

Planning Regulatory Committee

Date: **Friday 19 June 2015**

Time: **10am**

Venue: **Edwards Room, County Hall, Norwich**

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

Membership

Mr S Agnew
Mr S Askew
Mr M Baker
Mr B Bremner
Mr D Collis
Mr C Foulger
Mr A Grey
Mr J Law
Mr B Long

Ms E Morgan
Mr W Northam
Mr M Sands
Mr E Seward
Mr M Storey
Mr J Ward
Mr B Watkins
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](#).

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.

**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**

Where 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 Election of Chairman

2 Election of Vice-Chairman

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

4 Minutes:

Page 5

To receive and agree the Minutes of the meeting held on 27 March 2015.

5 Members to Declare any Interests

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.

6 To receive any items of business which the Chairman decides should be considered as a matter of urgency

Applications referred to the Committee for Determination

Reports by the Executive Director of Community and Environmental Services

- | | | |
|----|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------|
| 7 | Borough of King's Lynn & West Norfolk: C/2/2015/2006: Tottenhill: Extension to quarry (MIN 75) with installation of ground conveyor with culvert to accommodate conveyor: Watlington Quarry, Land at Home Farm, Tottenhill Row, Watlington, King's Lynn, PE33 0JN: Frimstone Ltd. | Page 13 |
| 8 | Borough of King's Lynn & West Norfolk: C/2/2015/2007: Tottenhill: Variation of conditions 1 and 3 of planning permission C/2/2011/2023 to allow continued use of plant site until 1 August 2020, to service the proposed quarry extension (MIN75): Watlington Quarry, Watlington Road, Watlington, King's Lynn, PE33 0RG: Frimstone Ltd. | Page 51 |
| 9 | C/7/2014/7030: Southern extension to Mangreen Quarry and ancillary works with progressive restoration to agriculture and nature conservation by the importation of inert restoration materials; Retention of existing consented facilities, Establishment of a crossing point over Mangreen Lane and Proposed variation to the approved restoration scheme. Development by Lafarge Tarmac. | Page 75 |
| 10 | Borough of King's Lynn & West Norfolk: C/2/2015/2010: Methwold & Feltwell: Methwold Farm, Methwold to proposed compound site north of Mundford Road (2.8 kilometre pipeline): Application for an underground gas pipeline and associated compound/structures (additional works in conjunction with approved anaerobic digestion plant): Warren Power Ltd | Page 108 |
| 11 | Broadland District: C/5/2015/5008: Frettenham: Variation of condition 1 of permission ref. C/5/2009/5019 to extend the timescale for the retention of storage containers, mess unit, fenced compound and car parking for a further 5 years (until 30 March 2020): Executive Director of Community & Environmental Services, Norfolk County Council | Page 132 |

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

Date Agenda Published: 11 June 2015



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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 27 March 2015
at 10am in the Edwards Room, County Hall**

Present:

Mr D Collis (Chairman)

Mr S Agnew
Mr S Askew
Mr M Baker
Mr B Bremner
Mr C Foulger
Mr A Grey (Vice-Chairman)
Mr B Long

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

In attendance:

Mr S Shortman	NPLaw
Mr A Harriss	Senior Planner
Mr J Hanner	Highways
Mr N Johnson	Planning Services Manager
Ms A Lambert	Principal Planner
Mrs J Mortimer	Committee Officer

1 Apologies and Substitutions

Apologies for absence were received from Mr J Law and Mr B Watkins.

2 Minutes from the meeting held on 29 February 2015

- 2.1 The minutes from the Planning (Regulatory) Committee meeting held on 29 February 2015 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 were no items of urgent business.

5 **The Broads Authority Executive Area: C/6/2014/6007: Bentley's Farm, Low Road, West Caister. Change of Use of Commercial Kennels to a Mixed Use comprising Commercial Kennels and Pet Incinerator, to include installation of Incinerator, 2000 litre fuel tank and refrigeration shed: Barry Franks.**

- 5.1 The Committee received a report by the Executive Director of Community and Environmental Services seeking planning permission for a change of use of Commercial Kennels to a Mixed Use comprising Commercial Kennels and Pet Incinerator. The application to include installation of an incinerator, 2000 litre fuel tank and refrigeration shed.
- 5.2 During the presentation of the report, the Committee noted that Great Yarmouth Borough Council Environmental Health Officer had raised no objection to the application subject to a condition requiring production of an odour management plan and the Highways Authority had raised no objection subject to conditions that vehicle movements associated with the incinerator were restricted to the levels outlined in the application and also that the number of kennels in use at any one time was restricted to a maximum of 16.

It was reported that, since the committee report had been published, objection had been received from Mautby and Runham Parish Council.

- 5.3 In response to general questions from the Committee, the following points were noted:
- The prevailing wind was generally from the south-west to the north-east.
 - For health and safety reasons, it was usual practice to transport and cremate animals encased in plastic zip-up bags to prevent contamination. Great Yarmouth Environmental Health Officer and the Environment Agency had responded to the consultation and had raised no issues regarding emissions from using plastic bags in the incineration process. The proposed incinerator featured high efficiency burners which reached a temperature of 850 degrees Celsius which would ensure that the emissions produced in the burning of carcasses were compliant with European emissions legislation ABPR 1069/2009.
 - Up to 75 tonnes of waste per annum could be incinerated at the plant.
 - A previous planning application (reference number C/6/2013/6002) had been refused on appeal. This was due to a lack of certainty around emissions as the original application had not included an odour assessment and the Environmental Health Officer (EHO) had raised an objection on that basis. An odour assessment had been completed for this application and the EHO had not raised any objections.

- Any liquid contained within the plastic bags would be burned off in the incineration process. The incinerator would be sited on a bunded area in order that any foul water could be contained and disposed of.
- In order that the permitted traffic travelling to and from the site did not increase, a condition would be imposed to limit the operation to a collection only service. Whilst the existing planning permission for the kennels restricted the number of animals that may be boarded at any one time to 24, the applicant had agreed to limit the number of animals kennelled at any one time to a maximum of 16. The Highways Authority considered that the loss of traffic associated with eight animals was sufficient to mitigate any increase in traffic movements associated with the incinerator.
- The applicant would need to comply with the conditions relating to the collection of waste and the amount of waste to be incinerated per annum if the application was approved. These conditions would be monitored by the monitoring and control team when they carried out their inspections.
- The ash from the cremation process would either be returned to the pet owner, or would be disposed of at a suitably licensed site, depending on the wishes of the pet owner.
- Given that it was considered that the proposed development was compliant with the requirements of the development plan, it was considered that there was no requirement to establish any need for this facility.
- The Planning Services Manager advised that he was not aware that any complaints had been received in relation to the existing pet cremation facility at Potter Heigham.
- The County Council Ecologist had considered the application in relation to designated nature conservation areas within the vicinity of the facility and had not raised any concerns.
- The incinerator would be situated behind a perimeter brick wall and would require the removal of internal fence panels to carry out the installation. The Animal and Plant Health Agency would carry out regular inspections at the site to ensure it met the required standards.
- Whilst the size of the facility and existing landscaping meant it was unlikely to be visible from the River Bure, a condition was recommended to require additional screen planting within the site.

5.4 Mr G Playford addressed the meeting in objection to the application, in particular with regard to the number of similar businesses already established in Norfolk; the fact that the plant did not include a wash-down tank which may cause water contamination; the need to prevent cross-contamination when transporting carcasses and the drainage at the site being susceptible to flooding during periods of heavy rain.

5.5 On being put to the vote, with 11 votes in favour, 3 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.

6 Breckland District Council. Y/3/2014/3009. Change of use of open space for school use to include new car parking, playingfield and MUGA. Expansion of existing school to two form entry: works to include extensions and alterations to existing school and associated works. Drake Infant School & Nursery, Fairfields, Thetford. Norfolk. IP24 1JW. Director of Children's Services

6.1 The Committee received a report by the Executive Director of Community and Environmental Services seeking planning permission for the extension and expansion of the school, external sports provision, and additional car park and associated works. The proposal would allow the school to expand to a two-form entry 420 place Primary School.

6.2 The following points were noted during the presentation of the report:

- The applicant had agreed to the inclusion of a condition that a Community Use Scheme should be submitted, including details of the hours of use, and access by the community with regard to the multi-use games area (MUGA) and playing field.
- The existing car park would be reconfigured and additional car parking would be provided to the south west of the school.
- Since the committee report had been published, a further letter of objection had been received from a local resident and Breckland District Council had recommended a condition to require submission of a scheme for generating at least 10% of the predicted energy requirements of the development from decentralised renewable or low carbon sources. The applicant had stated that the proposed photo voltaic panels would supply approximately 14.3% of the development's energy requirements and therefore such a condition was not considered necessary.

6.3 The following points were noted in response to questions from the Committee:

- The school was positioned in a highly populated residential area, with a large school catchment area and excellent pedestrian links and as such, the opportunity to access the school by foot was good. The Highway Officer confirmed that this was one of the main considerations taken into account when assessing the planning application.
- The provision of an onsite drop off area at the school would go against adopted policies on sustainability grounds and would not be possible for insurance reasons.
- It was acknowledged that traffic was likely to increase, particularly along Fairfields, if the application was approved, although this would not generate a significant highway safety concern.
- The provision of cycle shelters would be reviewed and monitored regularly by the Norfolk County Council Travel Plan team to ensure that the number of shelters remained relevant to cater for the increased number of pupils attending the school. This would be secured by a condition.
- Members expressed some concern about the increase in traffic, particularly along Fairfields, with the number of pupils expected to almost double in the future.
- There would be a pedestrian only access to the school to the north-east of the site.
- The urban location and the fact that the site could be accessed by modes other than the car had been taken into account when the number of additional car parking spaces had been agreed. The final agreed allocation of car parking spaces was lower than the Norfolk County Council standard.
- A review of the policy of not allowing visitors to park on any school site to drop off children at school, would be included as part of an overall review of parking standards at schools which was expected to be carried out in the near future.

6.4 Mr Chris Hey, Children's Services Department, Norfolk County Council attended the meeting to answer questions from the Committee.

6.5 Ms M Bartrop, Headteacher at Drake Infant School, Nursery and Little Pirates addressed the meeting in support of the application and said that if the application was granted, Drake school would have improved facilities including a larger hall, a multi-use games area and a larger playing field. It was also hoped that as the school site was already open 52 weeks per year, the facilities could be used by the community throughout the year and not only during term time. Ms Bartrop added that the school was highly regarded within the local community.

In response to a question, it was also clarified that the majority of children who attended the school accessed the grounds from the north side of the site.

- 6.6 Ms A Hains, School Business Manager at Drake's School addressed the meeting and said that part of her role was to co-ordinate the travel plan for the school, nursery and Little Pirates. It was acknowledged that parents dropping children off at the site was an issue and the Committee was reassured that the school was committed to providing more locked and secure cycle sheds for pupils to use.
- 6.7 Mr M Hassey, Parent/Governor at Drake's School addressed the meeting stating that in his opinion there was more work that could be done by the County Council to help residents around the area, such as improvements to the junction with Croxton Road and Mundford Road being a priority to relieve traffic and allow free flowing movement of vehicles. He added that at present there were not enough school places available for all the children living in Thetford to attend a school in the area and if planning permission was refused the situation would become worse. Drake Infant and Nursery School had been rated as outstanding by Ofsted on its last two inspections and this was due to the pupils, parents, staff, teachers, governing body and leadership at the school. He added that the children of Thetford deserved the best education possible and it was his opinion that this would be achieved at Drake School.
- 6.8 The following points were noted in response to questions from the Committee to Mr Hey, Ms Bartrop, Mrs Haines and Mr Hassey:
- Members of staff at the school carried out patrols during school drop-off and pick-up times and spoke with people who had parked inconsiderately. The points raised by the Committee to address the parking problems by asking parents to park further away from the school and then walk to the school would be taken on board.
 - It would not be possible to allow people to walk their dogs on the site, although the facilities would be open to the community when they were not being used by the school.
 - An option of appointing a voluntary key holder to open up and lock the site would be explored by the governing body.
- 6.9 Mrs M Rutter, local resident, addressed the Committee in objection to the application, about the loss of open space for community use and the fact that Fairfields was a small cul-de-sac that had not been built for the heavy flow of traffic associated with school pick-up and drop-off times.
- 6.10 Mrs J Hollis, local resident, addressed the Committee in objection to the application, in particular raising concerns about access for emergency vehicles at school start and finish times. Mrs Hollis said Drake School was a first class school and the extension was needed, but cars lined both sides of the road making access difficult for residents. She asked if the car park could be moved back so the whole green was not lost to car parking and to provide amenity space for community use.
- 6.11 Mr R Kybird addressed the Committee as a District Ward Councillor and also as the

Chairman of Thetford Town Council Planning Committee. He reiterated the concern of residents about the loss of open space and welcomed the addition of condition 12.13 to provide a Community Use Scheme. He added that the Travel Plan could be improved to assist traffic flow into the site and suggested that time limited car parking restrictions could be introduced to alleviate traffic problems. He also asked for clarification how Norfolk County Council could mitigate the covenant on the land which had been donated for community use for a period of 100 years.

6.12 The following points were noted in response to general questions from the Committee:

- The location of the car park had been proposed based on the need to maximise the useable space, after considering a range of options.

6.13 • The restrictions imposed by the 100 year covenant contained several issues which needed resolving and the Solicitor outlined these to the Committee. The Committee noted that Breckland District Council had been holding the open space under the covenant and, under the Local Government Act 1972, had advertised and erected notices to dispose of the land to Norfolk County Council and in order to remove the obligation of the land being held as open space.

- The loss of open space without replenishment was significant and was contrary to the Development Plan (DP) policy and to National Planning Policy Framework (NPPF), but other material considerations, including the presumption in favour of the development of state schools had to be weighed in the balance under the statutory test set out in the report. A mitigating factor was that the school would allow the community to use the facilities out of school hours. However, and in spite of being possibly better equipped, those facilities should not be seen as full compensation for the open space lost. This was because they would be fenced off from the public, could not be used at any time on demand and required a formal approach to the school in order to enjoy their use. .
- Breckland District Council had a statutory responsibility to ensure that their obligation to use the space for community use was first removed and to follow the required statutory process under the Local Government Act. They had achieved this by advertising its intention to sell the land to Norfolk County Council.

6.14 Mr D Crawford, Local Member for the area which covered the application site, addressed the meeting during which it was noted that the loss of open space was a great loss to the community, especially as Thetford East had the lowest standard of amenity in Thetford. He also raised the issue about the road getting blocked and that cars had to reverse to get out of the road as there was insufficient room to turn around. He mentioned that there had been an incident a few years ago where a fire engine had been unable to attend an emergency due to cars blocking the road. He also said that the extension of the school would add to the problems on the roads and that the site was not a suitable site to extend the school. Mr Crawford expressed his opinion that he was not in favour of the development due to the loss of amenity and traffic problems.

- 6.16 Mr B Bremner, seconded by Mr M Sands, proposed that the Committee should carry out a site visit to the school during school drop-off times to observe the impact of the traffic problems. With 3 votes in favour, 7 votes against and 1 abstention the proposal to carry out a site visit was **LOST**.
- 6.17 On being put to the vote, with 9 votes in favour, 5 votes against and 0 abstention, 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.

The meeting ended at 12.20pm

CHAIRMAN



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Applications Referred to Committee for Determination

Borough of King's Lynn & West Norfolk

C/2/2015/2006: Tottenhill: Extension to quarry (MIN 75) with installation of ground conveyor with culvert to accommodate conveyor: Watlington Quarry, Land at Home Farm, Tottenhill Row, Watlington, King's Lynn, PE33 0JN: Frimstone Ltd.

Report by the Executive Director of Community and Environmental Services

Summary

Planning permission is sought to form an extension to Watlington Quarry, on land to the south of Home Farm, near Tottenhill Row. Extraction at the existing quarry is due to cease by 1st August 2015. The proposed extension contains circa 335,000 tonnes of mineral which would take 4 years to extract. Permission is therefore sought for a five year time period in order to allow extraction of the existing quarry (Sixty Acre Field) to be completed and then the extension worked.

It is proposed that the existing plant site and silt lagoons would be used to process the mineral. In order to transport the mineral from the extension to the plant site it is proposed to install a conveyor. A culvert under Watlington Road is required to allow the conveyor to pass under the road and link the extension to the plant site. The existing plant site permission is due to expire on 1st August 2015; an application has therefore been submitted to be considered concurrently with this application, to extend the life of the plant site to accommodate the processing of mineral from the proposed extension.

The proposed extension area is allocated within Norfolk County Council's Mineral Site Specific Allocations Plan as Policy MIN75. No objections have been raised from Statutory Consultees, although 11 objections have been received from nearby residents in respect of impact upon amenity, highways, wildlife, landscape, groundwater, property foundations and restoration. The proposals have been assessed within the report and are considered to be acceptable, without any unacceptable impact upon residential amenity, landscape, ecology, groundwater and the local highways network. The proposals are considered to accord with all relevant planning guidance and policies.

Recommendation

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

- (i) Grant planning permission subject to a Section 106 Legal Agreement in respect of ensuring Home Farm is not occupied during extraction, and the conditions in section 12.
- (ii) To discharge conditions (in discussion with the Chairman and Vice Chairman of the committee) where those detailed above require the submission and implementation of a scheme, or further details, either before development commences, or within a specified date of planning permission being granted.
- (iii) Delegate powers to officers (in discussion with the Chairman and Vice Chairman of the committee) to deal with any non-material amendments to the application that may be submitted.

1. The Proposal

- | | | | |
|------|-------------------------------|---|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1.1 | Location | : | Watlington Quarry, Land at Home Farm, Tottenhill Row, Watlington, King's Lynn, PE33 0JN |
| 1.2 | Type of development | : | Extension to quarry (MIN 75) with installation of ground conveyor with culvert to accommodate conveyor |
| 1.3 | Extraction area | : | 7.1 hectares |
| 1.4 | Total tonnage | : | The reserve is estimated to be 335,000 tonnes. |
| 1.5 | Annual tonnage | : | Approximately 100,000 tonnes |
| 1.6 | Market served | : | 25km radius |
| 1.7 | Duration | : | Until 1 st August 2020. |
| 1.8 | Plant | : | No fixed plant (existing plant site linked via conveyor). Mobile plant – loading shovel and excavator, dump truck and bulldozer for stripping and restoration. |
| 1.9 | Hours of working | : | 07:00-17:00 Monday-Friday
07:00-13:00 Saturday
No working Sunday or Bank Holidays |
| 1.10 | Vehicle movements and numbers | : | All material transported to Plant (site subject to a separate application) via conveyor. Other vehicle movements associated with extraction site: <ul style="list-style-type: none">• Average 2-4 small van per day for site operatives• Fuel delivery once a week.• One maintenance vehicle per week |
| 1.11 | Access | : | The existing access along Church Lane would be used for operatives, repairs and deliveries. All plant on the site would be brought along Church Lane and would remain on the site unless major repairs are required. A temporary access from Wallington Road would be created for the construction of the conveyor and culvert. |
| 1.12 | Landscaping | : | Extraction site is surrounded by mature woodland. A Bund would be created to northern side of conveyor and additional planting is proposed around culvert. |

1.13 Restoration and after-use : Nature conservation

2. Constraints

2.1 The following constraints apply to the application site:

- Marham Defence Infrastructure Safeguarding
- Agricultural land grade 4.
- Tottenhill Row Common County wildlife site lies approximately 300m from the extraction site and approximately 90m from the conveyor at its nearest point.
- Tottenhill Row to the east of the extraction site and north of the conveyor is designated as a Conservation Area.
- Setchey Site of Special Scientific Interest (SSSI) is located approximately 1 km north of the application site. River Nar SSSI is located approximately 1.3km to the north of the application site.

3. Planning History

- 3.1 There is no planning history specifically relating to the application site. However there are a number of permissions which have been granted for the quarry and plant site which the application would form an extension to. The quarry was first granted permission in the mid 1960's with subsequent permissions for extensions. Planning permission C/2/2000/2022 was granted in June 2003 for the 'Extension of sand and gravel extraction with progressive restoration to nature conservation and agriculture, erection of new processing plant and retention of existing access', this extension included an area known as Sixty Acre Field which is final area to be worked.
- 3.2 This permission was subsequently varied in August 2012 under application C/2/2011/2023 to allow a revision to the agreed phasing. This now forms the main permission for the site and is due to lapse on the 1st August 2015. It is this permission which the concurrent application seeks to extend to allow the continued use of the plant site to process material from the proposed extension (MIN75).
- 3.3 Planning permission has also been granted at the existing quarry site in 2012 under application C/2/2012/2016 for the importation, storage and sale of inert recycled materials. This permission is due to expire on 1st August 2015.

4. Planning Policy

Norfolk Minerals and Waste Local Development Framework	:	CS1	Minerals Extraction
Core Strategy and Minerals and Waste Development Management Policies		CS2	General locations for mineral extraction and associated facilities
		CS13	Climate change and renewable energy generation
		CS14	Environmental protection
		CS15	Transport

Development Plan Document 2010-2016 (2011)	CS16	Safeguarding mineral and waste sites and mineral resources
	DM1	Nature conservation
	DM3	Groundwater and surface water
	DM4	Flood risk
	DM8	Design, local landscape and townscape character
	DM9	Archaeological sites
	DM10	Transport
	DM11	Sustainable construction and operations
	DM12	Amenity
	DM13	Air quality
	DM14	Progressive working, restoration and after-use
	DM15	Cumulative impacts
	DM16	Soils
Norfolk Minerals Site Specific Allocations Development Plan Document (2013)	: MIN 75	
King's Lynn & West Norfolk Core Borough Council Local Development Framework – Core Strategy (2011)	: CS06	Development in Rural Areas
King's Lynn & West Norfolk Borough Council Local Plan (1998)	: No relevant policies.	
The National Planning Policy Framework (2012)	: 6	Building a strong, competitive economy
	11	Conserving and enhancing the natural environment
	13	Facilitating the sustainable use of minerals
Planning Practice Guidance Suite (2014)	:	Guidance on planning for Mineral Extraction

5. Consultations

- 5.1 Borough Council of King's Lynn & West Norfolk : No objection - The proposal is considered unlikely to have a significant impact upon the amenities of local residents or the landscape character of the area, impact on the local highway network, and impact to the ecology and biodiversity will need to

be fully assessed.

Due to the existing screening it is not considered that material harm will result to these designated heritage assets.

- 5.2 Watlington Parish Council : No objection subject to - Public access around 60 acre field must be honoured when restoration takes place. Access to Home Farm via Church lane must be kept to a minimum. Noise reduction adhered to for Tottenhill Row residents. Maintenance of conveyors must be regular and emergency issues treated accordingly and dealt with immediately.
- 5.3 Tottenhill Parish Council : Oppose the application. Insufficient demonstration of the national/local need. Detrimental impact on local area by the conveyor. Impact upon residential amenity by increased noise, dust and vehicle movements. Harmful impact on local groundwater and the potential for high levels of water evaporation. Impact on traffic safety caused by closure of Watlington road for six weeks. Impact on bio-diversity and disruption to local wildlife given proximity to a conservation area. It is inappropriate to establish a new site at Home Farm, whereby residents would be faced with yet more years of damaging disruption.
- 5.4 Highway Authority (NCC) : No objection - The phased nature of extraction will not result in significant increase of traffic entering/leaving the quarry site. The majority of traffic generated by the proposals will be through the existing quarry junction onto Watlington road, and due to the existing conditions on site require all vehicles to right turn directly onto the principal road network.

Access onto Church Lane is intended for plant and personnel to access the proposed extraction site. No objection to the principle of this route being used for this purpose, although the access surface will need upgrading to be suitable.

No objection to the culvert although other consents will be required for technical approval of the culvert details and placing apparatus under the highway, a temporary road closure will also need to be sought. The culvert should be removed once extraction has ceased.

Conditions requested:

- Upgrade access from Church Lane onto Church Road.
- Construction Traffic Management Plan and access route to be agreed.
- Wheel cleaning arrangements to be agreed.
- Off-site highway improvement works to include the culvert and conveyor crossing of Watlington Road to be agreed.

5.5 Environmental Quality Team (KL&WN)

: No objections. No comments to make regarding contaminated land.

NPPF requires that LPAs should ensure that when determining planning applications that any unavoidable dust or particle emissions are controlled, mitigated or removed at source. The application includes an air quality assessment which concludes that, due to the low background concentrations of particulates, the operation is unlikely to cause a breach of the air quality objectives for PM10 (particles of less than 10 microns diameter).

Therefore good practice measures are recommended in the report to control fugitive dust from the proposed extraction and conveyor. The report contains a dust management plan and proposed locations for dust monitoring. I would recommend that adherence to the dust management plan and also operation of a monitoring programme be required by a suitably worded condition to ensure that local sensitive receptors are not unacceptably impacted by dust deposition.

5.6 Community Safety and Neighbourhood Nuisance Officer (KL&WN)

: No objections in terms of noise, dust, odour, drainage or light, provided the appropriate suggested/recommended mitigation measures are put in place and maintained. The noise impact assessment shows that generated noise will be within acceptable parameters, which is our main concern, and clearly identifies measures to mitigate the impact on the nearest residential receptors. If the recommended use of the site and machinery/vehicles on the site is adhered to and best practice is maintained, there should be no concerns.

- 5.7 Environment Agency : No objection in principle, subject to conditions and informatives/advice which should be appended to any approval.
- The quarry itself is outside of the flood plain of both the River Great Ouse and the Nar. The Flood risk Assessment (FRA) has recommended an emergency floodplan will need to be agreed.
- The Tidal Hazard Mapping for the Great Ouse indicates that the area around Hobbs Brook could be at risk if the local defences were breached or topped. The FRA concludes tidal flooding of this nature will not impact the conveyor. We recommend the conveyor is raised 0.5m above ground level as it crosses the floodplain if feasible.
- Conditions requested in respect of groundwater as a result of the Hydrogeological assessment. An Environmental Permit is likely to be required for dewatering. Abstraction licence would be required if any water is needed for dust suppression.
- It is the responsibility of the applicant to ensure that the proposal does not affect any water features including ditches, streams, ponds, or springs in the area including licensed and unlicensed abstractions.
- 5.8 Natural England : No objections. This application is in close proximity to the Setchey and the River Nar Sites of Special Scientific Interest (SSSIs). Natural England is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which the sites have been notified. We therefore advise your authority that these SSSI's do not represent a constraint in determining this application.
- The authority should consider protected species, local sites, biodiversity and landscape enhancements in determining the application.
- 5.9 Ecologist (NCC) : No objections to the proposed extension and installing of conveyor system in principal. The methodology and conclusions of the surveys that have taken place are acceptable

Further details and decision required on the exact trees to be removed in woodland G4 to install the conveyor.

There are several likely impacts on ecology listed in section 6 of the Ecological Assessment, that have adequate mitigation proposals in Section 7, these should be included as conditions when granting any permissions.

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| 5.10 | Landscape – Green Infrastructure Officer (NCC) | : No objections: Condition requested requiring details of landscaping associated with the culvert, conveyor bunding and associated maintenance. |
| 5.11 | Arboriculturalist (NCC) | : No objections. A condition will be required for the submission of a suitable landscaping plan. This must include mitigation for the loss of trees to facilitate the construction of the maintenance road, and tree protection during construction. |
| <p>The initial route proposed (the route as detailed in this application) in the Arboricultural Implications Assessment is my preferred option from an arboricultural point of view.</p> | | |
| 5.12 | Downham and Stow Bardoph Internal Drainage Board | : No objection subject to informatives. |
| 5.13 | Local Flood Authority | : No comments received. |
| 5.14 | Health and Safety Executive | : No comments received. |
| 5.15 | Norfolk Historic Environment Service (NCC) | : No objection to the application subject to a condition to agree a scheme of site investigation. |
| <p>The proposed development has been the subject of an archaeological evaluation, the results of which are included with the planning application (Crawley, P (2014) <i>Archaeological Evaluation on Land South of Home Farm, Watlington, Norfolk</i> Unpublished NPS report 3025). The evaluation recorded a small number of locally significant heritage assets.</p> | | |
| 5.16 | Marham Defence Infrastructure | : Comments awaited |

- 5.17 Local residents : Eleven letters of objection have been received from nearby residents. Comments in summary are:
- Noise impact
 - Dust impact
 - Increased Traffic
 - Significant increase in heavy traffic through the village
 - Major disruption to country lane used by children.
 - Disruption to Wildlife
 - Invasion of privacy
 - Inconceivable to locate a land conveyor and associated site near to residential properties.
 - Impact on Conservation Area.
 - Two ponds and spring will dry up.
 - Migrating toads affected.
 - Loss of trees
 - The County Council has already declined extraction proposals for these sites on several occasions.
 - Damage to properties without foundations.
 - Over 60% of Tottenhill row residents are retired, many with health issues. Someone must have a duty of care for the residents.
 - Loss of agricultural use of field accommodating conveyor.
 - Culvert to remain after extraction to accommodate any toad migration that has built up.
 - Land where conveyor is sited should be restored to agricultural use.
- 5.18 County Councillor (Brian Long) : No comments received.

6. Assessment

6.1 Proposal

- 6.2 This application seeks an extension of Watlington quarry into land to the south of Home Farm, Watlington. The proposed extension area is located approximately 1200m away from the plant site which is situated within the existing quarry. The extension area and plant site would be linked via a ground conveyor which would pass through a new culvert under Watlington Road. The ground conveyor would transport all of the mineral (sand and gravel) from the extension area to the existing quarry for processing and sale. Working at the existing quarry is due to be completed by August 2015. The extension area contains approximately

335,000 tonnes of mineral in an area of approximately 7.1 hectares. If successful, the application will permit the extraction and processing of the mineral reserves from the extension, securing the future of the quarry for a further 5 years.

- 6.3 The proposed extension area is allocated within the Norfolk Minerals Site Specific Allocations Plan as a specific site for mineral extraction in Policy MIN 75. The allocation of this site was subject to an examination in public by a Planning Inspector in March 2013 and found to be sound and legally compliant.
- 6.4 The permission for the plant site and the original quarry is due to expire in August 2015. A separate application has been submitted to vary the timescale for the cessation of the plant site use, so that it can continue to operate and process the mineral from the proposed extension. This variation has been submitted concurrently with the extension area application and should be considered together as they are inherently linked.
- 6.5 No changes are proposed to the plant site with the exception of altering the direction of the conveyor from the south to the west to meet up with the conveyor from the proposed extension area. Mineral from the extension area would be processed and sold from here, with HGV's using the existing site access which leads directly off Watlington Road close to the roundabout with the A10/A143.
- 6.6 Existing mature trees around the extension area and along Watlington Road would be retained. Additional hedgerow planting would be carried out at the point where the culvert crosses Watlington road. The ground conveyor would be lowered to 0.5 metres below ground level and a shallow grassed bund formed to the northern side to screen the conveyor.
- 6.7 The site would be restored to a nature conservation use. The restored land would be a mixture of open water, reedbed, wet and dry grassland and natural regeneration.
- 6.8 During the workings extraction would be within 10 metres of Home Farm. In order to ensure that there is no potential for any occupants of this property to be disturbed to an unacceptable level by the proposed extraction, the land owner has agreed to enter into a Section 106 legal agreement, to ensure that this property remains unoccupied during the extraction period.
- 6.9 **Site**
- 6.10 The application site is situated approximately 620m to the north of Watlington. The existing quarry and plant site lies approximately 1200m to the east of the application site. The extension site and conveyor route cover an area of 7.8 hectares. The extension site is bordered by mature woodland which screens views of the site from the public. Immediately to the north west of the extension area (approximately 10m) is Home Farm. No alterations are proposed to the property which would be left unoccupied during extraction.
- 6.11 The proposed extension area is currently within agricultural use, as are the fields

which the conveyor would cross in order to reach the existing quarry and plant site on the opposite side of Watlington Road. Access to the site is via Church Lane which leads from Church Road. A temporary access would be created directly onto Watlington Road to accommodate the construction of the conveyor. No alterations are proposed to the existing access at the plant site which leads directly onto Watlington Road.

- 6.12 The quarry is set within a rural landscape which is used predominantly for agriculture. Approximately 760m to the east of the extension site is the Watlington Road (C51) beyond which is the existing quarry and plant site. The Tottenhill Row Conservation Area is located approximately 480m to the east of the extension area, and approximately 130m to the north of the ground conveyor at its closet point. There are other single residential properties within the landscape around the application site including Watlington Hall to the south, The Kennels to the South East, The Laundry to the East and Keepers Cottage to the West. Access for personnel and maintenance of plant on the site would be via Church Lane, which is a private road.

6.13 **Principle of development**

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

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

- 6.15 In terms of the development plan, the County Planning Authority considers the relevant documents in relation to this application are the Norfolk Minerals and Waste Local Development Framework Core Strategy and Minerals and Waste Development Management Policies Development Plan Document 2010-2016 (the “NMWDF Core Strategy”), The Norfolk Minerals Site Specific Allocations Plan (2013) and the King’s Lynn & West Norfolk Borough Council Core Strategy (2011). Whilst not part of the development plan, policies within the National Planning Policy Framework are also a further material consideration of significant weight.
- 6.16 This application is for an extension to Watlington Quarry, Watlington, Kings Lynn. The proposed extension area is an allocated mineral extraction site (MIN 75) within the Norfolk County Council’s Mineral Site Specific Allocations Plan which was adopted in October 2013. The Minerals Site Specific Allocations (MSSA) was subject to an Examination in Public by a Planning Inspector appointed by the Secretary of State. The Inspector examined all site specific allocations and representations made on the site specific allocations, including those regarding the planning history of sites. The Planning Inspectorate’s report found that the Plan and all allocations were ‘sound’ and legally compliant, and that the allocations were acceptable in principle for mineral extraction which included this extension area at Watlington (MIN 75).

6.17 Market/Need

- 6.18 NMWDF Core Strategy policy CS1 states that the landbank for sand and gravel will be maintained between 7 and 10 years supply. NMWDF Policy CS2 explains that the availability of sand and gravel is located widely throughout the county and that preference will be given to those sites which are particularly well related via appropriate transport infrastructure to....Kings Lynn...or the main market towns of..... Downham Market, and that preference will be given to extensions of existing sites over new sites.
- 6.19 The site is well related to both Kings Lynn and Downham Market as identified within the policy as being favourable for sand and gravel extraction sites. As the proposals include extensions to the original quarry, this would also accord with the aims of policy CS2, which favours extensions to existing sites over new ones.
- 6.20 Para.144 of the NPPF underlines that planning authorities should give great weight to the benefits of mineral extraction, including to the economy, and Paragraph 145 of the NPPF requires MPAs to make provision for the maintenance of at least a 7 year supply of sand and gravel.
- 6.21 At the end of May 2015, the sand and gravel landbank for Norfolk stands at 10.4 years, therefore marginally over the 10 year ceiling referred to in Policy CS1, which in accordance with the NPPF and Planning Practice Guidance, is based on Norfolk's 10 year average sales demand. At the end of 2013 (the last year that the authority has survey results for), the 10 year landbank was calculated as 17.1 million tonnes (based on average sales of 1.71 million tonnes per annum).
- 6.22 This planning application is for some 335,000 tonnes of sand and gravel. If approved this would increase the landbank to approximately 10.6 years. Therefore, permitting this application would take the landbank further beyond the 10 year ceiling that is quoted in policy CS1.
- 6.23 As detailed in the supporting text to policy CS1, the 10 year maximum is considered necessary to ensure that an excessive reserve of sand and gravel is not permitted for extraction at any one time in order to provide a satisfactory degree of confidence that there would not be undue delays in the final cessation of extraction and restoration at permitted sites. The more recently published Planning Practice Guidance advises that, 'There is no maximum landbank level and each application for minerals extraction must be considered on its own merits regardless of the length of the landbank.' The wording of current guidance is consistent with the previous Mineral Planning Statement 1 (MPS 1) in this regard, which was the extant guidance at the point of examination of the Core Strategy. Policy CS1 was accepted as a local refinement to national policy with regard to mineral landbanks accounting for the wide extent of sand and gravel in Norfolk. Therefore, Policy CS1 is still considered to be relevant and up-to-date regardless of the change in national guidance.
- 6.24 In the case of this application, it is not considered that permitting this site would be allowing an excessive reserve of sand and gravel to be permitted given that

the existing working is nearing completion in terms of extraction of currently permitted mineral reserves. The application also makes it clear that working of the proposed extension area would not commence until extraction has permanently ceased in the currently permitted area (Sixty acre field).

- 6.25 Significantly, the site is also an allocated site, MIN 75, in the Minerals Site Specific Allocations Plan which sets out the sites considered suitable for mineral extraction during the plan period, until 2026, and it is the applicant's intention to work the site within the timeframe of the plan, that is until August 2020. Therefore, in this instance it is not considered exceeding the 10 year landbank is a departure from the development plan, and there are circumstances specific to this site that justify increasing the 10 year landbank.
- 6.26 NMWDF Policy CS2 explains that the availability of sand and gravel is located widely throughout the county and that preference will be given to those sites which are particularly well related via appropriate transport infrastructure to....Kings Lynn...or the main market towns of..... Downham Market and that preference will be given to extensions of existing sites over new sites in order to ensure a supply to established processing plants and markets. In this instance it means the extension can be worked without relocating the current plant site which operates without unacceptable impacts on local amenity, or the landscape. The site is also located with good access onto the principal highway network and within close proximity of Kings Lynn and Downham Market. Again, in this respect the application is compliant with this NMWDF policy.
- 6.27 The principle of the main quarry being used as a plant site has been established through the previous permissions at the site. However the continued use of the plant site is covered under a separate application which should be considered concurrently with this extension proposal.
- 6.28 **Amenity (noise and dust pollution)**
- 6.29 The protection of amenity for people living in close proximity of mineral workings is a key consideration and NMWDF policy DM12 states that development will only be permitted where '...unacceptable impact to local amenity will not arise from the operation of the facility.' This echoes the ethos of policy NMWDF CS14 which also seeks to avoid unacceptable impacts on amenity. This is also recognized in the Planning Practice Guidance for Minerals which states that mineral workings may have adverse and positive environmental effects, but some adverse effects can be effectively mitigated. The Minerals Site Specific Allocations Plan Policy MIN75 requires a programme of mitigation measures to deal appropriately with amenity impacts.
- 6.30 The extraction site is approximately 500m from the nearest residential property at Tottenhill Row, 370m from Watlington Hall and 240m from The Kennels. Policy MIN75 refers to the extension area being served by a haul route to take mineral to the existing processing works. The application proposes instead a conveyor, which would negate the need for a haul road and increased HGV movements close to residential properties. The conveyor

takes an easterly route from the southern part of the site across agricultural fields and then under the Watlington Road. Approximately half way across the fields to the east, the conveyor has a slight change in direction in order to maintain an adequate distance away from residential properties to protect the resident's amenity. The conveyor at its closest point would be approximately 160m from the nearest residential property (The Laundry) and 225m from the other nearest dwellings.

- 6.31 It is proposed to form a shallow grassed bund to the north of the conveyor. The conveyor would be set 0.5m below ground level and the grassed bund to the north would help in reducing the potential of noise impact upon those nearest residential properties. Drawings submitted with the application show that the grassed bund would screen the conveyor from both ground floor and first floor windows of the nearest residential properties. The extraction site is boarded closely to three sides by existing mature trees which would be retained during extraction and again assist in reducing the potential for noise impact to nearby residential properties. It is also proposed to construct a grassed bund of 2.5m in height to the south and south western boundary of the extension area using soils stripped from the extraction site.
- 6.32 A noise assessment and dust and air quality assessment have been submitted with the application. The noise assessment concludes that noise from the use of quarry plant would not exceed a noise limit of 10 dB(A) above the background noise level, as required by the Planning Practice Guidance (PPG) for routine mineral operations. The report also demonstrates that temporary noise events such as soil stripping and bund formation would not exceed the short term maximum levels of 70 dB Laeq, 1 hour for 8 weeks per year. These noise levels demonstrate the site can operate within the criterion set out within the Planning Practice Guidance for routine and temporary quarrying operations.
- 6.33 The dust and air quality assessment advises that the majority of dust generated from the proposed mineral extraction will be larger particles (>30µm). Particles of this size generally deposit within 100 metres of the source. The assessment concludes that the proposals are unlikely to cause any decrease in local air quality. And that any dust occurrence event will be of a short duration, which will be minimised by adherence to the proposed Dust Management plan.
- 6.34 The King's Lynn and West Norfolk Borough Council's Environmental Quality Team and Community Safety and Nuisance Officer have raised no objections to the application. With regards to noise, it has been advised that the assessments show impacts will be within acceptable parameters, and mitigation measures have been identified. If the use of machinery and mitigation set out in the application is adhered to then it is advised that there should be no concerns.
- 6.35 With regards to dust the Environmental Quality Team have advised that
'The application includes an air quality assessment which concludes that, due to

the low background concentrations of particulates, the operation is unlikely to cause a breach of the air quality objectives for PM10 (particles of less than 10microns diameter). Therefore good practice measures are recommended in the report to control fugitive dust from the proposed extraction and conveyor.’ A dust management plan along with the location for dust monitoring have been submitted with the application. Subject to adherence to this it is considered that there would be no unacceptable impact upon residential amenity in terms of dust/air quality.

- 6.36 A number of conditions would however be required in order to protect residential amenities as set out within the noise assessment. These conditions are listed in full in section 12 of this report, but in summary they would consist of restriction on the hours of operation, provision of mitigation measures identified within the Noise and Dust Assessments and ensuring that the Dust Management Plan is adhered to.
- 6.37 There are no objections from the Environmental Quality Team, Community Safety and Nuisance Office or the Environment Agency, and subject to the above mentioned conditions, it is considered that the proposal complies with both NMWDF Policies CS14 and DM12 which both seek to ensure there are no unacceptable adverse amenity impacts created. The proposals would also comply with the requirements of Policy MIN75 in that a programme of mitigation measures have been included with the application which are considered to be acceptable in order to protect residential amenity.
- 6.38 Objections received to the application all cite impact upon amenity in terms of noise and dust as a concern. As discussed above, the application has been subject to both a noise and dust assessment. These assessments conclude that subject to the provision of mitigation measures set out within the application and adherence to the dust management plan there would be no unacceptable impacts upon residential amenity. No objections have been received from statutory consultees who have advised that they are satisfied with the assessments that have been carried out and their findings. As such in this respect impact upon residential amenity is not considered sufficient grounds on which to refuse the application.
- 6.39 **Landscape**
- 6.40 NMWDF Policies CS14 and DM8 both seek to only permit development that does not have unacceptable impacts on the character and quality of the landscape. At a local level, policy CS06 of the King's Lynn and West Norfolk (KL&WN) Core Strategy states that the strategy for rural areas is to ‘maintain local character and a high quality environment’ and also ‘to protect the countryside for its intrinsic character and beauty’.
- 6.41 In terms of landscape impact the application essentially consist of two main elements. The first is the extension/extraction area itself and the second is the conveyor and associated maintenance/access track. Views towards the site and conveyor are limited to The Laundry, those properties at the Western end of Tottenhill Row and from the Watlington Road.

- 6.42 The extraction site is bound on 3 sides (East, West and South) by existing mature trees formed by Ballast Hole Plantation, Davidson's Plantation and Rock Wood. To the North beyond Home Farm there is a block of mature trees. The existing extensive mature tree planting around the site would prevent views of the extraction area from the public realm.
- 6.43 The woodland bordering the site would be protected during working and restoration operations. Views from Tottenhill Row would largely be obscured by the existing ditch-line hedges, Spring Pit coppice and the open woodland. A landscape and visual impact assessment has been submitted with the application which advises that:
- 'The mostly rural character of the area will be maintained. The setting of Watlington Hall and parkland are largely unaffected. The landscape setting of Watlington village will not be affected. The potential adverse effects on Tottenhill Row will be slight. The adverse effects on the tranquil nature of the area will be minor and short term..... The remote 'satellite' nature of this extraction area means that the potential for cumulative adverse landscape effects of this proposal are negligible.'
- 6.44 The proposed ground conveyor would transport mineral from the extraction area to the plant site. The conveyor would have a height of approximately 0.7m and would be located approximately 0.5m below existing ground levels. The conveyor would follow a course eastwards, along the northern edge of Rook Wood, across the open arable field between Long Wood and Spring Pit coppice, under Watlington Road, northwards along the edge of restored lakes and then eastwards towards the processing plant. Running adjacent to the conveyor would be a maintenance track of 3.5m in width. To the north of the conveyor and maintenance track a shallow grassed bund would be formed to assist in screening views of the conveyor from properties to the North and from Watlington Road. At the point where the conveyor crosses under Watlington Road through a culvert forming part of the proposals, it is proposed to provide some additional planting to help in screening views at this point where the conveyor is likely to be most visible.
- 6.45 The County Council's Landscape and Green Infrastructure officer has raised no objections to the application advising that:
- 'Overall the mitigation and restoration proposals are appropriate to the setting. Effects of the proposal on Tottenhill Row conservation area will be slight, as stated in 3.9 of the LVIA, and relatively short term during the construction and restoration periods along the conveyor route.'

As such given the existing extensive screening of the extraction site, and the proposed use of a conveyor instead of a haul route, combined with the lowering of the conveyor ground level and formation of a shallow grassed screening bund. It is considered that the proposals would not have any significant or unacceptable impact upon the character and appearance of the area. No objections have been received from statutory consultees. The proposals are therefore, for the reasons outlined above, considered to accord with policies CS14 and DM8 of the

NMWDF and policy CS06 of the King's Lynn and West Norfolk (KL&WN) Core Strategy.

- 6.46 Policy MIN 75 requires that a screening scheme is to be submitted which will include mitigation views from the property to the north, and surrounding roads, with particular reference to the haulage route to the existing processing works. As discussed a haulage route would no longer be required as a conveyor is proposed to transport mineral to the existing processing plant, this should reduce the visual intrusion of the proposed development. With regard to screening being required in front of Home Farm this is no longer considered necessary as the property will not be occupied during extraction. The screening scheme accompanying the application details the retention of existing mature trees, additional planting along Watlington road and the formation of a grassed bund along with lowering the ground level of the conveyor. This scheme is considered to be acceptable and in this respect the proposals would be compliant with this requirement of MIN75.
- 6.47 The proposed route of the conveyor would require the removal of trees towards the southern end of Davidson's plantation. The Arboricultural Impact Assessment advises that it is not considered to represent a significant material impact on the visual amenity or character of the area. The report also advises that the conveyor route has been designed to optimise its functionality and to have minimal impact on trees. The County Council's Arboriculturalist is satisfied with the application raising no objection subject to agreeing a landscaping scheme to mitigate against the loss of any trees, provision of tree protection barriers, a programme of arboricultural supervision and precise details of any felling works required. These requirements are considered to be reasonable and can be controlled by condition.
- 6.48 A number of objections have been received advising that the proposed development would cause unacceptable harm to the landscape. For the reasons discussed it is considered that any impacts of the proposals would be short term (5 years or less), and the level of impact would be relatively low given the proposed screening bund, additional planting and the retention of existing mature woodland. Any landscape impact from the installation of the conveyor could also be completely reversed once extraction has ceased. The restored extraction site would have a different land form however views of the site are very limited (if at all existent) from the public realm, and a restoration scheme is proposed for the extraction site which will be discussed later in the report.
- 6.49 **Biodiversity and geodiversity**
- 6.50 NMWDF policy CS14 states developments must ensure there are no unacceptable adverse impacts on biodiversity and geodiversity including nationally designated sites. The nearest sites designated for nature conservation are the River Nar SSSI approximately 1400m north and land at Setchey 1000m to the north east and the Tottenhill Row 'County wildlife site 387' approximately 300m to the east. There are no European protected sites within 5km.

- 6.51 An ecological impact assessment has been submitted with the application along with a great crested newt survey. The assessment concludes that -

‘The site can be worked without significant negative impact on the local ecology and indeed the long term restoration of the extraction area could bring about ecological benefits.’

The ecological assessment acknowledges that the proposals would result in the loss of 7.1ha of arable land, however it states that the long term replacement with a variety of natural habitats, will have a significant ecological benefit in the long term. The assessment also identifies that the conveyor route would result in the temporary loss of a strip of arable land and scrub with low ecological value. The conveyor has been positioned to avoid trees of significant value. The conveyor would however require the removal of wet woodland, and will directly impact on one pond and pass close to another. Further survey work for reptiles and amphibians has been carried out, no great crested newts were found, although the survey did find grass snake, common lizard, smooth newt, common frog and common toad to be present, appropriate mitigation has been submitted in respect of these findings and can be conditioned accordingly.

- 6.52 Natural England have been consulted on the application and have advised that they are satisfied that-

‘the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which the sites have been noted. We therefore advise your authority that these SSSI’s do not represent a constraint in determining this application.’

- 6.53 Natural England does not comment on protected species or local wildlife sites. The County Ecologist’s has however been consulted on the application and has raised no objections subject to adherence to the mitigation proposed within the ecological report and the updated reptile and amphibian survey.

- 6.54 Appropriate Assessment

The site is situated within 1km of the Setchey SSSI and 1.4km of the River Nar SSSI. There are no Internationally Protected sites within 5km of the site. Neither Natural England nor the County Ecologist have raised any objection to the proposals subject to mitigation measures proposed, in accordance with Regulation 61 of the Conservation of Habitats and Species Regulations 2010, it is considered that the development would not have a significant impact on any protected habitats and accordingly no Appropriate Assessment of the development is required.

- 6.55 The proposals are therefore considered to comply with NMWDF policy CS14, which seeks the avoidance of unacceptable adverse impacts on geodiversity and biodiversity, including nationally designated sites.

- 6.56 **Transport**

- 6.57 Policy CS15 of the Minerals and Waste Core Strategy states that development proposals will be satisfactory in terms of access, providing unacceptable impacts are not caused to the safety of road users and pedestrians, the capacity of the highway network, air quality, and damage to the roadside. Policy DM10 requires applicants to demonstrate with a Transport Statement that there is suitable highway access and suitable routes to the nearest major road.
- 6.58 This application details the transportation of mineral from the extraction site to the plant site via a conveyor. The only vehicle movements directly associated with this application would be those of operatives, occasional maintenance vehicles and the initial importation of quarrying vehicles. These vehicles would use an existing private road known as 'Church Lane'. Whilst the traffic movements associated with transportation of mineral from the plant site do not strictly form part of this application, it is useful to be aware of these as the other application for the continued use of the plant site will need to be considered in tandem with this application.
- 6.59 The highways officer has raised no objection to the limited use of Church lane as set out within the application. However it has been requested that some upgrading works are agreed where Church Lane meets with the public highway Church Road. The upgrading works would essentially consist of improvements to the surfacing to prevent material being deposited onto Church Road. This can be controlled by way of condition and it's considered to be a reasonable request in the interests of highway safety.
- 6.60 No objections have been received from the highways officer in respect of the proposed culvert or the use of a conveyor, although a requirement has been requested that the culvert is removed as part of the restoration. A number of conditions and informatives have been requested in respect of highways requirements which are set out in Section 12. In brief these would consist of a construction management plan, wheel cleaning arrangements, provision of culvert and conveyor before works begin and also removal of conveyor/culvert once extraction has ceased.

A transport statement has been submitted with the application in accordance with Policy DM10. The statement advises that the use of Church Lane for occasional access for operational purposes to the new workings is considered to be suitable.

- 6.61 In terms of vehicle movements in relation to the mineral which is to be processed and sold from the existing plant site, it is important to have regard to this in determining this application as the other application for the continued use of the plant site is inherently linked. The existing access arrangements at the plant site would remain unchanged. Vehicles leaving the plant site would turn right onto the Watlington Road towards the A10, with the exception of local deliveries. This can be controlled by way of condition. The present output of aggregates at the site and the resultant HGV loads are not predicted to increase in the future as a result of this application. When the proposed and existing traffic flows are considered in respect of traffic on the A10 they are considered "immaterial" comprising at most only 0.12% of the total traffic and 0.6% of the HGV traffic. In terms of actual vehicles numbers this would equate to an average of 40 HGV's

and 18 Light Vehicle movements daily.

6.62 The transport statement advises that:

‘There is no incidence of accidents occurring as a result of the quarry operation or significant shortfall in the layout of the highway network in the area. It is found that the A10 within the area is operating well within its design and operational capacity. No improvements to the access or linking road junction are found to be necessary.’

6.63 It is therefore considered that the proposals are considered to be acceptable in terms of predicted highway movements. The plant site is well located for access to the major road network. And the access along Church Lane is considered adequate for the limited use proposed. The application is therefore considered to comply with NMWDF Policies DM10 and CS15, which only supports proposals where the access and anticipated HGV movements do not generate unacceptable risks or impacts to highway safety.

6.64 **Groundwater/surface water & Flood risk**

6.65 The site is not situated within a ground water protection zone and the nearest public water abstraction point is over 10km away from the south east of the site. A hydrogeological risk assessment has however been submitted with the application as required by policy MIN75, to demonstrate any potential impact upon the groundwater within Tottenhill Gravel Member which is a Secondary aquifer. The report also considers possible impacts on the surrounding surface water features and the regional Principal Aquifer of the Sandringham Sands to the east. The site is also greater than 1 hectare in size and part of the site accommodates a 300m stretch of the ground conveyor which is situated within flood zone 3, the application has therefore also been accompanied with a Floodrisk Assessment in accordance with Policy DM4 of the NMWDF.

6.66 Due to the groundwater levels within the extraction site, it will be necessary for dewatering to take place to allow for dry working. The initial dewatering for 90% of the reserve will be by passive drainage through facilitating a connection to an existing surface water drain to the west. The remaining 10% of the reserve in the south west corner of the site will need to be pumped to be dewatered and worked dry.

6.67 The assessment advises that the only water features likely to be impacted are the minor drainage ditches to the west of the site and a small potential impact upon Watlington Hall Lake. The Environment Agency have raised no objection to the application in this respect, but have requested a condition to measure and monitor water levels within Watlington Hall Lake and the closest surface water pond which is Rock Wood Pond. Any drops in water levels will need to be replenished by discharge from dewatering. This condition is considered to be acceptable and would seek to ensure that as these were the only two sites identified as having any potential for negative impact from dewatering they need to be protected.

- 6.68 A number of objections have raised concern that the water feature known as Spring Pit and the adjacent smaller pond will dry up as a result of the proposed extraction. The Hydrogeological report has specifically looked at this point and advises that

‘Spring Pit is a small pond fed by springs and is set within Tottenhill Row Common and has a standing water level of 3.4mAOD. The pond has a smaller pond adjacent, to the south, both of which decant and drain westwards into Hobbs Drain situated in a shallow valley feature at 1.5mAOD. The springs feed into the pond from the groundwater aquifer in the Tottenhill Gravels to the east of Hobbs Drain and is likely to be located at a local low point where the Terrington Beds overlap onto the Tottenhill Gravels. Due to its distance (490m) and its setting within the aquifer to the east of Hobbs Drain (and thus is isolated from the site, which is to the west of Hobbs Drain) it is unlikely to be affected by either passive drainage at the site or by the pumped dewatering of the lowest mineral which is on the opposite side of a ridge of Kimmeridge Clay at 3.0mAOD.’

- 6.69 The Environment Agency are satisfied with these findings and in this respect it is considered that there is unlikely to be any negative impact upon Spring Pit and the adjacent pond as a result of the proposed extension.

- 6.70 The Hydrogeological Assessment concludes that:

‘As a result of this assessment, it is believed that the impact of the proposed dewatering activities at the site on the wider water environment is acceptable. After the completion of site works, the introduction of new water features and nature conservation habitat will provide enhanced environmental and ecological opportunities.’

Policy DM3 of the NMWDF advises that applications will only be acceptable in principle where it is demonstrated that the extraction can take place safely in respect of groundwater protection. No objections have been received from the Environment Agency who have accepted the findings of the assessment subject to a condition in respect of monitoring water levels as set out above. The proposals in this respect are considered to accord fully with the aims of Policy DM3 of the NMWDF and the requirements of MIN75 in that a suitable Hydrogeological assessment has been carried out to assess any potential risks and any risks can be mitigated against accordingly.

- 6.71 Policy DM4 of the NMWDF only permits mineral extraction on sites greater than 1 hectare and those within flood zone 2 and 3, where it can be demonstrated that there would not be an increase in flood risk as a result of the extraction.

- 6.72 The submitted Flood Risk Assessment concludes that the majority of the site is within Flood Zone 1 and is therefore at a low risk from fluvial flooding, and a negligible risk from tidal, surface water and groundwater flooding. The assessment also advise that the development will not increase flood risk beyond the site boundaries either during working or restoration. However it

has been identified that a 300m stretch of the proposed conveyor crosses the floodplain of Hobb's Drain and is therefore at a high risk of fluvial flooding and an elevated risk of tidal breach flooding. It has been indicated that should flooding of this area occur the conveyor infrastructure itself would not be at risk but any vehicles and pedestrians in this area could be. As such mitigation measures are proposed which would include erecting warning signs and implementing a flood warning strategy at the site. The floodrisk assessment concludes that:

'The proposed development represents a negligible risk to life and property due to flooding from any source, either on or off site, provided appropriate mitigation measures are undertaken.'

- 6.73 Furthermore, the Environment Agency (EA) has no objections to the proposal subject to approval of the flood warning strategy. The EA has however recommend that if possible the height of the conveyor should be increased 0.5m above ground level where it crosses the floodplain. The applicant has however advised that this would not be feasible due to the negative impact it is likely to have in terms of visual impact. The Internal Drainage Board has raised no objections subject to Informatives. It is therefore considered that the proposal complies with NMWDF policy DM4, which seeks to only permit mineral extraction sites that do not increase the risk of flooding.
- 6.74 **Protection of best and most versatile agricultural land**
- 6.75 NMWDF Policy DM16 cites a preference that, where mineral extraction is proposed on agricultural land, it is land of agricultural grades 3b, 4 and 5. The application site is comprised of Grade 4 agricultural land. The proposals are therefore considered to be compliant with this policy.
- 6.76 **Progressive working, restoration and after-use**
- 6.77 Policy DM14 of the NMWDF requires proposals for new mineral workings to be accompanied by a scheme for the phased and progressive working and restoration of the site throughout its life. Consideration also needs to be given to the benefits of the aftercare proposed in terms of biodiversity, geodiversity and landscape.
- 6.78 The application has been accompanied with a phasing schedule, restoration plan and a Landscape and Visual Impact Assessment. It is proposed that extraction work will not commence in the extension at Home Farm until extraction has been completed in Sixty Acre Field, to ensure that extraction will only take place in one area at a time. A phasing scheme has been submitted with the application showing working to progress in a northerly direction finishing close to Home Farm. Once all of the mineral has been extracted the land will be restored in a single phase to a nature conservation use, with a mix of open water, reedbed, wet and dry grassland and natural regeneration. The land which would accommodate the ground conveyor would be returned to its original physical form, with the shallow grass bund

removed and the culvert under Watlington Road removed once extraction has ceased.

- 6.79 Taking into account the original use of the site, as predominately agricultural land, it is considered that the proposed after-use is appropriate, and acceptable in landscape terms. It is acknowledged that the proposed restored site being nature conservation would result in the loss of this area of agricultural land, however the benefits of the nature conservation are considered on balance to be acceptable. The proposed phasing and restoration scheme is also considered to be acceptable and there are no objections from statutory consultees. It is therefore considered that the proposals comply with the aims of NMWDF Policy DM14, which seeks the most appropriate after-use for sites.

6.80 Cumulative impacts

- 6.81 Policy DM15 of the NMWDF advises that minerals and waste developments can, by virtue of their nature and scale of operations, generate significant environmental and amenity impacts. The policy requires applications to be supported by information to demonstrate how the proposals relates to other developments nearby and detail any cumulative impacts that may occur and how these could be adequately mitigated against.
- 6.82 The applicant has advised that they consider there not to be any adverse cumulative impact as a result of the proposal, as the extension area would not be worked until extraction has ceased in the existing area of Sixty Acre Field. Once extraction begins in the proposed extension area at Home Farm it is not anticipated that there would be any cumulative impacts in this respect as no other changes are proposed to the working arrangements.
- 6.83 It is considered that this is a reasonable conclusion given the distance that Watlington Quarry is away from the other comparable sites and through ensuring that the extraction within the existing workings ceases before beginning in the extension area. It is therefore considered that the proposal complies with NMWDF Core Strategy policy DM15, which seeks the avoidance of unacceptable cumulative impacts.

6.84 Sustainability

- 6.85 Policy CS13 of the NMWDF welcomes all opportunities for new minerals developments to generate renewable energy on site and should be explored fully, with a minimum of 10 percent generated from decentralised and renewable low-carbon sources, wherever is practicable. Where it is not considered practicable this must be demonstrated with appropriate information.
- 6.86 The application has been accompanied with a Sustainability Statement. The statement shows an assessment has been carried out to identify if the production of on-site renewable energy is viable. The assessment considered wind power, solar power and biomass for the provision of renewable energy at the site. However the assessment has shown that as the proposal would only allow

extraction and processing until August 2020, this is not considered a long enough timescale for a renewable energy scheme to be viable. The proposals are in this respect considered to accord with the aims of Policy CS13 of the NMWDF, in that the potential for incorporating renewable energies has been considered but has been found not to be viable due to the relatively short life span of the site and associated plant.

6.87 Archaeology and Cultural Heritage

- 6.88 Policy DM9 of the NMWDF seeks to protect and adequately mitigate against sites with a high potential for archaeological interest from being affected. Those sites posing a high potential risk are required to be accompanied with an appropriate desk based assessment and where necessary a field evaluation. The policy goes on to advise that where development would potentially affect other heritage assets then the proposals could be acceptable subject to appropriate mitigation measures.
- 6.89 The application is accompanied by an Archaeological Evaluation which involved assessing archaeological features of 24 trenches that were opened, spread across the proposed extraction area and conveyor route. This evaluation of the trenches identified only a small number of locally significant heritage assets. The County Council's archaeologist has been consulted on the application and is satisfied with the evaluation which has been carried out, raising no objections to the application subject to agreeing a written scheme of investigation being agreed before works commences. It is therefore considered that in accordance with Policy DM9 of the NMWDF there is unlikely to be any significant effects on archeologically important sites that cannot be adequately mitigated against.
- 6.90 With regards to Cultural Heritage a Heritage Statement has been submitted with the application, which seeks to assess any potential effects of the proposed development upon Tottenhill Row Conservation Area. Policy DM8 seeks to ensure that the proposals will not harm the conservation of, or prevent the enhancement of, key characteristics of its surroundings with regard to the character of the landscape, including its historic character, taking into account appropriate mitigation measures. The NPPF Chapter 12 also identifies the need to ensure that any impact upon Cultural heritage is adequately assessed.
- 6.91 The assessment carried out concludes that there will be no direct effects upon the Conservation Area and that indirect effects would be limited as there would be no views of the extension area from the Conservation Area and the view from the core of the Conservation Area towards the conveyor is entirely screened by a tree belt. The report continues to state that the proposed development will have no effect upon Tottenhill Row Conservation Area, no specific mitigation is required and the restoration of the conveyor route back to its original condition would ensure that there is no change to the setting of the Conservation Area in the long term.
- 6.92 The Borough Council have advised that they raise no objection and that the proposal would not result in any harm to the conservation area due to the existing screening. No special conditions are considered to be required other

than adherence to the details set out within the application. It is therefore considered that as no objections have been received from statutory consultees and the applicant has demonstrated that the proposals would not adversely impact upon the Totenhill Row conservation area the proposals are considered to be acceptable and would accord with Policy DM8 of the NMWDF and Chapter 12 of the NPPF. The proposals have been assessed in accordance with Section 72 of the Town and Country Planning (Listed Building and Conservation Areas) Act 1990, and for the reasons outlined above it is considered that there would not be any adverse impact upon the setting, character or appearance of the Totenhill Row conservation area.

6.93 Responses to the representations received

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

6.95 Eleven letters of objection has been received and one objection from Totenhill Parish Council. The objections relate primarily to impacts upon amenity, traffic, landscape, wildlife, Spring Pit drying up, the Conservation Area, property foundations and loss of trees. It has also been raised that 'NCC' have previously refused permission for extraction at this site.

Many of these objections, have already been addressed in the report i.e. working hours, noise, dust, highway concerns, landscaping, groundwater and restoration. However for clarity a brief response will be provided.

6.96 In terms of potential amenity impact the environmental health officer has raised no objections subject to the adherence of an hours condition, dust management strategy and other mitigation measures detailed in the application all of which would be controlled by way of condition.

6.97 With regards to potential impact in terms of traffic, the highways officer is satisfied that the use of a conveyor is acceptable and the low level use of Church Lane would not be prejudicial to highway safety subject to improvements to the surfacing. No objection has been made by statutory consultees in respect of the temporary closure of Watlington Road to allow construction of the culvert.

6.98 Impact upon wildlife has been assessed and no objections have been received from Natural England or the County Council's Ecologist. Additional reptile and amphibian surveys have been undertaken and subject to the results of these the proposals are considered to be acceptable without any unacceptable impact upon protected species and their habitat.

6.99 With regards to landscape impact, the extraction site is well screened by existing mature planting and the visual impact of the conveyor would be mitigated against by the provision of a shallow grassed bund. There would be some loss of trees to accommodate the conveyor however precise details of these and mitigation for any loss would be controlled by condition.

6.100 One objection advised that there is the potential for damage to properties as they

are over 300 years old with no foundations. However it is not expected that there would be any physical damage to the properties of Tottenhill Row due to the distance they are sited away (approx 500m) from the application site and the nature of the works proposed.

- 6.101 Objectors have also advised that this site has been considered unsuitable previously and that NCC have refused permission in the past. To clarify no planning applications have been received for this application site (MIN75), an application was refused in 1996 but this was for a different site, comprising a larger area of land directly to the South of Tottenhill Row, and was subsequently dismissed at appeal. However a reduced site area forming part of the dismissed appeal site has now been allocated within the Norfolk County Council's Mineral Site Specific allocations Plan in Policy MIN 76, it has been found to be acceptable in principle and legally sound. For clarity it should be acknowledged that this site does not form part of the proposal for extraction in this application.

7. Resource Implications

- 7.1 **Finance:** The development has no financial implications from the Planning Regulatory perspective.
- 7.2 **Staff:** The development has no staffing implications from the Planning Regulatory perspective.
- 7.3 **Property:** The development has no property implication from the Planning Regulatory perspective.
- 7.4 **IT:** The development has no IT implications from the Planning Regulatory perspective.

8. Other Implications

- 8.1 **Human rights**
- 8.2 The requirements of the Human Rights Act 1998 must be considered. Should permission not be granted Human Rights are not likely to apply on behalf of the applicant.
- 8.3 The human rights of the adjoining residents are engaged under Article 8, the right to respect for private and family life and Article 1 of the First Protocol, the right of enjoyment of property. A grant of planning permission may infringe those rights but they are qualified rights, that is that they can be balanced against the economic interests of the community as a whole and the human rights of other individuals. In making that balance it may also be taken into account that the amenity of local residents could be adequately safeguarded by conditions albeit with the exception of visual amenity. However, in this instance it is not considered that the human rights of adjoining residents would be infringed.
- 8.4 The human rights of the owners of the application site may be engaged under the First Protocol Article 1, that is the right to make use of their land. An approval

of planning permission may infringe that right but the right is a qualified right and may be balanced against the need to protect the environment and the amenity of adjoining residents.

8.5 Equality Impact Assessment (EqIA)

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

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

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

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

8.10 **Any other implications:** Officers have considered all the implications which members should be aware of. Apart from those listed in the report (above), there are no other implications to take into account.

9. Section 17 – Crime and Disorder Act

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

10. Risk Implications/Assessment

10.1 There are no risk issues from a planning perspective.

11. Conclusion and Reasons for Grant of Planning Permission

11.1 Planning permission is sought for an extension to Watlington Quarry, on land to the south of Home Farm, near Tottenhill Row, Watlington. Extraction at the existing quarry is due to cease by 1st August 2015. The proposed extension contains circa 335,000 tonnes of mineral which would take 4 years to extract. Permission is therefore sought for a five year time period in order to allow extraction of the existing quarry (Sixty acre field) to be completed and then the extension worked. Mineral from the proposed extension would be transported to the existing plant site for processing by a new conveyor.

11.2 The sand and gravel landbank currently stands at 10.4 years, which is slightly above the target of 7-10 years as set out in NMWDF Core Strategy policy CS1. This application if granted would further increase this landbank to 10.6. In the case of this application, it is not considered that permitting this site (which is allocated within Norfolk County Council's Mineral Site Specific allocations as MIN75) would be allowing an excessive reserve of sand and gravel to be

permitted given that the existing working is nearing completion in terms of extraction of currently permitted mineral reserves. The application also makes it clear that working of the proposed extension area would not commence until extraction has permanently ceased in the currently permitted area (Sixty Acre Field).

- 11.3 The extension area is supported by other policies in the NMWDF in particular policy CS2 which favours extension to existing sites over new sites. The application has demonstrated that the proposals would not have any unacceptable impacts upon amenity, highways, landscape, protected species, archaeological interest, the Tottenhill Conservation Area, Groundwater and Flood Risk as discussed in the report.
- 11.4 There are no objections from statutory consultees, the proposed development is considered acceptable and there are no other material considerations why it should not be permitted. Accordingly, full conditional planning permission is recommended subject to appropriate planning conditions and agreement of a Section 106 Legal Agreement preventing the occupation of Home Farm during extraction of the extension.

12. Conditions

- 12.1 The development to which this permission relates shall cease and the site shall be restored in accordance with condition 32 of this permission by 1 August 2020.

Reason: To ensure the proper and expeditious restoration of the site, in accordance with Policy DM14 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.

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

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

- 12.3 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that order), no further buildings, plant or machinery, nor structures of the nature of plant or machinery other than that permitted under this planning permission, shall be erected on the site, except with permission granted on an application under Part III of the Town and Country Planning Act 1990.

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

- 12.4 The Noise Mitigation Strategy as set out within the IEC, Annex 5, Noise Impact Assessment for Land South of Home Farm, dated 6 February 2015. Shall be implemented as approved and maintained/adhered to thereafter.

Reason: To protect the amenities of residential properties and the surrounding

area, in accordance with Policy DM12 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.

- 12.5 The Dust Management Plan as set out within the IEC, Annex 6, Assessment of Environmental Dust/Air Quality for Land South of Home Farm, dated 6 February 2015, shall be implemented as approved and maintained/adhered to thereafter including monitoring of dust levels.

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

- 12.6 No operation shall take place except in accordance with the phased scheme of working shown on Drawing, MIN 75 Prospect Working Scheme, Ref W13_LAN_003 Rev A, dated Feb 2015. No extraction shall take place within the extension are hereby approved at Land South of Home Farm (MIN75) until extraction has ceased in Sixty Acre Field.

Reason: To ensure orderly working in the interest of the amenities of the surrounding area, in accordance with Policies DM12 and DM14 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.

- 12.7 The use of the Church Lane access shall be limited to those movements as set out within the letter received from Stephen M Daw Limited, Watlington Quarry, Ref M(FR)9, dated 12 May 2015.

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

- 12.8 Vehicles leaving the site shall not be in a condition whereby they would deposit mud or other loose material on the public highway.

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

- 12.9 Prior to the commencement of the use hereby permitted the vehicular access from Church Lane (private access) onto Church Road (public highway) shall be upgraded / constructed in accordance with a detailed scheme to be agreed in writing with the County Planning Authority, in consultation with the Highway Authority.

Reason: To ensure construction of a satisfactory access and in the interests of highway safety, in accordance with Policy DM10 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.

- 12.10 Prior to the commencement of any works a Construction Traffic Management Plan and Access Route which shall incorporate adequate provision for addressing any abnormal wear and tear to the highway shall be submitted to and approved in writing with the Local Planning Authority in consultation with Norfolk County Council Highway Authority together with proposals to control and manage

construction traffic using the 'Construction Traffic Access Route' and to ensure no other local roads are used by construction traffic.

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

- 12.11 For the duration of the construction period all traffic associated with the construction of the development will comply with the Construction Traffic Management Plan and use only the 'Construction Traffic Access Route' and no other local roads unless approved in writing with the Local Planning Authority in consultation with the Highway Authority.

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

- 12.12 No works shall commence on site until the details of wheel cleaning arrangements for construction vehicles have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority.

Reason: To prevent extraneous material being deposited on the highway in accordance with Policy DM10 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.

- 12.13 For the duration of the construction period all traffic associated with the construction of the development permitted will use the approved wheel cleaning arrangements referred to in condition 12 of this permission.

Reason: To prevent extraneous material being deposited on the highway in accordance with Policy DM10 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.

- 12.14 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 the culvert / conveyor crossing of Watlington Road have been submitted to and approved in writing by the Local 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.

- 12.15 Prior to the commencement of the use hereby permitted the off-site highway improvement works including the culvert / conveyor crossing of Watlington Road referred to in condition 14 of this permission shall be completed to the written satisfaction of the Local 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.

- 12.16 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 manufacturers 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.

- 12.17 Any oil storage tanks on the site shall be sited on impervious bases and surrounded by oil tight bund walls; the bunded areas shall be capable of containing 110% of the tank volume and shall enclose all fill and draw pipes.

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

- 12.18 No development shall take place until a Written Scheme of Archaeological Investigation shall be submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and

1. The programme and methodology of site investigation and recording
2. The programme for post investigation assessment
3. Provision to be made for analysis of the site investigation and recording
4. Provision to be made for publication and dissemination of the analysis and records of the site investigation
5. Provision to be made for archive deposition of the analysis and records of the site investigation
6. Nomination of a competent person or persons/organization to undertake the works set out within the Written Scheme of Investigation

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

- 12.19 No development shall take place other than in accordance with the Written Scheme of Archaeological Investigation approved under condition 18.

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

- 12.20 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 three months of the date of the planning permission 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, details of any trees to be felled and precise details of the construction and maintenance of the soil bunds. It shall be completed prior to extraction taking place and shall make provision for:

- (a) the screening of the operations by trees, hedges and soil bunds;
- (b) the protection and maintenance of existing trees and hedges which are to be retained on the site;
- (c) re-seeding and re-planting where failures or damage occur within a period of five years from the date of planting; and,
- (d) the replacement of any damaged or dead trees with trees of similar size and species at the next appropriate season.

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.

- 12.21 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the completion of each phase of the development, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

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.

- 12.22 A dimensioned tree protection plan must be produced and approved with the County Planning Authority prior to commencement demonstrating the position and extent of tree protection barriers suitable for the site. The development shall then be carried out in accordance with the agreed tree protection plans.

Reason: To ensure the protection of all trees that are to be retained in accordance with Policy CS14 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.

- 12.23 A programme of arboricultural supervision must be produced and approved with the County Planning Authority prior to commencement of the development. The development shall then be carried out in accordance with the approved programme.

Reason: To ensure that adjacent trees within G3 and G4 are not damaged during the construction, tree felling, erecting the conveyor and forming the maintenance track and to ensure that the impact on Trees 2, T4, and 5 is minimised during the construction of the underpass element of the conveyor route in accordance with Policy CS14 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.

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

at night when the quarry is not operational.

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

- 12.25 Handling, movement and re-spreading of topsoil and subsoil shall not take place except when the soils are in a suitably dry and friable condition and in such a way and with such equipment as to ensure minimum compaction.

Reason: To ensure the proper and expeditious restoration of the site in accordance with Policies CS14 and DM14 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.

- 12.26 Before the topsoil is replaced on those areas to be restored to an agricultural afteruse a layer of at least 600mm of subsoil substitute shall be created through the use of soils, sand, overburden and/or excavation spoil derived from the site. This layer shall be cross-ripped to a depth of at least 500mm to relieve compaction.

Reason: To ensure the proper and expeditious restoration of the site in accordance with Policies CS14 and DM14 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.

- 12.27 On those areas to be restored to an agricultural afteruse an even layer of topsoil shall be re-spread on the subsoil layer to an even depth of at least 300mm.

Reason: To ensure the proper and expeditious restoration of the site in accordance with Policies CS14 and DM14 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.

- 12.28 Measures including ripping shall be carried out after soil replacement on those areas to be restored to an agricultural afteruse so that any compacted layers and pans are broken up to assist free drainage.

Reason: To ensure the proper and expeditious restoration of the site in accordance with Policies CS14 and DM14 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.

- 12.29 All stones and deleterious materials in excess of 15cm which arise from the ripping of the subsoil and topsoil on those areas to be restored to an agricultural afteruse shall be removed from the site.

Reason: To ensure the proper and expeditious restoration of the site in accordance with Policies CS14 and DM14 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.

- 12.30 The development shall be carried out in accordance with the Ecological Assessment, Prepared by Philip Parker Associates, Extension to Watlington Quarry, dated 5/2/15, Ref P2014-49 Final. Including the mitigation/enhancement measures set out within Section 7 of this report, and the mitigation contained

within the Update Reptile and Amphibian Survey, prepared by Phillip Parker associates, dated 27/5/15.

Reason: in the interests of conserving protected species and ecological assets at the site in accordance with policy CS14 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.

- 12.31 No operation authorised or required under this permission or under Part 17 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015, shall take place on Sundays or public holidays, or other than during the following periods:

07.00 - 17.00 Mondays to Fridays

07.00 - 13.00 Saturdays.

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.

- 12.32 An aftercare scheme specifying such steps as may be necessary to bring the land to the required standard for use for agriculture/amenity/forestry/wildlife habitat shall be submitted for the written approval of the County Planning Authority in writing not later than 3 months from the date of this permission. The aftercare scheme as may be so approved, shall be implemented over a period of five years following the completion of restoration, or in the case of phased restoration, in stages of five years duration dating from each completed restoration phase to ensure establishment.

Reason: To ensure the proper and expeditious restoration of the site, in accordance with Policy DM14 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.

- 12.33 The restoration of the site shall be completed by 1st August 2020 in accordance with Plan Ref. No.W13_LAN_004 Rev A, dated February 2015 – MIN 75 Prospect Restoration Proposals, Watlington Quarry.

Reason: To ensure the proper and expeditious restoration of the site, in accordance with Policy DM14 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.

- 12.34 Until the topsoil and subsoil have been stripped from the site, the land shall not be traversed by any plant or machinery, save that which is engaged in stripping operations, and all such machinery shall be used in such a way as to minimise soil compaction.

Reason: To ensure the proper and expeditious restoration of the site, in accordance with Policy DM14 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.

- 12.35 The conveyor, associated maintenance track and culvert hereby approved shall be removed and the land re-instated to its original condition by the 1st August 2020, with the exception of the additional planting provided around the culvert at

Watlington road which shall be retained.

Reason: To ensure the proper and expeditious restoration of the site, in accordance with Policy DM14 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.

Informatives

It is an OFFENCE to carry out any works within the Public Highway, which includes a Public Right of Way, without the permission of the Highway Authority. This development involves work to the public highway that can only be undertaken within the scope of a Legal Agreement between the Applicant and the County Council. Please note that it is the Applicant's responsibility to ensure that, in addition to planning permission, any necessary Agreements under the Highways Act 1980 are also obtained. Advice on this matter can be obtained from the County Council's Highways Development Management Group based at County Hall in Norwich. Please contact Jon Hanner on 01603 223273.

Public Utility apparatus may be affected by this proposal. Contact the appropriate utility service to reach agreement on any necessary alterations, which have to be carried out at the expense of the developer.

If required, street furniture will need to be repositioned at the Applicants own expense. Technical approval will need to have been obtained from the Technical Approval Authority (TAA) who are Norfolk County Council'. Should you wish to discuss this further please contact Mark North, Engineer Bridge Network 01603 223804.

Recommendation

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

- (i) Grant planning permission subject to a Section 106 Legal Agreement in respect of ensuring Home Farm is not occupied during extraction, and the conditions in section 12.
- (ii) To discharge conditions (in discussion with the Chairman and Vice Chairman of the committee) where those detailed above require the submission and implementation of a scheme, or further details, either before development commences, or within a specified date of planning permission being granted.
- (iii) Delegate powers to officers (in discussion with the Chairman and Vice Chairman of the committee) to deal with any non-material amendments to the application that may be submitted.

Background Papers

Norfolk Minerals and Waste Local Development Framework Core Strategy and Minerals and Waste Development Management Policies Development Plan Document 2010-2016 (2011) <http://www.norfolk.gov.uk/view/ncc094912>

Norfolk County Council Minerals Site Specific Allocations Plan (2013)
<http://www.norfolk.gov.uk/view/ncc126927>

King's Lynn and West Norfolk Borough Council LDF - Core Strategy (2011)
<http://www.west-norfolk.gov.uk/pdf/Complete%20Core%20Strategy%202011.pdf>

The National Planning Policy Framework (NPPF) (2012)
http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf

Planning Practice Guidance - Minerals (2014)
<http://planningguidance.planningportal.gov.uk/>

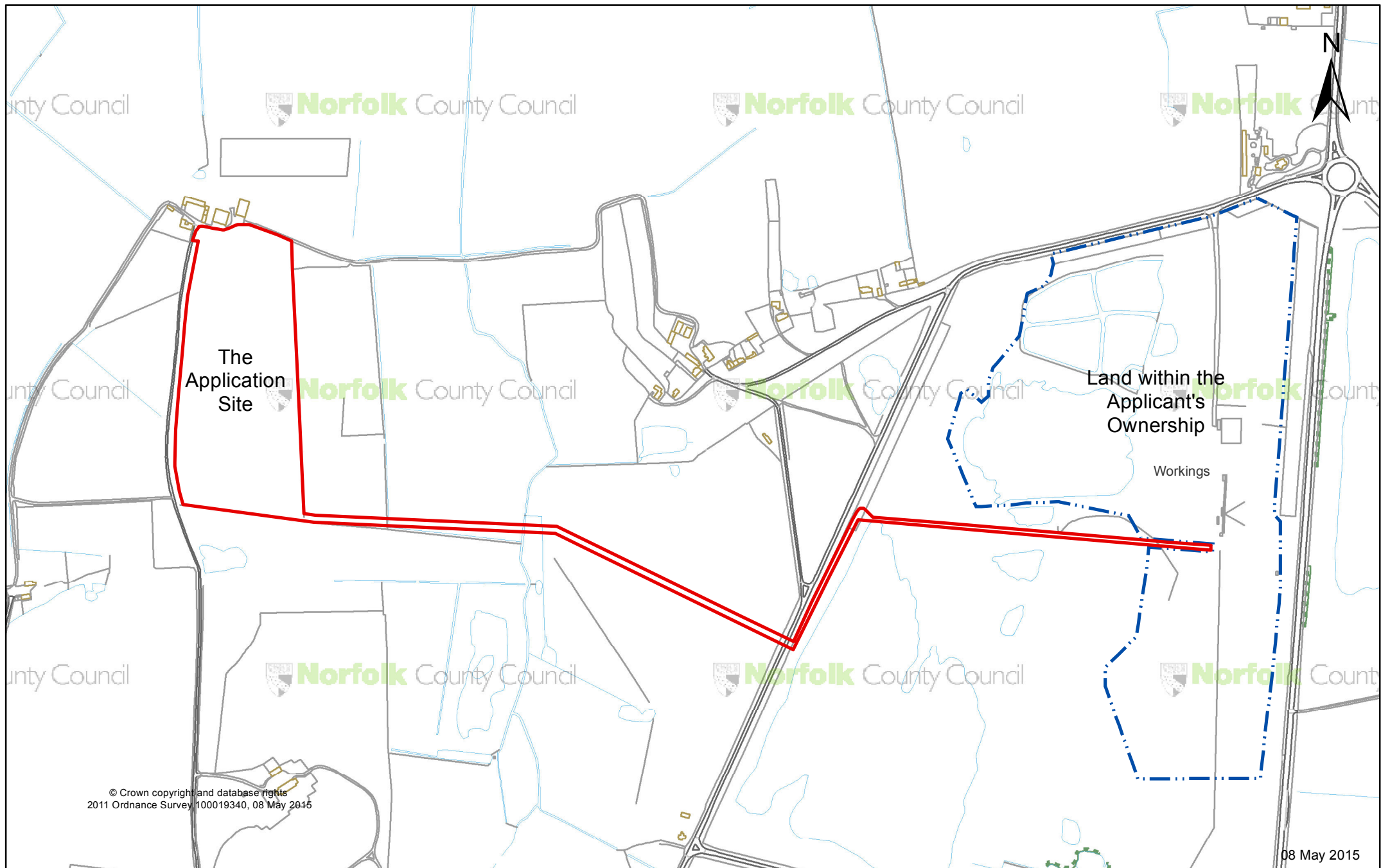
Officer Contact

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

Name	Telephone Number	Email address
Charles Colling	01603 222708	charles.colling@norfolk.gov.uk



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



C/2/2015/2006

Tottenhill

0 100 200 400 600
Metres

 **Norfolk** County Council

Scale 1: 7000

Centred on 503868 311874

Applications Referred to Committee for Determination

Borough of King's Lynn & West Norfolk

C/2/2015/2007: Tottenhill: Variation of conditions 1 and 3 of planning permission C/2/2011/2023 to allow continued use of plant site until 1 August 2020, to service the proposed quarry extension (MIN75): Watlington Quarry, Watlington Road, Watlington, King's Lynn, PE33 0RG: Frimstone Ltd.

Report by the Executive Director of Community and Environmental Services

Summary

Planning permission is sought to extend the life of the plant site to accommodate the processing of mineral from the proposed quarry extension at Home Farm, Watlington (MIN 75 planning ref C/2/2015/2006). This variation application is to be considered in tandem with the quarry extension application at Home Farm as the two are inherently linked.

At present there are two conditions (1 and 3) of planning permission C/2/2011/2023 which require the use of the existing plant site, working of 'Sixty Acre Field' and restoration of the site to be completed by 1st August 2015. These conditions also restrict the use of the existing plant for any purpose other than the movement of mineral derived from the existing mineral working. It is proposed to vary these conditions to allow a 5 year extension of time to complete extraction of the existing quarry (Sixty Acre Field), and the continued use of the plant to process the mineral from the proposed extension (MIN 75).

No objections have been raised from Statutory Consultees, although 7 objections have been received from nearby residents, and one objection from Tottenhill Parish Council in respect of impact upon amenity, highways, wildlife, landscape and water tables. The proposals have been assessed within the report and are considered to be acceptable, without any unacceptable impact upon residential amenity, landscape, ecology, groundwater and the local highways network. The proposals are considered to accord with all relevant planning guidance and policies.

Recommendation

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

- (i) Grant planning permission subject to a deed of variation to an existing Section 106 relating to long term aftercare and the provision of a permissive footpath, and the conditions outlined in section 12.
- (ii) To discharge conditions (in discussion with the Chairman and Vice Chairman of the committee) where those detailed above require the submission and implementation of a scheme, or further details, either before development commences, or within a specified date of planning permission being granted.
- (iii) Delegate powers to officers (in discussion with the Chairman and Vice Chairman of the committee) to deal with any non-material amendments to the application that may be submitted.

1. The Proposal

- 1.1 Location : Watlington Quarry, Watlington Road, Watlington, King's Lynn, PE33 0RG
- 1.2 Type of development : Variation of conditions 1 and 3 of planning permission C/2/2011/2023 to allow continued use of plant site until 1 August 2020, to service the proposed quarry extension (MIN75)
- 1.3 Extraction area : 7.1 hectares (Home Farm Extension)
- 1.4 Total tonnage : The reserve of the proposed extension area (Home Farm) is estimated to be 335,000 tonnes.
- 1.5 Annual tonnage : Approximately 100,000 tonnes
- 1.6 Market served : 25km radius
- 1.7 Duration : Until August 2020.
- 1.8 Plant : Washing and mobile plant.
- 1.9 Hours of working : 07:00-17:00 Monday-Friday
07:00-13:00 Saturday
No working Sunday or Bank Holidays
- 1.10 Vehicle movements and numbers : All material transported to Plant site via conveyor. The sale and processing of mineral would result in the following vehicle movements:
- 40 HGV movements per day
 - 18 Light vehicle movements per day
- 1.11 Access : No changes to the existing access onto Watlington, with all vehicles turning right towards the roundabout with the A10 and A134.
- 1.12 Landscaping : No additional landscaping proposed, existing mature landscaping screens most views of the site.
- 1.13 Restoration and after-use : Nature conservation.

2. Constraints

- 2.1 The following constraints apply to the application site:
- Marham Defence Infrastructure Safeguarding

- Agricultural land grade 3.
- Tottenhill Row Common County wildlife site lies to the east of the application site and a further County Wildlife site Runs Wood Meadow to the South.
- Tottenhill Row on the western side of Watlington Road is designated as a Conservation Area.
- Setchey Site of Special Scientific Interest (SSSI) is located approximately 680m north of the application site. River Nar SSSI is located approximately 1.2km to the north of the application site.

3. Planning History

- 3.1 The quarry was first granted permission in the mid 1960's with subsequent permissions for extensions. Most recently planning permission C/2/2000/2022 was granted in June 2003 for the 'Extension of sand and gravel extraction with progressive restoration to nature conservation and agriculture, erection of new processing plant and retention of existing access', this extension included an area known as 'Sixty Acre Field' which is final area to be worked.
- 3.2 This permission was subsequently varied in August 2012 under application C/2/2011/2023 to allow a revision to the agreed phasing. This now forms the main permission for the site and is due to lapse on the 1st August 2015. It is this permission which this application seeks to vary to allow the continued use of the plant site to process material from the proposed extension (MIN75).
- 3.3 Planning permission has also been granted at this site in 2012 under application C/2/2012/2016 for the importation, storage and sale of inert recycled materials. This permission is due to expire on 1st August 2015.

4. Planning Policy

Norfolk Minerals and Waste Local Development Framework Core Strategy and Minerals and Waste Development Management Policies Development Plan Document 2010-2016 (2011)	:	CS1	Minerals Extraction
		CS2	General locations for mineral extraction and associated facilities
		CS13	Climate change and renewable energy generation
		CS14	Environmental protection
		CS15	Transport
		CS16	Safeguarding mineral and waste sites and mineral resources
		DM1	Nature conservation
		DM3	Groundwater and surface water
		DM4	Flood risk
		DM8	Design, local landscape and townscape character
		DM9	Archaeological sites
		DM10	Transport
		DM11	Sustainable construction and operations
		DM12	Amenity

	DM13	Air quality
	DM14	Progressive working, restoration and after-use
	DM15	Cumulative impacts
	DM16	Soils
King's Lynn & West Norfolk Core Borough Council Local Development Framework – Core Strategy (2011)	: CS06	Development in Rural Areas
King's Lynn & West Norfolk Borough Council Local Plan (1998)	:	No relevant policies.
The National Planning Policy Framework (2012)	: 6 11 13	Building a strong, competitive economy Conserving and enhancing the natural environment Facilitating the sustainable use of minerals
Technical Guidance to the National Planning Policy Framework	:	Minerals Policy
Planning Practice Guidance Suite (2014)	:	Guidance on planning for Mineral Extraction

5. Consultations

- 5.1 Borough Council of King's Lynn & West Norfolk : No objection.
- 5.2 Watlington Parish Council : No objection subject to - Public access around 60 acre field must be honoured when restoration takes place. Access to Home Farm via Church lane must be kept to a minimum. Noise reduction adhered to for Tottenhill Row residents. Maintenance of conveyors must be regular and emergency issues treated accordingly and dealt with immediately.
- 5.3 Tottenhill Parish Council : Oppose the application. No need for this development to continue beyond 1/8/15, other than to support an additional application. Not supported by local or national planning policy. Significant impact on the local environment and nearby residents.

- 5.4 Highway Authority (NCC) : No objection – Subject to continuation of existing arrangements at the site. An HGV management plan has been submitted and is considered acceptable and adherence to this should be required by condition. The plan includes:
- Monitoring of the approved arrangements during the life of the site.
 - Ensuring all drivers are made aware of the arrangements.
 - Disciplinary steps in the event of a default.
 - Appropriate signage to be agreed.
- 5.5 Environmental Quality Team (KL&WN) : No comment to make regarding contaminated land or air quality.
- 5.6 Community Safety and Neighbourhood Nuisance Officer (KL&WN) : No major concerns.
- 5.7 Environment Agency : The application is purely to extend the time period available for operations, and does not include any change to actual operations, we have no concerns over agreeing to the extension.
- 5.8 Natural England : No objections. This application is in close proximity to the Setchey and the River Nar Sites of Special Scientific Interest (SSSIs). Natural England is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which the sites have been notified. We therefore advise your authority that these SSSI's do not represent a constraint in determining this application.
- The authority should consider protected species, local sites, biodiversity and landscape enhancements in determining the application.
- 5.9 Ecologist (NCC) : No comments received.
- 5.10 Landscape – Green Infrastructure Officer (NCC) : The site is existing, with established screening. The only landscape effect will be in terms of longevity of the development, but given the established screening, this effect is mitigated and not thought to be of significance.

The re-use and rerouting of the conveyor will largely be considered within the accompanying application for the quarry extension. I raise no issues with the re-use of the existing conveyor along the newly proposed route (App. C/2/2015/2006).

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|------|--------------------------------------------|---|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 5.11 | Arboriculturalist (NCC) | : | No comments received. |
| 5.12 | Health and Safety Executive | : | No comments received. |
| 5.13 | Norfolk Historic Environment Service (NCC) | : | No comments received. |
| 5.14 | Marham Defence Infrastructure | : | Comments awaited. |
| 5.15 | Local residents | : | <p>Seven objections have been received from nearby residents. Comments in summary are:</p> <ul style="list-style-type: none"> • Noise impact • Disturbance to enjoyment of nearby homes and gardens, with quarry operating before 7am. • Quarry is out of character with a degrading visual effect. • Poorly maintained boundaries encourage fly tipping. • Nearby Crimplesham quarry has a greater lifespan – this negates the need for keeping Watlington Quarry. • Invasion of privacy. • Impact in wildlife. • Application based on premise the extension (MIN75) will be approved. • Application contrary to inspectors findings for MIN76. • Highway impact. • Two ponds and Spring at Tottenhill Common may dry up. • 5 year extension not justified. |
| 5.16 | County Councillor (Brian Long) | : | No comments received. |

6. Assessment

6.1 **Proposal**

- 6.2 This application seeks planning permission to extend the life of the plant site by five years to accommodate the processing of mineral from the proposed quarry extension at Home Farm, Watlington (MIN 75), and allow a slightly longer timescale to complete extraction at Sixty Acre Field. This variation application is to be considered in tandem with the quarry extension application at Home Farm as the two are inherently linked. The extension at Home Farm is a site allocated in Norfolk County Council's Mineral Site Specific allocations as MIN 75. The extension area contains approximately 335,000 tonnes of mineral and would be linked to the existing plant site via a new ground conveyor.
- 6.3 At present there are two conditions (1 and 3) of planning permission C/2/2011/2023 which require the use of the existing plant site, working of 'Sixty Acre Field' and restoration of the site to be completed by 1st August 2015. These conditions also restrict the use of the existing plant for use solely with the existing site. It is proposed to vary these conditions to allow a 5 year extension of time to complete extraction of the existing quarry (Sixty Acre Field), and the continued use of the plant to process the mineral from the proposed extension area at Home Farm (MIN 75).
- 6.4 No physical changes are proposed to the plant site. Mineral from the extension area would be processed and sold from the existing plant site, with HGV's using the existing site access which leads directly off Watlington Road close to the roundabout with the A10/A143.
- 6.5 All other aspects of the existing permission would remain unchanged, all existing conditions would continue to be applied to the site. Details of these conditions in full can be found in Section 12 of this report.

6.6 **Site**

- 6.7 The application site is comprised of a plant site which is linked via a conveyor to a mineral working known as 'Sixty Acre Field'. The plant site is situated on an area of land between Watlington Road and Lynn Road, to the east of Tottenhill Row which is designated as a Conservation Area. The extraction area Sixty Acre Field is located further to the south adjacent to 'Runs Wood' and to the north of 'Thieves Bridge Road', to the east of Watlington village. The extension area (MIN75) which is subject to the other application being considered concurrently with this application is situated approximately 1200m to the west of the plant site.
- 6.8 The plant site is surrounded by existing mature screening which limits view from outside of the site. Access to the site is via Watlington Road, which then runs eastwards leading to a roundabout with the A10 and A134.

6.9 **Principle of development**

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

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

- 6.11 In terms of the development plan, the County Planning Authority considers the relevant documents in relation to this application are the Norfolk Minerals and Waste Local Development Framework Core Strategy and Minerals and Waste Development Management Policies Development Plan Document 2010-2016 (the “NMWDF Core Strategy”) and the King’s Lynn & West Norfolk Borough Council Core Strategy (2011). Whilst not part of the development plan, policies within the National Planning Policy Framework are also a further material consideration of significant weight.
- 6.12 Applicants can apply to vary conditions to extend the time period up until the date of expiry of previous planning permissions. The previous planning permission, has not expired, and Norfolk County Council can proceed to determine the application. The application seeks permission to vary two conditions of the existing permission for this site. The variation would allow the extended use of the plant site up until 1st August 2020, to accommodate completion of the remaining mineral extraction in Sixty Acre Field, and then the processing of mineral from MIN75 Home Farm extension, with a revised cessation date of 1st August 2020 (5 years).
- 6.13 The principle of the use of the plant site has been established through the previous planning permissions. No changes are proposed to its operation other than the mineral would be derived from a different extension area. It is not proposed to increase production and access arrangements would remain unchanged. Restoration would be carried out as previously approved. Policy CS2 of the NMWDF supports extensions to existing sites over new sites. Whilst the wording of this policy is aimed more towards the physical extension of the site (MIN 75), it is still considered to be relevant to this application in that the proposed variation of conditions to extend the time period for operation of the plant would support the physical extension of the site at Home Farm. In this respect the proposals are therefore considered to accord with Policy CS2 in that the variation would support the extension of the site.
- 6.14 The site is well related to both Kings Lynn and Downham Market as favoured in Policy CS2 for sand and gravel extraction sites. The plant site would continue to provide mineral to a market of approximately 25km radius from the site. The applicant has advised that the site has continued to operate in this location continuously for almost 50 years which demonstrates the valuable contribution that it makes in providing building materials to this part of Norfolk.

- 6.15 The assessment of the need and how the proposed extension would contribute towards sand and gravel landbank contained within Policy CS1 of the NMWDF, has been assessed in the other application for the extension at Home Farm (MIN 75). This application seeks only the continued use of the plant site and the application therefore needs to be assessed on this basis.
- 6.16 The Minerals Site Specific Allocations Plan Policy MIN75, considered the use of the existing plant to process the mineral from this extension, and this was found to be acceptable in principle. For the reasons outlined above it is considered that the use of the existing processing plant to accommodate the extraction of the remaining reserves in Sixty Acre Field, and then the processing of the mineral from the extension area in MIN75 is acceptable and would accord with the aims of the NMWDF and NPPF.
- 6.17 Objections have been received advising that the plant site is not required if planning permission is refused for the extension at Home Farm (MIN 75). This observation is acknowledged and this is why the two applications have been submitted concurrently and need to be determined together.
- 6.18 **Amenity**
- 6.19 The protection of amenity for people living in close proximity of mineral workings is a key consideration and NMWDF policy DM12 states that development will only be permitted where ‘...unacceptable impact to local amenity will not arise from the operation of the facility.’ This echoes the ethos of policy NMWDF CS14 which also seeks to avoid unacceptable impacts on amenity. This is also recognized in the Planning Practice Guidance for Minerals which states that mineral workings may have adverse and positive environmental effects, but some adverse effects can be effectively mitigated. The Minerals Site Specific Allocations Plan Policy MIN75 requires a programme of mitigation measures to deal appropriately with amenity impacts.
- 6.20 The plant site is situated approximately 650m from Tottenhill Row. No changes are proposed to the plant processing site, it would continue to operate at the same intensity (100,000 tonnes per annum). When the plant site was originally granted permission it was subject to a full assessment in terms of amenity. As no changes are proposed other than the time period for its use, it is considered that the proposals would not cause any unacceptable impact upon residential amenity.
- 6.21 The King’s Lynn and West Norfolk Borough Council’s Environmental Quality Team and Community Safety and Nuisance Officer have raised no objections to the application, advising that:
- ‘The site has been operating without complaint to our team for a long period of time. As there will be no change to the actual operations I would recommend that the request for variation be approved.’
- 6.22 The existing permission contains a number of conditions which seek to ensure

that the amenities of nearby residents are protected. The existing plant equipment would continue to be regulated by the same schedule of conditions as previously approved. There is therefore no need for any additional conditions in respect of the plant site. The existing conditions which relate to noise, dust, hours of working and external lighting would continue to be applied to the site should this variation conditions application be approved. A full schedule of conditions are listed in section 12 of this report.

- 6.23 Objections received to the application all cite impact upon amenity as a main concern. Impacts in relation to the extension area MIN 75 have been assessed in application C/2/2015/2006. For the reasons outlined above it is not anticipated that the proposals would have any unacceptable impact upon amenity, and there would be no change to the plant site form that which already has permission. Statutory consultees have advised that the plant site has been operating without complaint for a long time.

6.24 **Landscape**

- 6.25 NMWDF Policies CS14 and DM8 both seek to only permit development that does not have unacceptable impacts on the character and quality of the landscape. At a local level, policy CS06 of the King's Lynn and West Norfolk (KL&WN) Core Strategy states that the strategy for rural areas is to 'maintain local character and a high quality environment' and also 'to protect the countryside for its intrinsic character and beauty'.
- 6.26 In terms of landscape impact there are no changes proposed to the previously approved permission. The only change relates to the time period for the operation of the plant and re-use of the conveyor. The site is well screened from public views and the restoration plans previously approved under the original application would still be adhered to, albeit at a slightly later date. The County Council's Green Infrastructure Officer has raised no objections as the site is existing, with established screening. The only landscape effect will be in terms of longevity of the development, but given the established screening, this effect is mitigated and not thought to be of significance. Tottenhill Row on the western side Watlington Road is a conservation area, and the proposals have therefore been assessed in accordance with Section 72 of the Town and Country Planning (Listed Building and Conservation Areas) Act 1990. Given the nature of the proposals it is considered that there would not be any adverse impact upon the setting or appearance of the Tottenhill Row conservation area. The proposals are considered to be acceptable in this respect and would accord with Policies DM8, CS14 of the NMWDF and Chapter 12 of the NPPF.
- 6.27 The existing permission is subject to a Section 106 legal agreement requiring long term maintenance of the site following restoration along with the provision of a permissive footpath. A deed of variation would therefore need to be agreed to ensure that the requirements of this agreement continue to apply should permission be granted for this variation.

6.28 Biodiversity and geodiversity

6.29 NMWDF policy CS14 states developments must ensure there are no unacceptable adverse impacts on biodiversity and geodiversity including nationally designated sites. The nearest sites designated for nature conservation are the River Nar SSSI approximately 1200m north and land at Setchey 680m to the north east. There are no European protected sites within 5km. At a County level there are two designated County Wildlife Sites (Tottenhill Row Common and Runs Wood Meadow) to the east and south of the application site.

6.30 Natural England have raised no objections to the application advising that the nearby SSSI's do not represent a constraint in determining this application. In addition as no physical changes are proposed and the restoration would be completed as approved with an extended timescale for its execution, it is considered that these proposals are unlikely to have any potential to adversely impact upon protected species and the nearby County Wildlife Sites.

6.31 Appropriate Assessment

The site is situated within 680m of the Setchey SSSI and 1.2km of the River Nar SSSI. There are no Internationally Protected sites within 5km of the site. Neither Natural England nor the County Ecologist have raised any objection to the proposals, in accordance with Regulation 61 of the Conservation of Habitats and Species Regulations 2010, it is considered that the development would not have a significant impact on any protected habitats and accordingly no Appropriate Assessment of the development is required.

6.32 The proposals are therefore considered to comply with NMWDF policy CS14, which seeks the avoidance of unacceptable adverse impacts on geodiversity and biodiversity, including nationally designated sites.

6.33 Transport

6.34 Policy CS15 of the Minerals and Waste Core Strategy states that development proposals will be satisfactory in terms of access, providing unacceptable impacts are not caused to the safety of road users and pedestrians, the capacity of the highway network, air quality, and damage to the roadside. Policy DM10 requires applicants to demonstrate with a Transport Statement that there is suitable highway access and suitable routes to the nearest major road.

6.35 Mineral would be transported to the site via a conveyor. The existing access arrangements at the plant site would remain unchanged. Vehicles leaving the plant site would turn right onto the Watlington Road towards the A10, with the exception of local deliveries. This can be controlled by way of condition. The present output of aggregates at the site and the resultant HGV loads, are not predicted to increase in the future as a result of the extension application at Home Farm (MIN75). When the proposed and existing traffic flows are considered in respect of the A10 the Transport Statement advises that they are considered "immaterial" comprising at most only 0.1% of the total traffic and 0.6% of the HGV traffic. In terms of actual vehicles numbers this would equate to

an average of 40 HGV's and 18 Light Vehicle movements daily.

6.36 The transport statement also advises that:

'There is no incidence of accidents occurring as a result of the quarry operation or significant shortfall in the layout of the highway network in the area. It is found that the A10 within the area is operating well within its design and operational capacity. No improvements to the access or linking road junction are found to be necessary.'

6.37 The County Council's highways officer has raised no objections to the proposals subject to a condition requiring the applicant to adhere to an HGV management plan in respect of routeing which accompanies the application. The proposals are therefore considered to be acceptable in terms of predicted highway movements. The site is well located for access to the major road network. The application is therefore considered to comply with NMWDF Policies DM10 and CS15, which only supports proposals where the access and anticipated HGV movements do not generate unacceptable risks or impacts to highway safety.

6.38 **Groundwater/surface water & Flood risk**

6.39 Policy DM3 of the Norfolk Minerals and Waste Core Strategy seeks to ensure that development does not pose a risk to groundwater/surface water quality and resources, Policy DM4 seeks to ensure that development would not increase floodrisk as a result of extraction. As no changes are proposed to the operation of the plant or the restoration plans for the site, it is not considered that the proposals would impact upon groundwater or floodrisk, to any greater extent than that previously approved through the existing application, in this respect the proposals would accord with the aims of policy DM3 and DM4 of the NMWDF.

6.40 Objections received relating to the potential for Spring Pit and the adjacent ponds on Tottenhill Row Common to dry up, are not relevant to this application as they do not form part of these proposals. An assessment of this has however been made in the extension application being considered under planning reference C/2/15/2006.

6.41 **Protection of best and most versatile agricultural land**

6.42 NMWDF Policy DM16 cites a preference that, where mineral extraction is proposed on agricultural land, it is land of agricultural grades 3b, 4 and 5. The application site is already within use as a plant site and the extraction area of Sixty Acre Field is nearing completion. No changes are proposed other than the extension of the time limit and the re-use of the existing plant. The proposals are therefore considered to be compliant with this policy in that this application would not result in the loss of agricultural land which has not already been previously agreed.

6.43 **Progressive working, restoration and after-use**

6.44 Policy DM14 of the NMWDF requires proposals for new mineral workings to be accompanied by a scheme for the phased and progressive working and

restoration of the site throughout its life. Consideration also needs to be given to the benefits of the aftercare proposed in terms of biodiversity, geodiversity and landscape.

6.45 This proposal relates to extending the life of the plant and its re-use for processing mineral from the proposed extension at Home Farm (MIN 75). Details of the extraction phasing, restoration and aftercare on the site were agreed under the original permission. The majority of Sixty Acre Field has been worked of mineral and has largely been restored. The final areas for extraction within Sixty Acre Field have been previously assessed and considered to be acceptable, subject to conditions. There have not been any changes within the locality which would now prevent the implementation of the original phasing and restoration scheme in its entirety, although this would be subject to the revised timescale detailed in this application. It is therefore considered that the proposals comply with the aims of NMWDF Policy DM14, which seeks to ensure the provision of the most appropriate after-use for sites.

6.46 **Cumulative impacts**

6.47 Policy DM15 of the NMWDF advises that minerals and waste developments can, by virtue of their nature and scale of operations, generate significant environmental and amenity impacts. The policy requires applications to be supported by information to demonstrate how the proposals relates to other developments nearby and detail any cumulative impacts that may occur and how these could be adequately mitigated against.

6.48 The applicant has advised that they consider there not to be any adverse cumulative impact as a result of the proposal. The mineral from the extension area would not be processed at the plant until extraction and processing of mineral from Sixty Acre Field has ceased, which can be controlled by condition. Once extraction begins in the proposed extension area at Home Farm (MIN75) and mineral is being processed at the plant it is not anticipated that there would be any cumulative impacts in this respect as no other changes are proposed to the working arrangements.

6.49 It is considered that this is a reasonable conclusion given the distance that Watlington Quarry is away from the other comparable sites, and through ensuring that mineral from the new extension area (MIN75) is not accepted until extraction at Sixty Acre Field has ceased. Subject to this arrangement it is considered that the proposal complies with NMWDF Core Strategy policy DM15, which seeks the avoidance of unacceptable cumulative impacts.

6.50 **Sustainability**

6.51 Policy CS13 of the NMWDF welcomes all opportunities for new minerals developments to generate renewable energy on site and should be explored fully, with a minimum of 10 percent generated from decentralised and renewable low-carbon sources, wherever is practicable. Where it is not considered practicable this must be demonstrated with appropriate information.

6.52 The application has been accompanied with a Sustainability Statement. The statement shows an assessment has been carried out to identify if the production of on-site renewable energy is viable. The assessment considered wind power, solar power and biomass for the provision of renewable energy at the site. However the assessment has shown that as the proposal would only allow extraction and processing until August 2020, this is not considered a long enough timescale for a renewable energy scheme to be viable. The proposals are in this respect considered to accord with the aims of Policy CS13 of the NMWDF, in that the potential for incorporating renewable energies has been considered but has been found not to be viable due to the relatively short life span of the site and associated plant.

6.53 **Archaeology and Historic Features**

6.54 Policy DM9 of the NMWDF seeks to protect and adequately mitigate against sites with a high potential for archaeological interest from being affected. Those sites posing a high potential risk are required to be accompanied with an appropriate desk based assessment and where necessary a field evaluation. The policy goes on to advise that where development would potentially affect other heritage assets then the proposals could be acceptable subject to appropriate mitigation measures.

6.55 No changes are proposed to the scheme of working for Sixty Acre Field or to the programme of archaeological work previously agreed under the original permission. As such the proposals are considered to continue to comply with the requirements of Policy DM9 of the NMWDF.

6.56 **Responses to the representations received**

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

6.58 Seven objections have been received from nearby residents and one objection from Tottenhill Parish Council. The objections relate to impact upon amenity, highways, wildlife, landscape and water tables. It has also been raised that 'NCC' have previously refused permission for extraction and the extension is therefore unacceptable.

6.59 Some of the objections relate to the extension application MIN 75. An assessment of impacts has been carried out in the report relating to the extension application under planning reference C/2/15/2006. With regard to the impact from the proposed variation of conditions as set out within this application, it is considered that there is unlikely to be any unacceptable adverse impact upon amenity, highways, landscape impact and biodiversity/geodiversity as the operation of the plant, working arrangements and restoration plans agreed under the existing permission would continue to be adhered to, and no objections have been received from statutory consultees.

6.60 One objection advised that a five year extension was not justified. As this

application is to be considered concurrently with the extension application the justification would be provided should the extension application (MIN75) be approved. An objection also advised that the variation application was contrary to the findings of a previously refused application and subsequent appeal dismissed by an inspector. To clarify planning permission was refused in 1996 but this was for an extension to the quarry comprising a larger area of land directly to the South of Tottenhill Row, and was subsequently dismissed at appeal. However a reduced site area forming part of the dismissed appeal site has now been allocated within the Norfolk County Council's Mineral Site Specific Allocations Plan in Policy MIN 76, it has been found to be acceptable in principle and legally sound. For clarity it should be acknowledged that MIN76 does not form part of this application, this application relates purely to the continued use of the existing plant site and completion of works in Sixty Acre Field.

7. Resource Implications

- 7.1 **Finance:** The development has no financial implications from the Planning Regulatory perspective.
- 7.2 **Staff:** The development has no staffing implications from the Planning Regulatory perspective.
- 7.3 **Property:** The development has no property implication from the Planning Regulatory perspective.
- 7.4 **IT:** The development has no IT implications from the Planning Regulatory perspective.

8. Other Implications

- 8.1 **Human rights**
- 8.2 The requirements of the Human Rights Act 1998 must be considered. Should permission not be granted Human Rights are not likely to apply on behalf of the applicant.
- 8.3 The human rights of the adjoining residents are engaged under Article 8, the right to respect for private and family life and Article 1 of the First Protocol, the right of enjoyment of property. A grant of planning permission may infringe those rights but they are qualified rights, that is that they can be balanced against the economic interests of the community as a whole and the human rights of other individuals. In making that balance it may also be taken into account that the amenity of local residents could be adequately safeguarded by conditions albeit with the exception of visual amenity. However, in this instance it is not considered that the human rights of adjoining residents would be infringed.
- 8.4 The human rights of the owners of the application site may be engaged under the First Protocol Article 1, that is the right to make use of their land. An approval of planning permission may infringe that right but the right is a qualified right and may be balanced against the need to protect the environment and the amenity of

adjoining residents.

8.5 Equality Impact Assessment (EqIA)

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

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

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

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

8.10 **Any other implications:** Officers have considered all the implications which members should be aware of. Apart from those listed in the report (above), there are no other implications to take into account.

9. Section 17 – Crime and Disorder Act

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

10. Risk Implications/Assessment

10.1 There are no risk issues from a planning perspective.

11. Conclusion and Reasons for Grant of Planning Permission

11.1 Planning permission is to vary conditions 1 and 3 of planning permission C/2/2011/2023 to extend the life of the plant site to accommodate the processing of mineral from the proposed extension at Home Farm, Watlington (MIN 75); No changes are proposed to the plant site, the existing workings arrangements, the access and route of HGV's or the previously agreed restoration plans and programme of archaeological work.

11.2 It is considered that subject to approval of the extension application at Home Farm (MIN75) the proposals are acceptable and would negate the need for a new plant site to be provided. The continued use of the existing plant site has the benefit of existing mature screening and good links to the A10.

11.3 There are no objections from statutory consultees, the proposed development is considered acceptable and there are no other material considerations why it should not be permitted. Accordingly, full conditional planning permission is recommended subject to appropriate planning conditions and a deed of variation to the Section 106 Legal Agreement concerning long term aftercare and the

provision of a permissive footpath (which formed part of the original permission).

12. Conditions

- 12.1 The development to which this permission relates shall cease and the site shall be restored in accordance with condition 8 by 1 August 2020.

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

- 12.2 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that order), no further buildings, plant or machinery, nor structures of the nature of plant or machinery other than that permitted under this planning permission, shall be erected on the site, except with permission granted on an application under Part III of the Town and Country Planning Act 1990.

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

- 12.3 The plant hereby permitted shall only be used solely for processing mineral derived from the site and from the mineral derived from the Home Farm extension area approved under application reference C/2/2015/2006 and for no other purpose.

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

- 12.4 No development shall take place unless in accordance with the programme of archaeological work previously agreed under application C/2/2000/2022, excluding those areas of the site previously disturbed by mineral planning permissions 2/DM/2383, 2/DM/3323 and C/2/1998/2023.

Reason: To ensure adequate time is available to investigate any features of archaeological interest in accordance with Policy DM9 and CS14 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.

- 12.5 No extraction of sand and gravel shall take place unless in accordance with the details submitted and agreed under application C/2/2000/2022 for the conveyor under the C54 Whin Common Road ,as indicated on the 'Operational Areas' drawing (contained in the Planning Application Statement dated September 2002 Volume 1) accompanying the application (C/2/2000/2022).

Reason: In the interests of highway safety in accordance with Policy CS15 and DM10 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.

- 12.6 The extraction of sand and gravel shall only take place when the works approved pursuant to Condition 5 have been constructed to the satisfaction of the County Planning Authority in consultation with the Highway Authority.

Reason: In the interests of highway safety in accordance with Policy CS15 and DM10 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.

- 12.7 The movement of aggregates from the operational areas to the plant site, as set out in the drawings covering the Operational Phases 1 to 10 (contained in the Planning Application Statement dated September 2000 Volume 1) accompanying the application (C/2/2000/2022), shall only take place by means of the conveyor constructed pursuant to Condition 6.

Reason: In the interests of highway safety in accordance with Policy CS15 and DM10 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.

- 12.8 The working and restoration of the site shall not take place except in accordance with the details given in the Statement dated September 2000 (Volumes 1,2 and 3) accompanying the application (C/2/2000/2022) and the accompanying statement dated June 2011 and Phasing plan Ref. M(FR)9(2) dated 26/5/11 accompanying application C/2/2011/2023,.

Reason: To ensure the proper and expeditious restoration of the site in accordance with Policies CS14 and DM14 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.

- 12.9 Noise emitted from the site shall not exceed the noise limits, expressed as a 1 hour Laeq, as set out in Paragraphs 9.45 and 9.98 of the Environmental Statement accompanying the application (C/2/2000/2022) dated September 2000.

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

- 12.10 No plant or machinery (including water pumps) shall be used on the site unless it is maintained in a condition whereby it is efficiently silenced.

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

- 12.11 The development hereby permitted shall be carried out in accordance with the approved scheme of dust control, including monitoring of dust levels agreed under application C/2/2000/2022.

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

- 12.12 No operation authorised or required under this permission or under Part 17 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 shall take place on Sundays or public holidays, or other than during the following periods:-

07.00 - 17.00 Mondays to Fridays
07.00 - 13.00 Saturdays.

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

- 12.13 The development shall take place in accordance with the landscaping scheme previously submitted and agreed under application C/2/2000/2022.

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

- 12.14 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 CS14 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.

- 12.15 Any oil storage tanks on the site shall be sited on impervious bases and surrounded by oil tight bund walls; the bunded areas shall be capable of containing 110% of the tank volume and shall enclose all fill and draw pipes.

Reason: To safeguard hydrological interests in accordance with Policy CS14 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.

- 12.16 Measures shall be taken to ensure that vehicles leaving the site shall not be in a condition whereby they would deposit mud or other loose material on the public highway.

Reason: In the interests of highway safety in accordance with Policy CS15 and DM10 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.

- 12.17 The directional vehicle signage erected at the site entrance received 8 November 2004 for application C/2/2000/2022 shall be retained and maintained for the duration of the operation.

Reason: In the interests of highway safety in accordance with Policy CS15 and DM10 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.

- 12.18 The HGV Management Plan, prepared Stephen M Daw Ltd, dated May 2015 shall be implemented in full for the duration of operations.

Reason: In the interests of highway safety, in accordance with Policies DM10 and CS15 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.

- 12.19 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.

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

Reason: To ensure the proper and expeditious restoration of the site in accordance with Policies CS14 and DM14 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.

- 12.21 Before the topsoil is replaced on those areas to be restored to an agricultural afteruse a layer of at least 600mm of subsoil substitute shall be created through the use of soils, sand, overburden and/or excavation spoil derived from the site. This layer shall be cross-ripped to a depth of at least 500mm to relieve compaction.

Reason: To ensure the proper and expeditious restoration of the site in accordance with Policies CS14 and DM14 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.

- 12.22 On those areas to be restored to an agricultural afteruse an even layer of topsoil shall be re-spread on the subsoil layer to an even depth of at least 300mm.

Reason: To ensure the proper and expeditious restoration of the site in accordance with Policies CS14 and DM14 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.

- 12.23 Measures including ripping shall be carried out after soil replacement on those areas to be restored to an agricultural afteruse so that any compacted layers and pans are broken up to assist free drainage.

Reason: To ensure the proper and expeditious restoration of the site in accordance with Policies CS14 and DM14 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.

- 12.24 All stones and deleterious materials in excess of 15cm which arise from the ripping of the subsoil and topsoil on those areas to be restored to an agricultural afteruse shall be removed from the site.

Reason: To ensure the proper and expeditious restoration of the site in accordance with Policies CS14 and DM14 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.

- 12.25 No dewatering of excavations shall be carried out except in accordance with details submitted with the application and as set out in the Environmental Statement which accompanied the application.

Reason: To safeguard hydrological interests in accordance with Policy CS14 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.

- 12.26 The approved aftercare scheme approved under application C/2/2000/2022 shall be implemented over a period of five years following the completion of restoration or in the case of phased restoration in stages each of five years duration dating from each completed restoration phase.

Reason: To ensure the proper and expeditious restoration of the site in accordance with Policies CS14 and DM14 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.

Recommendation

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

- (i) Grant planning permission subject to a Section 106 Legal Agreement in respect of long term land management scheme and provision of a permissive footpath, and the conditions outlined in section 12 above.
- (ii) To discharge conditions (in discussion with the Chairman and Vice Chairman of the committee) where those detailed above require the submission and implementation of a scheme, or further details, either before development commences, or within a specified date of planning permission being granted.
- (iii) Delegate powers to officers (in discussion with the Chairman and Vice Chairman of the committee) to deal with any non-material amendments to the application that may be submitted.

Background Papers

Norfolk Minerals and Waste Local Development Framework Core Strategy and Minerals and Waste Development Management Policies Development Plan Document 2010-2016 (2011) <http://www.norfolk.gov.uk/view/ncc094912>

Norfolk County Council Minerals Site Specific Allocations Plan (2013)
<http://www.norfolk.gov.uk/view/ncc126927>

King's Lynn and West Norfolk Borough Council LDF - Core Strategy (2011)
<http://www.west-norfolk.gov.uk/pdf/Complete%20Core%20Strategy%202011.pdf>

The National Planning Policy Framework and Technical Guidance (NPPF) (2012)
http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf

Planning Practice Guidance –Minerals (2014)
<http://planningguidance.planningportal.gov.uk/>

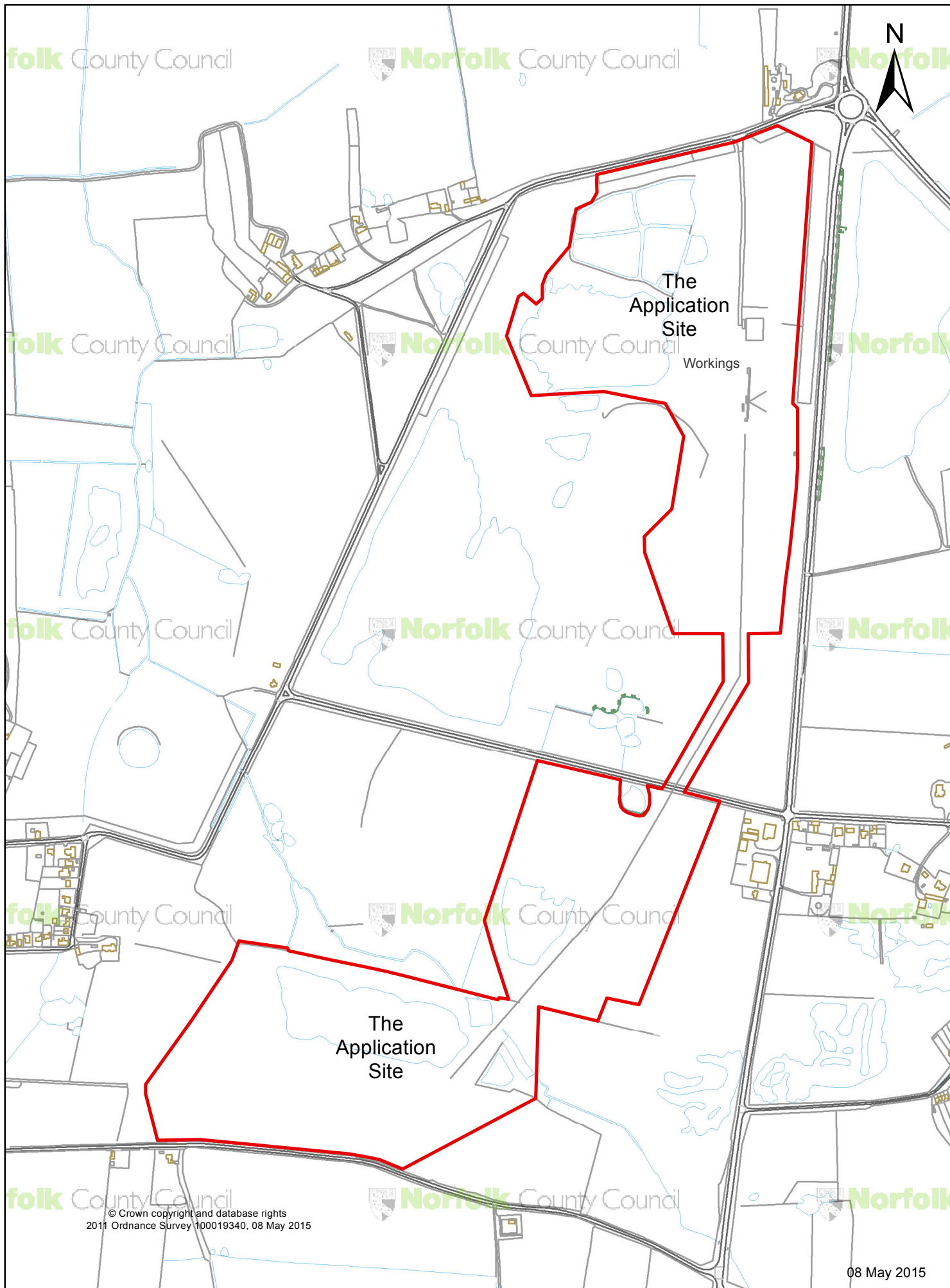
Officer Contact

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

Name	Telephone Number	Email address
Charles Colling	01603 222708	charles.colling@norfolk.gov.uk



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



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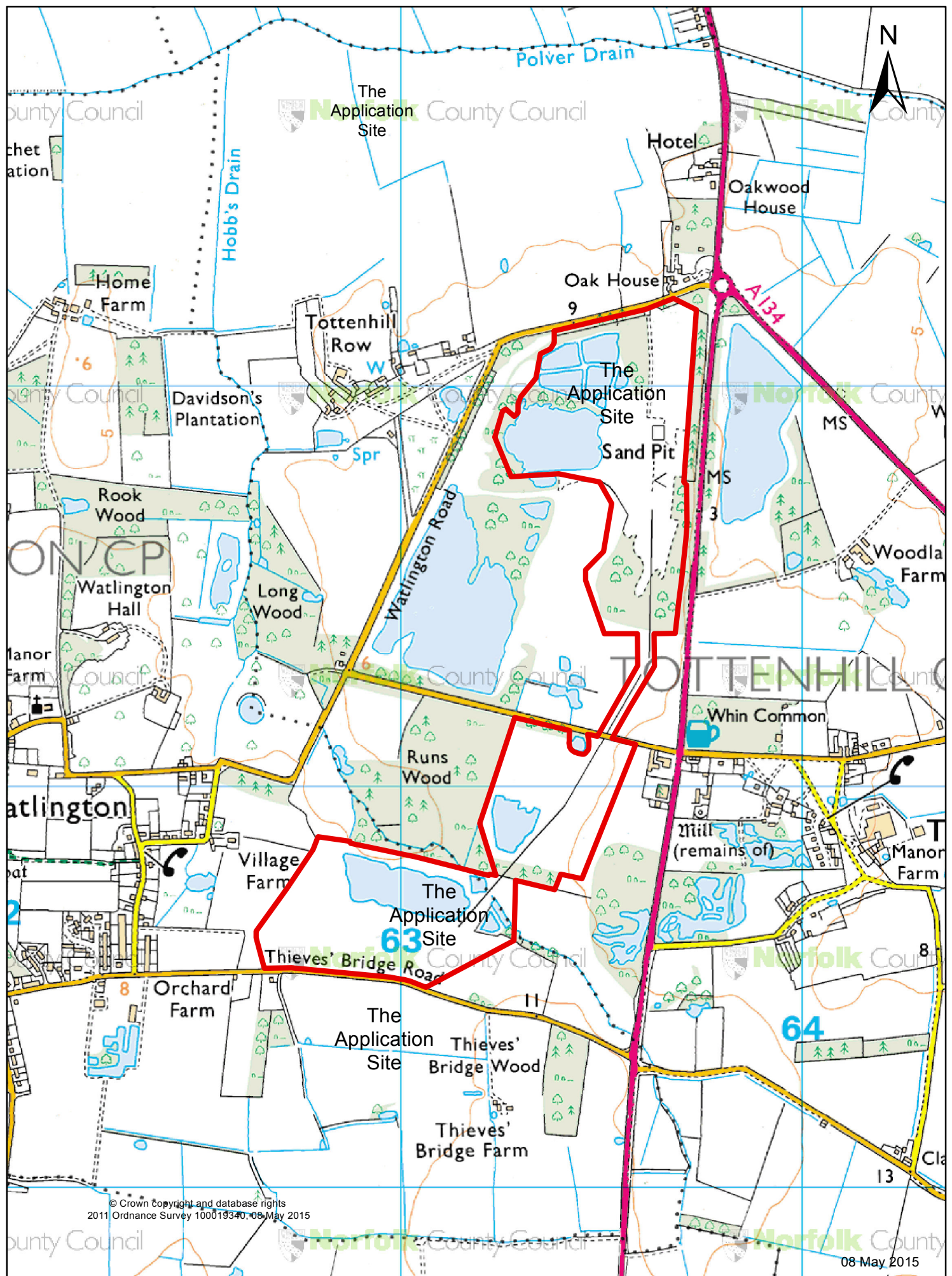
Tottenhill



Norfolk County Council

Scale 1: 8000

Centred on 568 399 311359



C/2/2015/2007

Tottenhill

200 100 0 200 400 Metres



Norfolk County Council

Scale 1: 12000

Centred on 74 89 311359

74

Applications Referred to Committee for Determination:

C/7/2014/7030

Southern extension to Mangreen Quarry and ancillary works with progressive restoration to agriculture and nature conservation by the importation of inert restoration materials; Retention of existing consented facilities, Establishment of a crossing point over Mangreen Lane and Proposed variation to the approved restoration scheme.

Development by Lafarge Tarmac.

Report by the Executive Director of Community and Environmental Services.

Summary

Planning permission is sought for an extension to the mineral operations at Mangreen Quarry on an area of agricultural land to the south of the existing quarry site and Mangreen Lane, for a period of 8 years. A programme of extraction and progressive restoration to a mix of agriculture, woodland and a balancing pond is being proposed. The scheme also includes retention of the existing aggregate processing plant complex, bagging plant, ready-mix plant and access/haul road.

The application is before the Planning (Regulatory) Committee because it is subject to the Environmental Impact Assessment (EIA) Regulations.

No objections have been received from local residents or statutory consultees.

The environmental impacts of the proposal have been carefully considered. The proposed extension area has been formally allocated for mineral extraction in the Norfolk Minerals and Waste Development Framework Mineral Site Specific Allocations Development Plan Document (2013). The proposal differs from the allocation policy in that the applicant is seeking to transport the material processing by dump trucks and not conveyor. Other than this the proposal is in accordance with development plan policies and national planning guidance. It would contribute towards ensuring a local supply of minerals for South Norfolk and Norwich and would assist in ensuring the County maintains a sufficient land-bank of permitted reserves of sand and gravel to meet future needs.

Recommendation

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

- (i) Grant planning permission subject to a Section 106 Legal Agreement in respect long term wildlife management, vehicle routing and removal of a right turn lane in the highway and the conditions outlined in section 12.
- (ii) To discharge conditions (in discussion with the Chairman and Vice Chairman of the committee) where those detailed above require the submission and implementation of a scheme, or further details, either before development commences, or within a specified date of planning permission being granted.
- (iii) Delegate powers to officers (in discussion with the Chairman and Vice Chairman of the committee) to deal with any non-material amendments to the application that may be submitted.

1. The Proposal

1.1	Location	: Mangreen Quarry, Mangreen Lane, Swardeston, Norwich, Norfolk.
	Type of development	: Extraction and processing of sand and gravel. Importation of inert waste (for restoration and recycling).
	Extraction area	: 13.2 hectares.
	Total tonnage	: 960,000 tonnes of sand and gravel.
	Annual tonnage	: 180,000 tonnes per annum.
	Market served	: Norwich and South Norfolk.
	Duration	: 8 years including restoration.
	Plant	: 360 hydraulic excavator Dump truck Wheel Loader Bulldozer Existing mobile washing and screening plant Mobile crusher as required Bagging plant Ready mixed concrete plant Office and weighbridge
	Hours of working	: 07:00 – 18:00 Mondays to Fridays 07:00 – 13:00 Saturdays (no working on Sundays or Public Holidays)
	Vehicle movements and numbers	: Maximum of 76 lorries leaving the site daily (152 movements) with a 20 tonne payload.
	Access	: Access derived via a purpose-built junction with ghost island off the A140. HGV's will exit the site turning north on to the A140 only. Proposed new internal haul road, with a crossing point over Mangreen Lane
	Landscaping	: Screen bunding and existing planting belts
	Restoration and after-use	: Mix of agriculture and nature conservation.

2. Constraints

- 2.1 The following constraints apply to the application site:
- Mangreen Lodge (95 metres) and the Barn at Hall Farm with attached Cattle Shelters (70 metres) and a grade II* listed building Mangreen Hall (95

metres) near to the site.

Caistor St Edmund Roman Town Scheduled Ancient Monument is situated approximately 190 metres to the east of the site and east of the A140.

3. Planning History

- 3.1 The following is the planning history of this site, as determined by Norfolk County Council:
- 3.2 **C/7/2004/7017** - Extraction and Processing of sand and gravel and infilling with inert waste. Operation of a ready mixed plant. Approved 2004.
- 3.3 **C/7/2007/7037** – Erection and operation of an aggregate bagging plant. Approved 2008.
- 3.4 **C/7/2008/7010** – Construction and use of water storage reservoir. Approved 2008.
- 3.5 **C/7/2009/7008** – Construction and operation of an aggregates bagging plant with temporary importation of processed sand and gravel and on-going importation of non-indigenous materials to be processed as a bagged product. Approved 2009.
- 3.6 **C/7/2010/7020** – Retrospective permission for installation of storage container and substitution of one no. portacabin for two no. approved portacabins, to include variation of conditions nos. 5 and 9 of planning permission reference C/7/2009/7008 to amend layout of bagging plant. Approved 2011.
- 3.7 **C/7/2011/7021** – Retrospective permission for the installation of a pumping shed and messroom, and extension of screening bund along southern boundary of the site and variation of condition 24 of planning permission C/7/2009/7014 to amend the site layout and landscaping and provide for the installation of a smaller weighbridge office and amendments to the processing plant layout at Mangreen Quarry. Approved 2012.
- 3.8 **C/7/2015/7004** – Planning application to vary conditions 4 and 25 of planning consent C/7/2009/7014 to enable importation of sand and gravel for processing. Currently valid – undecided May 2015.

4. Planning Policy

- | | |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 4.1 Norfolk Minerals and Waste Local Development Framework Core Strategy and Minerals and Waste Development Management Policies Development Plan Document 2010-2016 (2011) | CS1: Minerals Extraction
CS2: General locations for mineral extraction and associated facilities
CS13: Climate change
CS14: Environmental protection
CS15: Transport
DM1: Nature conservation
DM3: Groundwater and surface water
DM4: Flood Risk |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

			DM8: Design, local landscape character DM9: Archaeological sites DM10: Transport DM12: Amenity DM13: Air Quality DM14: Progressive working, restoration and after-use DM15: Cumulative impacts DM16: Soils
4.2	Norfolk Minerals and Waste Development Framework Mineral Site Specific Allocations Development Plan Document (2013)		Policy MIN 81: Land south of Mangreen Lane, Stoke Holy Cross
4.3	Joint Core Strategy for Broadland, Norwich and South Norfolk (2011/2014)		1 Addressing climate change and protecting environmental assets 2 Promoting good design
4.4	South Norfolk Local Plan (2003) Saved Policies	:	ENV 8 Development in the open countryside ENV 9 Archaeological remains IMP 2 Landscaping IMP 8 Safe and free flow of traffic IMP 9 Residential amenity IMP 10 Noise IMP 15 Setting of Listed Buildings
4.5	The National Planning Policy Framework (2012)	:	1. Building a strong, competitive economy 3. Supporting a prosperous rural economy 4. Promoting sustainable transport 7. Requiring good design 10. Meeting the challenge of climate change, flooding and coastal change

- 11. Conserving and enhancing the natural environment
- 12. Conserving and enhancing the historic environment
- 13. Facilitating the sustainable use of minerals

Planning Practice
Guidance Suite (2015) :

5. Consultations

- | | | |
|------|-----------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 5.1 | South Norfolk District Council (Planning) | : No objection. Request a condition requiring a comprehensive landscape scheme. |
| 5.2 | South Norfolk District Council (Environmental Protection) | : Recommend conditions regarding hours of operation, vehicle haul routes, noise, vehicle silencers, reversing alarms & dust. |
| 5.3 | Swardeston Parish Council | : No comments received at the time of writing this report. |
| 5.4 | Kimberley & Carleton Forehoe Parish Council | : No comments received at the time of writing this report. |
| 5.5 | Norfolk Historic Environment Service | : No objection subject to conditions relating to archaeological investigation & assessment. |
| 5.6 | Environment Agency | : No objection subject to a condition relating to flood risk. Reminder that the existing quarry should adhere to the surface water condition imposed by the existing consent. |
| 5.7 | Natural England | : No objection subject to the proposed development being carried out in strict accordance with the details of the application. |
| 5.8 | Highway Authority (NCC) | : No objection. |
| 5.9 | Natural Environment Team (Ecology) | : No objection. |
| 5.10 | Natural Environment Team (Arboriculture) | : No objection provided the development is carried out strictly in accordance with the drawings and the Tree and Hedgerow Survey |
| 5.11 | Natural Environment Team (Green Infrastructure) | : No objection subject to conditions relating to the working scheme, layout, storage of materials, landscape mitigation & restoration works. |

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|------|-----------------------------------|----------------------------------------------------------------------------|
| 5.12 | Lead Local Flood Authority. | : No objection subject to conditions introduced by the Environment Agency. |
| 5.13 | Rights of Way (NCC) | : No objection. |
| 5.14 | National Grid | : No objection. |
| 5.15 | National Planning Casework Unit | : No comments. |
| 5.16 | Health and Safety Executive | : No comments received at the time of writing this report. |
| 5.17 | Local residents | : No comments received at the time of writing this report. |
| 5.14 | County Councillor (Colin Foulger) | : No comments received at the time of writing this report. |

6. Assessment

6.1 Proposal

- 6.2 The planning application seeks permission to extend the mineral workings at Mangreen Quarry, Swardeston across an area of 13.2 hectares on land to the south of Mangreen Lane. The quarry currently extracts sand and gravel to supply to the local market which is predominantly Norwich and South Norfolk. There is an on-site aggregates bagging plant. The existing operations have consent for a ready mixed concrete plant and a recycling facility, both of which are yet to be constructed.
- 6.3 The proposal is for the extraction of approximately 960,000 tonnes of sand and gravel at a rate of 180,000 tonnes per annum for 5-6 years (full restoration 8 years). The proposed extension area comprises a single agricultural field to the south of Mangreen lane and another smaller field (situated south of Mangreen Hall Farm) to be used for temporary storage of materials. The 8.9 hectare proposed extraction area has been delineated, based on drilling investigations undertaken by the Applicant Company and applying stand-offs to the existing land uses (including residential premises and ecological assets) where necessary. As required by the NMWDF Mineral Site Specific Allocations DPD Policy 81.
- 6.4 A phased working and restoration scheme has been prepared by the applicant which means that if approved the site would be worked progressively in a series of three phases (phases 6 – 8) and would be fully restored in a period of 8 years. The working scheme has been designed to ensure that the minerals are recovered in a systematic manner enabling the continued phased working and restoration of the site in accordance with good practice. The applicant states that due to the nature of the geology it will be necessary to campaign dig the sand and gravel with a 40,000-50,000 tonne stockpile being established in the vicinity

of the feed hopper, at the plant site. The mineral deposit generally occurs in two distinct layers separated by interburden, with differing proportions of sand and stone. The interburden is a key restoration resource on site.

- 6.5 It is proposed that the existing plant site and ancillary facilities; comprising weighbridge, site management office and access, will be retained and supplemented by the development of a new haul road system and road crossing over Mangreen Lane (which is contrary to the policy MIN 81 in the NMWDF Mineral Site Specific Allocations DPD) .
- 6.6 The site is to be restored to agriculture and nature conservation. To fully achieve the final proposed landform approximately 425,000 m² of inert waste material will be imported. The site will be restored primarily to agriculture as well as creating a range of new wildlife habitats. The applicants are prepared to enter into a longer term management scheme to achieve these objectives.
- 6.7 In addition to the proposals for an extension the application also seeks to retain the consented ancillary operations on the existing site, including the bagging plant, the ready mixed concrete plant and the recycling facility (not yet in operation), all of which are to be located within the existing area of the site north of Mangreen Lane. The application seeks to establish a crossing point over Mangreen Lane to enable the haulage of extracted minerals to the plant site. The application also seeks a minor amendment to the approved restoration scheme and involves raising the restored levels over the existing site. The reason for this is the under yield of mineral and the increased amounts of overburden encountered during extraction.
- 6.8 The application is accompanied by an Environmental Impact Assessment.
- 6.9 **Site**
- 6.10 The operations at Mangreen Quarry are established, and comprise the extraction of sand and gravel deposits. The consented area extends across 23.80 hectares, with current land uses within the area comprising the following elements:
- Plant site and ancillary operations area;
 - Mineral extraction area;
 - Future mineral extraction area (both operational and remaining)
 - Bagging plant operation; and
 - Water storage and silt lagoons.
- 6.11 It is these facilities that are proposed to be retained for the duration of the proposed extension. The consented operations are located to the north of Mangreen Lane, which leads from the A140 to the village of Swardeston to the west. Access to the operational site is derived via a purpose-built junction off the A140.

- 6.12 The application envisages a 13.2 hectare southern extension to the mineral workings located to the south of Mangreen Lane. The proposed extension area is situated in a primarily rural setting, and comprises a series of open field compartments framed by woodland and mature hedgerows, with Mangreen Lane forming its northern perimeter.
- 6.13 Topographical levels vary from 33 m AOD in the south-eastern corner of the proposed extension area up to 40 m AOD in the north-west corner.
- 6.14 Mangreen Hall and buildings within the curtilage, together with Mangreen Hall Farm Cottages are in the locality of the application area. The site lies partially within the Norwich Southern Bypass Landscape Protection Zone as defined in the South Norfolk District Local Plan.
- 6.15 **Principle of development**
- 6.16 A basic principle when assessing planning applications is outlined in Section 38(6) of the Town and Country Planning Compulsory Purchase Act 2004 which states:
- “if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise”.*
- 6.17 In terms of the development plan, the County Planning Authority considers the relevant documents in relation to this application are the Norfolk Minerals and Waste Local Development Framework Core Strategy and Minerals and Waste Development Management Policies Development Plan Document 2010-2016 (the “NMWDF Core Strategy”), Norfolk Minerals and Waste Development Framework Mineral Site Specific Allocations Development Plan Document (2013), the Joint Core Strategy for Broadland, Norwich and South Norfolk. (JCS)(2011) and South Norfolk District Local Plan Saved Policies (2007). Whilst not part of the development plan, policies within the National Planning Policy Framework and guidance within Planning Practice Guidance are further material considerations of significant weight.
- 6.18 **Mineral supply / need**
- 6.19 Guidance within paragraph 144 of the NPPF requires local planning authorities to “give great weight to the benefits of mineral extraction”. Paragraph 145 of the NPPF requires Mineral Planning Authorities (MPAs) to make provision for the maintenance of at least a 7 year supply of sand and gravel. NMWLDF Core Strategy Policy CS1 sets out the requirement for the sand and gravel landbank to be maintained at between 7 and 10 years’ supply.
- 6.20 As at the end of May 2015, the sand and gravel landbank for Norfolk, calculated in accordance with the National Planning Practice Guidance (based on the past 10 years average sales), stands at 10.4 years. If approved, the proposal would increase the landbank to 10.96 years worth of supply
- 6.21 The proposal would lift the landbank slightly further above the 10 year’s supply required by policy CS1. The reason for a 10 year maximum in Policy CS1 is “to

ensure that an excessive reserve of sand and gravel is not permitted for extraction at any one time. This is to provide a satisfactory degree of confidence that there will not be undue delays in the final cessation of extraction and eventual restoration at permitted sites” (M&WCS paragraph 6.3). The Planning Practice Guidance advises that, “There is no maximum landbank level and each application for minerals extraction must be considered on its own merits regardless of the length of the landbank.” The wording of current guidance is consistent with the previous Mineral Planning Statement 1 (MPS 1) in this regard. MPS 1 was the extant guidance at the point of examination of the Core Strategy. Policy CS1 was accepted as a local refinement to national policy with regard to mineral landbanks accounting for the wide extent of sand and gravel in Norfolk. Therefore, Policy CS1 is still relevant and up-to-date regardless of the change in guidance

- 6.22 Notwithstanding that the proposal would temporarily lift the landbank slightly above 10 years, there are site specific reasons why this application is considered acceptable. This application accords with Policy CS2 which states that extensions to existing sites will be preferred to new sites. The preference for extensions, which is consistent with National Guidance, is to ensure supply to established processing plants and markets.
- 6.23 The Applicant has explained that there has been an under yield on mineral resources at the existing quarry due to unforeseen geological conditions of approximately 150,000 tonnes or circa one year of production. In view of this remaining reserves on site are close to exhaustion. The proposal which is an allocated extension provides an opportunity to improve the amount of reserves available to the processing plant. This will ensure the continued use of the plant which is a material consideration. Therefore, Officers consider that there is a justification for the application to be permitted to secure the processing plant operations, and supply its existing market.
- 6.24 **Principle of location.**
- 6.25 South Norfolk Local Plan saved policy ENV 8 states that, permission for development in the open countryside will only be granted if it is justified to sustain economic and social activity in rural communities, and demands a rural location
- 6.26 Sand and gravel can only be extracted where reserves exist. Furthermore, it should be noted that the saved Local Plan Policies have not been formulated to specifically address minerals developments and as such the Norfolk Minerals and Waste Local Development Framework: Core Strategy is considered to be the most eminent policy document for assessment of the proposal.
- 6.27 Policy CS2 of the NMWLDF Core Strategy sets out the principles for the locations for sand and gravel production in the County, and places a preference for sites which are “close and/or well related” to the major urban areas. “The site is positioned within the Norwich Policy Area and as such meets the requirement of the policy.
- 6.28 The site is well connected to the strategic road network, with a site access onto the A140. Given this and the above, Officers consider that the proposal is acceptable in relation to the requirements of policy CS2 of the NMWLDF.

6.29 **Amenity (noise, dust, light pollution etc.).**

Dust

- 6.30 Policy DM12 of the NMWLDF CS states that, development will be permitted only where it can be demonstrated that unacceptable impact to local amenity will not arise. NMWDF Mineral Site Specific Allocations DPD Policy MIN 81 requires a programme of mitigation measures to deal with amenity impacts. Saved policy IMP 9 of the South Norfolk Local Plan requires avoidance of significantly adverse impacts on nearby residents.
- 6.31 Policy DM13 requires applicants to demonstrate that proposals effectively minimise harmful emissions to air. An assessment of Environmental Dust has been undertaken by the applicant and has been submitted as part of the Environmental Statement (appendix 9). The conclusion is that dust impacts would be minimal, there will be no increased risk to health and that the likelihood of a short term dust event occurring is very low.
- 6.32 The Environmental Protection Team at South Norfolk District Council in reply to the consultation has raised no objection subject to the imposition of a condition requiring the dust management plan in place on the current operation to be extended to the application area.

Noise

- 6.33 Saved policy IMP 10 restricts development that would create significant noise disturbance. An assessment of Noise levels has been undertaken by the applicant and submitted as part of the Environmental Statement (appendix 8). The assessment concludes that the levels of noise likely to arise from the proposed southern extension of Mangreen quarry would meet the noise standards set out in the NPPF and would not be expected to cause an unacceptable adverse impact on noise-sensitive residential receptors in the vicinity.
- 6.34 The Environmental Protection Team at South Norfolk District Council in reply to the consultation consider that the proposal can meet the noise guidelines for mineral operations set out in the Planning Practice Guidance. Subject to conditions limiting the hours of operation, vehicle routing, working distance to properties, noise levels at nearby properties, vehicle silencers and reversing alarms.

Light Pollution

- 6.35 Policy DM8 of the NMWLDF CS states that Applicants will be expected to show how their proposals will address impacts on landscape and must address issues including light pollution. Saved policy IMP 25 states that proposals including outdoor lighting will be expected to demonstrate there is no detrimental impact as a result of light pollution.
- 6.36 The applicant has confirmed that majority of the site operations will be carried out during daylight hours but that in winter months there will be a requirement to have some artificial lighting around the feed hopper area for health, safety and security requirements. The applicant has confirmed any lighting will be downward facing to minimise any potential adverse impact upon local communities and that

the lighting will be removed when the permission expires or the site is permanently closed.

- 6.37 Officers having considered all the issues relating to dust, noise and light pollution conclude that the development would not have an unacceptable impact on amenity subject to conditions set out above and that there is sufficient distance between the site and sensitive receptors to prevent any loss of amenity from dust, noise and lighting. The proposal is considered to be compliant with NMWDF CS Policies DM8, DM12 and DM13, NMWDF Mineral Site Specific Allocations DPD Policy MIN 81, policies IMP9, IMP10 & IMP25 of the South Norfolk Local Plan and Government guidance the NPPF.

6.38 **Landscape & Trees**

- 6.39 Policy DM8 of the NMWLDF expects applicants to show how proposals will address landscape impacts and states that, development will be permitted if it will not harm the conservation of, or prevent enhancement of, its surroundings with regard to landscape character, taking into account mitigation measures.
- 6.40 NMWDF Mineral Site Specific Allocations DPD policy MIN 81 requires a progressive restoration scheme which incorporates enhanced deciduous woodland belts to provide landscape gains. The application includes a progressive restoration scheme, with restoration to a mixture of agriculture and nature conservation (to include, enhanced field margins, broadleaf woodland, open water and wetland). It is considered that this fulfils the requirement.
- 6.41 NMWDF Mineral Site Specific Allocations DPD policy MIN 81 also requires a screening scheme which will include mitigation of views from the surrounding properties, the public rights of way, surrounding roads and protection of the setting of the listed structures/buildings. As well as a scheme of phased working including the direction of working and landscaping.
- 6.42 In addition, Policy 2 of the Joint Core Strategy expects development proposals to be designed to the highest possible standards and to respect local distinctiveness including, the landscape character and historic environment, taking account of the wider countryside.
- 6.43 South Norfolk Local Plan saved policy IMP 2 requires new development to incorporate a high standard of landscaping to ensure development will be integrated into its surroundings.
- 6.44 The site is located within the South Norfolk District Character Area B1 – Tas Tributary Farmland. This comprises land which is open, gently undulating to flat and sloping landscape incised by shallow tributary valleys, the tributary streams of which are not prominent landscape features; large open arable fields; open views across the countryside and into adjacent character areas; small blocks of deciduous woodland of high ecological and visual quality; scattered remnant hedgerow trees, particularly oak, sometimes including intact avenues lining the roads or marking former field boundaries; transport corridors including main connecting roads; network of recreational footpaths; and ditches, low banks and

wide grass verges associated with the network of rural roads.

- 6.45 The site is also in close proximity to District Area A1 – Tas Rural River Valley. This comprises a network of narrow peaceful rural lanes throughout the valley including sunken lands; a more disturbed character in the north of the area due to the influence of pylons railway and roads; and field boundaries are largely defined by overgrown hedgerows with scattered remnant hedgerow trees which create a large-medium regular rectilinear field pattern and an open to semi-enclosed character.
- 6.46 The overall landscape strategy includes a progressive scheme of working and restoration designed to reduce the level of potential landscape and visual intrusion & bring land back into productive use at the earliest opportunity. The strategy also seeks to reflect the gently rolling topography in the design of restoration landform. During the operations temporary grassed perimeter screening bunds are proposed to help mitigate potential views of proposed extraction and ancillary operations. Construction of screening landform (where practical) will seek to establish the exterior faces first as the landform is progressively built up. The perimeter screening would be actively managed to facilitate the establishment of vegetation at the earliest opportunity to reduce visual intrusion. Enhancements to the levels of screening of Mangreen electricity substation is proposed and would contribute positively to local landscape character.
- 6.47 A Landscape Visual Impact Assessment of the proposed development has been undertaken, which concludes that the proposal will not cause any unacceptable level of effect on landscape character and visual amenity. Potential adverse effects would occur in the short to medium term and are very largely associated with the early stages of development. Effects in the medium to long term following restoration would be either neutral or slightly beneficial.
- 6.48 The County Council's Green Infrastructure Officer raises no objection to the proposal subject to conditions relating to the working scheme, layout, storage of materials, landscape mitigation & restoration works.
- 6.49 South Norfolk District Council having considered the proposal raised no objection on landscape grounds subject to a condition requiring submission and approval of a comprehensive landscaping scheme.
- 6.50 Officers therefore consider that subject to a condition requiring the submission and approval by the County Planning Authority of an updated scheme of landscaping prior to extraction the proposal is acceptable. The proposed development complies with the provisions of NMWLDF Policies CS14 and DM8, NMWDF Mineral Site Specific Allocations DPD policy MIN 81, South Norfolk Local Plan saved policy IMP 2 and Policy 2 of the Joint Core Strategy.

Trees

- 6.51 Paragraph 118 of the NPPF states that planning permission should be refused for development resulting in the loss of veteran trees unless the need for and benefits of the development in that location clearly outweigh the loss.

- 6.52 The applicant has submitted a Tree and Hedgerow Survey as part of the application which confirms that the proposed development would result in the removal of 4 No. Category C trees and two sections of Hedgerow. The survey concludes that the impact of the removal of these trees and sections of hedgerows is considered to be acceptable due to the tree categorisation and provided that replacement planting works are carried out to mitigate. The replacement planting includes provision for a new hedge and a broadleaf woodland with enhanced field margins.
- 6.53 The Senior Arboricultural and Woodland Officer (NCC) has no objection provided the development is carried out strictly in accordance with the drawings and the Tree and Hedgerow Survey.
- 6.54 Officers are satisfied that the need for the development outweighs the short term loss of the trees and the hedgerow in this instance and that the replacement planting would successfully mitigate any negative impacts in the long term. Therefore the proposed development is considered to be in accordance with the requirements of the NPPF in this regard.
- 6.55 **Biodiversity and Geodiversity**
- 6.56 Policy CS14 of the NMWLDF: CS states that, developments must ensure that there are no unacceptable adverse impacts on, and ideally improvements to biodiversity and geodiversity. Policy DM1 states that, development that would harm locally designated nature conservation and geodiversity sites, habitats, species or features identified in biodiversity and geodiversity action plans, will only be permitted if it can be demonstrated that sufficient mitigation measures can be put in place. Policy DM14 requires any important geology or geomorphology on the site to be retained in sample exposures for study purposes.
- 6.57 NMWDF Mineral Site Specific Allocations DPD Policy MIN 81 requires:
- A scheme of working and restoration which provides biodiversity gains.
 - Opportunities during working for any geodiversity assets to be studied, and if compatible with landscape and ecology objectives an open face to be included within any restoration scheme for future scientific study.
- In addition there is an existing S106 agreement which includes a clause to ensure the long term maintenance for wildlife of areas within the currently approved site.
- 6.58 Policy 1 of the Joint Core Strategy requires planning authorities to protect, maintain, restore and enhance the environmental assets of the area. Paragraph 117 of the NPPF requires planning to aim to prevent harm to geological conservation interests.

- 6.59 Natural England has been consulted on the application and raises no objection to the proposal in relation to statutory protected sites.
- 6.60 The County Council's Ecologist has assessed the proposal and raises no objection and is in agreement with the ecological assessment and the comments from Natural England that the proposals will not have any impacts on existing sites designated for nature conservation or protected species, provided the conclusions of the assessment are followed. He is satisfied that the hedge removal and planned reinstatement will be of greater ecological value in the long term.
- 6.61 The applicant specifies that suitable observations of geology would be made during the working of the site. They consider it to be impracticable to incorporate any open geological faces in to the final restoration plan due to the planned restoration scheme being predominately to agriculture.
- 6.62 Officers consider that subject to the s106 agreement which ensures the long term wildlife maintenance of areas within the current operational site be carried forward the proposal complies with the provisions of NMWLDF Core Strategy, Policies CS14, DM1 and DM14, NMWDF Mineral Site Specific Allocations DPD policy MIN 81 and Policy 1 of the Joint Core Strategy.

Appropriate Assessment

- 6.63 The site is not situated within 5 kilometres of any internationally protected sites (Special Protection Area, Special Area of Conservation etc.) and therefore, in accordance with Regulation 61 of the Conservation of Habitats and Species Regulations 2010, it is considered that the development would not have a significant impact on any protected habitats and accordingly no Appropriate Assessment of the development is required.

6.64 **Historic Environment**

Listed Buildings

- 6.65 There are no designated heritage assets within the boundary of the proposed site itself. However there are two grade II listed buildings, Mangreen Lodge (95 metres) and the Barn at Hall Farm with attached Cattle Shelters (70 metres) and a grade II* listed building Mangreen Hall (95 metres) near to the site. Caistor St Edmund Roman Town Scheduled Ancient Monument is situated approximately 190 metres to the east of the site and east of the A140.
- 6.66 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.
- 6.67 Policy CS14 of the NMWLDF CS requires new development to ensure that there are no unacceptable adverse impacts on, and ideally improvements to, heritage assets and their settings. Policy DM8 states that, development will only be permitted where it would not adversely impact on the historic form,

character and/or setting of listed buildings.

- 6.68 Policy 2 of the Joint Core Strategy requires development proposals to respect the historic environment.
- 6.69 Saved policy IMP 15 of the South Norfolk Local Plan requires special attention to be paid to the design, scale and impact of proposals affecting the setting of listed buildings.
- 6.70 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
- 6.71 Paragraph 132 of the NPPF requires great weight to be given to a designated heritage asset’s conservation, when considering the impact of a development on the significance of the asset.
- 6.72 A revised Listed Building Assessment has been undertaken and submitted as part of the planning application. The assessment considers the effect the proposed development would have on the listed buildings in the area including Mangreen Hall, Mangreen Lodge, the Barn at Hall Farm with attached Cattle Shelters and their settings. Overall the assessment concludes that the quarry extension would have no impact on the setting of the mix of high and medium sensitivity receptors in the area and as a result the predicted impact is of negligible significance.
- 6.73 A Landscape and Visual Impact Assessment has been undertaken which concludes that the temporary operations within the extension site would not significantly affect the setting of these historical assets.
- 6.74 Norfolk Historic Environment having considered the proposed development and the impact on the listed buildings raise no objection.
- 6.75 Having considered all the relevant information, the consultation responses and following a number of site visits Officers consider that the revised Listed Building Assessment and Landscape and Visual Impact Assessment provide a true assessment. Officers are therefore satisfied with the conclusions reached in the assessments and consider that there would be no harm to the significance of the listed buildings as a result of this development.
- 6.76 Officers therefore conclude that the development is acceptable when considered against the requirements of Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, the chapter 12 of the NPPF. No material harm would be caused to any other heritage assets, and in all other respects, the proposal is considered compliant with NMWLDF policies CS14 & DM8, NMWDF Mineral Site Specific Allocations DPD Policy MIN 81, policy 2 of the Joint Core Strategy and saved policies IMP 15 of the South Norfolk Local Plan.

Archaeology

- 6.77 The application includes the results of an archaeological field evaluation, which revealed Bronze Age, Iron Age, Roman and medieval material, including field systems and settlement remains.

- 6.78 Policy DM9 of the NMWLDF CS states that, development will only be permitted where it would not adversely affect the significance of heritage assets (and their settings). NMWDF Mineral Site Specific Allocations DPD Policy MIN 81 requires an archaeological evaluation of the site and additional fieldwork if features are identified. Saved policy ENV 9 of the South Norfolk Local Plan contains a presumption against proposals which would have a significant impact on the setting of visible archaeological remains.
- 6.79 Norfolk Historic Environment team raise no objection but request a condition requiring submission of a written scheme of investigation which would require written approval by the local planning authority.
- 6.80 Officers consider that the development is compliant with NMWLDF: CS policy DM 9. The development is acceptable when considered against the requirements set out in Mineral Site Specific Allocations DPD Policy MIN 81 and saved policy ENV 9 of the South Norfolk Local Plan which contains a presumption against proposals which would have a significant impact on the setting of visible archaeological remains. Therefore it is concluded that the development is acceptable in this regard.
- 6.81 **Transport**
- 6.82 Policy CS15 of the NMWLDF: CS states that, minerals proposals will be considered satisfactory in terms of access where anticipated HGV movements do not generate unacceptable risks to road user safety and unacceptable impacts on the highway network. Policy DM10 requires applications for minerals sites to demonstrate suitable access arrangements and routeing proposals.
- 6.83 It is proposed that the existing highway access onto/off the A140 via a ghost island right hand turn lane some 400m to the south of the A47/A140 roundabout junction will continue to be used. The right hand turn lane has been designed to the current 50mph speed limit requirements. The junction has been provided with street lighting for safety reasons.
- 6.84 In the original application figures indicated that the A140 at this point carries in excess of 18,000 vehicles a day. The development is expected to generate some 152 vehicles movements a day. The vast majority of these will be by HGV vehicles and will travel north to the A47/A140 roundabout. For safety reasons all vehicles have up until now been required to exit the site by turning left and travelling north to the A47 /A140 roundabout, this practice would continue if approved. Vehicles that are to travel to the south will initially travel north to the roundabout, negotiate the roundabout and then travel south.
- 6.85 In respect of the haulage of materials from the extension area to the plant site it is proposed to establish a haul road to transport the materials by dumper truck. This will require a new crossing over Mangreen Lane. The crossing will incorporate control measures creating a priority junction with priority given to the public highway users. The proposed crossing point would require temporary removal of small sections of the hedges either side of Mangreen Lane. Any length of hedge removed as part of the scheme would be reinstated once operations on site have been completed.

- 6.86 NMWDF Mineral Site Specific Allocations DPD Policy 81 specifies that the material extracted would be removed by conveyor for processing at the existing processing plant at Mangreen Quarry. The application does not meet this requirement; therefore the potential for additional traffic impacts should be subject to detailed consideration.
- 6.87 The requirements for a transport statement set out in policies CS15 and DM10 have not been met by this application. However there has been sufficient information provided to enable assessment of the proposed extension. The Highways Authority are satisfied with the proposal and do not wish to raise an objection subject to the imposition of a number of conditions relating drainage at the access points, the gradient of the vehicle access onto Mangreen Lane, means of obstructing the access i.e. gates bollards, visibility splays, wheel cleaning facilities, access design and signage. The Highway Authority also recommends an informative covering the requirement for a legal agreement to enable highways works to take place.
- 6.88 The Highway Authority has requested that a clause be added to the s106 agreement which requires the ghost island and associated highways works on the A140 and Mangreen Lane to be removed once the quarry has been restored.
- 6.89 Officers consider that subject to suitable conditions and the s106 agreement the development is compliant with NMWLDF: CS policies CS15 and DM10 and the government objectives of the NPPF. Officers acknowledge that the proposed development would not be in strict accordance with the requirements of Mineral Site Specific Allocations DPD Policy MIN 81. The variation is considered acceptable to the highways authority, therefore Officers conclude that the variation is acceptable.
- 6.90 **Sustainability**
- 6.91 NMWLDF: CS policy CS13 addresses issues relating to climate change and renewable energy generation. Where possible, applicants should aim for the incorporation of renewable or low-carbon energy to generate a minimum of 10% of their energy needs. Where this is not considered practicable, appropriate evidence should be provided.
- 6.92 The Applicant has submitted in the Supporting Statement a Sustainability Statement which concludes that there are no renewable initiatives existing or planned for this site, primarily due to the geographic constraints that site is subject too. The rational for this is that the operations would be in the base of the deposit, this creates an element of relief and shadow effect which means the use of voltaics would not be efficient. There would be no areas available within the extension for a turbine, as all land within the red line will either be used for extraction of minerals or materials stocking, would be too close to the extraction face to render any turbine unstable or would out of the applicant's control. The limited duration of the scheme and fast progression of operations also means that there is no scope for anerobic digestion or photovoltaic's south of Mangreen Lane.
- 6.93 Although it is disappointing that no measures for renewable energy are being proposed, the arguments put forward by the Applicant are accepted in this instance.

6.94 **Groundwater/Surface Water & Flood Risk**

- 6.95 Policy DM3 of the adopted NMWLDF: Core Strategy requires applicants to demonstrate that proposals would not adversely impact upon groundwater quality or resources and surface water quality or resources.
- 6.96 NMWDF Mineral Site Specific Allocations DPD Policy MIN 81 requires to assess any potential impacts on the nearby private groundwater abstraction at Dunston Hall, with any appropriate mitigation measures incorporated in any planning application.
- 6.97 Policy 1 of the Joint Core Strategy expects development to protect groundwater sources. Section 10 of the NPPF: Meeting the challenge of climate change, flooding and coastal change, encourages new development to seek opportunities to reduce the causes and impact of flooding.
- 6.98 The applicant is proposing to manage surface water solely through infiltration or for use in mineral processing. There is no off-site discharge of water. The Hydrological and Hydrogeological Impact Assessment submitted as part of the application states that surface water flows will not be increased off site as a result of the finished restoration levels. The Environment Agency acknowledges this but point out that this will be dependent on the fill material having infiltration properties. The Environment Agency recommends that the size of the pond is calculated from the infiltration rates of the restored land.
- 6.99 The Flood Risk Assessment (FRA) submitted by the applicant demonstrates that the proposed quarry extension being in flood zone 1 is not at risk of flooding. The FRA also shows that wetland features being proposed will minimise the risk of flooding within the site and will not increase the risk of flooding to others.
- 6.100 The Environment Agency is satisfied that the proposed development would meet the requirements of the National Planning Policy Framework if the measures detailed in the FRA are implemented and secured by way of a planning condition.
- 6.101 Officers consider that subject to the imposition of a condition requiring the implementation of the FRA the proposal is compliant with policy DM 3 of the adopted NMWLDF Core Strategy, NMWDF Mineral Site Specific Allocations DPD Policy MIN 81, Policy 1 of the Joint Core Strategy and section 10 of the NPPF.
- 6.102 **Protection of best and most versatile agricultural land**
- 6.103 NMWLDF: CS policy DM16 states that, where development is proposed on agricultural land, there is a clear preference for locating mineral extraction on land of agricultural grades 3b, 4 and 5. When development is proposed on agricultural land of grades 1, 2 or 3a it will only be permitted where provision is made for high standards of soil management during restoration, or the benefit of restoring the land to another after-use can be shown to outweigh the loss of the agricultural use of the land.
- 6.104 The application area is currently in agricultural use. A soils survey of the site was undertaken during August 2011 and was based on a rigid 100m grid survey grid.

In total 68 observation points were investigated for their soil type, depth and content. The investigations were mainly concentrated on the proposed extraction area. Agricultural land classifications grades were derived at each observation point to map out their distribution cross application area. The applicant mapped the agricultural land classification over the site which shows the land is a mix of grade 2, 3a and 3b (6.6ha grade 2, 1.1ha grade 3a and 5.7ha grade 3b).

- 6.105 Having regard to the existence of best and most versatile land on the site, it is the intention of the applicant to reinstate a majority of the site to high quality agricultural land. The environmental statement concludes that no best and most versatile land will be permanently lost as a result of this proposal and furthermore alternative habitats that will make a contribution to local and national bio-diversity objectives will be created.
- 6.106 The proposal would result in a very small loss of agricultural land on those areas to be restored to the pond with reed fringe and wet grassland and the proposed mixed deciduous woodland heathland. However, given that the pond is supported by the Environment Agency, the woodland is supported by the County Ecologist due to the significant biodiversity enhancements and the relative land area is small.
- 6.107 Officers therefore consider that the proposed development is acceptable and is compliant with CS Policy DM16.
- 6.108 **Progressive working, restoration and after-use**
- 6.109 NMWLDf: CS policy DM14 requires a scheme for phased and progressive working and restoration of the site, and expresses a preference for after-uses and restoration that enhance the Norfolk Ecological Network and create new, high-quality, distinctive landscapes.
- 6.110 NMWDF Mineral Site Specific Allocations DPD Policy MIN 81 requires a progressive restoration scheme which incorporates arable with wide field margins and enhanced deciduous woodland belts to provide landscape and biodiversity gains
- 6.111 The southern extension area would be returned largely to areas of agriculture. The western and central fields would be returned to agriculture near to existing levels. The eastern field would be reinstated to agricultural land with localised variations in levels to allow for a new field pond and adequate surface water drainage across the restored farmland. The pond would support areas of reeds and include grassland margins to provide additional wildlife habitat.
- 6.112 Field margins would be established where appropriate to improve ecological permeability through restored agricultural land. The temporary crossing infrastructure over Mangreen Lane would be removed upon the completion of operations and the rural characteristics of the lane would be reinstated.
- 6.113 A new area of broadleaved woodland would be planted at the sites south eastern boundary. The new woodland is intended to provide additional screening to the Mangreen electricity substation which lies to the south of the extension site. All plant species proposed would be preferentially sourced from local suppliers and

be of local native provenance.

- 6.114 NMWDF Mineral Site Specific Allocations DPD Policy MIN 81 includes the use of a field conveyor to transport the mineral from the excavation to the processing plant. The current application does not propose a field conveyor but a haul route with crossing instead. The potential for further highways and landscaping impacts have been considered within this report and found to be acceptable subject to conditions and a s106 agreement.
- 6.115 To the south of the proposed development there are two further sites which are allocated for mineral extraction in NMWDF Mineral Site Specific Allocations DPD Policies MIN 79 and MIN 80. If they were to come forward the material would be transported to the processing plant across the restored site. Officers were concerned that this situation could potentially compromise/damage the restored areas due to the haul road and crossing remaining in place. In response the applicant has confirmed that should there be extraction in MIN 79 and MIN 80 the material would be transported using field conveyors, which would limit any harm to the restored site.
- 6.116 The restoration is considered acceptable by the Council's Ecologist. Given the above, it is concluded that the proposal accords with CS Policy DM14, Mineral Site Specific Allocations DPD Policy MIN 81 and, the requirements of the NPPF in this respect.
- 6.117 **Public Rights of Way**
- 6.118 NPPF paragraph 75 states that planning policies should protect and enhance public rights of way and access.
- 6.119 Public Rights of Way reference, Swardeston BR9 is located to the west of the application site. Norfolk County Council's Public Rights of Way Officer has no comment regarding the proposal.
- 6.120 The applicant considers that the bunding and landscaping being proposed will assist in screening views of the proposed development. Officers agree that the proposal will improve the screening on the public rights of way therefore the proposal is considered to be compliant with paragraph 75 of the NPPF.
- 6.121 **Cumulative impacts**
- 6.122 The NPPF and NMWLDF set out how planning should take into account the cumulative effect of multiple impacts from mineral sites and waste management facilities.
- 6.123 The nearest other active mineral operation (chalk) is located approximately 2.5 km north east of the site at Markshall Lane, Caister St Edmund.
- 6.124 The nearest waste management facility is located approximately 4.6 km west at Hethersett Road, Ketteringham,
- 6.125 The proposed extension to mineral extraction at Mangreen Quarry will not result in a change in historic annual output or vehicle movements, working arrangements or hours of working. As detailed elsewhere in this report it is considered that the proposal would not cause unacceptable environmental, amenity and/or highways impacts. It is therefore considered taking into account the above, that this proposal is compliant with NMWLDF Policy

DM15, and the government objectives of the NPPF.

Responses to the representations received

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

6.127 There were no concerns/objections raised.

7. Resource Implications

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

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

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

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

8. Other Implications

8.1 Human rights

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

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

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

8.5 Equality Impact Assessment (EqIA)

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

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

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

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

9. Section 17 – Crime and Disorder Act

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

10. Risk Implications/Assessment

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

11. Conclusion and Reasons for Grant of Planning Permission

- 11.1 Planning permission is sought for a southern extension to Mangreen Quarry, Swardeston, Norwich. It is proposed to extend the mineral workings across a 13.2 hectare area located to the south of Mangreen Lane. For the extraction of approximately 960,000 tonnes of sand and gravel at a rate of 180,000 tonnes per annum for 5-6 years.
- 11.2 It is proposed that the existing plant site and ancillary facilities; comprising weighbridge, site management office, access and bagging plant will be retained and supplemented by the development of a new haul road system and road crossing over Mangreen Lane.
- 11.3 The application and accompanying Environmental Statement are considered to accord with development plan policies and the NPPF as outlined in the report. The site is allocated within the Norfolk County Council's Mineral Site Specific allocations as MIN 81.
- 11.4 There are no objections from statutory consultees, the proposed development is considered acceptable and there are no other material considerations why it should not be permitted. It would contribute towards ensuring a local supply of minerals for future construction in South Norfolk and Norwich and would assist in ensuring the County maintains a sufficient landbank of sand and gravel to meet future needs.
- 11.5 Accordingly, full conditional planning permission is recommended subject to appropriate planning conditions and a Section 106 Legal Agreement concerning, long term nature conservation and highways.

12. Conditions

- 12.1 The development hereby permitted shall commence not later than three years from the date of this permission. Within seven days of the commencement of operations, the operator shall notify the County Planning Authority in writing of the exact starting date.

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.

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

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

- 12.3 The development hereby permitted shall cease extraction operations by 6 years from the date of commencement and all restoration shall be completed by 8 years from the date of commencement.

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

- 12.4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that order), no further buildings, plant or machinery, nor structures of the nature of plant or machinery other than that permitted under this planning permission, shall be erected on the site, except with permission granted on an application under Part III of the Town and Country Planning Act 1990.

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

- 12.5 The plant hereby permitted shall be used solely for processing mineral derived from the working operated by Lafarge Aggregates Limited and for no other purpose.

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

- 12.6 A) No demolition/development shall take place/commence until a Written Scheme of Archaeological Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and

1. The programme and methodology of site investigation and recording
2. The programme for post investigation assessment
3. Provision to be made for analysis of the site investigation and recording
4. Provision to be made for publication and dissemination of the analysis and records of the site investigation
5. Provision to be made for archive deposition of the analysis and records of the site investigation
6. Nomination of a competent person or persons/organisation to undertake the

works set out within the Written Scheme of Investigation

B) No demolition/development shall take place other than in accordance with the Written Scheme of Investigation approved under condition (A).

C) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision to be made for analysis, publication and dissemination of results and archive deposition has been secured.

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

- 12.7 Vehicular movement within the site shall be restricted to such routes as agreed in writing with the County Planning Authority.

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

- 12.8 No operation authorised or required under this permission or under Part 17 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015, including the movement of vehicles and operation of any plant, shall take place on Sundays or public holidays, or other than during the following periods:-

0800 - 1800 Mondays to Fridays
0800 - 1300 Saturdays

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

- 12.9 With the exception of soil-stripping, the construction and removal of baffle mounds, soil storage mounds and spoil heaps, construction of new permanent landforms, the free field Equivalent Continuous Noise Level [$L_{Aeq, 1 \text{ hr}}$] at any noise sensitive property adjoining the site shall not exceed 55 dB $L_{Aeq, 1 \text{ hr}}$. Measurements shall be made no closer than 3.5 metres from the façade of properties or other reflective surface and shall be corrected for extraneous noise.

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

- 12.10 In the case of soil-stripping, the construction and removal of baffle mounds, soil storage mounds and spoil heaps, construction of new permanent landforms, the

free field Equivalent Continuous Noise Level [$L_{Aeq, 1 \text{ hr}}$] at any noise sensitive property adjoining the site shall not exceed 70 dB $L_{Aeq, 1 \text{ hr}}$. Measurements shall be made no closer than 3.5 metres from the façade of properties or other reflective surface and shall be corrected for extraneous noise.

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

- 12.11 No vehicle, plant, equipment and/or machinery shall be operated at the site unless it has been fitted with and uses an effective silencer. All vehicles, plant and/or machinery shall be maintained in accordance with the manufacturer's specification at all times.

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

- 12.12 No vehicles and/or mobile plant used exclusively on site shall be operated unless they have been fitted with white noise / non-tonal reversing alarms to ensure that, when reversing, they do not emit a warning noise that would have an adverse impact on residential or rural amenity.

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

- 12.13 The Dust Management Plan for the existing quarry should be updated to include a scheme to minimise dust emissions from the approved development and be approved in writing by the Planning Authority with the approved dust suppression measures being retained, implemented and maintained for the duration of the development hereby permitted.

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

- 12.14 The access(es) shall be constructed with adequate drainage measures to prevent surface water run-off onto the adjacent public highway, in accordance with a detailed scheme submitted to and approved in writing by the County Planning Authority.

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

- 12.15 The gradient of the vehicular access(es) onto Mangreen Lane shall not exceed 1:12 for the first 15 metres into the site as measured from the near channel edge of the adjacent carriageway.

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

- 12.16 Prior to commencement of operations South of Mangreen Lane any access gate(s), bollard, chain or other means of obstruction shall be hung to open inwards, set back, and thereafter retained a minimum distance of 15 metres from the near channel edge of the adjacent carriageway.

Reason: To enable vehicles to safely draw off the highway before the gate(s) or obstruction is opened. In the interests of highway safety, in accordance with Policy DM10 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.

- 12.17 Prior to the commencement of operations South of Mangreen Lane a visibility splay measuring 4.5 x 70 metres shall be provided to each side of the access (es) (as shown on drawing no. 12223-06) where it meets the highway and such splays shall thereafter be maintained at all times free from any obstruction exceeding 0.225 metres above the level of the adjacent highway carriageway.

Reason: To ensure adequate visibility in advance of any vehicles using the crossing. In the interests of highway safety, in accordance with Policy DM10 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.

- 12.18 No works shall commence South of Mangreen Lane until the details of wheel cleaning facilities associated with the proposal have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority.

Reason: To ensure the suitability of the wheel cleaning facility to be provided in advance of any works which could lead to extraneous material being deposited on the highway. In the interests of highway safety, in accordance with Policy DM10 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.

- 12.19 Prior to the commencement of operations south of Mangreen Lane the approved wheel cleaning facilities referred to in Part A of this condition shall be provided to the written satisfaction of the Local Planning Authority in consultation with the Highway Authority and thereafter maintained and used as appropriate.

Reason: To prevent extraneous material being deposited on the highway. In the interests of highway safety, in accordance with Policy DM10 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.

- 12.20 Notwithstanding the details indicated on the submitted drawings no works shall commence South of Mangreen Lane unless otherwise agreed in writing until a

detailed scheme for the new vehicular access(es) works / crossing of Mangreen Lane (including appropriate signing and lining) as indicated on drawing number 12223-05 have been submitted to and approved in writing by the County Planning Authority in consultation with the Highway Authority.

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

- 12.21 Prior to the commencement of operations South of Mangreen Lane the new vehicular access(es) works / crossing of Mangreen Lane (including appropriate signing and lining) 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 can cater for the development proposed prior to the use. In the interests of highway safety, in accordance with Policy DM10 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.

- 12.22 Prior to the commencement of operations South of Mangreen Lane signage indicating drivers of the movement of heavy plant crossing the road shall be erected on the 78023 Mangreen Lane. The signage shall be erected at locations and to a specification to be agreed in writing with the County Planning Authority and such signs as may be so approved shall be retained for the duration of this permission.

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

- 12.23 No extraction shall take place until full details of both landscape mitigation and restoration works have been submitted to and approved in writing by the local planning authority. These details shall include:

- i. Specification of reinforcement/advanced mitigation planting;
- ii. Specification of soil bunds to include height, gradient, planting and maintenance;
- iii. Operational landscape management;
- iv. Proposals for landscape restoration including dates for the starting and completion of each phase of restoration, a maximum area of disturbed land which at any time is unrestored, the contours of the restored land shown by plans and sections, the provision to be made for drainage of the site, back profiles, batters and shoreline contours;
- v. Scheme of aftercare specifying such steps as may be necessary to bring the land to the required standard for intended permitted restorative use to be implemented over a period of 5 years following completion of restoration, or in the case of phased restoration, in stages each of five years duration dating from each completed restoration phase.

Soft landscape works shall include planting plans; written specifications

(including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; and management/maintenance allowing provision for re-seeding and re-planting during the following planting season where such action is necessary as a result of any failure which occurs within a period of five years from the date of initial planting.

Reason: The original submission lacked sufficient detail. A landscaping scheme is required to ensure adequate landscaping is provided to mitigate the development. To protect and enhance the landscape and amenities of the surrounding area and to ensure the proper and expeditious restoration of the site in accordance with Policies DM8, DM12 and DM14 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.

- 12.24 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 at 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.

- 12.25 Any oil storage tanks on the site shall be sited on impervious bases and surrounded by oil tight bund walls; the bunded areas shall be capable of containing 110% of the tank volume and shall enclose all fill and draw pipes.

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

- 12.26 Measures shall be taken to ensure that vehicles leaving the site shall not be in a condition whereby they would deposit mud or other loose material on the public highway.

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

- 12.27 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 and the surrounding area, in accordance with Policy DM12 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.

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

Reason: To ensure the proper and expeditious restoration of the site, in accordance with Policy DM14 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.

- 12.29 Before the topsoil is replaced a layer of at least 600mm of subsoil substitute shall be created through the use of soils, sand, overburden and/or excavation spoil derived from the site. This layer shall be cross-ripped to a depth of at least 500mm to relieve compaction.

Reason: To ensure the proper and expeditious restoration of the site, in accordance with Policy DM14 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.

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

Reason: To ensure the proper and expeditious restoration of the site, in accordance with Policy DM14 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.

- 12.31 Measures including ripping and/or subsoiling shall be carried out after soil replacement so that the compacted layers and pans are broken up to assist free drainage.

Reason: To ensure the proper and expeditious restoration of the site, in accordance with Policy DM14 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.

- 12.32 All stones and deleterious materials in excess of 15cm which arise from the ripping of the subsoil and topsoil shall be removed from the site.

Reason: To ensure the proper and expeditious restoration of the site, in accordance with Policy DM14 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.

- 12.33 No dewatering of excavations shall be carried out.

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

- 12.34 No material other than inert wastes shall be brought onto the site.

Reason: To ensure the proper and expeditious restoration of the site, in accordance with Policy DM14 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.

- 12.35 Prior to commencement of Phase 8 workings, as identified on plan S375/PL13/03 Rev A Oct 2014, details of visual mitigation measures to be implemented for the duration of Phase 8 works shall be submitted and agreed in writing with the County Planning Authority.

Reason: To protect the landscape and amenities of the surrounding area, in accordance with Policies DM8 and DM12 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026

Recommendation

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

- (i) Grant planning permission subject to a Section 106 Legal Agreement in respect long term wildlife management, vehicle routing and removal of a right turn lane in the highway and the conditions outlined in section 12.
- (ii) To discharge conditions (in discussion with the Chairman and Vice Chairman of the committee) where those detailed above require the submission and implementation of a scheme, or further details, either before development commences, or within a specified date of planning permission being granted.
- (iii) Delegate powers to officers (in discussion with the Chairman and Vice Chairman of the committee) to deal with any non-material amendments to the application that may be submitted.

Background Papers

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

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

Norfolk Minerals and Waste Development Framework Mineral Site Specific Allocations Development Plan Document (2013):

<http://www.norfolk.gov.uk/view/ncc126927>

Joint Core Strategy for Broadland, Norwich and South Norfolk (2014):

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

South Norfolk Local Plan (2003) Saved Policies:

<http://www.south-norfolk.gov.uk/planning/288.asp>

The National Planning Policy Framework (2012):

http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf

Planning Practice Guidance Suite (2014):

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

Officer Contact

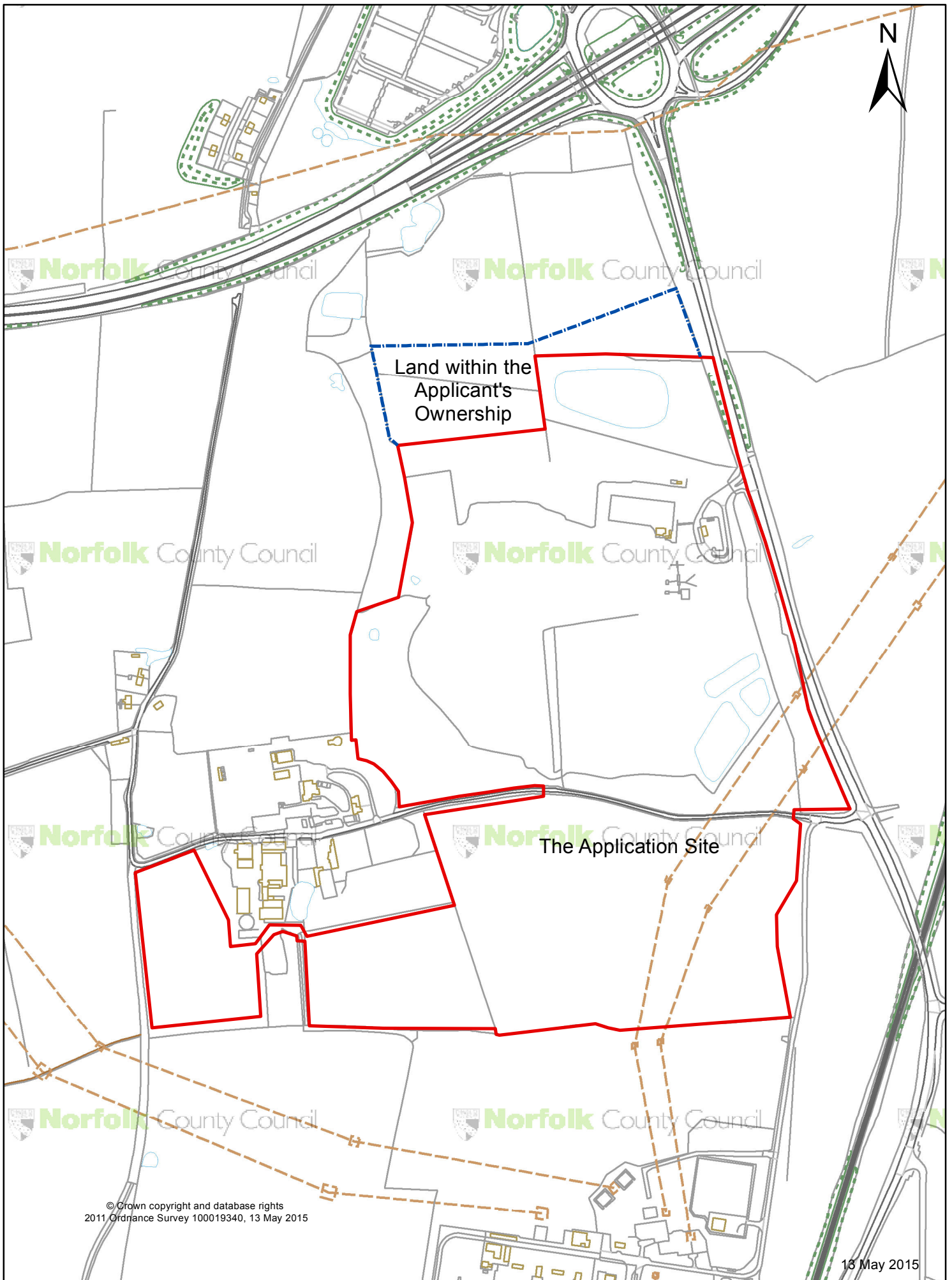
If you have any questions about matters contained in this paper please get in touch

with:

Name	Telephone Number	Email address
Neil Campbell	01603 222757	Neil.campbell@norfolk.gov.uk



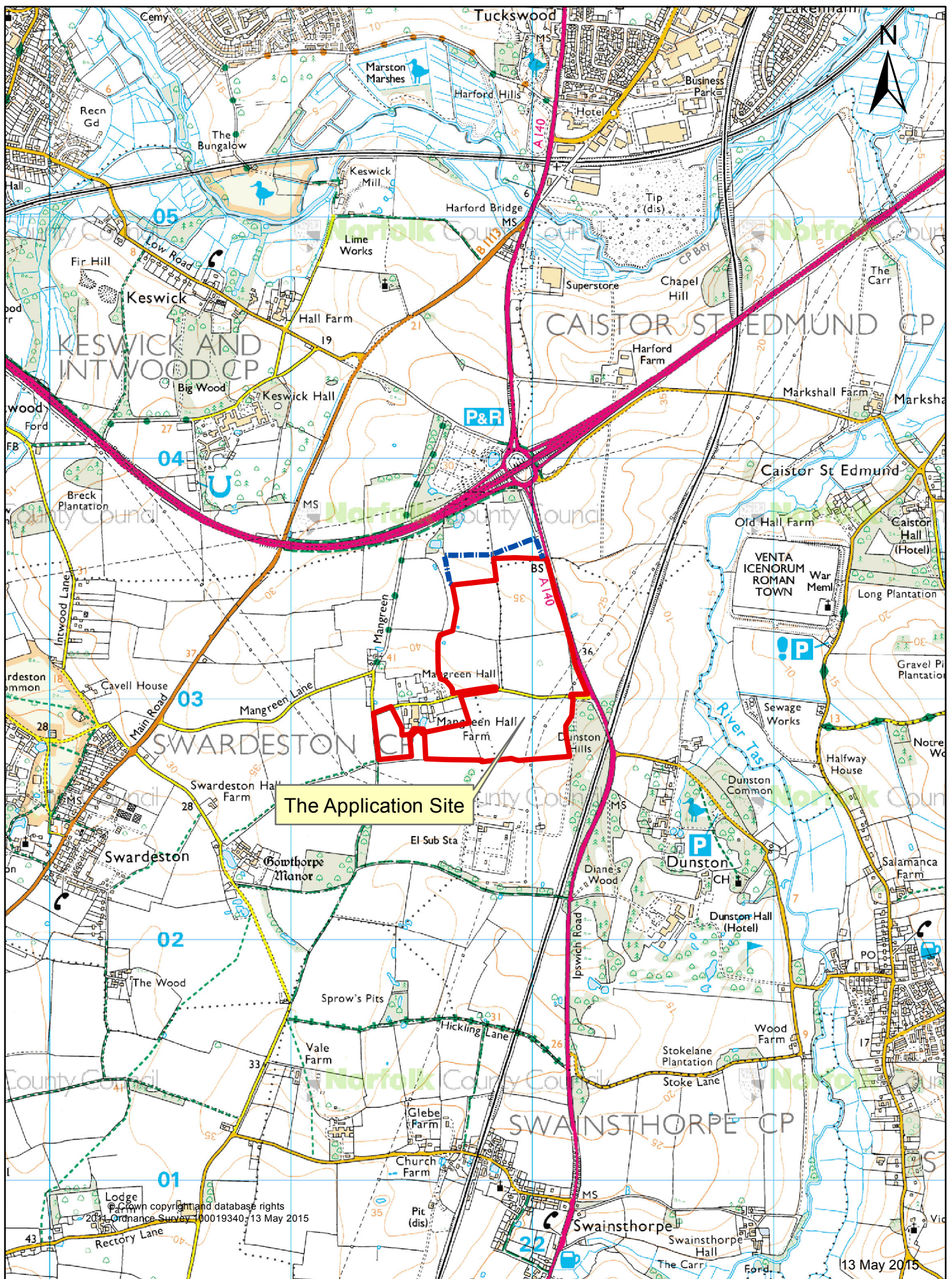
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C/7/2014/7030
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Norfolk County Council
Scale 1: 6000 Centred on 021 765 303226



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**Applications Referred to Committee for Determination:
Borough of King's Lynn & West Norfolk
C/2/2015/2010: Methwold & Feltwell: Methwold Farm,
Methwold to proposed compound site north of
Mundford Road (2.8 kilometre pipeline): Application for
an underground gas pipeline and associated
compound/structures (additional works in conjunction
with approved anaerobic digestion plant):
Warren Power Ltd**

Report by the Executive Director of Community and Environmental
Services

Summary

Planning permission is sought for the development of a 2.8 kilometre underground gas pipeline and associated compound, in order to connect a permitted anaerobic digestion (AD) plant (the planning permission has been implemented but the development not completed) to the National Grid.

In accordance with the Council's Constitution, the application is being reported to the Planning (Regulatory) Committee because it was submitted with an Environmental Statement and assessed in accordance with The Town and Country Planning (Environmental Impact Assessment) Regulations 2011.

Whilst the proposal is considered to be a departure from the development plan due to the location of the compound in open countryside, there are material considerations that justify granting planning permission.

No objections have been received from statutory or non statutory consultees, or members of the public.

There are no other material considerations that application should be refused and full planning permission is recommended.

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

- (i) Grant planning permission subject to the conditions outlined in section 12.
- (ii) To discharge conditions (in discussion with the Chairman and Vice Chairman of the committee) where those detailed above require the submission and implementation of a scheme, or further details, either before development commences, or within a specified date of planning permission being granted.
- (iii) Delegate powers to officers (in discussion with the Chairman and Vice Chairman of the committee) to deal with any non-material amendments to the application that may be submitted.

1. The Proposal

- | | | |
|-----|-------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1.1 | Location | : Methwold Farm, Methwold to proposed compound site north of Mundford Road (2.8 kilometre pipeline). |
| 1.2 | Type of development | : Underground gas pipeline and associated compound. |
| 1.3 | Area of site | : Total site area would be 2.82 hectares of which 0.0128 would be the compound. |
| 1.4 | Duration | : Permanent |
| 1.5 | Plant | : Compound consisting of RTU, Control Unit and Satellite. |
| 1.6 | Vehicle movements and numbers | : A total of 80 HGV movements (40 in and 40 out) for the construction period over a two and a half month period. |
| 1.7 | Hours of operation | : Construction would take place between 07:00 – 19:00 Monday to Friday. |
| 1.8 | Access | : Access to compound would be along existing track from Mundford Road. A series of temporary accesses would be used for construction of the pipeline. |
| 1.9 | Landscaping | : Tree planting to screen compound. |

2. Constraints

2.1 The following constraints apply to the application site:

- First section of pipeline would be within 30 metres of Public Right of Way Methwold FP33;
- The majority of the length of the pipeline runs parallel with Breckland Special Protection Area (SPA) and Breckland Forest Site of Special Scientific Interest (SSSI). At its closest point the application would be some 115 metres away;
- Application site is within 2.3 kilometres of Breckland Special Area of Conservation (SAC) and Cranwich Camp Site of Special Scientific Interest;
- Application site is within 3.3 kilometres of Breckland Special Area of Conservation (SAC);
- Application site is within 3.3 kilometres of Weeting Heath Site of Special Scientific Interest (SSSI);
- Application site occupies grades 2 – 4 agricultural land: the compound (the only permanent above ground development) is on grade 3 land;
- Application site within MOD Bird Strike consultation zone.

3. Planning History

- 3.1 In December 2010 planning permission was granted for the 'Installation of on-farm electricity generator with anaerobic digestion plant and concrete feedstock pad' under permission reference C/2/2010/2017. It was proposed that the AD plant would be operated with a predominant feedstock of pig slurry and also a small proportion of maize.
- 3.2 In March 2014 (following implementation of the above consent), permission was granted for the variation of condition 2 of permission ref. C/2/2010/2017 to allow for an alternative technology to be used on site to utilise the biogas produced in the Anaerobic Digestion process. In effect this would enable gas created to be transferred directly into the grid, rather than converting the gas to electricity as originally proposed.
- 3.3 It is that AD plant (which has not yet been fully constructed albeit the permission has been implemented) that this application seeks to connect to the National Grid.
- 3.4 There is no other relevant planning history for the length of the pipeline itself or the site of the compound.

4. Planning Policy

Norfolk Minerals and Waste Local Development Framework Core Strategy and Minerals and Waste Development Management Policies Development Plan Document 2010-2016 (2011)	:	CS5	General location of waste management facilities
		CS6	General waste management considerations
		CS13	Climate change and renewable energy generation
		CS14	Environmental Protection
		CS15	Transport
		DM3	Groundwater and surface water
		DM4	Flood risk
		DM8	Design, local landscape and townscape character
		DM10	Transport
		DM12	Amenity
		DM13	Air Quality
		DM16	Soils
King's Lynn & West Norfolk Core Borough Council Local Development Framework – Core Strategy (2011)	:	CS06	Development in Rural Areas
		CS08	Sustainable Development
		CS11	Transport
		CS12	Environmental Assets
King's Lynn & West Norfolk Borough Council	:	No relevant saved policies.	

Local Plan (1998)

The National Planning Policy Framework (2012)	:	5	Supporting high quality communications infrastructure
		10	Meeting the challenge of climate change, flooding coastal change
		11	Conserving and enhancing the natural environment

National Planning Policy for Waste (2014)

5. Consultations

- | | | | |
|------|--------------------------------------------------------------------|---|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 5.1 | Borough Council of King's Lynn & West Norfolk | : | No objection. |
| 5.2 | Methwold Parish Council | : | No response received. |
| 5.3 | Feltwell Parish Council | | No objection. |
| 5.4 | Highway Authority (NCC) | : | No objection subject to conditions. |
| 5.5 | Community Safety & Neighbourhood Nuisance Officer (KL&WN) | : | No objection. |
| 5.6 | Contaminated Land Officer (KL&WN) | : | Part of the site runs through the old WW2 airfield therefore a watching brief should be employed by the contractor for any unexploded ordnance. No comments from a contaminated land perspective. |
| 5.7 | Norfolk Historic Environment Service (NCC) | : | No objection subject to conditions. |
| 5.8 | Environment Agency | : | No objection. |
| 5.9 | Natural England | : | No objection. The proposal, if undertaken in strict accordance with the details submitted, is not likely to have a significant effect on the interest features for which Breckland SPA has been classified, or damage or destroy the interest features for which Breckland Forest SSSI has been notified. |
| 5.10 | Water Management Alliance (formerly King's Lynn consortium of IDB) | : | No response received. |
| 5.11 | RSPB | | No response received. |

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|------|--------------------------------------|---|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 5.12 | Forestry Commission | : | No response received. |
| 5.13 | Defence Infrastructure Organization | : | No response received. |
| 5.14 | Woodland Trust | : | No response received. |
| 5.15 | Anglian Water | : | No objection: There are Anglian Water assets on the route of the planned pipeline. The developer will need to apply to divert these assets via section 185 of the Water Industry Act 1991.

[It is understood that the developer has applied to do this] |
| 5.16 | Local Flood Authority (NCC) | : | No response received. |
| 5.17 | Ecologist (NCC) | : | No objection. |
| 5.18 | Green Infrastructure Officer (NCC) | : | No objection. |
| 5.19 | Arboriculturist (NCC) | : | No objection subject to a condition. |
| 5.20 | Public Rights of Way Officer (NCC) | : | No objection. |
| 5.21 | National Planning Casework Unit | : | No objection (no comments to make). |
| 5.22 | Local residents | : | No representations received. |
| 5.23 | County Councillor (Mr Martin Storey) | : | No objection, supports the application. |

6. Assessment

Proposal

- 6.1 Planning permission is sought for the development of an underground pipeline and associated compound, in order to connect a permitted anaerobic digestion (AD) plant (the planning permission has been implemented but the development not completed) to the National Grid, which at its closest point lies some 2.4 kilometres north east of the plant (as the crow flies). The pipeline itself would be some 2.8 kilometres in length. It was originally proposed that the gas created by the AD plant would be converted to electricity, however permission was granted last year to enable gas to be exported from the AD plant hence the need for this planning application. The pipeline would be 180 millimetres in diameter.

- 6.2 The majority of the construction of the pipeline and associated communications duct would be by an open cut method with the excavation of a trench approximately 600mm in width using a cut and fill technique. Where the route of the pipe crosses agricultural land, the trench would be to a depth of 1300mm and elsewhere it would be 900mm where there would not be likely to be agricultural works above. The pipe itself would be polyethylene which is provided in 100m coils. Therefore the maximum length of trench open at any one time would be 110 metres. The trench would be backfilled with using excavated material with the topsoil replaced to its full depth.
- 6.3 Where the route of the pipeline would need to cross the public highway, ditches or hedges, direction drilling would be used where small trenches would be excavated (3 metres in length by 1.5 metres wide and 1.2 metres deep) as launch and reception pits for the drill head and pipe and as a catchment area for any drilling fluid. Two separate drills would be used for the pipeline itself and the associated duct.
- 6.4 Compound
The only above ground element of the proposal would be the compound at the point where the pipeline would connect to the gas grid, some 2.4 kilometres northeast, as the crow flies, from the site of the AD plant. The compound would occupy a footprint of 16 metres x 8 metres and would be landscaped with tree planting to the north, east and south. A car parking space measuring 3.5 metres x 2 metres would be provided at the front of the site, and a combination of palisade (2.5 metres in height) fencing and chain link (1.8 metres high) would enclose the site.
- 6.5 The compound would house a remotely operated compressor which would facilitate the transfer of gas to the grid. This would comprise a RTU (remote terminal unit) (2.3 x 2.5 metres) and a Control Unit (3.5 x 2.5 metres) with both being some 2 metres in height. They would be constructed of green glass reinforced plastic. It would also require a satellite dish of some 2.2 metres in height and would be grey in colour.
- 6.6 EIA
In January 2015 a Screening Opinion was issued by the County Council to the effect that an Environmental Impact Assessment (EIA) would need to be undertaken for a similar pipeline route. This succeeded an earlier Screening Opinion that was issued in August 2014 for a slightly different route for the pipeline that was also deemed to require EIA.
- 6.7 In accordance with the Town and Country Planning (General Development Procedure) Order 1995 which was still in force when the application was lodged, permitted development rights existed for Gas Suppliers, under Class 17 of Part F, Schedule 2. However, Article 3(11)(a) dictated that development that is EIA development should not be treated as permitted by that order, hence a full planning application was submitted. This position is reiterated in The Town and Country Planning (General Permitted Development) (England) Order 2015 which replaced the 1995 Order on 15 April 2015.
- 6.8 Whilst no objections have been received to the scheme from consultees or

members of the public, in accordance with the County Council's Constitution, the application is being reported to the Planning (Regulatory) Committee because it was submitted with an Environmental Statement and has been assessed in accordance with The Town and Country Planning (Environmental Impact Assessment) Regulations 2011.

Site

6.9 Pipeline

The route of the pipeline measures some 2.8 kilometres in length and would run from Methwold Farm, Methwold (where the approved AD plant has planning permission) to the proposed compound site some 130 metres north of Mundford Road. The bulk of the pipeline is located in Methwold Parish with only the first 450 metres or so from the site of the AD plant being located in Feltwell Parish. The route of the pipeline crosses mainly agricultural (arable) fields, but also Methwold former airfield, grassland, woodland and also two public highways (the B1112 and Mundford Road).

6.10 Compound

This lies some 130 metres north of Mundford Road and occupies a small parcel of agricultural land some 0.0128 hectares in size.

Principle of development

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

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

- 6.12 In terms of the development plan, the County Planning Authority considers the relevant documents in relation to this application are the Norfolk Minerals and Waste Local Development Framework Core Strategy and Minerals and Waste Development Management Policies Development Plan Document 2010-2016 (the “NMWDF Core Strategy”) and the King's Lynn & West Norfolk Borough Council Core Strategy (2011). Whilst not part of the development plan, policies within the National Planning Policy Framework (2012) the recently and the more recently published National Waste Management Plan for England, are also a further material considerations of significant weight.
- 6.13 Policy CS6: *Waste management considerations* of the Norfolk Minerals and Waste 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.

Whilst the vast majority of the site occupies land in the open countryside, the bulk of this is for the pipeline which would be buried underground, with the application site reinstated to its previous condition.

- 6.14 The only above ground development would be the compound located at the northern end of the pipeline on a small parcel of land (0.0128 of a hectare) north of Mundford Road. This would be a permanent development and is required to facilitate the grid connection. However the land does not fall into the categories listed above and is therefore considered a departure from this policy and was advertised accordingly.
- 6.15 Furthermore, the site of the compound falls outside any development limit of the King's Lynn and West Norfolk (KL&WN) Core Strategy and policy CS06 of that plan states that the development of greenfield sites will be resisted (unless essential for agricultural or forestry needs) with the ethos of the policy to 'maintain local character and a high quality environment' and also 'to protect the countryside for its intrinsic character and beauty'. Again, the proposal is also considered a departure from this policy and therefore the development plan. Accordingly the application was advertised to this effect in both the statutory press and site notices posted.
- 6.16 Therefore, in accordance with Section 38(6) of the Town and Country Planning Compulsory Purchase Act 2004, it needs to be determined whether there are sufficient material considerations that would justify a grant of permission and outweigh this land use policy conflict.
- 6.17 In this instance there are a number of material considerations that would justify a departure from the development plan. Firstly the compound site is relatively small in its size at only 0.0128 of a hectare and would also be suitably landscaped given its countryside location. Secondly the location of the compound is necessitated by the point at which the pipeline needs to be connected to the gas grid network. Thirdly, the application would facilitate the export of energy created from waste into the National Grid, as would be generated by the AD plant permitted to be built at Methwold Farm. As a result, this would be moving waste up the waste hierarchy, as set out in the National Planning Policy for Waste, given that the waste used in the AD plant would be diverted from landfill and energy (gas) created as a result of AD process. On this basis, the departure is considered to be justified subject to compliance with other development plan policies as set out below.
- 6.18 NMWDF policy CS13: *Climate change and renewable energy generation* seeks to ensure seeks to generate a minimum of 10% renewable energy from new development. KL&WN Core Strategy policy CS08: *Sustainable Development* supports the generation of energy from renewable sources. Although not a conventional form of renewable energy (i.e. wind, solar, tidal etc), PPS 22: Renewable Energy (now superseded by the NPPF) and The Department of Energy and Climate Change's document 'Anaerobic Digestion Strategy and Action Plan' established that AD is a form of renewable energy. This development is to facilitate the transportation of gas produced as a renewable energy from an approved AD plant to the National Grid. It would not be

reasonable to therefore require further micro-renewables to be incorporated on site as part of this development, and the proposal complies with these policies.

Amenity (noise, dust, light pollution)

- 6.19 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.
- 6.20 Much of the development proposed would be temporary in nature with the construction of the pipeline envisaged to take place over a two and half month period between the hours of 07.00 – 19.00 Monday to Friday. As part of the EIA process, a noise impact assessment was undertaken to identify the key noise and vibration sources associated with the development. The assessment however concluded that the likely effects from construction noise and vibration and operational noise are considered negligible.
- 6.21 An Air Quality Assessment was also undertaken as part of the Environmental Impact Assessment. With regards to dust emissions occurring as a result of construction activities including earthworks etc, these were predicted to be negligible assuming good practice dust control measures are implemented.
- 6.22 The Borough Council's Community Safety and Neighbourhood Nuisance Officer commented that there are no dwellings in close proximity which could be affected by noise or dust during the excavation works, and accordingly no objection was raised. No objections have been received from local residents.
- 6.23 The nearest residential property to the compound itself, the only permanent element of the development, Spring Lodge, is located some 200 metres east of the site. Landscape screening would be provided on the eastern boundary of the compound and it is not considered that this part of the development would give rise to impacts that would adversely impact on amenity. No lighting has been proposed at this site and if permission is granted a condition would be used preventing lighting that would cause glare beyond the site boundary.
- 6.24 Although part of the site is located close to the start of Public Right of Way FP33, the Council's PROW Officer has advised that this would be unaffected by the proposal and accordingly there would not be an impact on amenity in this respect in terms of walkers using the footpath.
- 6.25 The construction works would be short term and once operational it is not envisaged the compound itself would have an adverse impact on amenity. There are no outstanding objections from the EHO or the Environment Agency, and subject to the above mentioned conditions, it is considered that the proposal complies with both NMWDF Policies CS14 and DM12 which both seek to ensure there are no unacceptable adverse amenity impacts created.

Air Quality

- 6.26 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'. Paragraph 120 states that 'to prevent unacceptable risks from pollution, planning policies and decisions should ensure that development is appropriate for its location.
- 6.27 As part of the Air Quality Assessment carried out as part of the EIA which also assessed dust emissions (discussed above), the impact of road traffic exhaust emissions were also assessed from vehicles accessing the site. The conclusion was that there would be a negligible impact on air quality throughout the construction phase as a result of the development. The proposal therefore complies with NMWDF DM13 and the NPPF.

Archaeology

- 6.28 NMWDF Policy DM9: *Archaeological Sites* states development will only be permitted where it would not adversely affect the significance of heritage assets (and their settings) of national and/or regional importance, whether scheduled or not. Because of the nature of the development which is principally for an underground pipeline, there is obviously a high potential to affect underground archaeology.
- 6.29 As part of the Environmental Statement the results of an archaeological assessment have been produced. The southern part of the pipeline route lies within the boundary of the former RAF Methwold WW2 airfield and there is potential for associated heritage assets to be present in this area. The site also lies adjacent to a large medieval rabbit warren at Methwold.
- 6.30 The County Archaeologist commented that although the assessment identified a low-level of recorded heritage assets from earlier periods, this probably reflects a lack of previous investigations and fieldwork in the area of the pipeline rather than a genuine absence of any such remains. Consequently there is potential that previously unidentified heritage assets with archaeological interest (buried archaeological remains) may be present along the proposed pipeline route and that these would be affected by its construction.
- 6.31 Therefore, should planning permission be granted, the County's Historic Environment Service has requested that the development be subject to the proposed programme of archaeological work: conditions would be required for the development to take place only in accordance with the said scheme of investigation, and, no operation of the development to take place until the site investigation and post investigation assessment have been completed. Subject to these conditions, the proposal is in accordance with policy DM9 and chapter 12: *Conserving and enhancing the historic environment* of the NPPF.

Landscape

- 6.32 NMWDF Policies CS14 and DM8 both seek to only permit development that does not have unacceptable impacts on the character and quality of the

landscape. At a local level, policy CS12: *Environmental Assets* of the King's Lynn and West Norfolk (KL&WN) Core Strategy states development proposals should conserve and where possible enhance local distinctiveness of the area with reference to landscape features and ecological networks.

- 6.33 Given that the bulk of the development, the gas pipeline, would be buried underground, the only permanent above ground element of the development would be the compound at the northern end of the pipeline where the National Grid connection would be. As stated above, the compound would comprise a RTU unit and a Control Unit with both being some 2 metres in height. They would be constructed of green glass reinforced plastic. It would also require a satellite dish of some 2.2 metres in height and would be grey in colour. This would be satiated on a concrete plinth and surrounded by a 2.5 metre grey palisade fencing. It is proposed that this would be screened to the north, east and west with new hedge planting proposed. In addition, the existing hedgerow to the west (Scott's Pine belt) would be 'gapped up' with further planting, and the existing roadside hedgerow alongside Mundford Road would also be reinforced. The proposed landscaping would form the basis of a planning condition should planning permission be granted.
- 6.34 After crossing the B1112, the route of the pipeline would take it through the Glebe Plantation for some 630 metres. In the application, the applicant stated that this is subject to a Forestry Commission felling licence and a 10 metre wide path has previously been cleared to accommodate the pipeline and associated construction work. At the time of writing the report, no comments had been received from the Forestry Commission.
- 6.35 A Landscape and Visual Impact assessment was carried out as part of the Environmental Impact Assessment. This acknowledged there would be short term impacts due to construction activity. Taking into account mitigation measures proposed, it stated that the development could take place without permanent detriment to the visual appearance and quality of the surrounding landscape.
- 6.36 An Arboricultural Implications Assessment (AIA) was also undertaken as part of the application and further information was requested under Regulation 22 of the EIA Regulations. Notwithstanding the trees already felled in Glebe Plantation under the Forestry Commission licence, the AIA states that 'no trees or vegetation are to be removed to accommodate the proposal'. However, regard also needs to be given to the root protection areas (RPAs) of trees with a development such as this which is predominantly underground. Although a specific tree protection plan was provided for the site of the compound itself this was not produced for the rest of the pipeline (south of Mundford Road) and therefore, if permission is granted the permission would need to be subject to a condition requiring the submission of tree protection plans for the rest of the site for all trees within 15 metres of the proposed pipeline, prior to the commencement of development.
- 6.37 Subject to compliance with these conditions, it is considered that there are no

landscaping issues with the proposal would not undermine the development plan policies outlined above, namely, NMWDF policies CS14 and DM8 and KL&WN Core Strategy policy CS12.

Biodiversity and geodiversity

- 6.38 NMWDF policy CS14: *Environmental protection* states developments must ensure there are no unacceptable adverse impacts on biodiversity and geodiversity including nationally and internationally designated sites. The route of the pipeline also runs through both agricultural land (including hedgerows) and an area of woodland, the Glebe Plantation. As stated in the constraints section above, the application site at its closest point lies in close proximity the Breckland Special Protection Area (SPA), a European Designated site capable of supporting stone curlew, nightjar and woodlark, and Breckland Forest Site of Special Scientific Interest (SSSI). Almost the full extent of the route of the pipeline runs parallel to the SPA with the closest part of the application site being some 115 metres away. The policy requires suitable information to be submitted with an application to enable the County Council to undertake an Appropriate Assessment (AA) for proposals that are likely to have a significant impact on the SPA.
- 6.39 Furthermore, King's Lynn and West Norfolk (KL&WN) Core Strategy policy CS12: *Environmental assets* seeks to restrict new built development that is within 1500 metres of the SPA to the reuse of existing buildings or where existing development masks the new proposal from the SPA.
- 6.40 In their consultation response, Natural England commented that the proposal, if undertaken in strict accordance with the details submitted would not be likely to have significant impacts on the interest features for which Breckland SPA has been classified. In the light of this Natural England also advised that the County Council would not need to undertake an AA to assess the implications of the proposal.
- 6.41 Notwithstanding this, the County Ecologist undertook an AA (before Natural England's comments were received) as part of their consultation response in accordance with Regulation 61 and 62 of the Conservation of Habitats and Species Regulations 2012, as amended, commenting that the evidence provided was comprehensive and sufficient to guide an Appropriate Assessment of the proposal. The summary of the AA was that there is no significant potential for any impact to either woodlark or nightjar as a result of the proposed development particularly given that noise and activity generated by the compound or construction of the pipeline is not likely to be significantly higher than that generated by normal agricultural operations. Similarly there was no significant potential for the pipeline or compound to impact on stone curlew populations within the SPA, and therefore it is considered that there is no likelihood of the development contributing to significant adverse effects on the integrity of the SPA.
- 6.42 Natural England also commented that the proposal would not damage or destroy the interest features for which Breckland Forest, or The Brinks, Northwold Sites of Special Scientific Interest, have been allocated.

6.43 As stated above, the proposed methodology for crossing ditches and hedges would be to use directional drilling rather than trenching and this would therefore limit the impact on ecology that could be present there. The County Ecologist's raised no other issues, and it is considered that there would not be any other unacceptable impacts on ecology. Therefore the proposal complies with NMWDF policy CS14, which seeks the avoidance of unacceptable adverse impacts on biodiversity, including internationally designated sites and chapter 11: *Conserving and enhancing the natural environment* of the NPPF.

6.44 With regards to KL&WN Core Strategy policy CS12, although it seeks to restrict development within 1500 metres of Breckland SPA, the only above ground built development would be the compound that would be some 300 metres away from the site. The supporting text to the policy states that development within 400 metres would require a Habitats Regulations Assessment to demonstrate it would not impact adversely on the integrity of the SPA. As set out above, this has been undertaken by the authority and it is considered that there is no likelihood of the development contributing to significant adverse effects on the integrity of the SPA. Given this conclusion, and the small scale nature of the compound in terms of the scale of development, it is not considered that the proposal undermines KL&WN policy CS12.

Transport

6.45 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.

6.46 It is anticipated that the construction period would last some two and a half months which at the time of submission of the application would be between mid June and August. Over this timescale, there would be some 40 two way HGV movements in total associated with the construction, with nearly all of these accessing the site of the southern construction compound which itself would be located at the site of the permitted AD plant (itself already partially developed) where pipeline materials would be stored. This would be the principal construction compound and HGVs, construction workers would use the existing access onto the B1112 road. The other construction compound would be located at the site of the National Grid compound site at the northern end of the pipeline with access taken from Mundford Road.

6.47 There would also be a series of temporary access points to the construction site onto both the B1112 and Mundford Road where the pipeline crosses the public highway. It is not envisaged that the public highway would need to be closed during construction works given that direction drilling would be used to enable the pipeline to pass under the road.

- 6.48 The County Highway Authority has raised no objection to the proposal, following the submission of further information requested under Regulation 22 of the EIA Regulations subject to a number of conditions concerning construction and reinstatement of the temporary vehicular accesses, the upgrading of the access for the National Gird compound (i.e. onto Mundford Road), the submission and implementation of a construction management plan, and details and implementation of wheel cleaning facilities. It is therefore 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.

Groundwater/surface water

- 6.49 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. None of the proposed development site lies above a groundwater protection zone but given the scale of the application site, there is obviously the potential to cause pollution to both groundwater and surface water given the nature of the development. However, the Environment Agency has commented that it does not consider the proposal to be high risk in this regard and no objection was raised on this basis. Accordingly the proposal is compliant with NMWDF policy DM3.

Flood Risk

- 6.50 NMWDF policy DM4: *Flood risk* only seeks to permit waste management sites that do not increase the risk of flooding. 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 2.82 hectares).
- 6.51 The FRA concluded that with appropriate mitigation measures in place the development would result in a very low risk to the site operators using the site. Furthermore, existing development adjacent or downstream of the development would not be at an increased risk of flooding due to the effects of the proposed development. On this basis, the proposal accords with policy DM4: *Flood Risk* of the NMWDF and chapter 11 of the NPPF.

Protection of best and most versatile agricultural land

- 6.52 The route of the proposed pipeline crosses both agricultural land and non agricultural land. For the land that is currently in agricultural use, the application site crosses land that is grades 2 to 4. Significantly, the laying of the pipeline represents only a temporary use of this land, and it would return to agricultural use after this development. Therefore, subject to appropriate soil handling and management during the development, as proposed by the developer, there would not be a loss of agricultural land.
- 6.53 With regards to the compound site itself, this would occupy some 128 metres² (16x8m) of what is currently grade 3 agricultural land in productive use. In this instance the site of the compound is dictated by the location of

where there is a viable connection to the National Grid. Although the proposal would result in the permanent loss of this land, and no assessment has been undertaken to ascertain whether the Grade is 3a or 3b, given the relatively small amount of land that would be lost, 0.0128 of a hectare, and that the development is linked to an agricultural land use (the AD process would use pig slurry and produces a digestate that can be spread on fields as a fertiliser), it is not considered to undermine policy NMWDF Policy DM16: *Soils*.

Heritage

- 6.54 There are not any heritage assets in the vicinity of the application site that would be harmed, or have their setting be harmed, as a result of the proposed development.

Public Rights of Way

- 6.55 The Methwold FP33 Public Right of Way runs parallel to a section of the proposed pipeline near to the site of the AD plant, albeit some 185 metres away from the proposed route. Although the start of the PROW is only 30 metres away from the application site, it would not be impacted up by the proposed development. The Public Rights of Way Officer is satisfied with the proposal and raises no objection.

Responses to the representations received

- 6.56 The application was advertised by means of neighbour notification letters, site notices, and an advertisement in the Eastern Daily Press newspaper.
- 6.57 No representations have been received from members of the public.

7. Resource Implications

- 7.1 **Finance:** The development has no financial implications from the Planning Regulatory perspective.
- 7.2 **Staff:** The development has no staffing implications from the Planning Regulatory perspective.
- 7.3 **Property:** The development has no property implication from the Planning Regulatory perspective.
- 7.4 **IT:** The development has no IT implications from the Planning Regulatory perspective.

8. Other Implications

8.1 Human rights

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

- 8.3 The human rights of the adjoining residents are engaged under Article 8, the right to respect for private and family life and Article 1 of the First Protocol, the right of enjoyment of property. A grant of planning permission may infringe those rights but they are qualified rights, that is that they can be balanced against the economic interests of the community as a whole and the human rights of other individuals. In making that balance it may also be taken into account that the amenity of local residents could be adequately safeguarded by conditions albeit with the exception of visual amenity. However, in this instance it is not considered that the human rights of adjoining residents would be infringed.
- 8.4 The human rights of the owners of the application site may be engaged under the First Protocol Article 1, that is the right to make use of their land. An approval of planning permission may infringe that right but the right is a qualified right and may be balanced against the need to protect the environment and the amenity of adjoining residents.
- 8.5 **Equality Impact Assessment (EqIA)**
- 8.6 The Council's planning functions are subject to equality impact assessments, including the process for identifying issues such as building accessibility. None have been identified in this case.
- 8.7 **Legal Implications:** There are no legal implications from the Planning Regulatory perspective.
- 8.8 **Communications:** There are no communication issues from a planning perspective.
- 8.9 **Health and Safety Implications:** There are no health and safety implications from a planning perspective.
- 8.10 **Any other implications:** Officers have considered all the implications which members should be aware of. Apart from those listed in the report (above), there are no other implications to take into account.

9. Section 17 – Crime and Disorder Act

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

10. Risk Implications/Assessment

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

11. Conclusion and Reasons for Grant of Planning Permission

- 11.1 Planning permission is sought for the development of a 2.8 kilometre pipeline and associated compound in order to enable gas that will be produced at a permitted (but not built) Anaerobic Digestion plant at the southern end of the

pipeline to be exported to the National Grid.

- 11.2 The proposal is a departure from the development plan in terms of NMWDF policies CS6: *General waste management considerations*, and also King's Lynn and West Norfolk Core Strategy Policy CS06: *Development in Rural Areas* because of the location of the compound where gas would be exported to the National Grid in open countryside. In accordance with Section 38(6) of the Town and Country Planning Compulsory Purchase Act 2004 the determination of this application must be made in accordance with the development plan unless material considerations indicate otherwise.
- 11.3 Although paragraph 119 of the NPPF states that the presumption in favour of sustainable development does not apply where development requiring Appropriate Assessment is being determined, it is still considered that there are material considerations that justify a grant of planning permission as set out in 11.4 below. Furthermore, although the County Council carried this exercise out for good practice, the advice from Natural England is that an AA is not required.
- 11.4 The material considerations that would justify a departure from the development plan are that the compound site is small in size at only 0.0128 of a hectare and would also be suitably landscaped given its location, the location of the compound is necessitated by the point at which the pipeline needs to be connected to the gas grid network, and the application would facilitate the export of energy created from waste into the National Grid, as generated by the AD plant permitted to be built at Methwold Farm. As a result, this would be moving waste up the waste hierarchy, as set out in the National Planning Policy for Waste, given that the waste used in the AD plant would be diverted from landfill and energy (gas) created as a result of AD process. On this basis, the departure is considered justified.
- 11.5 No objections have been received from statutory or non-statutory consultees, or from any other third parties. The proposal would not have an unacceptable impact on the landscape, amenity, ecology (including the Breckland SPA) or the public highway.
- 11.6 The proposed development is therefore considered acceptable and there are no other material considerations why it should not be permitted. Accordingly, full conditional planning permission is recommended.

12. Conditions

- 12.1 The 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.

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

recommendations and mitigation outlined in the Environmental Statement and Addendum.

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

- 12.3 No development shall take place other than in accordance with the approved archaeological written scheme of investigation submitted with the planning application. For the avoidance of doubt the scheme shall include an assessment of significance and research questions; and 1) The programme and methodology of site investigation and recording, 2) The programme for post investigation assessment, 3) Provision to be made for analysis of the site investigation and recording, 4) Provision to be made for publication and dissemination of the analysis and records of the site investigation, 5) Provision to be made for archive deposition of the analysis and records of the site investigation and 6) Nomination of a competent person or persons/organization to undertake the works set out within the written scheme of investigation.

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

- 12.4 The development shall not be operated until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the archaeological written scheme of investigation approved under condition 3 and the provision to be made for analysis, publication and dissemination of results and archive deposition has been secured.

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

- 12.5 No construction operations shall take place other than during the following periods:
07.00 – 19.00 Monday to Friday.

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

- 12.6 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.

- 12.7 If gas ceases to be exported to the National Grid for a period of 36 consecutive months, all structures shall be removed from the compound and the land reinstated to its previous condition.

Reason: To ensure the proper and expeditious restoration of the site if the development is no longer required, in accordance with Policy DM14 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.

- 12.8 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.

- 12.9 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 at 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.

- 12.10 Measures shall be taken to prevent dust nuisance and sand blow caused by the operations, including spraying of road surfaces, plant area and stockpiles as necessary.

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

- 12.11 Prior to commencement of construction of the development hereby permitted the temporary construction vehicular access(es) shown on the approved plan shall be constructed in accordance with a detailed scheme to be agreed in writing with the Local Planning Authority, in consultation with the Highway Authority.

Reason: To ensure construction of a satisfactory access and in the interests of highway safety in accordance with policy DM10 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.

- 12.12 Upon completion of the construction works the temporary access(es) shall be permanently closed, and the highway verge shall be reinstated in accordance with a detailed scheme to be agreed with the Local 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.

- 12.13 Prior to the commencement of the use hereby permitted the vehicular access (to the National Grid compound site) shall be upgraded in accordance with the Norfolk County Council residential / industrial access construction specification for the first 10 metres as measured back from the near channel edge of the

adjacent carriageway. 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: In the interest of highway safety and traffic movement in accordance with policy DM10 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.

- 12.14 Prior to the commencement of any works a Construction Traffic Management Plan and Access Route which shall incorporate adequate provision for addressing any abnormal wear and tear to the highway shall be submitted to and approved in writing with the Local Planning Authority in consultation with Norfolk County Council Highway Authority together with proposals to control and manage construction traffic using the 'Construction Traffic Access Route' and to ensure no other local roads are used by construction traffic.

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

- 12.15 For the duration of the construction period all traffic associated with the construction of the development will comply with the Construction Traffic Management Plan and use only the 'Construction Traffic Access Route' and no other local roads unless approved in writing with the Local Planning Authority in consultation with the Highway Authority.

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

- 12.16 No works shall commence on site until the details of wheel cleaning facilities for construction vehicles have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority.

Reason: To prevent extraneous material being deposited on the highway in accordance with policy DM10 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.

- 12.17 For the duration of the construction period all traffic associated with the construction of the development permitted will use the approved wheel cleaning facilities provided referred to in condition 16.

Reason: To prevent extraneous material being deposited on the highway in accordance with policy DM10 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.

- 12.18 The landscaping scheme outlined in Chapter 2 of the 'Addendum to the Environmental Statement' shall be carried out in the next available planting season following the implementation of the planning permission. Any trees or shrubs that die within 5 years from the date of planting shall be replaced with

similar trees/shrubs of similar size and species at the next available planting season.

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.

- 12.19 Prior to commencement of the development, a full Tree Survey and Tree Protection Plans for all trees within 15 metres of the proposed pipeline that are identified as Groups 2-8 on the previously submitted 'Tree and Hedge Report' and the revised 'Addendum to the Environmental Statement' dated May 2015. The development shall thereafter be carried out in accordance with the approved Tree Protection Plans.

Reason: To ensure the protection of existing trees on the site to protect the amenity of the area, in accordance with Policy DM12 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.

- 12.20 Part 35(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015, requires planning authorities to provide written reasons for imposing planning conditions that require particular matters to be approved before development can start. In this instance conditions 11, 13, 14, 16 and 19 require matters to be addressed before development can commence. Conditions 11, 13, 14 and 16 relate to highway information which was not provided with the planning application documentation or 'Regulation 22 request submission'. The information is required to ensure the scheme would not have unacceptable impacts on highway safety and jeopardize the safe functioning of the local highway network with particular regards to the temporary accesses proposed. Condition 19 relates to Tree Protection Plans which was not supplied with the application documentation or 'Regulation 22 request submission'. This is required to ensure the development can be carried out without damage to tree roots to existing trees along the route of the proposed pipeline. This information is being requested by condition to ensure the application is determined within its statutory period and without delay by the authority's Planning (Regulatory) Committee.

Recommendation

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

- (i) Grant planning permission subject to the conditions outlined in section 12 above.
- (ii) To discharge conditions (in discussion with the Chairman and Vice Chairman of the committee) where those detailed above require the submission and implementation of a scheme, or further details, either before development commences, or within a specified date of planning permission being granted.
- (iii) Delegate powers to officers (in discussion with the Chairman and Vice Chairman of the committee) to deal with any non-material amendments to the application that may be submitted.

Background Papers

Norfolk Minerals and Waste Local Development Framework Core Strategy and Minerals and Waste Development Management Policies Development Plan Document 2010-2016 (2011): <http://www.norfolk.gov.uk/view/ncc094912>

King's Lynn and West Norfolk Borough Council LDF - Core Strategy (2011): <http://www.west-norfolk.gov.uk/pdf/Complete%20Core%20Strategy%202011.pdf>

The National Planning Policy Framework (NPPF) (2012):

http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf

National Planning Policy for Waste:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/364759/141015_National_Planning_Policy_for_Waste.pdf

Planning Practice Guidance (2014): <http://planningguidance.planningportal.gov.uk/>

Anaerobic Digestion Strategy and Action Plan (2011):

<https://www.gov.uk/government/publications/anaerobic-digestion-strategy-and-action-plan>

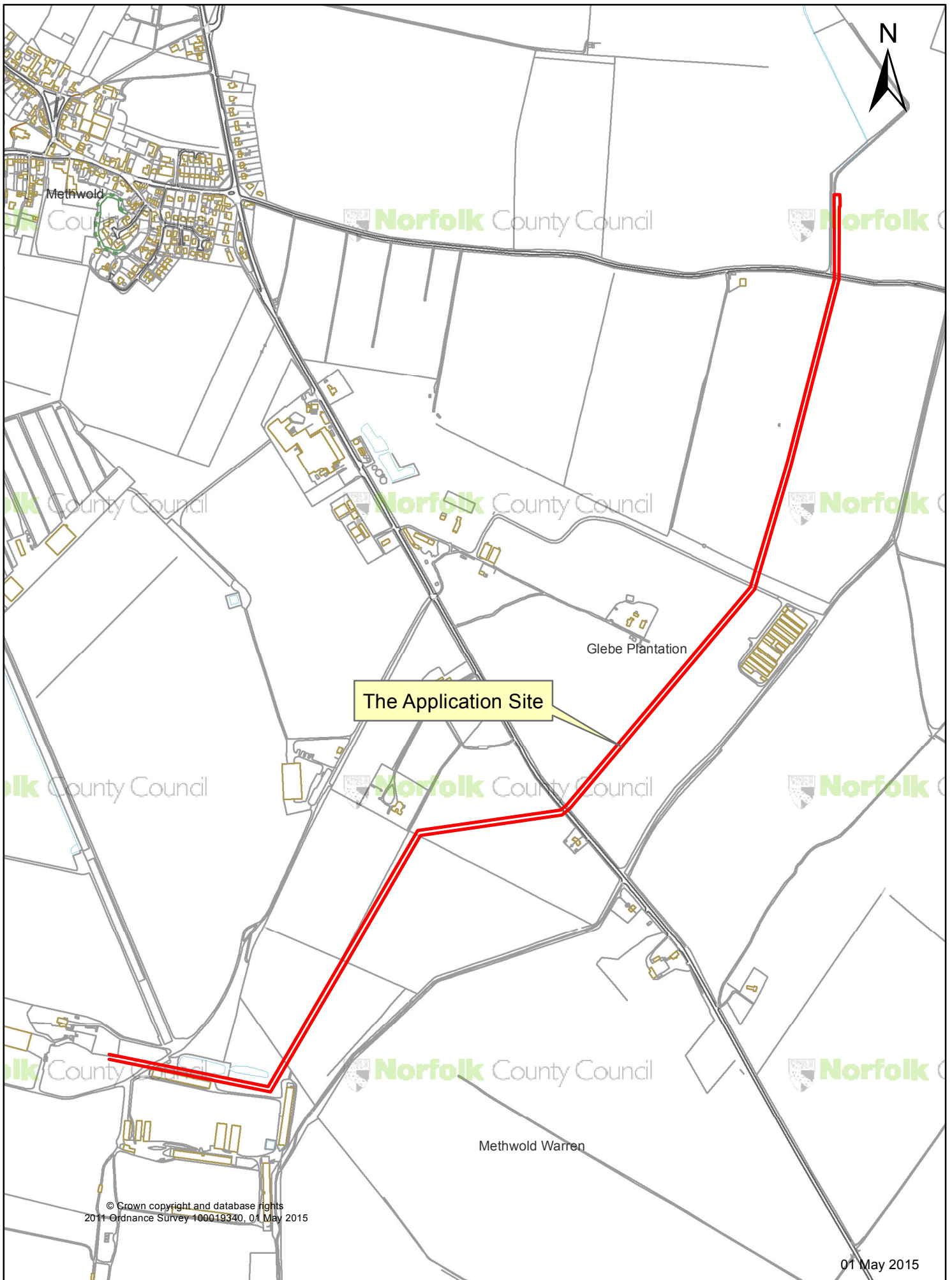
Officer Contact

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

Name	Telephone Number	Email address
Ralph Cox	01603 223318	ralph.cox@norfolk.gov.uk



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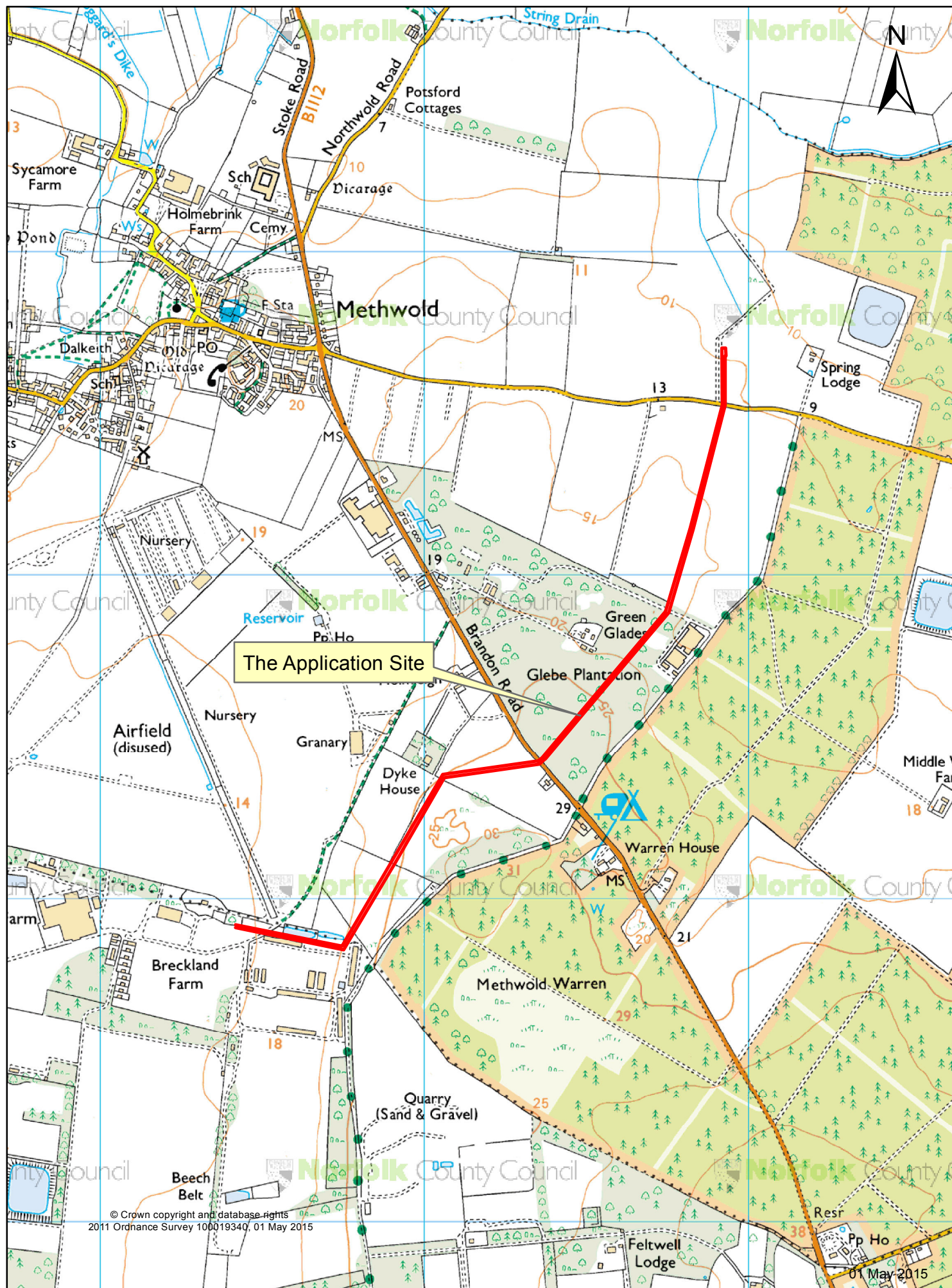
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Applications Referred to Committee for Determination:

Broadland District:

C/5/2015/5008: Frettenham:

**Variation of condition 1 of permission ref. C/5/2009/5019 to
extend the timescale for the retention of storage
containers, mess unit, fenced compound and car parking
for a further 5 years (until 30 March 2020):**

**Executive Director of Community & Environmental
Services, Norfolk County Council**

Report by the Executive Director of Community and Environmental Services

Summary

Planning permission is sought to vary condition 1 of permission reference C/5/2009/5019 to extend the timescale for the retention of storage containers, mess unit, fenced compound and car parking, for a further 5 years until 30 March 2020.

No objections have been received from statutory or non-statutory consultees, or from any other third parties.

In accordance with the Council's Constitution, the application is being reported to the Planning (Regulatory) Committee because it has been made on behalf of the Executive Director of Community and Environmental Services.

The application would enable the continued maintenance of the landfill site and associated environmental management systems, and the proposal accords with the development plan. It is recommended permission is granted for a further five years.

Recommendation

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

- (i) Grant planning permission subject to the conditions outlined in section 12.
- (ii) To discharge conditions (in discussion with the Chairman and Vice Chairman of the committee) where those detailed above require the submission and implementation of a scheme, or further details, either before development commences, or within a specified date of planning permission being granted.
- (iii) Delegate powers to officers (in discussion with the Chairman and Vice Chairman of the committee) to deal with any non-material amendments to the application that may be submitted.

1. The Proposal

- 1.1 Location : Mayton Wood landfill site, Little Hautbois Road, Horstead
- 1.2 Type of development : Compound for closed (former) landfill site
- 1.3 Site Area : 0.26 hectares
- 1.4 Duration : Five further years until March 2020.
- 1.5 Access : Via an existing internal haul road from Little Hautbois Road
- 1.6 Hours of working : 08.00 – 18.00 Monday to Saturday
No working Sunday or Bank Holidays
- 1.7 Restoration and after-use : Appropriate restoration scheme to be agreed by condition

2. Constraints

- 2.1 The following constraints apply to the application site:
- Site is within Norwich Airport Safeguarding Zone;
 - Site is within MOD Airport and radar Safeguarding Zone.

3. Planning History

- 3.1 Planning Permission was originally granted for this development under reference C/5/2009/5019 in March 2010 and it is this consent that the applicant seeks to vary.
- 3.2 The adjacent landfill site was operational between the 1970s and 2005 under a series of planning permissions following the extraction of sand and gravel from the site. The last of the permissions granted for the landfill site itself was in March 2012 under reference C/5/2011/5020. That permission extended the timescale for final restoration of the site until the end of December 2012 due to difficulties in sourcing subsoil (for the cap), and also amended the landscaping masterplan for the site.
- 3.3 The landfill site has also been subject to other related permissions for landfill gas infrastructure etc as well as a composting operation which has now ceased.
- 3.4 The access which the compound utilizes is shared with Frimstone Ltd which operate a quarry to the northwest of the landfill site under a number of permissions. These expired on 23 April 2015 but are however subject to applications to extend the consents (4 no. applications) for a further period of time (also until 2020).

4. Planning Policy

Norfolk Minerals and Waste Local	:	CS6	General Waste Management Considerations
Development Framework		CS13	Climate change and renewable energy generation
Core Strategy and Minerals and Waste		CS14	Environmental protection
Development		CS15	Transport

Management Policies Development Plan Document 2010-2016 (2011)	DM1 DM3 DM4 DM8 DM10 DM12 DM14	Nature conservation Groundwater and surface water Flood risk Design, local landscape and townscape character Transport Amenity Progressive working, restoration and after-use
Joint Core Strategy for Broadland, Norwich and South Norfolk (2014)	: 1	Addressing climate change, and protecting environmental assets
Broadland District Local Plan (Replacement) 2006 (saved policies)	: ENV3	Landscaping of Development
The National Planning Policy Framework (2012)	: 11	Conserving and enhancing the natural environment

National Planning Policy for Waste (2014)

5. Consultations

5.1	Broadland District Council	: No objection.
5.2	Frettenham Parish Council	: No objection.
5.3	Environmental Health Officer (Broadland)	: No response received.
5.4	Environment Agency	: No objection.
5.5	Highway Authority (NCC)	: No objection.
5.6	Defence Infrastructure Organization	: No response received.
5.7	Norwich International Airport	: No safeguarding objection.
5.8	Local residents	: No representations received.
5.9	County Councillor (Daniel Roper)	: No response received.

6. Assessment

Proposal

- 6.1 The application is to vary condition 1 of permission reference C/5/2009/5019 granted in 30 March 2010 for a five year period, in order retain the existing containers, mess hut hardstanding area and fenced compound at Mayton Wood landfill site for a further five years.
- 6.2 The adjacent landfill site ceased accepting waste in 2005 and since 2008 the County Council, as the Waste Disposal Authority, has had responsibility for the site management and maintenance of the landfill.
- 6.3 The landfill site has got an active landfill gas and leachate management system and the containers, hardstanding areas, mess hut and fenced compound allow for the continued use by the staff that monitor the landfill gas and leachate management system. The infrastructure also enables the maintenance of the grass and tree planting (including for the storage of necessary equipment), surface water drainage system, and for staff to carry out remedial works where necessary. This ensures the landfill site does not pose a threat so soil, groundwater or surface water, and that the restoration and aftercare requirements are complied with.
- 6.4 Eventually the site will cease producing leachate and landfill gas at the level that needs to be regulated and monitored, and the Environmental Permit will be surrendered (given the nature of landfill sites, this timescale is very difficult to predict). Currently the applicant has applied to retain the infrastructure for a further five years and at that point the containers, fencing etc would be removed and the land restored in accordance with a scheme to be agreed. If the site still needs to be managed beyond that timescale, a further application would need to be lodged to again prolong the use of the compound for a further period of time.

Site

- 6.5 The compound is located adjacent to the east of the former landfill site and occupies a footprint of some 0.26 hectares. The compound, as originally permitted, consists of 8 containers and a site office (all single storey) which are all circa 2.5 metres in height. The fenced compound is some 2 metres in height and has been painted green which is also the colour of the containers.
- 6.6 Access to the site is from Little Hautbois Lane via an existing haul road which is also used by Frimstone for their quarry to the north west of the landfill site. The County Council's Household Waste Recycling Centre also utilises the same access to Little Hautbois Road and is located some 150 metres to the southwest of the compound. The boundary of the closest residential property, Pinewood, is situated some 25 metres east of the site (the dwelling itself is some 40 metres away) beyond Little Hautbois Road.

Principle of development

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

“if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, the determination

must be made in accordance with the plan unless material considerations indicate otherwise”.

- 6.8 In terms of the development plan, the County Planning Authority considers the relevant documents in relation to this application are the Norfolk Minerals and Waste Local Development Framework Core Strategy and Minerals and Waste Development Management Policies Development Plan Document 2010-2016 (the “NMWDF Core Strategy”), The Joint Core Strategy for Broadland, Norwich and South Norfolk (2014), and the ‘saved’ policies in the Broadland District Local Plan (Replacement) 2006. Whilst not part of the development plan, policies within the National Planning Policy Framework (2012) and also the recently published National Planning Policy for Waste (2014) that superseded Planning Policy Statement 10 are also further material considerations of significant weight.
- 6.9 The principle of the compound for managing the adjacent landfill site was deemed acceptable when permission was originally granted in 2010. Nevertheless, policy and circumstances have changed so it is necessary to undertake a re-assessment and ensure that the principle of allowing this to continue for a further period of time is acceptable and complies with policy.
- 6.10 NMWDF Core Strategy Policy CS6: *General waste management considerations* directs that development related to waste management sites is acceptable on ‘...land already in waste management use’. The compound has been operational servicing the adjacent landfill site that operated/accepted waste from the 1970s until 2005 and has now been restored. Therefore given the history of the application site and the adjacent closed landfill, it is considered that the scheme complies with this policy. Furthermore, the development is a temporary one: eventually when landfill site no longer needs to be maintained (envisaged to be 2020), the infrastructure would be removed and the site restored.
- 6.11 Although landfill itself falls at the bottom of the waste hierarchy as set out in the National Planning Policy for Waste (2014), the compound assists in monitoring and maintenance of the landfill gas management system which is used to produce energy from the site and therefore the proposal accords with NMWDF CS13: Climate change and *renewable energy generation* which seeks to ensure landfill sites generate energy in this way. Given the short term permission sought, it would not be reasonable to require additional micro-renewables for the compound itself which the policy also seeks.
- 6.12 The proposal is also supported by Joint Core Strategy Policy 1 which seeks to minimize greenhouse gas emissions. By capturing methane released from waste in the landfill site, the proposal assists in preventing this greenhouse gas from being released into the atmosphere whilst at the same time creating renewable energy.
- 6.13 Whilst the extension of this permission is clearly supported in principle, it is also important to ensure the proposal accords with other development plan policies.

Amenity

- 6.14 NMWDF Core Strategy Policy DM12: *Amenity* underlines the need to protect the amenity of local people and states that:

Development will be permitted only where it can be demonstrated that the scale, siting and design of a proposal is appropriate and that unacceptable impact to local amenity will not arise from the construction and/or operation of a facility”.

The compound has now operated for a number of years without complaint and no objections have been received from local residents in response to this application. No comments have been received from the District Council's Environmental Health Officer.

- 6.15 The prolonged use of the compound would not have unacceptable impacts on amenity and the proposal is considered compliant with NMWDF Policy DM12.

Landscape / Design etc

- 6.16 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.
- 6.17 The application site is situated adjacent to the restored landfill site to the west and also close to Little Hautbois road to the east. The compound benefits from both existing established landscaping along the eastern boundary in both the form of tree planting and a grassed bund of some 2.5 metres in height. The containers and fenced compound are all green in colour and have a maximum height of some 2.8 metres. The existing office is also some 2.8 metres in height.
- 6.18 The infrastructure is functional in its appearance and does not have an unacceptable impact on the landscape. It is considered that there are no landscaping issues with extending the time period to 30 March 2020, and accordingly the proposal would not undermine the said development plan policies outlined above, namely, NMWDF policies CS14 and DM8.

Biodiversity and geodiversity

- 6.19 Habitats Regulation Assessment

The closest European protected site, the Norfolk Valley Fens Special Area of Conservation (SAC) is located some 6.7 kilometres to the west of the site. In accordance with an assessment under Article 61 of The Conservation of Habitats and Species Regulations 2010, it is felt that the continuation of this development would be very unlikely to have any adverse impacts on the ecology of the designated area thus an Appropriate Assessment is not required.

- 6.20 The proposed use of this development would not have significant impacts on ecology and accordingly it is considered that the proposal complies with NMWDF policy CS14: *Environmental Protection*, NMWDF DM1: *Nature Conservation*, Policy 1: *Addressing climate change and protecting environmental assets* of the JCS, and Section 11 of the NPPF: *Conserving and enhancing the natural environment*.

Transport

- 6.21 No change is proposed to the access/egress arrangements, which are via an existing internal haul road onto Little Hautbois Road. The access road is also used to access the adjacent Frimstone Quarry (proposed to be operational until 2020). The site would be accessed by the Council's Closed Landfill team and specialist contractors for maintenance on an ad hoc basis hence the impact on the highway network would be negligible.
- 6.22 The Highway Authority raised no objections to the proposal and it is considered to comply with NMWDF Policy CS15: *Transport*, which considers proposals acceptable in terms of access where anticipated HGV movements do not generate unacceptable risks or impacts.

Groundwater/surface water

- 6.23 One of the principal aims of the compound is to assist in the leachate management of the adjacent landfill in accordance with Environment Agency requirements.
- 6.24 No issues have been raised with regards to groundwater or surface water resources and the Environment Agency has accordingly raised no objections to the continues use of the compound for this purpose. It is considered that the application is compliant with Core Strategy Policy DM3: *Water Resources*.

Progressive working, restoration and after-use

- 6.25 The proposal is to retain the use of the existing compound to facilitate the management and maintenance of the adjacent closed landfill site, for a further 5 years. To date a restoration scheme has not been submitted or agreed for this site after the expiration of the extension proposed however a condition would be imposed that would require the submission of an appropriate scheme that would be implemented after the removal of the infrastructure, and would need to be sympathetic to the restored landfill site.
- 6.26 It is considered the proposal complies with NMWDF Policy DM14: *Progressive working, restoration and after-use*.

Public Rights of Way

- 6.27 No public rights of way cross the application site.

Responses to the representations received

- 6.28 The application was advertised by means of neighbour notification letters, site notices, and an advertisement in the Eastern Daily Press newspaper. No objections or other representations were raised by third parties.

7. Resource Implications

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

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

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

8. Other Implications

8.1 Human rights

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

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

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

8.5 Equality Impact Assessment (EqIA)

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

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

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

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

8.10 **Any other implications:** Officers have considered all the implications which members should be aware of. Apart from those listed in the report (above), there are no other implications to take into account.

9. Section 17 – Crime and Disorder Act

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

10. Risk Implications/Assessment

10.1 There are no risk issues from a planning perspective.

11. Conclusion and Reasons for Grant of Planning Permission

- 11.1 Planning permission is sought to vary condition 1 of permission reference C/5/2009/5019 to extend the timescale for the retention of storage containers, mess unit, fenced compound and car parking for a further 5 years until 30 March 2020.
- 11.2 The application would enable the continued maintenance of the landfill site and associated environmental management systems, and the proposal accords with the development plan.
- 11.3 No objections have been received from statutory or non-statutory consultees, or from any other third parties.
- 11.4 The proposed development is considered acceptable, accords with the development plan, and there are no other material considerations why it should not be permitted. Accordingly, it is recommended planning permission is granted for a further five years.

12. Conditions

- 12.1 The development hereby permitted shall cease by 30 March 2020 and the containers, mess room, hardstanding areas and fenced compound shall be removed and the land restored in accordance with condition 2.
- Reason: To ensure the proper and expeditious restoration of the site, in accordance with Policy DM14 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.
- 12.2 Within 6 months of the date of this permission a restoration scheme shall be submitted and approved by the County Planning Authority.
- Reason: To ensure the proper and expeditious restoration of the site, in accordance with Policy DM14 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.

Recommendation

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

- (i) Grant planning permission subject to the conditions outlined in section 12 above.
- (ii) Discharge conditions (in discussion with the Chairman and Vice Chairman of the committee) where those detailed above require the submission and implementation of a scheme, or further details, either before development commences, or within a specified date of planning permission being granted.
- (iii) Delegate powers to officers (in discussion with the Chairman and Vice Chairman of the committee) to deal with any non-material amendments to the application that may be submitted.

Background Papers

Norfolk Minerals and Waste Local Development Framework Core Strategy and

Minerals and Waste Development Management Policies Development Plan Document
2010-2016 (2011)

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

Joint Core Strategy for Broadland, Norwich and South Norfolk (2014)

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

Broadland District Local Plan (Replacement) 2006

http://www.broadland.gov.uk/housing_and_planning/561.asp

The National Planning Policy Framework (NPPF) (2012)

http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf

National Planning Policy for Waste

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/364759/141015_National_Planning_Policy_for_Waste.pdf

Planning Practice Guidance (2014)

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Application reference: C/5/2009/5019

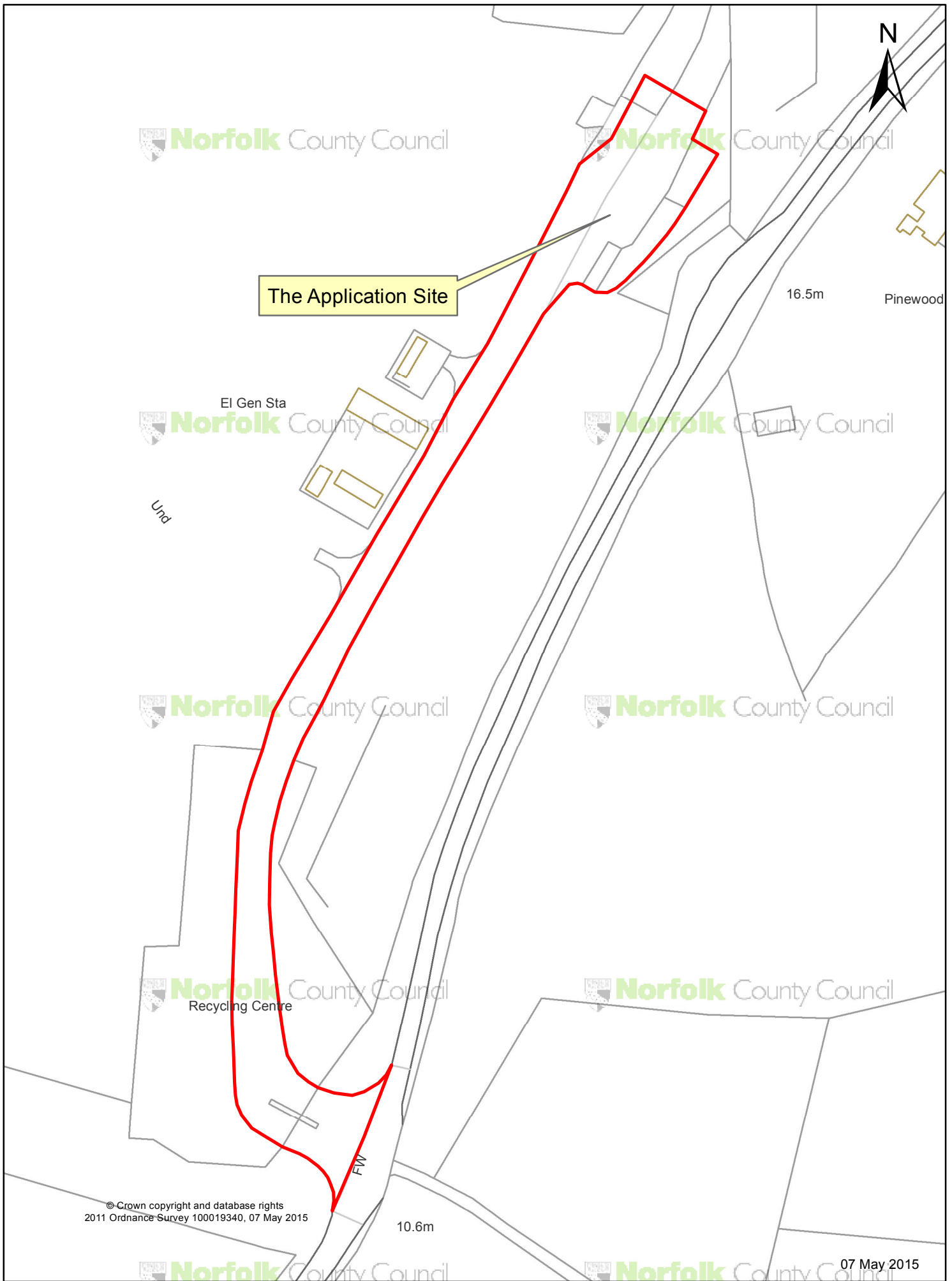
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Name	Telephone Number	Email address
Ralph Cox	01603 223318	ralph.cox@norfolk.gov.uk



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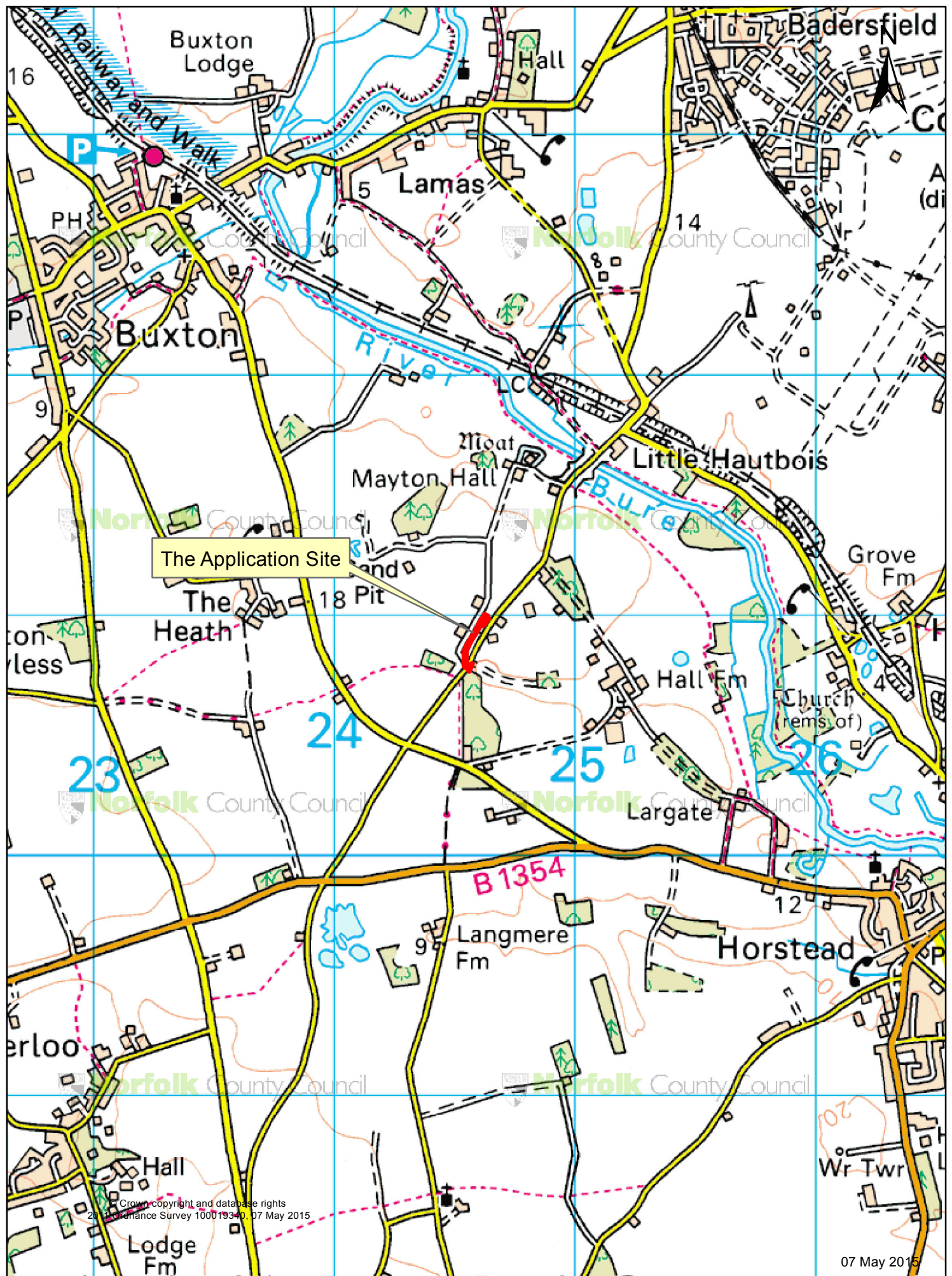
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