considered short term and not significant. In consultation with Norfolk Fire and Rescue Service and the Environment Agency, the site is considered acceptable in fire risk terms.

2.15 Landscape & Visibility splay conditions

At the time the Fire Prevention Plan was requested from the applicant following October's committee meeting, the applicant was also invited to submit detail that would otherwise be requested in accordance with condition 13.25 of the originally proposed conditions. This detail related to the submission of an arboricultural method statement and tree protection plan with regards to all trees impacted on by the development including those to be removed at the new access proposed, as per the amended recommendation referred to at October's meeting. The applicant was also advised that if they wished to revisit the issue of the closure of the easternmost access which as per the amended recommendation at that meeting was required to be permanently closed, this would be a prudent time to do so (given the other information that also needed to be provided).

2.16 Despite further information being lodged with regards to the visibility splay and landscaping along the A1067, the Highway Authority is not satisfied with the presence of a significantly sized tree in the visibility splay of the proposed access to the site, and also in the splay of the eastern access which the applicant wishes to maintain access to.

2.17 The Council's Green Infrastructure Officer is also not content with removal of established trees along the frontage of the industrial site in an un-phased approach. The issue is furthermore complicated by the presence of another planning consent issued by Broadland District Council in August 2016 for additional development at the neighbouring Polyframe site (reference 20161061). The consent seeks to use the same easternmost access that would need to be closed permanently in accordance with the conditions of this proposed planning application. That is a material consideration, and whilst a landscaping related condition has been discharged in relation to that consent, it is understood that that permission has not been implemented. In the event this application is also permitted, the applicant (who is also the landowner for the Polyframe site) would need to ensure that activities carried out under another permission would not breach this consent for example with regards to the stopping up of the easternmost access point.

2.18 However, there is no reason to think that these issues could not be adequately resolved by the submission of revised detailed proposals. Therefore, with regards to this issue the conditions remain as per the verbal update made to Members at the start of the meeting of the 21 October 2017 as captured in the minutes of the meeting. If Members are minded to grant permission, as with all prior to commencement conditions, if the applicant is unable to submit this detail to a standard that the requirements of the planning authority and consultees, the condition(s) would not be discharged and the site would not be able to operate.

For the avoidance of doubt, the full schedule of proposed conditions is outlined below in section 8.

2.19 Other updates

At the time of the drafting of the original committee report, Historic England's recommendation of the application for refusal had resulted in the original recommendation for this application being finely balanced. However, as reported during the meeting, the applicant had subsequently agreed to fund the installation of an information board on Marriott's Way with an additional £2848.84 added to the Legal Agreement already required for the £7500 contribution for the maintenance of Marriott's Way. On that basis Historic England removed their recommendation for refusal and as Members were advised, the application is no longer considered finely balanced. Accordingly, the recommendation has been updated to reflect the additional £2848.84 required to be added to the proposed Legal Agreement to secure this.

2.20 Taking into account all new information received including from the Environment Agency and the GWP Consultant's letter, no new information has been received that would alter the officers Screening Opinion referred to in the attached committee report which concludes the development is not EIA development in section 7.62-7.63. The Screening Opinion and subsequent updates are attached for information as Appendices 6a, 6b and 6c. Whilst concern is raised by a third party concerning the weight attributed to mitigation measures that may control impacts of the development (including through the Environmental Permitting regime) when the proposal has been screened for EIA, it is not considered by the CPA that its approach has been inappropriate at the various stages that the proposal has been screened. EIA requirements do not rule out consideration of mitigating measures at the Screening stage, and weight has only been given to mitigation that would be intrinsic to any conventional waste building or similar industrial building and where sufficient detail has been provided by the applicant to consider it. The original committee report also records (section 7.26 – 7.27) the advice of Natural England that the proposal would not be likely to have a significant effect on the interest features of the River Wensum SAC/SSSI. No new information has been received which alters the conclusions of the report that, in line with Natural England's advice, no Appropriate Assessment of the proposal is required under the 2010 Habitats Regulations.

2.21 In terms of the inference in 2.2 that the County Council as Waste Disposal Authority has a vested interest to have a new waste processing plant with a 150,000 tonne capacity within near reach, it is correct that the Council has statutory responsibilities for waste disposal, alongside many other non-planning functions. A proposed development may have implications for any of these, although there would be none here unless and until an operator of the proposed facility successfully bid for a Council waste disposal contract. In any case, as County Planning Authority, the Council is obliged to determine the application. So long as it does so for sound planning reasons, no criticism can be made on the basis of any connection between the proposal and other Council functions.

3. Resource Implications

- 3.1 **Finance:** The development has no financial implications from the Planning Regulatory perspective.
- 3.2 **Staff:** The development has no staffing implications from the Planning Regulatory perspective.
- 3.3 **Property:** The development has no property implication from the Planning Regulatory perspective.
- 3.4 **IT:** The development has no IT implications from the Planning Regulatory perspective.
- 4. Other Implications**
 - 4.1 **Human rights**
 - 4.2 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.
 - 4.3 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.
 - 4.4 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.
 - 4.5 **Equality Impact Assessment (EqIA)**
 - 4.6 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.
 - 4.7 **Legal Implications:** Environmental Impact Assessment of the proposal is required only where it is EIA development in accordance with the criteria and thresholds set out in the Town and Country Planning (Environmental Impact Assessment) Regulations 2011. The key criterion in this case is whether the development is likely to have significant effects on the environment by virtue of factors such as its nature, size or location. In deciding whether a proposal is to be regarded as EIA development, it is important to have regard to the precautionary principle underlying the EIA Directive. However, it would also be inappropriate to not have regard to specific features of the proposal which would remove or reduced impacts and other proposed mitigation measures where these are sufficiently defined and capable of implementation. The views of statutory consultees are also of considerable importance, and in relation to a proposal which requires other statutory consents it is to be assumed that other regulators will discharge their

functions appropriately. Every development is to be considered on its own facts and context, including information provided by the applicant which defines the nature of the proposal and its operation. All of these matters are assessed within the report and officers continue to consider that the proposal does not require EIA.

- 4.8 **Communications:** There are no communication issues from a planning perspective.
- 4.9 **Health and Safety Implications:** There are no health and safety implications from a planning perspective.
- 4.10 **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.

5. Section 17 – Crime and Disorder Act

- 5.1 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.

6. Risk Implications/Assessment

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

7. Conclusion and Reasons for Granting Planning Permission

- 7.1 Since October's Planning (Regulatory) Committee meeting, in accordance with Members recommendation, further information has been submitted by the applicant regarding fire prevention, and a request has been made that an officer from the Environment Agency attend the next planning committee to answer questions on the issue of the Environmental Permit.
- 7.2 No objections have been raised to the principle of the development from the Environmental Agency or Norfolk Fire and Rescue Service since the previous planning committee meeting. Furthermore, there is no objection as reported in the original committee report (Appendix 3) from any statutory consultee.
- 7.3 Officers are of the opinion that no new information has been received from consultees or third parties since consideration of the application previously in October 2016 that has not been addressed in the original committee report or this current report.
- 7.4 The applicant does not have an Environmental Permit in place to operate this development which would cover issues, inter alia, ground and or surface water pollution and fire risk. However, this is not in itself a ground to refuse planning permission, given that a Permit would be required and there is no reason to consider that impacts within the scope of the Environmental Permitting regime could not be adequately mitigated and controlled by way of conditions to which a Permit would be subject.
- 7.5 The site is specifically allocated for waste development in the Waste Site Allocations DPD adopted in 2013 by full Council following approval by the Environment, Development and Transport Committee. Members should be aware that a refusal of permission without adequate supporting evidence and robust planning grounds is likely to result in an award of costs against the authority if an

Appeal by the applicant is successful.

- 7.6 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.

8. Conditions

- 8.1 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.

- 8.2 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.

- 8.3 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.

- 8.4 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.

- 8.5 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.

- 8.6 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.

- 8.7 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.

- 8.8 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.

- 8.9 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.

- 8.10 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.

- 8.11 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.

- 8.12 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.

- 8.13 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.

- 8.14 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.

- 8.15 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.

- 8.16 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.

- 8.17 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.

- 8.18 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.

- 8.19 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.

- 8.20 Prior to the first use of the development hereby permitted the south-eastern access point (shown as existing access 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.

- 8.21 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.

- 8.22 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.

- 8.23 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.

- 8.24 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.

- 8.25 Prior to the commencement of development, an arboricultural method statement and tree protection plan for the new highway access to the A1067 (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.

- 8.26 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.

- 8.27 Prior to first use of the facility, a dust management scheme 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:

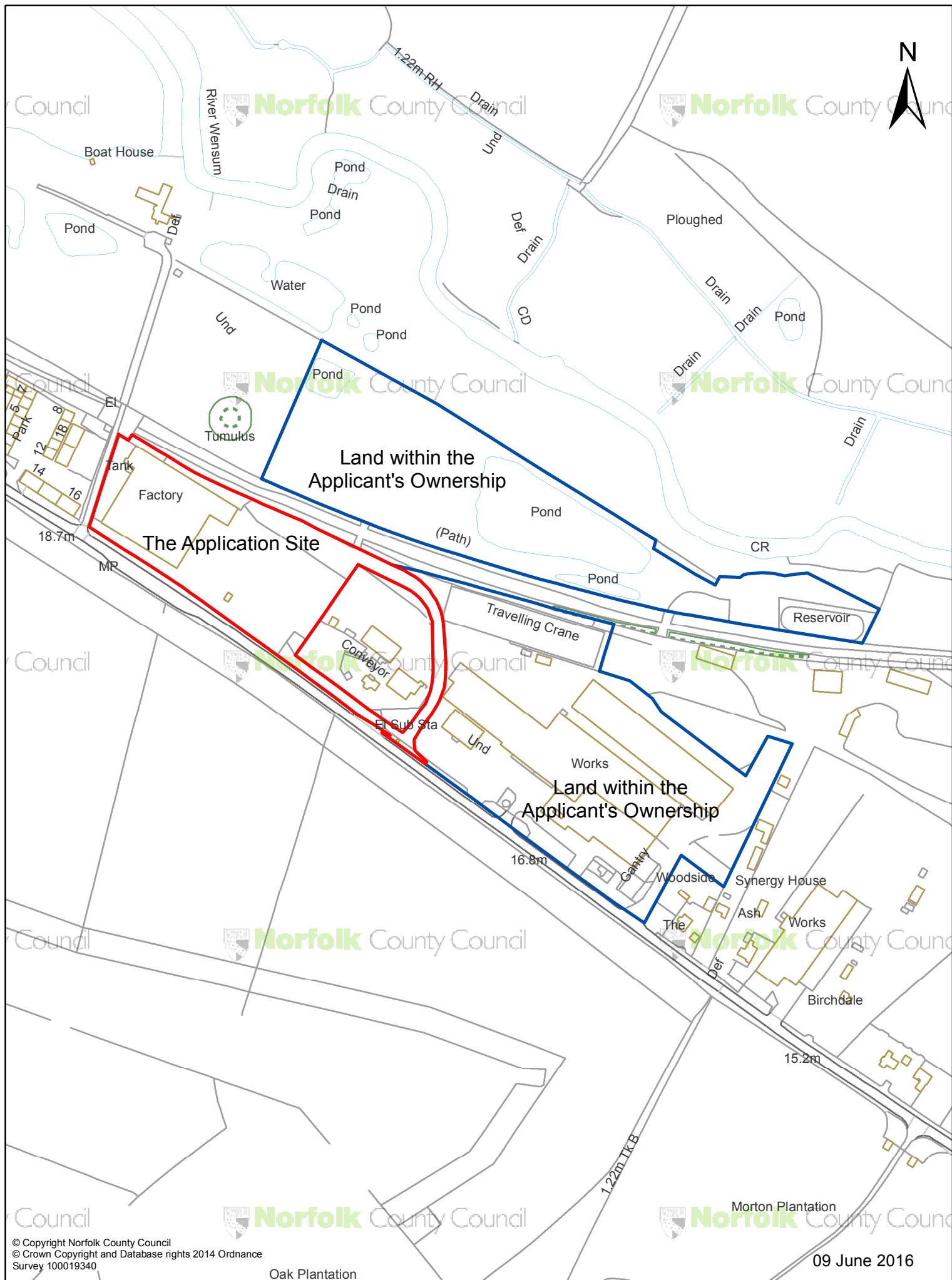
Officer name : Ralph Cox

Tel No. : 01603 233318

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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.



C/5/2015/5007
Weston Longville/Morton on the Hill

0 25 50 100 150 200
Metres

Norfolk County Council

1:4,000

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

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|-----|--|---|--------|--|
| 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.

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| 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.

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|-----|---|---|
| 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.

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|------|---|--|
| 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 ‘Pimlotts 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 RWTfFs 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:

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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.



Planning Regulatory Committee **Minutes of the Meeting Held on Friday 21 October 2016** **at 10am in the Edwards Room, County Hall**

Present:

Mr M Sands (Chair)

Mr S Agnew
 Mr B Bremner
 Mr N Dixon
 Mr C Foulger
 Mr A Grey
 Mr D Harrison
 Mr J Iaw
 Mr B Long

Ms E Morgan
 Mr W Northam
 Mr E Seward
 Mr M Storey
 Mr J Ward
 Mr A White

1 Apologies and Substitutions

Apologies for absence were received from Mr S Askew (Mr N Dixon substituted); Mr M Baker and Mr T Jermy.

2 Minutes from the meeting held on 2 September 2016

- 2.1 The minutes from the Planning (Regulatory) Committee meeting held on Friday 2 September 2016 were agreed as a correct record by the Committee and signed by the Chair.

3 Declarations of Interest

Mr D Harrison declared an interest in that, whilst he had been Cabinet Member for Waste he had been approached by the applicant and visited the site. He had not been a Member of the Planning (Regulatory) Committee at that time and had not expressed any view on the matter.

4 Urgent Business

There was no urgent business.

Applications referred to the Committee for Determination:

- 5 C/5/2015/5007: SPC Atlas Works, Norwich Road, Weston Longville. 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).**
- 5.1 The Committee received the report by the Executive Director of Community and Environmental Services seeking planning permission to use a site that was both industrial land and moreover a site (policy WAS78) that was allocated for waste development within the Council's adopted Waste Site Specific Allocations Development Plan Document.
- 5.2 The Committee was asked to note the following updates to the report, since it had been published:
- 5.2.1 In response to Historic England's recommendation for refusal, the applicant had agreed to fund the installation of an information board on the Marriott's Way in respect of the adjacent Scheduled Monument. Therefore an additional sum of £2848.84 would be added to the Unilateral Undertaking that the applicant proposed to make in respect of maintenance of the Marriott's Way, as discussed in 7.57. On this basis, Historic England had removed their recommendation for refusal and was content with this outcome and, it was the Officers opinion, that the proposal was no longer considered finely balanced. Accordingly, point 1 of the recommendation would need to be amended to refer to this additional payment in respect of a contribution for the information board for the Scheduled Monument.
- 5.2.2 In addition, further comments had been received from the Environment Team relating to the improved visibility at the south-eastern most access of the site with specific concern relating to the loss of trees to accommodate the visibility splay required by the Highway Authority. Because these works were not part of the original tree survey or landscape assessment, the impacts of the works had not been fully assessed and therefore condition 13.20 was to be amended to read:
- "Prior to the first use of the development hereby permitted the south-eastern access point (shown as existing access 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."
- This accorded with the Highway Authority's original aspirations to only have a single access from the wider SPC Atlas Works site, and moreover the County Council's policy for this site allocation which also specified a single access for the wider site.
- 5.2.3 Furthermore, condition 13.25 concerning the arboricultural method statement was proposed to be updated to refer to proposed highway works in terms of the new access to the site.

5.2.4 Since publication of the report, the Economic Development Team had also added comments welcoming the rurally based jobs that would help sustain local services with local shops and pubs benefiting from the 50 employees spending their money in the area.

5.2.5 Finally on 20 October, a further representation had been received on behalf of a local resident, the owner of the Warren, a nearby dwelling, calling for deferment of the application. This raised issues concerning the environmental risk including to the River Wensum, and from bio-aerosols, that the development should have been treated as EIA development, and that no environmental permit was in place for the development.

In response to this, officers explained the County Council (CPA) had screened the proposal as stated in the report and remained of the view that, if undertaken in accordance with the details submitted, it would not be likely to have significant impacts on the environment. In accordance with the Habitats Regulations, the CPA had also determined that no Appropriate Assessment was required, as set out in the report.

The nature of waste and operation itself would not be likely to give rise to bio-aerosols. The Environment Agency (EA) required a site specific bio-aerosol risk assessment for schemes for Landfill, incineration, composting and anaerobic digestion facilities which were within 250 metres of a sensitive receptor. However this application did not fall within those types of development, and furthermore the issue had not been raised by the Environmental Health Officer or the EA.

5.2.6 Officers explained that whilst stating that a bespoke environmental permit would be required, the EA had not objected to the proposal. Its published guidance advised that if it is unlikely that a proposal would obtain a permit, then the EA would object to the planning application or the proposal. It was regrettable that the permit and planning application had not been parallel tracked, however there was no legal requirement to do so and the lack of an environmental permit was not in itself a reason to refuse planning permission.

5.3 Mrs M Bishop addressed the Committee in objection to the application, as an owner of units at Shepherds Business Park which was situated close to the west of the application site. The objections related to the fact that the site was inappropriate for recycling the proposed amount of waste; no environmental permit had yet been applied for, there was no pest control strategy included in the application; no fire risk assessment information within the application and the buildings on site were not fit for purpose. She urged the Committee to reject or defer the application.

5.4 Mr N Guest addressed the Committee in objection to the application, particularly with regard to the impact on the environment of a 24 hour operation, the volume of Refuse Derived Fuel (RDF) being stored at the site which could lead to pests and risk of fire, as well as harm to the nearby lake and ecological system. He was also

concerned that his property could be devalued by the operation.

- 5.5 Mr J Bailey addressed the committee in objection to the application, particularly with regard to the unique and special significance of the Wensum corridor. Mr Bailey asked the Committee to refuse or defer the application.
- 5.6 Mr P Webb addressed the Committee in objection to the application as he felt it was not suitable due to it being a site of Significant Interest and because of its location to the Wensum Valley. Mr Webb considered that the application should be deferred and planning permission should be applied for in parallel with an application for an environmental permit. Mr Webb advised the Committee that he lived approximately 170m from the proposed plant. He also queried why no fire risk assessment had been carried out as there was a real threat of a fire which should not be ignored. He urged the committee to visit the site to see why the area was a special area of conservation.
- 5.7 Mr G Youngs, from Bernard Matthews Ltd. spoke in objection to the application, in particular with regard to dust and the effect the application site would have on the Wensum conservation area. He added that the factory used bore holes to draw water from the water table and any contamination could have a devastating effect on the hatcheries, putting jobs at potential risk. Mr Youngs added that it was the intention of the new owners of Bernard Matthews to double the output at the factory and any risk of pollution would have devastating effect on the factory.
- 5.8 Mr S Barnes addressed the Committee in objection to the application as the owner of a nearby business which operated a fresh coffee supply service. Mr Barnes' concerns were mainly about whether the development would stifle opportunities for enhancement of the good quality businesses in the area as the application approval could put other companies off investing in the area. Mr Barnes considered the application should be refused.
- 5.9 Ms J Wisbey, from Great Witchingham Parish Council spoke in objection to the application, particularly the dangers of adding HGV's to a road with very narrow paths along the A1067; the risk of contamination to drinking water in the area; flood risk; storage of product at the site leading to risk of fire. She asked the Committee to refuse the application.
- 5.10 Mr R Hirst, Serruys Property Company Limited, spoke on behalf of the Applicant, particularly about the fact that the proposed site sought to provide a hub for other companies to recycle material and that the site formed part of the Household Waste Development Plan in providing different ways for disposing of waste. Mr Hirst reiterated that the application had been well designed to mitigate dust, machinery would be cladded to reduce noise and all treatment and storage of waste would be carried out inside where there was no chance of polluted water entering the watercourse.

Mr Hirst advised that an environmental permit application would be made to the EA, who would only approve such an application once they had satisfied themselves

there was no possibility of contamination or pollution.

- 5.11 Mr J Joyce, County Councillor for Reepham Division, which covered the application site, spoke as the Local Member in objection to the application, in particular with regard to the location, the proximity to the Wensum Valley. Mr Joyce questioned why an environmental permit had not been applied for at the same time as the application for planning permission had been made. Mr Joyce also referred to the risk of fire and asked the committee to refuse the application, or defer making a decision until it was sure it understood all the implications of such an operation. Mr Joyce suggested a decision should not be made until an environment permit had been obtained.
- 5.12 In response to questions by the Committee, the following points were noted:
- 5.12.1 Anglian Water was not a statutory consultee with regard to this application and had not been consulted on the proposal. The Committee noted that the EA was the responsible authority for ground water pollution, and that they had raised no objection to the application.
- 5.12.2 Norfolk Fire and Rescue Service had been consulted on the application, but had not provided a response.
- 5.12.3 The Environment Agency was the responsible authority with regard to issues about pest control and the potential risk of fire.
- 5.12.4 The existing buildings would need to be repaired to ensure they were maintained and suitable for dealing with the site operations. Only materials which matched the existing buildings would be permitted to be used.
- 5.12.5 The applicant had decided to apply for planning permission before applying for an environment permit. If, in order to secure an environmental permit, the developer needed to carry out further development on the site, not covered by this potential permission, then they would need to submit another planning application. This was a risk of their own making by not twin tracking the planning and permitting applications.
- 5.12.6 If the applicant was granted planning permission, if they wished to obtain waste contracts within Norfolk County Council, they would need to tender for any Norfolk County Council waste disposal contracts when they came up for renewal.
- 5.12.7 The Highways Authority had confirmed they were content with the proposed new access onto the A1067. The junction of the A1067/B1535 would be monitored as part of the NDR works.
- 5.12.8 The EA, when considering whether to issue an environmental permit would consider and reassure themselves that contaminated water would not enter the River Wensum. Continuous monitoring at the site would be undertaken by the EA.

- 5.12.9 Norfolk Fire and Rescue Service had been consulted on the application, but had not provided a response. The Committee was informed that, although sites of this type could pose a potential fire risk if poorly managed, any risks would be covered by the environmental permit.
- 5.12.10 Officers confirmed that, based on the information that had been provided in the application, they were happy that risk of water contamination from both surface and foul water had been satisfactorily addressed.
- 5.12.11 The Planning Services Manager advised that the absence of an environmental permit was not in itself a reason for the Committee to refuse the application.
- 5.12.12 No odorous waste, or waste that could have an impact on the environment would be stored outside the buildings. The only waste to be stored outside, to the east of the main building, would be inert waste. All RDF bales would be stored inside existing buildings.
- 5.12.13 There was no time limit for the storage of RDF, although it was expected that once it had been processed it was in the best interests of the operator to move it quickly. Constraints on the duration that waste could be stored could be imposed through the permit if it was considered necessary by the EA.

Mr D Harrison left the meeting at 11.20am and did not take part in the vote on this application, as he had not been present throughout the entire debate.

- 5.12.14 The Team Lead (Planning & Environment) nplaw, advised that the Committee would not be able to agree the application in principle and then reconsider it at a later date. She advised that the Committee could defer a decision although it would need to be clear on what issues it wanted more information about. She also said that it would not be lawful to refuse an application on the basis that an environmental permit had not been applied for.
- 5.12.15 The Committee felt that a representative from the Environment Agency should attend Planning (Regulatory) Committee meetings in future to address any issues raised by the Committee regarding environmental permits. The Planning Services Manager agreed to follow this up.
- 5.12.16 The Principal Planner advised that the total of 150,000 tonnes of material was, from his experience, the maximum capacity at the site and that it was expected that it would take a number of years to reach that capacity.
- 5.12.17 An Independent Planning Inspector had considered the Waste Site Specific Allocations DPD Policy WAS 78 which had subsequently been adopted and agreed by County Council.
- 5.13 Mr N Dixon proposed the following motion, which was seconded by Mr M Storey:
- To defer the application, pending the submission of a fire risk assessment by

the applicant

- To request that Norfolk Fire and Rescue Service provide comment on the implications of the assessment
- Request that a representative of the Environment Agency attend the committee, when the matter is next considered, to provide advice on the extent to which matters of concern to the committee can be addressed through the permitting process and permit and thus do not require to be dealt with by conditions in any planning permission that might be granted.

5.14 The Committee unanimously **RESOLVED** to

- Defer the application, pending the submission of a fire risk assessment by the applicant
- Request that Norfolk Fire and Rescue Service provide comment on the implications of the assessment
- Request that a representative of the Environment Agency attend the committee, when the matter is next considered, to provide advice on the extent to which matters of concern to the committee can be addressed through the permitting process and permit and thus do not require to be dealt with by conditions in any planning permission that might be granted.

The meeting adjourned at 11.40am and reconvened at 11.50am.

Mr W Northam left the meeting at 11.40am.

6 C/2/2016/2016: King's Lynn Water Recycling Centre, Clockcase Lane, Clenchwarton, King's Lynn. Variation of condition 4 of permission ref C/2/2015/2030 to increase permitted liquid sludge input (Anglian Water Services Ltd).

- 6.1 The Committee received the report by the Executive Director of Community and Environmental Services seeking planning permission to vary condition 4 of planning permission reference C/2/2015/2030 (Granted in January 2016) in order to increase the permitted liquid sludge input at the Water Recycling Centre beyond the level currently authorised.
- 6.2 During the presentation of the report, the Committee noted that the condition set out in paragraph 12.6 of the report should read "No deliveries of sludge cake shall take place except between the hours of 0700-1900 Monday to Sunday".
- 6.3 Mr A White and Mr M Storey declared an interest as Members of the Borough Council of King's Lynn and West Norfolk which had been consulted about this application. They had not taken part in any discussions about the application site at Borough Council meetings as they were Members of the Norfolk County Council Planning (Regulatory) Committee which would be making a decision on the application.
- 6.4 Mr R Brown addressed the Committee in objection to the application as he lived

approximately 150 yards from the site. Although he did not wish the Committee to refuse the application, Mr Brown raised particular concerns about traffic movements which had caused the road to break up and reiterated that the road could not withstand additional traffic.

- 6.5 Mr S Riches from Anglian Water addressed the Committee on behalf of the Applicant. He said Anglian Water was trying to make the best use of the facility in King's Lynn, maximize renewable energy and treat the sludge to the highest possible standard. He added that the vehicle numbers in the application were well below the permitted numbers covered in the permit issued by the Environment Agency.
- 6.6 Ms A Kemp, County Councillor for Clenchwarton and King's Lynn South Division which covered the application site, addressed the Committee as Local Member. Ms Kemp urged the committee to refuse the application until improvements had been made to the access to the site and Clockcase Lane. Her constituents had complained about the noise of lorries using Ferry Road and Clockcase Lane as well as the damage caused to the roads because they were not suitable for this type of traffic.

Mr D Harrison and Ms E Morgan left the meeting at 12.10pm.

- 6.7 It was confirmed that the HGV vehicles which would be used to transport material to the site had the same axle weight as existing vehicles.
- 6.8 As Clockcase Lane and Ferry road were public highways, it was the responsibility of Norfolk County Council, as Highway Authority, to maintain these roads. It would not be possible to request that an applicant make any contributions to fund road maintenance when granting planning permission, through the use of planning conditions, although in some cases a Section 106 Legal Agreement could be agreed. Members were reassured that if an application was made at a later date to significantly increase vehicle movements, a condition to improve the highway network or a Section 106 agreement could be requested and imposed, because if this application was approved it would limit the number of HGV movements on the local highway network.
- 6.9 Some Members felt that this application should not have been made so soon after planning permission had been granted in January 2016.
- 6.10 Upon being put to the vote, with 10 votes in favour, 2 votes against and 0 abstentions, the Committee **RESOLVED** that the Executive Director of Community and Environmental Services should be authorised to:
- i) Grant planning permission subject to the conditions outlined in section 12 of the report.
 - ii) Discharge conditions (after discussion with the Chairman and Vice-Chairman of the Committee) where those detailed in the report required the submission and implementation of a scheme, or further details, either before development commenced, or within a specified date of planning permission being granted.

- iii) Delegate powers to officers (after discussion with the Chairman and Vice-Chairman of the Committee) to deal with any non-material amendments to the application that may be submitted.

7 C/1/2016/1012: Hempton Recycling Centre, Helhoughton Road, Fakenham. Variation of condition 1 of planning reference C/1/2015/1025 to allow relocation of the reuse shop on site (Norfolk County Council).

- 7.1 The Committee received the report by the Executive Director of Community and Environmental Services seeking to vary condition 1 of planning permission reference C/1/2015/1025 to relocate the reuse shop at Hempton Recycling Centre.
 - 7.2 Upon being put to the vote, the Committee unanimously **RESOLVED** that the Executive Director of Community and Environmental Services should be authorised to:
 - i) Grant planning permission subject to the conditions outlined in section 13 of the report.
 - ii) Discharge conditions (after discussion with the Chairman and Vice-Chairman of the Committee) where those detailed in the report required the submission and implementation of a scheme, or further details, either before development commenced, or within a specified date of planning permission being granted.
 - iii) Delegate powers to officers (after discussion with the Chairman and Vice-Chairman of the Committee) to deal with any non-material amendments to the application that may be submitted.
- 8 Y/3/2016/3004: Primary School and Nursery building, London Road, Attleborough. New 630 pupil primary school and associated external works and a standalone 52 place nursery building (Executive Director of Children's Services).**
- 8.1 The Committee received the report by the Executive Director of Community and Environmental Services seeking an amendment to the wording of the condition proposed to control noise as it would be overly restrictive to the use of the school in its current form.
 - 8.2 Upon being put to the vote, the Committee unanimously **RESOLVED** that the Executive Director of Community and Environmental Services should be authorised to:
 - i) Grant planning permission subject to the conditions outlined in section 13 of the report and a Section 106 Legal Agreement in respect of linking this site to the employment application approved by Breckland District Council. The legal agreement will require the employment land to be available and marketed for sale for a 1 year period following commencement of development of the school site, unless otherwise agreed with Breckland District Council.
 - ii) Discharge conditions (after discussion with the Chairman and Vice-Chairman of

the Committee) where those detailed in the report required the submission and implementation of a scheme, or further details, either before development commenced, or within a specified date of planning permission being granted.

- iii) Delegate powers to officers (after discussion with the Chairman and Vice-Chairman of the Committee) to deal with any non-material amendments to the application that may be submitted.

The meeting ended at 12.45pm

CHAIRMAN



If you need this report in large print, audio, Braille, alternative format or in a different language please contact 0344 800 8020 or Textphone 0344 8008011 and we will do our best to help.



R Cox
 Norfolk County Council
 Planning & Transportation Department
 County Hall Martineau Lane
 Norwich
 Norfolk
 NR1 2SG

Our ref: AE/2015/119621/08-L01
Your ref: C/5/2015/5007
Date: 08 March 2017

Dear Mr Cox

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

S P C ATLAS WORKS, NORWICH ROAD, WESTON LONGVILLE, NORWICH, NORFOLK, NR9 5SL

Thank you for your e mail of 6 February 2017 including the attachments from the applicant addressing the issues identified by your members and a copy of the email from Richard Herrell of the Norfolk Fire Service of 11 November 2016. We have also received a number of representations from local residents that have included the following documents:

Richard Buxton 20 October 2016
 DLA Piper UK 28 October 2016
 GWP Consultants LLP of 23 February 2017

We trust the following information will be of assistance to your members.

Prior to the site becoming operational the applicant will be required to successfully obtain an Environmental Permit before any waste activities can be undertaken.

As previously advised based on the location and the tonnages proposed the permit is expected to be "bespoke," tailored to the specific environmental constraints of the site and the activities proposed.

The permit application will have to demonstrate that people and the environment will be protected from the emissions likely to arise from the proposed activities. Mitigation is likely to be required to control: noise, odour, and surface water emissions.

The permit will contain conditions to control:

- waste inputs, waste types and tonnages
- storage conditions for imported wastes including duration
- site drainage
- fire risk
- noise
- odour caused by the operation

Compliance with these conditions will be assessed through regular site inspections and reviews of the data required to be submitted to us under the permit's reporting conditions.

Waste types

The permit will require pre-acceptance checks to identify all wastes intended to be imported to the site to ensure they match the types of waste described in the permit.

The wastes will also be checked on arrival and on tipping at the site to ensure they match the information provided during the pre-acceptance checks.

The pre-acceptance checks will identify any hazardous wastes and describe the control measures to prevent any harm as a result of the site accepting, storing, or treating hazardous waste.

The permit will restrict the types of waste that can be accepted onto the site and will also include limits on:

- The annual throughput
- The amounts stored on site at any one time
- The duration of storage

Risk to groundwater/surface water

We have reviewed the submission from GWP Consultants LLP regarding the potential risks to the water environment. The wastes most likely to cause risks to the water environment: municipal wastes and similar, are intended to be stored within buildings. Finished Refuse Derived Fuel (RDF) bales are also to be stored inside.

The proposal does not suggest the outside storage of any material other than inert construction and demolition waste.

All Waste Electrical Electronic Equipment (WEEE) will be required to be stored and treated under cover or in a building; as shown on the submitted plans.

The drainage at the site will be required to meet certain standards contingent on the wastes to be stored in each area. Municipal wastes are required to be stored and treated on a location with impermeable paving and sealed drainage. This would prevent any leachate from escaping the waste processing areas.

The applicant will be required to demonstrate the suitable condition of the site surface prior to accepting any waste. The surface of the site will be regularly inspected as will any maintenance to ensure it is fit for purpose.

Fire risk

Following the issue of Fire Prevention Plan (FPP) guidance in November 2016, the site is required to provide an appropriately designed FPP that demonstrates how the fire risks at the site will be minimised and how the impacts of any fire will be reduced.

The FPP must set out all the measures put in place to reduce the risk of a fire breaking out. It must identify all the possible causes of a fire at the site and the measures put in place to address those fire risks. The plan must provide details of the different types of activities carried out at the site. This includes waste management activities.

The content of the FPP will have to meet the requirements set out in our guidance and will be assessed as part of the normal permit compliance inspections.

The FPP will have to include the provision of suitable fire suppression systems for the building and details of the containment infrastructure for firewater; they must be able to contain the run-off from fire water to prevent pollution of the environment. Finally they would need to set out how they will clear and decontaminate the site.

Further and detailed information can be found here

<https://www.gov.uk/government/publications/fire-prevention-plans-environmental-permits/fire-prevention-plans-environmental-permits>

Odour

The operator will be required to employ methods of reducing or preventing odour, at levels likely to cause a nuisance, from escaping the boundary of the site. This may include the implementation of an Odour Management Plan (OMP), installation of odour abatement equipment, and regular odour monitoring for example.

Noise

The potential noise level of the activities at the site has been considered in the Noise Impact Assessment produced by Loven Acoustics (dated 20 July 2015). This is a speculative assessment based on hypothetical equipment and processes at the site.

While the methodology and conclusions appear sound we would review the report following the grant of planning permission and once the actual on-site activities are confirmed. This would be to ensure the actual plant and processes will not cause noise levels or disturbance in excess of those predicted by the report.

We will not be able to issue a permit until suitable mitigation measures have been provided/demonstrated, and we are satisfied that the risk of the operation causing harm to human health or the environment has been minimised.

All of the above considerations will be fully assessed in the course of determining a permit application. Any statements made are based on the information provided as part of the planning application and should not be taken as approval for the activity to commence or that a permit would be agreed.

We trust this additional information is useful.

Yours sincerely

A handwritten signature in black ink that reads "Graham Steel". The signature is written in a cursive, flowing style.

Mr GRAHAM STEEL
Sustainable Places - Planning Advisor

Direct dial 02 03 02 58389

Direct e-mail graham.steel@environment-agency.gov.uk

cc WISER Environmental Ltd

Cox, Ralph

From: Cox, Ralph
Sent: 13 March 2017 11:35
To: Cox, Ralph
Subject: Application reference C/5/2015/5007: SPC Atlas Works, Lenwade - Norfolk Fire and Rescue Service Comments

From: Herrell, Richard [mailto:Richard.Herrell@fire.norfolk.gov.uk]
Sent: 03 March 2017 16:19
To: Cox, Ralph <ralph.cox@norfolk.gov.uk>
Cc: joseph.warns@fire.norfolk.gov.uk; Collins, Garry <Garry.Collins@fire.norfolk.gov.uk>; rob.brodie@environment-agency.gov.uk; Machin, Lorraine <lorraine.machin@environment-agency.gov.uk>
Subject: Application reference C/5/2015/5007: SPC Atlas Works, Lenwade - Norfolk Fire and Rescue Service Comments

Good Afternoon Mr Cox,
 Further to our recent meeting(s) both with Wiser representatives / EA and yourself; we provide the following feedback as requested relating to the above proposal.

In providing this information, you will recall that we (Norfolk Fire and Rescue Service – NF&RS) have advised you that we are not a statutory consultee in this planning matter; therefore our comments are at your request.

Furthermore, we would advise that whilst any eventual use of such a site would most likely come under the auspices of the Regulatory Reform Fire Safety Order for enforcement; the agency with Primacy for such a site (and in particular the processing of Waste) would be the Environment Agency; therefore the conditions of any 'Environmental Permit' issued by the EA would be integral to ongoing efficient and safe working of such a site.

In providing our feedback to you we have been advised that at this time the site does not have an Environmental Permit as no Operator has been declared; therefore our response should be considered inextricably linked with any of the EA's requirements in the future regarding any Permit conditions they would wish to apply in addition to the EA's acceptance of the applicants Fire Prevention Plan (FPP). In making our response we would highlight that the FPP is a formalised process administrated and controlled by the EA, on which they may consult with NF&RS as they deem necessary i.e. the FPP process is administrated by the EA and not NF&RS.

Our Advice is based on :

- ? The information provided by the applicant's consultant (Wiser)
- ? Photographic information from Norfolk County Council – in particular the proposed buildings; and
- ? Our experience of dealing with Waste Fires in the County.

Our Advice seeks to :

- ? Reduce the likelihood and frequency of fire; and
- ? Where fire does occur, to reduce the potential health and environmental impacts.

1. Structure of buildings – we note that the site appears to be constructed in part from Asbestos sheeting. Subject to this being confirmed, NF&RS would commend that the operator considers the impact of any fire on the structure of the building and how this may present operational challenges for fire fighters called to deal with any fire fighting operation.
2. Internal storage and waste Process – we acknowledge that the applicant is unable to confirm at this stage the type of waste process to be employed in specific detail;

consequently we would advocate that the following guidance document be used as current best practise for the overall design rational for the proposal – WISH (Waste Industry Safety and Health Forum) – Reducing Fire Risk At Waste Management Sites.

3. In adopting the WISH guidance we would ask that following points in particular (not exhaustive) are considered by the planning authority as essentially we would expect to see these points to be applied by way of Environmental Permit ‘conditions’ set by the Environment Agency in due course :
 - a. A full fire risk assessment that demonstrates how human life and the environment will be protected
 - b. Full detail of how the waste will be received, processed and stored – with specific emphasis on the type and specification of fire suppression systems required at each stage of the waste management process i.e. ground monitors, drencher systems and sprinklers etc (not exhaustive)
 - c. How accidents and emergencies relating to fire and environmental pollution will be prevented; and managed should such an event occur. i.e. site containment for fire fighting water runoff.
4. The layout, amount and size of any material(s) subject to waste management process – and how these items will be managed i.e. Waste pile size, spacing and where applicable ,any specific hazards may exist (not exhaustive) Note - WISH guidance – we would highlight that the WISH guidance is currently being revised, therefore the designers should take cognizance of specific fire performance data associated with varying fuel loads and the means by which they be stored and in particular how this would impact on the design of any fire suppression system.
5. Water for Fire Fighting – we would expect to see ‘ on site’ (emphasis added) water supplies for fire fighting to a standard commensurate with our guidance (attached) . We would highlight that any fire on the proposed site would require a substantial and robust water supply; at this time the current hydrant provision for the site appears to be on the opposite side of the A1067 therefore any fire fighting operation would require significant road management to enable water supply; and it is foreseeable that NF&RS would need to close the A1067 to ensure the efficiency of any fire fighting water requirements. Consequently we would seek fire hydrants to be provided on site at the specification associated with ‘High risk commercial’ see attachment for flow rate and spacing.
6. We have been advised that RDF may be processed on site; we would commend that a quenching pool be provided to support any fire fighting operations. An improvised approach to dealing with waste using a quenching process has been recently employed at a fire in Norfolk; leading to an efficient method of extinguishing waste base fires in conjunction with heavy plant i.e. JCB / earth movers. This approach enables fire fighting water to be contained and lowering the risk to the surrounding environment.
7. Access for fire fighting appliances – we would request that Access be provided to the equivalent standard as stated within Part B 5 of the Building regulations – and that fire appliance access be provided where supplementary fire fighting systems are required – i.e. drenching systems.

Should you need any further assistance please do not hesitate to contact myself or my colleague Joseph Warns.

Forwarded for your information as requested

Richard Herrell



Environment, Transport, Development
County Hall
Martineau Lane
Norwich
NR1 2SG

Mr Philip Atkinson
Lanpro
4 St Mary's House
Duke Street
NORWICH
Norfolk
NR3 1QA

NCC general enquiries: 0344 800 8020
Textphone: 0344 800 8011

Your Ref:
Date: 16 December 2013

My Ref: C/5/2013/5012
Tel No.: (01603) 222756
Email: MaWP@norfolk.gov.uk

Dear Mr Atkinson

Morton on the Hill: Land at Atlas Works, Norwich Road, Lenwade: Request for Screening Opinion for proposed waste recovery and refuse derived fuel production use on land at Atlas Works, Norwich Road, Lenwade: Generation Green Ltd

I refer to your correspondence of 25 November 2013 requesting a Screening Opinion in accordance with Regulation 5 of The Town and Country Planning (Environmental Impact Assessment) Regulations 2011 ('the EIA Regulations') for the above development.

The proposed development seeks to provide a waste recovery and refuse derived fuel (RDF) production facility on land at the existing Atlas Works Site in Lenwade, an existing employment area. The development would comprise a new building creating 10,000 metres² of floor space (with the demolition of the existing one) which would accommodate bespoke plant and machinery to dry and sort household and commercial waste streams. Recyclable material would be recovered during the process with the non-recyclable residue processed into a high quality RDF which would then be used off site to create power. It is proposed that the development, which would occupy some 2.16 hectares of land would have the capacity to treat 200,000 tonnes of waste per annum. Access to the site would be from the A1067 Norwich Road. The building proposed would largely be 10 metres height although a section of it would be 15 metres high in order to accommodate the plant required.

The site forms part of WAS 78 that is an allocation within the County Council's adopted Waste Site Specific Allocations Development Plan Document (DPD) adopted earlier this year. The scheme and therefore this Screening Opinion does not relate to the 'Gasification building site' that is also identified on drawing reference S4R55087 (Appendix D).

The site is not the subject of any statutory designations. It is however 215 metres away from the River Wensum Special Area of Conservation (SAC) and Site of Special Scientific Interest (SSSI). Alderford Common SSSI is also just over 1.3 kilometres to the north east.

The development does not fall within Schedule 1 of the EIA Regulations.

The development proposed would fall into Schedule 2 of the EIA Regulations, namely paragraph 11(b): *Installations for the disposal of waste*. Whilst paragraph 1.2.2 of your Screening Report has been noted, the term 'disposal', as referred to in paragraph 11(b), has to be interpreted to include recovery too as confirmed by the European Court of Justice in case C-486/04, *Commission v Italy*. Because the site would be some 2.16 hectares in size, it would exceed the 0.5 hectare threshold referred to Column 2 (the applicable thresholds and criteria).

Schedule 2 development requires EIA to be undertaken if the scheme is likely to have 'significant environmental effects' because of factors such as its nature, size or location. In accordance with regulation 4(6) of the EIA Regulations, I have taken account of Schedule 3 in determining whether the proposal would require an EIA. Under Schedule 3, the matters to be considered are the characteristics of the development, the location of the development, and the characteristics of the potential impacts.

In terms of the characteristics of the development, whilst the proposed building would be sizeable, it would not be considered significant given the surrounding industrial and commercial land uses, and buildings/structures, which it would be in keeping with.

It is not anticipated that there would be an unacceptable risk of pollution and nuisances occurring providing the site is operated to the standards required by the relevant pollution control authority, and also given that the operation would be conducted within a bespoke building which would be kept under negative pressure in order to prevent uncontrolled odour emissions. Furthermore, it is not considered that there would be a high risk of accidents when considering both the waste streams and recycling/recovery process proposed.

With regard to the location of the scheme, this nature development would be consistent with the rest of immediate surrounding land use which is industrial in its nature, and there would not be a 'significant' impact on the surrounding landscape given the height of the building proposed. The site is not within a sensitive area in respect of any of the other areas or land uses listed under paragraph 2 of Schedule 3 of the EIA Regulations, and is not within a densely populated area. Whilst the site is in close proximity of the River Wensum SAC, as outlined above, the assessment of the site conducted through the adoption process of the Waste Site Allocations DPD concluded that subject to a number of measures, including the operations being conducted within a building (as proposed), then there should be no adverse effects on the integrity of the SAC.

In terms of the characteristics of the potential impacts e.g. noise, odour, any that may occur when vehicles are depositing or removing waste (the recycling/recovery operation itself would take place within the building proposed), would be local in their nature and would be restricted to the neighbouring land which is itself largely used for industrial purposes. Any impacts would not have a high level of magnitude or complexity thus they are not considered 'significant' in the context of the regulations.

In conclusion, the development is not one that which is considered to have significant effects on the environment in the context of the Town and County Planning (Environmental Impact Assessment) Regulations 2011, and therefore the proposed development will not require an Environmental Impact Assessment to be undertaken.

In coming to this decision I have given regard I have had regard to paragraph A.36 of Annex A to Circular 02/99: 'Environmental Impact Assessment'. This provides further guidance on screening planning applications for installations for the disposal of non-hazardous waste, and it advises that EIA is more likely to be required where new capacity is created to hold more than 50,000 tonnes of waste per year, or to hold waste on a site of 10 hectares or more. Clearly the proposal would considerably exceed the first of these criteria however this is, as stated above, guidance only. Furthermore, I have also given regard to the Secretary of State's decision of 17 December 2009 which was that a development in the vicinity of this site for an extension to an existing waste metal recycling and recovery facility with a total proposed throughput of circa 163,500 tonnes, would not be likely to have significant effects on the environment by virtue of factors such as its nature, size or location, hence no EIA was deemed necessary for that development.

Notwithstanding the above, it is expected that an application should contain sufficient information to allow it to be fully assessed, including information requirements detailed in the County Council's adopted Local List, with particular regard to those issues highlighted in the Waste Site Allocations DPD including the impact on the highway network, local landscape and amenity.

If you have any queries please do not hesitate to contact me.

Yours sincerely

R. Cox

Ralph Cox MRTPI
Principal Planner (Development Management)



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Your Ref: K197.1~03~001
Date: 30 October 2014

My Ref: C/5/2014/5011
Tel No: (01603) 223318
Email: ralph.cox@norfolk.gov.uk

Dear Mr Hirst

Morton on the Hill: Atlas Works, Norwich Road, Lenwade, Norfolk: Request for an EIA Screening Opinion for a Refuse Derived Fuel (RDF) production facility:

I refer to your letter of 14 October 2014 in which you have sought clarification as to whether a revised proposal that was previously the subject to a Environmental Impact Assessment (EIA) Screening Opinion in December 2013, would still no longer require an EIA.

As stated in the original Screening Opinion provided by the County Council (letter of 16 December 2013), the proposed site forms part of WAS 78 that is an allocation within the County Council's adopted Waste Site Specific Allocations Development Plan Document (DPD) (2013).

You have confirmed that the proposal would still have capacity to deal with circa 200,000 tonnes of mixed municipal and similar commercial industrial waste streams per annum, which would be processed into RDF and recyclable fractions. Furthermore, although altered, the equipment for production of RDF would be of a similar design and nature in terms of noise emissions, process capability and capacity, to that previously proposed.

However you have outlined in your letter a number of changes proposed from the original scheme, namely:

- All waste treatment would take place within the existing buildings;
- A separate internal area will be made available for the acceptance of household waste;

Continued...

- Odour and dust control systems would be incorporated into the existing infrastructure;
- The external drying area proposed in the initial Screening Report would no longer form part of the proposal;
- Wrapped bales would be stored outside of the building;
- A small area within the building would be used for the acceptance and bulking of Waste Electrical and Electronic Equipment.

The development as amended would still fall into Schedule 2 of the EIA Regulations, paragraph 11(b): *Installations for the disposal of waste*.

The site is not the subject of any statutory designations and is not within a 'sensitive area' in the context of the EIA Regulations. It is however circa 215 metres away from the River Wensum Special Area of Conservation (SAC) and Site of Special Scientific Interest (SSSI). Alderford Common SSSI is also just over 1.3 kilometres to the north east.

Having had full regard to the original Screening Opinion of 16 December 2013 held on file reference C/5/2013/5012, it is considered that the characteristics of the amended proposal and of the potential impacts would not be significant.

I am therefore of the view that the development as amended is not one that which is considered to have significant effects on the environment in the context of the Town and County Planning (Environmental Impact Assessment) Regulations 2011, and therefore the proposed development will not require an Environmental Impact Assessment to be undertaken.

As stated in my original letter, notwithstanding the above, it is expected that an application should contain sufficient information to allow it to be fully assessed, including information requirements detailed in the County Council's adopted Local List, with particular regard to those issues highlighted in Policy WAS 78 of the Waste Site Allocations DPD including the impact on the highway network, local landscape and amenity.

Specifically this would include the following documents:

- Arboricultural Impact Assessment (if trees are impacted);
- Biodiversity Survey (with regard given to the River Wensum SAC);
- Dust Assessment;
- Flood Risk Assessment (if the site exceeds 1 ha);
- Hydrological /Hydrogeological Risk Assessment;
- Land Contamination Assessment;
- Landscaping and Visual Impact Assessment & Landscaping Scheme (with regards given the Marriott's Way);
- Noise Assessment;

Continued...

- Planning Statement;
- Sustainability Statement (giving regard to NMWDF Core Strategy Policy CS13: *Climate change and renewable energy generation*;
- Transport Assessment (including provision of suitable access to the A1067);
- Statement of Community Involvement (this will be required along with appropriate engagement with the local community prior to submission of the application).

I hope the above satisfactorily addresses the questions raised in your letter however if you have any further queries, please do not hesitate to contact me on 01603 223318.

Yours sincerely

R. Cox

Ralph Cox MRTPI
Principal Planner (Development Control)

Town and Country Planning (Environmental Impact Assessment) Regulations 2011

Establishing whether a Schedule 2 development is likely to have significant effects on the environment

Schedule 1	Yes	No
1. Has an Environmental Statement been submitted?	<input type="checkbox"/>	<input type="checkbox" value="/"/>
Comments:		
2. Is application listed in Schedule 1?	<input type="checkbox"/>	<input type="checkbox" value="/"/>
Comments:		
 Schedule 2		
3. Is the application listed in Schedule 2?	<input type="checkbox" value="/"/>	<input type="checkbox"/>
Comments: Schedule 2 – 11(b)		
4. Is it in a Sensitive Area?	<input type="checkbox"/>	<input type="checkbox" value="/"/>
Comments: Site is however in close proximity of River Wensum SAC		
5. Does it meet any of the thresholds and criteria in Schedule 2?	<input type="checkbox" value="/"/>	<input type="checkbox"/>
6. Would the 'Schedule 2 development' be likely to have significant effects on the environment?	<input type="checkbox"/>	<input type="checkbox" value="/"/>
Comments: See below.		
7. Does the proposed development exceed the thresholds set	<input type="checkbox" value="/"/>	<input type="checkbox"/>

out in Planning Practice Guidance?

Comments: Proposed throughput of 150,000tpa would exceed 50,000 indicative threshold.

Comments

Initial screening opinion was issued in December 2013 and updated October 2014 advising that no EIA would need to be undertaken for this development. Application has since been amended to deal with 150,000 tpa of waste (50,000 less than 200,000 tpa than originally applied for).

Whilst the site is in close proximity of River Wensum SAC, Natural England has advised 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. Furthermore, no objections have been raised from the Environment Agency nor the Highway Authority. A further detailed Surface Water Management scheme has been requested to address the EA's proposed condition concerning this particularly given the propensity of the site to impact on groundwater in proximity of the SAC. The EA has raised to objection to the submitted scheme. With regards to the latter, the need for a Transport Assessment was not raised by the Highway Authority – a detailed Transport Statement has been supplied nonetheless.

Whilst Historic England has recommended the application for refusal on the basis of the applicant's inability to improve the setting of the nearby Scheduled Ancient Monument, it does not object to the principle of this development per se. It is not considered that the proposal would have a significant impact therefore on the SAM.

No other objections have been raised from other statutory consultees or issues raised that could result in a significant impacts on the environment.

Therefore, I am still of the opinion that taking into consideration the characteristics of the development, the location of the development and the characteristics of the potential impacts, the development would not be likely to have significant impacts in the context of the EIA Regs.

Does the proposed development require EIA: No

Signed: 

Date: 29 September 2016.