

Planning (Regulatory) Committee

Date: **Friday 4 September 2020**

Time: **11am**

Venue: **Online - Teams Live Virtual Meeting.**

To view the meeting please follow this link: [Public Link to view live meeting](#)

Members of the Committee and other attendees: **DO NOT** follow this link, you will be sent a separate link to join the meeting.

Persons attending the meeting are requested to turn off mobile phones

Membership

Cllr C Foulger (Chairman)

Cllr B Long (Vice-Chairman)

Cllr S Askew

Cllr W Richmond

Cllr R Brame

Cllr M Sands

Cllr M Castle

Cllr E Seward

Cllr D Collis

Cllr M Storey

Cllr D Douglas

Cllr T White

Cllr B Iles

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 in [Appendix 28 of the Constitution](#).

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

Hollie Adams on 01603 223029 or email committees@norfolk.gov.uk

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

When the County Council have received letters of objection in respect of any application, these are summarised in the report. If you wish to read them in full, Members can request a copy from committees@norfolk.gov.uk

A g e n d a

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

2. Minutes

To Follow

To confirm the minutes from the Planning (Regulatory) Committee meetings held on 21 August 2020

3. Declarations of Interest

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

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

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

If you do not have a Disclosable Pecuniary Interest you may nevertheless have an **Other Interest** in a matter to be discussed if it affects, to a greater extent than others in your division

- Your wellbeing or financial position, or
- that of your family or close friends
- Any body -
 - Exercising functions of a public nature.
 - Directed to charitable purposes; or
 - One of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union);

Of which you are in a position of general control or management.
If that is the case then you must declare such an interest but can speak and vote on the matter.

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

5. FUL/2019/0058: Earsham Quarry Plant site, Off Bath Hills Road, Earsham, FUL/2019/0059: Earsham Quarry Plant Site, land off Bath Hills Road, Earsham and FUL/2019/0062: Land off Hall Road & Pheasant's Walk, Earsham

Page 5

Report by the Executive Director of Community and Environmental Services

6. FUL/2020/0017: Pips Skips, Frans Green Industrial Estate, East Tuddenham **Page 50**

Report by the Executive Director of Community and Environmental Services

Tom McCabe
Head of Paid Service
County Hall
Martineau Lane
Norwich
NR1 2DH

Date Agenda Published: 26 August 2020



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STANDING DUTIES

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

Equality Act 2010

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

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

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

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

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

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

Crime and Disorder Act, 1998 (S17)

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

Human Rights Act 1998

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

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

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

Planning (Regulatory) Committee

Item No: 5

Decision making report title:	FUL/2019/0058: Earsham Quarry Plant site, Off Bath Hills Road, Earsham. FUL/2019/0059: Earsham Quarry Plant Site, land off Bath Hills Road, Earsham. FUL/2019/0062: Land off Hall Road & Pheasant's Walk, Earsham
Date of meeting:	4 September 2020
Responsible Cabinet Member:	N/A
Responsible Director:	Tom McCabe, Executive Director of Community and Environmental Services
Is this a key decision?	No
Proposal & Applicant	Variation of conditions 1 and 2 of planning permission reference C/7/2017/7013 to allow the continued disposal of processing silts into the lake adjoining the plant site to form shallows suitable as reed beds until 1 March 2025 Variation of conditions 1 and 13 of permission reference C/7/2017/7014 to allow use of plant site and conveyor to continue until 1 March 2025 and restoration by 1 March 2026, and revisions to the restoration scheme for the extraction site Extraction of sand and gravel from three separate extension areas with restoration to a nature conservation afteruse. (Earsham Gravels Ltd)
Executive Summary Planning permission is sought for the extension of Earsham Quarry into three new areas of land totalling some 32 hectares. This application, reference FUL/2019/0062, is being considered along with two s.73 applications that would facilitate the extension through allowing the existing plant site to operate for a further 3 years before it is decommissioned and a new one erected within one of the three extension areas, and to allow for the	

ongoing disposal of silts in the lake adjacent to the current plant site for a further five years. Restoration is proposed to be to a nature conservation afteruse.

The extension is also in close proximity of the Broads Authority Executive Area however it is considered it can be worked without having an unacceptable impact on the protected wetland.

No objections have been received from consultees and only one representation expressing concern about the impact of the proposals on Hall Road has been received. Whilst the extension areas are not currently allocated in a Development Plan Document, all three are proposed to be in the County Council's emerging Mineral and Waste Local Plan. However this only an emerging policy and has not been through formal examination.

Although Historic England raise concerns about the impact of the permanent loss of agricultural land on the setting of an existing grade II building, it is considered that there are sufficient public benefits that weigh in favour of permitting the development.

On balance it is considered that the proposal accords with the development plan.

Recommendation:

That the Executive Director of Community and Environmental Services be authorised, in relation to each of the applications, to:

- I. **Grant planning permission subject to the conditions outlined in section 11 and two S.106 Legal Agreement in respect of the restoration and aftercare of both the existing quarry (FUL/2019/0059) and the proposed new quarry (FUL/2019/0062).**
- II. **Discharge conditions 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 to deal with any non-material amendments to the application that may be submitted.**

1. Background

- 1.1. This report covers three intrinsically linked planning applications that would facilitate the extraction of sand and gravel from three new separate extension areas to the existing quarry. The main application, reference FUL/2019/0062 is for the three new areas of extraction and has been lodged alongside two planning applications, references FUL/2019/0058 and FUL/2019/0059, made under section 73 of the Town and Country Planning Act 1990 that seek non-compliance with conditions of existing consents to facilitate the development proposed by the main application.
- 1.2. The three applications have been lodged with a single Environmental Statement submitted under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 ('the EIA Regulations'), to assess the impacts of the 'project' as a whole. Whilst no objections have been received to any of the planning applications, in accordance with the Council's Constitution, the applications therefore need to be determined by the Planning (Regulatory) Committee.

- 1.3. There is an extensive history of mineral extraction and associated processing in the area dating back to 1930's-40's with the most recent quarry at Pheasant's Walk being granted permission in 2004. This has since been the subject of a number of permissions to extend the duration with final restoration required by the end of December 2020.

2. Proposals

2.1. SITE

- 2.2. Three new areas of extraction are proposed under application reference FUL/2020/0062 as an extension to the existing quarry with all of them located within Earsham Parish. The total area of the three new extension areas would be 32.08 hectares (ha) with each area being worked sequentially in a number of phases (extraction would only take place in one area at a time).
- 2.3. Area 1 is located adjacent to the northwest of the A143 and is currently in arable use. The site is abutted to the north by Hall Road and by a complex of buildings that were formerly operated as an abattoir. Also to the north are two residential properties, Woodlands (38 and 39 Hall Road) and Woodland View, that are both some 90 metres from the area of proposed extraction. There are also properties to the southeast of the A143 at 'The Sidings' on the edge of Earsham village itself that would be a similar distance from the extraction area. To the west is the most recent area of extraction which is currently undergoing restoration and is the subject of application reference FUL/2019/0059. To the south is Five Acre Lane that bisects the site from Area 3. Area 1 is expected to yield some 435,000 tonnes of the total 1,670,000 tonnes of sand and gravel.
- 2.4. Area 2 lies directly to the north of Area 1 beyond Hall Road which separates the two proposed extraction areas. This part of the site is also currently in arable use. The area is bounded to the east by Bath Hills Road and a wooded area to the west known as Beech Wood. The closest residential property to this area would again be Woodland View some 25-30 metres away from the area of extraction itself on the southern side of Hall Road. Further residential properties lie adjacent to the east of the site on Bath Hills Road (property numbers 34-35). These are some 80 metres from the proposed extraction area with a proposed standoff area (cornfield) and advanced planting separating the site from the dwellings. Area 2 has an anticipated reserve of 485,000 tonnes. It also includes 0.38 ha of the New Plantation which would be traversed to form the new access to the extension areas from Hall Road.
- 2.5. Area 3 is the largest of the three consuming 12.4 ha of the total 32 ha. This area is expected to yield some 750,000 tonnes of saleable sand and gravel. The linear site lies adjacent to the northeast of the A143. To the north is Five Acre Lane an unclassified public highway that has been stopped up to motorised vehicles. This area is also now in arable use with part of it having previously been used for the rearing of pigs. The closest residential properties to Area 3 are Park Farm cottages to the northwest beyond Pheasant's Walk but once the proposed stand off area, landscaping and bunding have been taken into account

the site would only be some 80 metres away. Beyond Pheasant's Walk is further agricultural land.

- 2.6. None of the three areas are within the Broads Authority Executive Area ('the Broads') although Area 2 is adjacent to the Broads with it only being separated by Bath Hills Road. No public rights of way cross any of the three extension areas.
- 2.7. The report also deals with two existing sites which are the subject of applications under section 73 of the Town and County Planning Act 1990, reference FUL/2019/0058 and 0059. The application site for FUL/2019/0059 consists of both the existing plant site located off Bath Hills Road and the existing quarry located off Pheasant's Walk, and the conveyor which connects the two sites. Extraction has now ceased in the quarry itself with the current permission requiring restoration by the end of December 2020. Permission was first granted for this site in 2004 under reference C/7/2002/7032 and the quarry has since been the subject of several permissions to extend the duration of the workings. The plant site part of the operation is within the Broads along with some of the conveyor that transports extracted mineral there to be processed however the quarry itself, now undergoing restoration is not.
- 2.8. The application site for application reference FUL/2019/0058 solely consists of a lake formed by a previous mineral extraction and the buried pipe and trench that the silt is discharged from which is adjacent to the existing plant site as referred to above in 2.7. This site is also wholly within the Broads.
- 2.9. **PROPOSAL**
- Planning permission is sought through application reference FUL/2019/0062 to extend Earsham quarry into three separate areas to enable the extraction of sand and gravel for a further 19 years, with a further year to decommission the plant site and complete restoration etc. It is anticipated the total saleable reserve would be 1,670,000 tonnes of mineral which would be extracted at existing/historical rates of around 85,000 tonnes per annum.
- 2.10. Following extraction of minerals, the three sites would be restored to a nature conservation afteruse comprising areas of open water, wet and dry grassland, and woodland on the margins. Each of the three sites would also include at least one geological exposure on a boundary of the area. Because of the low-level nature of the restorations proposals including open water, there are not any requirements to import inert waste or other material to raise grounds levels again.
- 2.11. The proposals are that the existing processing plant currently situated at Bath Hills Road would be relocated to 'Area 1' within 5 years of extraction commencing in Area 1. Up until that point, mineral extracted from Area 1 would be transported via conveyor for the first three years to the existing site at Bath Hills Road after which point the plant and infrastructure would be gradually

relocated to the new plant site to process mineral extracted from Areas 1, 2 and 3.

- 2.12. It is envisaged that the new/relocated plant site would be in situ within three years of the commencement of operations with this consisting of a washing screen deck, sand plant and a series of radiating conveyors carrying different grades of aggregate to peripheral stockpiles. The plant would be of a low-level design and typically around 6 metres in height situated on the floor of the quarry (below existing ground level). A single storey site office, weighbridge, two storage containers (for secure storage of oil, fuel and maintenance equipment) and car parking area would also form part of the plant site with this infrastructure required to allow for staff welfare and to administer the sale and export of processed material from the quarry etc. Ten PV panels would also be affixed to the roof of the site office in order contribute towards energy that would be used within the building.
- 2.13. For the first five years of development a temporary stockpiling area would be located adjacent to the relocated plant site on land that currently forms the existing worked quarry (that has already undergone restoration to improved grassland). This will be on a temporary basis to allow the restoration of the existing plant site on Bath Hills Road with these stockpiles relocated once there is space to do so within Area 1, and the land restored once again.
- 2.14. Mineral would be transported to the new plant site via a conveyor as has been historically employed by the developer to transport mineral to the current plant site. This would obviously be moved as the extraction progresses through the three extension areas. A new access would be created onto Hall Road to serve the relocated plant site. Whilst this would occupy some 0.38ha of 'New Plantation' an area of plantation woodland, it would not result in the loss of any hedgerow or mature or significant trees. From here, vehicles would have a short route back to the A143 some 700 metres to the southeast. In addition, two further service access points would be created onto Hall Road and Pheasant's Walk to serve Areas 2 and 3 respectively as and when they are required (they would not be used for the export of mineral however).
- 2.15. The main application for the three new extension areas is accompanied by two applications lodged under section 73 of the Town and Country Planning Act to vary existing consents in order to facilitate this. Application reference FUL/2019/0069 seeks to prolong use of the existing plant site at Bath Hills Road and conveyor for a further period with restoration complete by 2026 as well as making revisions to the restoration scheme. The amendments to the restoration scheme are required in order to make the scheme compatible with the working and restoration proposals for the proposed new extraction Area 1 which is adjacent to the south and east of the quarry where extraction most recently permitted to take place (this was required to cease by 31 December 2019).
- 2.16. In addition, application reference FUL/2019/0058 seeks permission to continue to allow for the disposal of silts into the lake adjoining this existing plant site until March 2025. This is a practice first permitted by the County Council in 2012

whereby the silt that arises from the washing and grading process in the adjacent plant site is discharged via a buried pipe into the lake where they naturally settle on the bed of the lake forming shallows suitable for colonisation by reed. Obviously once the adjacent plant site is decommissioned and relocated (by 2025) there would no longer be the opportunity to dispose of the silts in this manner at this location.

- 2.17. The proposed hours of operation would for the extension would be 07.00 – 18.00 Monday to Fridays and 07.00 – 13.00 Saturdays.

3. Impact of the Proposal

3.1. DEVELOPMENT PLAN POLICIES

The following policies of the Norfolk Minerals and Waste Development Framework (adopted 2011) (NMWDF), Joint Core Strategy for Broadland Norwich and South Norfolk (adopted 2014) (JCS), and the South Norfolk Development Management policies Document (DPD) (2015) provide the development plan framework for this planning application. Because the existing plant site and silt disposal operation that are the subject of applications FUL/2019/0058 and 0059 are located in the Broads Authority Executive Area, the Local Plan for the Broads (2019) is also part of the development for these two applications. Neighbourhood Plans also form part of the development plan however there is not one currently in place for Earsham.

Norfolk Minerals and Waste Development Framework (NMWDF)

CS1: Minerals Extraction

CS2: General Locations for mineral extraction and associated facilities

CS13: Climate change and renewable energy generation

CS14: Environmental protection

CS15: Transport

DM3: Groundwater and surface water

DM4: Flood Risk

DM7: Safeguarding Aerodromes

DM8: Design, Local landscape and townscape character

DM10: Transport

DM12: Amenity

DM15: Cumulative impact

DM14: Progressive working, restoration and afteruse

DM16: Soils

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

Policy 1: Addressing climate change and protecting environmental assets.

Policy 2: Promoting Good Design

Policy 5: The Economy

South Norfolk Local Plan: Development Management Policies Document (DPD) (SNLP)

Policy DM1.4: Environmental Quality and local distinctiveness

Policy DM 3.8: Design Principles applying to all development

Policy DM 3.11: Road Safety and the free flow of traffic
Policy DM 3.13: Amenity, noise and quality of life
Policy DM 3.14: Pollution, health and safety
Policy DM 4.2: Sustainable drainage and water management
Policy DM 4.5 Landscape Character and River Valleys

Local Plan for the Broads (LPB)

Policy DM1: Major Development in the Broads
Policy DM2: Water quality and foul drainage
Policy DM5: Development and flood risk
Policy DM8: Green Infrastructure
Policy DM13: Natural Environment
Policy DM16: Development and landscape
Policy DM21: Amenity
Policy DM22 Light pollution and dark skies
Policy DM23: Transport, highways and access
Policy DM43: Design

3.2. **OTHER MATERIAL CONSIDERATIONS**

The Revised National Planning Policy Framework (NPPF) was published in February 2019 and sets out the Government's planning policies for England and how these should be applied. Whilst not part of the development plan, policies within the NPPF are also a further material consideration capable of carrying significant weight. The NPPF places a presumption in favour of sustainable development. Paragraph 47 states that planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

- 3.3. Paragraph 48 of the NPPF states, in summary, that local planning authorities may give weight to relevant policies in emerging plans according to the stage of preparation of the emerging plan; the extent to which there are unresolved objections to relevant policies and the degree of consistency of the relevant policies in the emerging plan to the NPPF. The following emerging policies therefore carry some weight:

3.4. Norfolk Minerals and Waste Local Plan: Preferred Options (2019)

Policy MW2: Development Management Criteria
Policy MW3: Transport
Policy MP1: Provisions for minerals extraction
Policy MP2: Spatial Strategy for mineral extraction
Policy MP6: Cumulative impacts and phasing of workings
Policy MP7: Progressive working, restoration and after-use
Policy MP8: Aftercare

Site Specific Allocation Policy MIN 209 / MIN 210 / MIN 211

3.5. National Planning Policy Framework (2019)

6. Building a strong, competitive economy

- 9. Promoting sustainable transport
- 14. Meeting the challenge of climate change, flooding and coastal change
- 15. Conserving and enhancing the natural environment
- 16. Conserving and enhancing the historic environment
- 17. Facilitating the sustainable use of minerals

3.6. Furthermore, whilst not itself a planning policy, Norfolk County Council's Environmental Policy adopted in November 2019 is also material to the decision albeit one of limited weight.

3.7. **CONSULTATIONS**

SOUTH NORFOLK DISTRICT COUNCIL –

FUL/2019/0058: No objection or comments

FUL/2019/0059: No comments to make (is an officer decision and not placed before committee)

FUL/2019/0062: No response received.

THE BROADS AUTHORITY –

FUL/2019/0058: No objection on ecological grounds provided the lighting plans and mitigation laid out in the ecological assessment are adhered to. Steps should be taken to control incidences of crassula across the site and prevent its spread.

FUL/2019/0059: Concerns that operations keep extending thus pushing back restoration timescales. Also raises issue of ecological disturbance even with mitigation in place which is also being prolonged with specific reference to Crassula into the Broads. Therefore, the proposed management plan and biosecurity measures must be strictly followed to prevent this.

FUL/2019/0062: No objection providing ecological provisions outlined in the application are followed. Concerns about the spread of Crassula and biosecurity measures should be strictly adhered to. In summary, proposals represent a large-scale alteration of the land over a long-term period leading to a permanent change to the landscape character albeit with some potential benefits. Suggest that it would be preferable for existing plant site to be removed now and there is a significant reduction in the area including the reconsideration of Area 2.

EAST SUFFOLK COUNCIL –

FUL/2019/0058: No objection.

FUL/2019/0059: No objection.

FUL/2019/0062: The proposal would significantly extend the working life of the quarry and this has the potential to increase impact significantly on the East Suffolk area. Several concerns remain regarding the landscape, historic

environment, road safety and the early submission of the application prior to examination of the Local Plan Review.

SUFFOLK COUNTY COUNCIL –

FUL/2019/0058: Proposal doesn't have any cross-boundary issues which would cause an objection, therefore no further comments.

FUL/2019/0059: Do not object to the proposal (as the Minerals and Waste Planning Authority).

FUL/2019/0062: The County Council as the Minerals and Waste Authority will make no objection, as there is minimal impact to any cross-boundary issues. Suffolk County Council Highway Authority satisfied that the proposal will not have a significant impact upon the nearby highway network within Suffolk.

DISTRICT COUNCIL ENVIRONMENTAL HEALTH OFFICER (EHO) –

Single response to all three applications (FUL/2019/0058, FUL/2019/0059, FUL/2019/0062):

No record of any noise/vibration or air quality/dust complaints (resolved and unresolved) regarding the Earsham Quarry Plant Site over the last 5 years.

Is satisfied with both the Noise Impact Assessment and its predictions and the Dust and Air Quality Assessment. Suggests a planning condition to control both air quality and noise complaints should they arise.

No mention of private water supplies in the applications – it is reasonable to ask for an assessment of any changes that may occur to the quantity or quality of private drinking water supplies in the area.

NATURAL ENGLAND –

FUL/2019/0058: No comments.

FUL/2019/0059: No comments.

FUL/2019/0062: Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on designated sites and has no objection.

ENVIRONMENT AGENCY –

FUL/2019/0058: No objection.

FUL/2019/0059: No objections, offer advice on Environmental Permitting.

FUL/2019/0062: Based on a review of the documents, has no concerns in relation to groundwater resource protection or potential contamination issues, providing that measures/safeguards outlined in the ES are adhered to. On receipt of further information from the developer in relation to foul water, is satisfied with the means of disposal of foul water.

HIGHWAY AUTHORITY –

FUL/2019/0058: No objection.

FUL/2019/0059: No objection.

FUL/2019/0062: Due to the phased nature of extraction the application will not result in a significant increase of traffic entering / leaving the overall site. No objection to the principle of the development subject to a number of conditions.

HISTORIC ENGLAND –

FUL/2019/0058: Not consulted

FUL/2019/0059: Do not wish to offer any formal comment.

FUL/2019/0062: Concerns over the application. Recommend consideration given to maximizing planting at the northern part of the development to preserve the setting of Earsham Hall. Also recommend further consideration to the impact on 38-39 Hall Road but are content to defer action on both matters to the Local Planning Authority.

NATIONAL PLANNING CASEWORK UNIT –

No comments to make on the Environmental Statement relating to the three applications.

HEALTH & SAFETY EXECUTIVE –

FUL/2019/0058: Not consulted

FUL/2019/0059: Not consulted

FUL/2019/0062: The proposed development site does not currently lie within the consultation distance (CD) of a major hazard site or major accident hazard pipeline (from HSE Planning Advice WebApp). Therefore, at present HSE does not need to be consulted on any developments on this site

UK POWER NETWORKS –

FUL/2019/0058: Not consulted

FUL/2019/0059: Not consulted

FUL/2019/0062: Applicant has contacted UKPN to discuss relocation/replacing of power lines with Underground cables, which UKPN are in agreement with should the planning application be successful.

THE RAMBLERS ASSOCIATION

FUL/2019/0058: No consulted.

FUL/2019/0059: Not consulted.

FUL/2019/0062: Welcome the effect of the proposal in relocating the existing plant site from Bath Hills Road in the hope it will reduce traffic along what is a long distance footpath (Angles Way). Point out that Five Acre Lane is not just a

footpath and must get a lot of cycle use in addition to pedestrians – hope that this is taken into account when it is interrupted to install a conveyor underneath it.

LEAD LOCAL FLOOD AUTHORITY –

FUL/2019/0058: No comments.

FUL/2019/0059: No comments.

FUL/2019/0062: No comments.

COUNTY COUNCIL'S ECOLOGIST –

FUL/2019/0058: No objection.

FUL/2019/0059: No concerns of additional comments with regards to ecology. Notes the long-term scheme of restoration and aftercare as well as the specific Management Plan for *Crassula helmsii*.

FUL/2019/0062: Is satisfied with the Ecological Impact Assessment and Restoration Plans. Has been involved in meetings at the pre-application stage and has no objections regarding ecology.

COUNTY COUNCIL'S ARBORICULTURIST –

FUL/2019/0058: Not consulted.

FUL/2019/0059: Not consulted.

FUL/2019/0062: No objection provided the works are carried out in accordance with the Arboricultural Method Statement and Tree Protection Plan.

COUNTY COUNCIL'S LANDSCAPE & GREEN INFRASTRUCTURE OFFICER

FUL/2019/0058: No objection.

FUL/2019/0059: No objection to the extension of time requested for restoration.

FUL/2019/0062: No objection.

COUNTY COUNCIL PUBLIC RIGHTS OF WAY OFFICER -

FUL/2019/0058: Not consulted.

FUL/2019/0059: Not consulted.

FUL/2019/0062: No public Rights of Way nor the route of the Angles Way are directly affected by the proposals.

COUNTY COUNCIL'S HISTORIC ENVIRONMENT OFFICER –

FUL/2019/0058: No objection.

FUL/2019/0059: Will not have any significant impact on the historic environment and we do not wish to make any recommendations for archaeological work.

FUL/2019/0062: Previous archaeological investigations (geophysical survey and trial trenching) in all three proposed extension areas have produced significant archaeological remains of Prehistoric, Roman and Anglo-Saxon date. Consequently, there is potential that heritage assets with archaeological interest (buried archaeological remains) will be present at the site and that their significance will be adversely affected by the proposed development. Therefore, ask that this be subject to a programme of archaeological mitigatory work to be secured by condition.

EARSHAM PARISH COUNCIL –

FUL/2019/0058: No response received.

FUL/2019/0059: No objection - fully support the revised application at their meeting earlier this year. No objections were made by either parish councillors nor members of the public present.

FUL/2019/0062: No response received.

BUNGAY TOWN COUNCIL –

FUL/2019/0058: Not consulted.

FUL/2019/0059: There were no objections to this application however it was asked that no commercial traffic from this site goes onto the B1062 and instead uses the A143.

FUL/2019/0062: No response received.

LOCAL MEMBER (CLAVERING) (MRS MARGARET STONE) –

FUL/2019/0058: No objections to the above planning application concerning Earsham Gravel pit and think that if reed beds are the result, it is a really good idea.

FUL/2019/0059: No response received.

FUL/2019/0062: No objections. Content that Earsham Parish Council will review and send their observations which she will naturally consider if they express valid objections. In the meantime, has no specific objections subject to all planning requirements being in place.

3.8. **REPRESENTATIONS**

The three applications were advertised by means of neighbour notification letters, site notices, and an advertisement in the Eastern Daily Press newspaper. One letter of correspondence was received from the public in response to application FUL/2020/0062 for the three extensions to the quarry. Whilst not explicitly objecting to the planning application concerns raised were raised as follows:

- Hall Road is not wide enough between Woodlands Cottage and Woodland View and there is not space for passing places.
- The road was not suitable when Earsham Gravel's previous application was permitted 20 years ago and nothing has changed since.

3.9. **APPRAISAL**

The key issues for consideration are:

- A. Principle of Development including Landbank
- B. Landscape & Visual Impact / Design
- C. Amenity
- D. Biodiversity
- E. Impact of Heritage Assets
- F. Transport
- G. Sustainability
- H. Flood Risk
- I. Groundwater/surface water
- J. Loss of Agricultural Land

3.10. **A - PRINCIPLE OF DEVELOPMENT & LANDBANK**

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”.

- 3.11. NMWDF policy CS1: *Minerals Extraction* sets out that the sand and gravel landbank will be maintained at between 7 and 10 years in order in order to plan for a steady and adequate supply of minerals required for infrastructure, buildings, energy and goods. As set out in the NPPF the landbank should be calculated based on a rolling average of 10 years' sales data. NMWDF *Minerals Extraction* and CS2: *General Location of Minerals Extraction* sets out the principles for the locations for mineral extraction in the County and places a preference for sites which are “close and/or well related” to the main settlements of the county. “Close” is defined in the Core Strategy as a distance of 10 miles or less. NPPF paragraph 205 states that Minerals Planning Authorities (MPAs) should as far as possible provide for the maintenance of landbanks of non-energy minerals from outside the Broads.

- 3.12. As at the end of September 2020 Norfolk's landbank will stand at 9.21 years' supply based on the sales figures for 2019. This proposal seeks to extract 1,670,000 tonnes of sand and gravel across the three new extension areas over a period of 20 years. As a result, this would increase Norfolk's landbank to 10.45 years' supply. Whilst this would exceed the 10-year ceiling referred to in Policy CS1, the upper limit was originally envisaged in order to ensure an excessive reserve of sand and gravel was not permitted at any one time in order to provide satisfactory confidence that there would not be delays in the cessation of extraction and restoration at mineral workings. In this instance, the current

site has exhausted all existing mineral reserves and progressive restoration has historically been carried out without delay. The proposal would thus not conflict with CS1 and, and furthermore, the NPPF now refers only to maintaining a minimum landbank (there is no upper limit). On this basis the proposal is considered consistent with NMWDF policy CS1.

- 3.13. Members may recall that this committee approved an extension to Beeston Regis quarry in June 2020 under reference FUL/2019/0001. However, this has not been issued due to progression of the accompanying legal agreement, and therefore the further 1 million tonnes that this would deliver has not been added to the figures in 3.12. This current application at Earsham in combination with the Beeston permission would take the landbank to 11.19 years. Again, given the factors outlined in 3.11, it is not considered that the proposal would undermine policy CS1.
- 3.14. The proposed sites are some 12.5 miles from Diss (listed as one of the main market towns in policy CS2) and 15 miles from the Great Yarmouth urban area. Whilst this exceeds the 10 miles cited in policy CS2, the policy also underlines that this radius is not intended to be applied rigidly in all circumstances because sites beyond 10 miles may be more accessible than those within it, as is the case with these sites which lie very close to the A143, a Principal Highway. Furthermore in tandem with the NPPF the policy recognizes that minerals can only be worked where they are found. Although policy CS2 also expresses a preference for extensions to existing sites over new sites, the current NPPF does not support the development plan preference for extensions. In principle the location of the three extension areas are considered acceptable in relation to the requirements of Policy CS2.
- 3.15. In terms of the paragraph 205 of the NPPF, the three extension areas that form application reference FUL/2020/0062 are not themselves within the Broads although Area 2 is adjacent to it. The existing historic plant site currently within the Broads is to be relocated to Area 1 outside the Broads and therefore the proposals accord with this paragraph of the NPPF.
- 3.16. The adopted Minerals Site Specific Allocations Development Plan Document (DPD) adopted in 2013 is also part of the development plan however none of the three areas of land that form the extension application were put forward by the developer to be included in that plan, and therefore none are allocated within that adopted DPD. However, the fact the three areas are not within the adopted DPD does not make current extension application a departure because there is not a policy in the current Core Strategy that states that new sites need to be allocated within the plan.
- 3.17. In 2017 the County Council commenced a planned review of the Minerals and Waste Local Plan (MWLPR), to extend the Plan Period to the end of 2036. The MWLPR has completed the Initial Consultation (Issues and Options), and the Preferred Options Consultation stages (Regulation 18), and the emerging Plan is due to go out for the Pre-submission publication representations stage (Regulation 19) later this year.

- 3.18. The applicant (Earsham Gravels Ltd) submitted all three sites that form application reference FUL/2020/0062 as potential allocations for future extraction. These areas have been given the site references MIN 209 (Area 1), MIN 210 (Area 2), and MIN 211 (Area 3) in the Preferred Options document which has been subject to public consultation, and has proposed that these sites are suitable as Specific Site Allocations for mineral extraction subject to the planning application (i.e. this application) meeting a series of requirements to ensure that no unacceptable impacts occur as a result as discussed in detail in the report below. Whilst this is not an adopted development plan document, the inclusion of the three sites is however a material consideration to which it is appropriate to give some weight in the planning balance.
- 3.19. **B - LANDSCAPE & VISUAL IMPACT**
Adopted NMWDF Policy CS14: *Environmental Protection* require that there are no unacceptable impacts and ideally improvements to the character and quality of the landscape including the Norfolk Broads, and NMWDF Policy DM8: *Design, Local Landscape and Townscape character* requires that developers show how their proposals will address impacts on the local landscape. In addition, JCS Policy 2 requires proposals to respect local distinctiveness including landscape character with specific reference made to the Broads area. The BLP policy *DM16: Development and landscape* requires proposals to preserve and enhance the key landscape characteristics of the Broads and that applications have been informed by their Landscape Character Assessment. The NPPF at paragraph 172 states that 'Great weight should be given to conserving and enhancing the natural landscape scenic beauty...in the Broads area'.
- 3.20. Adopted SNLP Policy DM4.5 requires new development to respect, conserve and where possible enhance the landscape character and that proposals should demonstrate how they have taken the South Norfolk Landscape Character Assessment into account. The three new areas proposed to be extracted predominantly comprise existing agricultural land currently and are within South Norfolk Council's River Valley Landscape Policy Area due to the location of the River Waveney to the south of the site.
- 3.21. As part of the Environmental Statement, a Landscape and Visual Impact Assessment (LVIA) was submitted assessing the potential landscape and visual implications of the development. This identified the extension site to fall within Rural River Valley landscape type and bordering the Tributary Farmland type to the north. In addition, the existing plant site and silt disposal operation adjacent to Bath Hills Road fall within one of the Broads Authority's Landscape Character Areas: 1. Waveney – Outney Common and Bath Hills Area.
- 3.22. The Broads Authority Landscape Character Assessment recognizes that aggregate extraction is a long-established feature of this area dating back to the establishment of the Earsham Gravels business in 1949. In particular, the

existing plant site has been located at its current site for a number of decades. During pre-application discussion with the developers, the CPA advised that further mineral extraction that would be carried out even further away from the current plant site would only be likely to be acceptable subject to relocation of this historic plant site out of the Broads Authority area and into the new extraction area (once mineral has been removed), as is convention at other sites elsewhere. This was on the basis it would not only reduce the landscape impact on this designated area, but also be more sustainable in terms of reducing unnecessary vehicle emissions given that the new site is closer to the A143.

- 3.23. As a result, the proposal as lodged would see the existing plant site relocated to Area 1 within 3 years of the commencement of operation and the existing site, within the Broads, fully decommissioned and restored after 5 years. The new plant site, which would at its tallest point be some 6 metres in height, would be situated below ground level (once a void has been created) at 8m AOD, some 3-5 metres below existing ground levels.
- 3.24. In terms of the new extension areas which are outside the Broads, mitigation is proposed to negate the impact on the Broads by working below ground level, and by using temporary screen bunds and advance planting (including a new hedgerow) with final restoration to a conservation-based land use. The restoration is intended to increase biodiversity value and would be managed for a period of 15 years post restoration and secured by a legal agreement under section 106 of the Town and Country Planning Act 1990.
- 3.25. Notwithstanding the betterment of the proposed relocation of the plant site away from the historic site in the Broads, the Broads Authority (BA) in their consultation response commented that the proposals represent a permanent large scale alteration of the landscape over a long term period leading to permanent change in the landscape character, albeit with some potential benefits. The BA added that it would be preferable for the existing plant and equipment to be removed now in accordance with the current permission rather than in five years as detailed in the application. Furthermore, the BA also suggested the removal of Area 2 which is closest to the Broads from the application and replacing it with a different piece of land outside the application site to the west of Pheasant's Walk.
- 3.26. In response to this, the applicant provided an Addendum to their LVIA to address inter alia concerns of the Broads Authority and in accordance with Regulation 25 of the EIA Regulations, this was subject to further consultation and publicised as additional Environmental Information. The addendum to the LVIA concluded that the proposed working of Area 2 would not have an impact on the character of this part of the Broads and reaffirmed that the retention of processing plant at the historic plant site is only for three years until it is relocated (two further years would be required to complete restoration etc).

- 3.27. In order to create the new access to Hall Road, some 0.38ha of 'New Plantation' an area of plantation woodland would be traversed. However, the section where the access would be is sparsely populated and it would not result in the loss of any hedgerow or mature or significant trees. Neither the County Council's Arboriculture and Woodland Officer or Green Infrastructure and Landscape Officer object to the proposal subject to the submission of a site specific Arboricultural Method Statement and Tree Protection Plan prior to commencement. Whilst this was proposed to be conditioned, the developer has submitted this prior to determination of the application in order to limit conditions that would need to be discharged should permission be granted.
- 3.28. Whilst there would be some harm to the landscape character, this would only be to the very edge of the Broads (along Bath Hills Road) and would only be temporary. Ultimately no extraction is proposed within the Broads itself and the project will see the decommissioning of the plant site from its existing site within 3 years. The proposed restoration to a nature conservation afteruse comprising areas of open water, wet and dry grassland, and woodland would provide an enhancement to the landscape. The proposals therefore are considered consistent with the development plan policies outlined above and the NPPF.
- 3.29. C – AMENITY
Policy DM12: *Amenity* of the adopted NMWDF states that development will only be permitted where it can be demonstrated that the scale, siting and design of a proposal is appropriate and that unacceptable impacts to local amenity would not arise from the construction and/or operation of a facility. This echoes policy NMWDF CS14: *Environmental protection* which also seeks to avoid unacceptable impacts on amenity.
- 3.30. As highlighted above a number of residential properties lie in close proximity of the three new proposed extension areas. Furthermore, the route of the Angles Way runs along Bath Hills Road adjacent to the east of Area 2. No objections have been received from the public however on the basis of impact on amenity. Both a Noise Impact Assessment and an Air Quality Assessment were undertaken as part of the Environmental Impact Assessment Process and submitted with the application.
- 3.31. Noise
The submitted Noise Impact Assessment measured existing levels and the closest noise sensitive receptors and establish baseline conditions. Predictions of noise were then carried out using the relevant standards for open sites and based on the plant complement and working practices employed by the developer.
- 3.32. The assessment concluded that the proposed scheme would be able to operate in accordance with the relevant noise standards and guidance and that no significant or unacceptable adverse impacts would result from noise emissions

associated with the proposed development. The assessment also recognised the relocation of the plant site several hundred metres from the Broads Executive Area would also have a positive effect in reducing noise within the Broads.

- 3.33. This would be achieved through the applicant's noise mitigation strategy which would adhere to a number of measures including not extracting within 100 metres of residential dwellings (with the exception of Woodland View which the applicant advises is occupied by a 'financially involved receptor'), erection of 3-4 metre high landscaped bunds around the boundaries of the three extraction areas, and a new quieter replacement processing plant in the relocated plant area. The status of the current occupier of Woodland View is not materially relevant to assessment of the impact. However the current quarry now undergoing restoration has operated in close proximity of this property without complaint and significantly the EHO consulted was satisfied with the report produced and its predictions and that the noise levels satisfy the Government's Minerals Planning Practice Guidance. The EHO also recommended a condition as advised by the Government guidance.
- 3.34. Dust & Air Quality
The submitted Air Quality Assessment considered the impacts of both dust and PM₁₀s occurring as a result of the development and considered site activities, proposed mitigation measures, receptor location and sensitivity, and prevailing meteorological conditions. Standard dust mitigation measures would be employed both during operations and restoration in order to reduce the impacts of dust including mobile plant exhausts discharged away from the ground, minimizing drop heights when transferring materials, use of a water bowser or sprays on site, monitoring wind speeds, and ensuring soils are not moved and spread unless they are in a dry and friable condition.
- 3.35. With regards to dust, the assessment concluded that the overall disamenity would be slight and that it is unlikely that any significant decrease in local air quality would occur due to the development. Any dust occurrence would also be minimised by the measures outlined in the Dust Management Plan.
- 3.36. In terms of PM₁₀ levels occurring from the site (the very small particles), it was concluded that there was little risk that emissions from the site would result in an exceedance of the annual mean Air Quality Objective. The EHO commented that they are satisfied with the report and its findings but would suggest a planning condition to control both noise and air quality complaints should they ever arise.
- 3.37. The County Council's Public Rights of Way (PROW) Officer commented that they are satisfied the visual enjoyment of the Angles Way would not be significantly affected by the new working as long as the proposed visual impact measures along Bath Hills Road are maintained.

- 3.38. No issues have been raised with regards to the further use of the existing plant site before its relocation and associated silt disposal (for 5 more years). The EHO advised there was no record of any noise/vibration or air quality/dust complaints over the last five years, and the County Planning Authority has similarly not had any complaints. Subject to appropriate conditions and management practices on site, it is anticipated the proposals can be operated without unacceptable impacts on amenity and are in accordance with the above development plan policy.
- 3.39. D – BIODIVERSITY
NMWDF Core Strategy policies CS14 and DM1 both seek to protect adverse impacts on biodiversity including nationally and internationally designated sites and species. Broads Local Plan policy DM13: *Natural Environment* where the current plant site and silt disposal operation is situated requires all development to protect biodiversity and minimise the fragmentation of habitats. South Norfolk Local Plan policy DM1.4: *Environmental Quality and local distinctiveness* which relates to the proposed extensions seeks to enhance biodiversity to achieve a net gain for nature.
- 3.40. The three extensions comprise predominantly agricultural fields bordered by hedgerows, plantation woodland and mature woodland. An Ecological Impact Assessment was lodged with the application as part of the ES assessing the ecological implications of the new working itself and the subsequent restoration of the quarry. This assessment also included the impact of the short-term retention of the current plant site and associated silt disposal area (both within the Broads) and the conveyor route to the plant site.
- 3.41. The arable and plantation habitats are considered to be of low ecological value whilst the mature woodland trees, improved grassland and wetland mosaic (which both form the currently restored area to be used on a temporary basis for stockpiling mineral before the plant site is relocated) are considered of Local Ecological Value. The existing plant site comprises mainly bare ground with some areas of willow and alder scrub and ruderal vegetation on the screen bunds, and is of low ecological value.
- 3.42. In terms of the nature conservation-based restoration, the proposal would result in the creation of a range of habitats to mitigate for those lost including 10.5 hectares (ha) of native broadleaved woodland, 16.1 ha of improved conservation and grassland and 5.5ha of wetland. The assessment also estimates the restoration could result in an increase of over 100% of the value in biodiversity currently present on the undeveloped land. Given the nature of the restoration, the applicant proposes to manage this over a 15-year period and this would be secured through a legal agreement under section 106 of the Town and Country Planning Act 1990.

- 3.43. No protected species would be harmed as a result of the development but the Assessment recommends further measures that would need to be adhered to such as ongoing badger surveys, clearance of bird nesting habitats outside nesting season (March to August), and reassessing the existing plant site area prior to its decommissioning for species such as bats and otters. A Crassula Management Plan also forms part of the Assessment to avoid the spread of this plant which was first noted at the current restored area of the existing quarry in 2017. As highlighted in the Broads Authority's response, this can be spread by a number of vectors once in the natural environment and can cause major problems for freshwater aquatic habitats.
- 3.44. The County Ecologist raises no objection to the proposals subject to these measures outlined in the Ecological Impact Assessment being adhered to, the proposal is considered compliant with these development plan policies.
- 3.45. Appropriate Assessment
- The site is situated within some 7.5 kilometres of the Broads Special Area of Conservation (SAC), and also the Broadland Special Protection Area (SPA). The application has been assessed in accordance with Regulation 63 of The Conservation of Habitats and Species Regulations 2017, and based on the information submitted to the County Planning Authority (CPA), it is considered that, due to both the nature of the development and the distance from the European Sites, the proposal would not have a significant impact on these or any other protected habitat. Accordingly, no Appropriate Assessment of the development is required and one has not been undertaken.
- 3.46. E – IMPACT ON HERITAGE ASSETS
- NMWDF Policy DM8: *Design, local landscape and townscape character* states development will only be permitted where it could affect the setting of, inter alia, Listed Buildings where the applicant can demonstrate the development would not adversely impact on the historic form, character and or setting of these locations. In addition to the above development plan policy, Listed Buildings are afforded additional protection by both the requirements of the Planning (Listed Buildings and Conservation Areas) Act 1990, and by section 16 of the NPPF: *Conserving and enhancing the historic environment*.
- Listed Buildings
- As highlighted by both the applicant's Cultural Heritage Assessment submitted as part of the Environmental Statement (ES), and Historic England in their consultation response, the three proposed extension areas are in close proximity of a number of heritage assets. The Grade II listed 38-39 Hall Road, a 17th or 18th Century timber framed house, is located directly adjacent to the south of the proposed Area 2 (beyond Hall Road itself) and some 40-50 metres to the north of Area 1. In addition, both also highlight the

grade II* Earsham Hall which is some distance (around 600metres) to the west of the application site.

- 3.47. In advising that any effect on Earsham Hall could be minimized through the presence of the existing Beech Wood albeit with consideration given to maximizing planting at the northern part of the site to preserve the landscape setting of the heritage asset, Historic England commented the development would have a greater effect on the Grade II listed 38-39 Hall Road ('Woodlands'). It commented that permanently changing the surrounding land use from arable fields (the restored land would not be returned back to agriculture), as one would expect from a house in the countryside associated with a farmstead, could affect the setting in a way which harms historic significance.
- 3.48. HE concluded that it has concerns about the application on heritage grounds, however on the basis the building is listed as Grade II it does not fall under their statutory remit to advise on the proposals and therefore defer comment to the Local Planning Authority. In response to their first point relating to Earsham Hall, a significant level of advanced tree and hedgerow planting is proposed at the north-western corner of Area 2 to the north of Beech Wood and a detailed scheme will be requested by condition.
- 3.49. In response to the concerns about 38-39 Hall Road, the applicant provided a rebuttal to HE's comments and in it concluded that due to careful design of mitigation measures (new/advanced tree and hedgerow planting and screen bunds) the development would only have a moderate magnitude of change upon the building, and that this is only due to proximity. Furthermore, the applicant maintained that this is an appropriate level of assessment of potential impacts and resulting significance for a grade II listed property. Whilst the County Historic Environment Officer (HES) was consulted they commented only on the matters of archaeology initially. Further advice was specifically requested on this matter however the County HES advised that a view was sought from South Norfolk's Conservation Officer – this has been requested but is still outstanding. The HES did however advise that the reasoning in 3.50 below was a reasonable assessment to make.
- 3.50. As pointed about by HE, the County Council has a statutory responsibility under section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings and their setting. In the context of the 193-194 of the NPPF the County Planning Authority considers that the harm caused to the Grade II listed 38-39 Hall Road would be less than substantial but clearly not merely minor within this category given the permanent loss of the agricultural fields that provide their setting. The NPPF requires that this harm be weighed against the public benefits of the proposal, but in carrying out this balancing act both the NPPF and section 66(1) require that great weight be given to the designated heritage asset's conservation. Here, there would be substantive public benefits that would weigh against this and in favour of the proposal, namely, both the employment created/retained and the

trickledown effect of this in the local community, and other economic benefits – the NPPF emphasises the role of minerals in providing the infrastructure and buildings the country needs, and states that great weight should be given to the benefits of mineral extraction. Furthermore, whilst the agricultural setting would be lost, there would be public benefits associated with the nature conservation restoration and afteruse proposed. Whilst finely balanced, the proposal is considered to accord with development plan and national policies relating to heritage assets and the related statutory duties.

3.51. Archaeology

NMWDF Policy DM9: *Archaeological Sites* also states applicants whose proposals could potentially affect heritage assets, or which are in areas with high potential for archaeological interest, will be required to prepare and submit an appropriate desked based assessment.

3.52. The County Council's Historic Environment Officer (HEO) commented that previous archaeological investigations (geophysical survey and trial trenching) in all three proposed extension areas have produced significant archaeological remains of Prehistoric, Roman and Anglo-Saxon date. Consequently, there is potential that heritage assets with archaeological interest (buried archaeological remains) will be present at the site and that their significance would be adversely affected by the proposed development.

3.53. Accordingly the Historic Environment Officer recommended that the application (if permitted) be subject to conditions requiring the submission of an archaeological written scheme of investigation (WSI) which will include an assessment of significance, that the development shall not take place except in accordance with the submitted scheme, and that the development should not be put into first use until the site investigation and post investigation has been completed in accordance with the programme in the submitted WSI. Subject to this condition the proposal is in accordance with Policy DM9.

3.54. F – TRANSPORT

NMWDF Policies CS15: *Transport* and DM10: *Transport* states that new minerals development must not result in unacceptable risks to road users and pedestrians or unacceptable impacts on the capacity or efficiency of the highway network.

3.55. A new access would be created onto Hall Road to serve the relocated plant site. From here, vehicles would have a short route back to the A143 some 700 metres to the southeast. In order to ensure that the road would be of a suitable width for HGVs, it is proposed that three passing places would be formed between the new access and the junction with Bath Hills Road. Furthermore, between this junction (with Bath Hills Road) it is also proposed to widen the carriageway itself, and both improvements would be required by condition to be implemented prior to first use of the site as required by the Highway Authority.

- 3.56. The Highway Authority would also require a condition to secure the Traffic Management Plan the applicant has lodged in order to ensure vehicles only used the improved section of Hall Road as the main route to and from the A143. Once operational it is anticipated that the new extension areas be extracted at a rate of 85,000 tonnes per annum and this would be expected to generate 46 daily HGV movements in total (i.e. 23 in and 23 out). The new proposals would however relocate these movements from those that currently access the existing plant site at Bath Hills Road and therefore there would be a betterment from the shorter distance the HGVs would travel to the A143 both in terms of amenity and environmental impacts / sustainability.
- 3.57. In addition to this main access on to Hall Road, two other service accesses would be provided to Areas 2 and 3 from Hall Road and Pheasant's Walk respectively for the purposes of plant and personnel accessing the sites (not for removal of mineral).
- 3.58. The applicant also proposes a culvert under Five Acre Lane (an unclassified public highway that has been stopped up to motorised vehicles) to enable the conveyor to transport mineral to the plant site from Area 3. The Highway Authority have no objection to this element of the scheme but have highlighted that they would need agreement with the Highway Authority in terms of both the culvert and reinstated carriageway design. The applicant expects that Five Acre Lane would need to be closed during the works to construct the culvert and that temporary diversion would need to be provided. The culvert would then need to be removed once its use for the quarry had ceased as part of the restoration scheme for the site.
- 3.59. Subject to these conditions, the Highway Authority raise no objection to the proposals and the applications are consistent with development plan policy.
- 3.60. G – SUSTAINABILITY
- NMWDF policy CS13: *Climate change and renewable energy* encourages developers to generate renewable energy on site and policy DM11: *sustainable construction and operations* require sustainable development to be promoted in mineral extraction.
- 3.61. As underlined in paragraph 8 of the NPPF, achieving sustainable development means that the planning system has three overarching objectives, i.e. economic objective, social objective and environmental objective.
- 3.62. Socio-economic
- The application states that subject to gaining planning permission the quarrying operations would continue to provide 15 full time employment positions. The planning statement also emphasises that the quarry would inject a considerable amount of money into the local economy over the 19 years of operation both in terms of money spent on goods and services supplied, and income from minerals sales reinvested. Paragraph 205 of the NPPF emphasises that great weight should be given to the benefits of mineral extraction including to the economy and this is therefore given weight in the planning balance.

- 3.63. Environmental
The applicant proposes to install 10 solar panels on the roof of the office/weighbridge building as detailed in the Sustainability Statement lodged as part of the ES. Each panel would generate 250w of electricity hence the panels in total would generate 2.5Kw of energy per year and contribute to the energy used within the building.
- 3.64. In the event permission is granted, a condition is proposed to secure the implementation of this element of the scheme in order to ensure compliance with policy CS13.
- 3.65. Whilst not part of the development plan or even a planning policy per se, Norfolk County Council's Environmental Policy is a material consideration in determination of this application. The County Council has made a commitment to use the policy to guide all the Council's future decision-making and therefore it has some, albeit very limited, weight in considering this proposal.
- 3.66. The Policy takes as its starting point the Government's own 25-year Plan published in 2018 and is structured to reflect key environmental concerns embodied in that plan. It is considered the proposals would not undermine the Goals of the plan with particular reference to Encouraging a thriving plant and wildlife community, Using resources from nature more sustainably and efficiently, and Enhancing beauty, heritage and engagement with the natural environment.
- 3.67. H – Flood Risk
NMWDF policies CS13: *Environmental Protection* and DM4: *Flood Risk* requires developers to demonstrate mineral sites can be worked without unacceptable flood risk to both the site itself and also that flood risk is not increased as a result of mineral extraction.
- 3.68. Whilst the entirety of three areas of extraction that comprise the proposed extension is located in Flood Zone 1 (the lowest risk of flooding) a Surface Water, Flood Risk Assessment (FRA) and Foul Water Assessment was submitted with the application as part of the ES in accordance with the NPPF and PPG on the basis the site area exceeds 1 hectare.
- 3.69. Sand and gravel workings are identified as 'water-compatible development' in the table of Flood Risk Vulnerability Classification as set out in Planning Practice Guidance (PPG), whilst minerals processing is identified as 'less vulnerable'. The proposed restoration/after-use is to nature conservation, which is identified as 'water-compatible development'. The PPG further advises that 'water-compatible' development and 'less vulnerable' development are appropriate in Flood Zone 1. On this basis, the proposals are considered acceptable in terms of development within flood zone 1.
- 3.70. The FRA states that through the implementation of a surface water drainage strategy it is considered that the elevated risk of surface water flooding on site caused by the extraction of sand and gravel can be suitably mitigated. Once the

site has been restored, a series of ponds and water features will be present to manage the surface water on site post restoration and due to the lowered levels present within the extraction site surface water managed on site is not anticipated to pose a flood risk elsewhere.

- 3.71. Neither the Lead Local Flood Authority (which has responsibility for managing surface water flooding) nor the EA has raised any concerns with regards to flooding of the proposed extension.
- 3.72. Although the extension application is not in an area at risk of flooding, the existing plant site (that forms part of application ref. FUL/2019/0059) and the lake where it is proposed silt would continue to be disposed that forms application ref. FUL/2020/0058 are both in flood zone 3 at the highest risk of flooding. The principle of both activities (including an assessment of their risk of flooding) has already been established under previous grants of permission and this scheme only seeks to continue these activities for a maximum of five further years.
- 3.73. Neither the LLFA nor the EA has raised any concerns about these activities continuing for this timeframe until the plant site is relocated to its new location in Area 1. It is considered that both the three new extension areas and the continuation of the existing activities can be worked for a further period of five years without increasing flood risk on or off site. The proposal therefore accords with development plan policy and the NPPF with regards to flood risk.
- 3.74. I – Groundwater and Surface water
NMWDF policy DM3: *Groundwater and surface water* seeks to ensure that developments do not adversely impact on ground water quality or resources, or surface water quality or resources. This policy underlines NMWDF policy CS13: *Environmental Protection* which to ensure there are no unacceptable impacts on natural resources, including water.
- 3.75. The application, in the Surface Water, Flood Risk Assessment (FRA) and Foul Water Assessment, details that it is proposed to work the sand and gravel down to the groundwater table from where the mineral would be worked wet. The new extension is not within a Groundwater source protection zone, and the EA advised it has no concerns in relation to groundwater resource protection or potential contamination providing the operation is in accordance with the proposals set out in the application documentation.
- 3.76. Whilst the EA did raise an initial concern specifically in relation to foul drainage and recommended a condition to overcome this, the developer has subsequently submitted further information which was consulted on by the CPA as additional Environmental Information in accordance with Regulation 25 of the EIA Regulations. The information clarified that a cesspool would be used for foul drainage within the plant site which the EA subsequently advised it is content with and reaffirmed their position of having no objection.

- 3.77. With regards to the other two applications, ref. FUL/2019/0058 and 0059, no issues with regards to groundwater have been raised at these existing sites. FUL/2019/0058 seeks to continue the practice of disposing of silts within the existing restored lake adjacent to the plant site which has been authorised to take place for a number of years. The silt is an inert material and the EA has raised no objection for this continuing for a further five years before the plant site is restored. It is understood to date that this material has not been considered to be a waste requiring an environmental permit however in their consultation response the EA has requested the applicant consider whether they are dealing within an extractive waste and if an Environmental Permit is required.
- 3.78. The proposals would not pose a risk to surface or ground water resources and the proposal accords with NMWDF policy DM3.
- 3.79. J – Loss of Agricultural Land
- Of the total 32.08 hectare (ha) site area, 29.32 ha of this is currently arable farmland that would be permanently lost given the proposed nature conservation restoration. The Agricultural Land Classification for the site, published by Natural England, is Grade 3. The more detailed Agricultural Land Classification Survey and Soil Resource Assessment undertaken by the applicant as part of their Environmental Statement classified the land as 3b based on its droughtiness (dry) characteristics. This was established following 37 auger borings and two soil profile pits.
- 3.80. Whilst it is regrettable that this extent of agricultural land would be permanently lost, the land has been demonstrated to not be classed as the best and most versatile and agricultural land (BMV), other ecological and landscape related benefits will be realized from the nature conservation restoration proposed.
- 3.81. Natural England were consulted however no bespoke advice was provided relating to the land classification or the merits of the agricultural land being lost in perpetuity. The proposal is in accordance with policy DM16: *Soils* which seeks to direct mineral development away from BMV agricultural land.
- 3.82. K – Progressive Working, restoration and afteruse
- As required by NMWDF policy DM14: Progressive working, restoration and afteruse, the application has been accompanied by a detailed scheme that sets out the progressive working and restoration of the three extension areas and also for the provision of the restoration of the current plant site within 5 years of the commencement of operations.
- 3.83. Specifically, the three areas are proposed to be restored as follows:
- Area 1 - A mixture of woodland, wet and dry grassland with a pond complex on the quarry base and incorporating a geological exposure;
 - Area 2 - a mosaic of woodland, wet and dry grassland with a pond complex on the quarry base and incorporating a geological exposure;

- Area 3 - mosaic of woodland, wet and dry grassland, open water with a pond complex on the quarry base and incorporating a geological exposure.

- 3.84. In order to ensure the success of the restoration scheme, the applicant is proposing to manage this for a period of 15 years in accordance with a long-term management and restoration specification. This would be secured by legal agreement under Section 106 of the Town and Country Planning Act on the basis that the 15-year period would go beyond the 5 years that can be bound by a planning condition. The current quarry under going restoration that is the subject of application reference FUL/2019/0059 is also the subject of a long-term management plan secured under a S.106 legal agreement, and if permission is granted, that existing S.106 would need to be varied to take into account this extended period and restoration proposals.
- 3.85. The application also sets out extraction would only take place in one area at a time and in the event permission is granted the CPA would propose further conditions to ensure there is no delay in restoration of the areas that have been already subject to extraction. The proposal accords with NMWDF Policy DM14.
- 3.86. **L - Cumulative Impact**
- As recognized by both the applicant's Environmental Statement and the Broads Authority's Landscape Character Assessment, mineral extraction is a long-established feature of this area dating back to the establishment of the Earsham Gravels business in 1949. All current reserves from the most recently permitted quarry have now been worked and the three new extension areas have been lodged as one application in order to provide the applicant with certainty and justification for the long-term relocation of the plant site. The three Areas would however be worked in sequence and each area worked as a series of phases and progressively restored.
- 3.87. There are not any other mineral extraction sites operating or permitted in the immediate area and the existing site does not have a history of complaints. Furthermore, no objections have been received to this application in relation to this issue. It is therefore concluded that the proposal would not give rise to unacceptable cumulative impacts and is acceptable in that respect.
- 3.88. **ENVIRONMENTAL IMPACT ASSESSMENT**
- In accordance with the Town and Country Planning Environmental (Impact Assessment) Regulations 2017 ('the EIA Regs') an Environmental Statement has been submitted with the planning application. This was automatically required on the basis the new extension areas amounted to 32 hectares and therefore exceeded the 25 hectare threshold in Schedule 1 of the EIA Regulations. The statement and other environmental information arising have been informed this report and its recommendations.
- 3.89. **RESPONSES TO REPRESENTATIONS RECEIVED**

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

- 3.90. A single representation was received raising concerns about the impact of the development on Hall Road where the new access would be located. This has been assessed in the Transport section of the report.

3.91. **LOCAL FINANCE CONSIDERATIONS**

In accordance with Section 70(2) of the Town and Country Planning Act 1990 (as amended) the County planning authority must have regard to a local finance consideration as far as it is material. Section 74 of the 1990 Act defines a local finance consideration as a grant or other financial assistance that has been, that will or that could be provided to a relevant authority by a Minister of the Crown, or sums that a relevant authority has received, or will or could receive, in payment of the Community Infrastructure Levy.

- 3.92. In this instance it not considered that there are local finance considerations material to this decision.

4. Conclusion & Reasons for Decision

- 4.1. The proposal seeks to extend Earsham Quarry into three agricultural fields that together comprise a 32.08 hectare site that would be extracted over the next 19 years. All three of the proposed new areas are proposed to be allocated in the County Council's Local Plan Review. Some, albeit limited, weight is given to this in the planning balance on the basis these are only emerging policies that have not been approved through full examination. Whilst ideally the applications would be lodged once the new Local Plan was adopted, the applicant has stressed the need for this extension on the basis that their permitted stocks of mineral were due to last only until the end of 2019 (and are now understood to be exhausted).
- 4.2. The three applications would also prolong use of the existing plant site (and associated silt disposal) until it is relocated to Area 1 within the new quarry. At which point, all mineral related activity would cease within the Broads. Some weight is also given to this in the planning balance and the betterment of permanently removing and relocating this plant, which is industrial in its nature, from its current location to allow mineral extraction to continue in this area. It's location within the new quarry would also be a more sustainable one on the basis it is closer to the A143.
- 4.3. Furthermore, some weight is also given to the lack of objection to the proposals which would deliver some 1,670,000 million tonnes of sand and gravel, adding 1.2 years' supply to the landbank with very little public opposition.
- 4.4. As set out in the report, Historic England has expressed concerns about the application and specifically the impact on 38-39 Hall Road. Their concern is that changing the surrounding land use from arable fields, as one would expect from a house in the countryside associated with a farmstead, could affect the setting in a way which harms historic significance. However, whilst finely balanced,

Members are advised that there would be public benefits that would weigh against this and in favour of the proposal, namely, both the employment created/retained, and the trickledown effect of this in the local community, and other economic benefits together with the public benefits associated with the nature conservation restoration and afteruse proposed. As set out in the NPPF, great weight should be given both to the conservation of heritage assets and also to the economic benefits of mineral extraction, and it is concluded, albeit on fine balance, that the proposal would be acceptable in terms of heritage impact.

- 4.5. The three new sites are not within the Broads Authority Executive Area, and it is considered that they can be worked, subject to conditions, without unacceptable impacts on the Broads or the wider landscape. The scheme can also be operated without unacceptable impacts on amenity, the highway network, biodiversity and geodiversity, groundwater and surface water, and flood risk.
- 4.6. On balance 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 in respect of all three applications.

5. Alternative Options

- 5.1. Members of the Planning (Regulatory) Committee can only resolve to make a decision on the planning application before them whether this is to approve, refuse or defer the decision.

6. Financial Implications

- 6.1. The development has no financial implications from the Planning Regulatory perspective.

7. Resource Implications

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

8. Other Implications

8.1. Legal Implications

There are no legal implications from the Planning Regulatory perspective.

8.2. Human Rights implications

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, noting that appeal rights apply.

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, social, environmental and other 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.

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 and other matters significant to the public interest.

8.3. Equality Impact Assessment (EqIA) (this must be included)

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.

8.4. Health and Safety implications (where appropriate)

There are no health and safety implications from a planning perspective.

8.5. Sustainability implications (where appropriate)

8.6. Any other implications

9. Risk Implications/Assessment

9.1. There are no risk issues from a planning perspective.

10. Select Committee comments

10.1. Not applicable.

11. Recommendations

11.1. That the Executive Director of Community and Environmental Services be authorised, in relating to each of the applications to:

- 1. Grant planning permission subject to the conditions outlined in section 11 and two S.106 Legal Agreement in respect of the restoration and aftercare of both the existing quarry (FUL/2019/0059) and the proposed new quarry (FUL/2019/0062).**
- 2. Discharge conditions 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.

- 3. Delegate powers to officers to deal with any non-material amendments to the application that may be submitted.**

Conditions for application reference FUL/2020/0062 (the extension application):

- 11.2. 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.

- 11.3. The development must be carried out in strict accordance with the application form and plans and the Environmental Statement (including its recommendations).

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

- 11.4. Prior to the commencement of use of the relocated processing plant hereby permitted the vehicular access onto Hall Road (**main access**) shall be constructed in accordance with a detailed scheme (for the first 20 metres into the site) to be agreed in writing with the County Planning Authority, in consultation with the Highway Authority and thereafter retained at the position shown on the approved plan. Arrangement shall be made for surface water drainage to be intercepted and disposal of separately so that it does not discharge from or onto the highway.

Reason: To ensure construction of a satisfactory access and to avoid carriage of extraneous material or surface water from or onto the highway in the interests of highway safety in accordance with NMWDF Policy DM10.

- 11.5. Any access gates/bollard/chain/other means of obstruction (across the **main access**) 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: In the interests of highway safety enabling vehicles to safely draw off the highway before the gates/obstruction is opened, in the interests of highway safety in accordance with NMWDF Policy DM10.

- 11.6. The gradient of the (**main**) vehicular access shall not exceed 1:12 for the first 20 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 the interests of highway safety in accordance with NMWDF Policy DM10.

- 11.7. Prior to the first use of the relocated processing plant hereby permitted visibility splays measuring 160 metres x 2.4 metres shall be provided to each side of the **main access** where it meets the highway. The splay(s) shall thereafter be maintained at all times free from any obstruction exceeding 0.6 metres above the level of the adjacent highway carriageway.

Reason: In the interests of the safety of persons using the access and users of the highway in the interests of highway safety in accordance with NMWDF Policy DM10.

- 11.8. Prior to the commencement of works at Area 2 hereby permitted the vehicular access onto Hall Road (**service access**) shall be constructed in accordance with a detailed scheme (for the first 10 metres into the site) to be agreed in writing with the County Planning Authority, in consultation with the Highway Authority and thereafter retained at the position shown on the approved plan. Arrangement shall be made for surface water drainage to be intercepted and disposal of separately so that it does not discharge from or onto the highway.

Reason: To ensure construction of a satisfactory access and to avoid carriage of extraneous material or surface water from or onto the highway in the interests of highway safety in accordance with NMWDF Policy DM10.

- 11.9. Any access gates/bollard/chain/other means of obstruction across the **service access** on Hall Road shall be hung to open inwards, set back, and thereafter retained a minimum distance of 10 metres from the near channel edge of the adjacent carriageway.

Reason: In the interests of highway safety enabling vehicles to safely draw off the highway before the gates/obstruction is opened in the interests of highway safety in accordance with NMWDF Policy DM10.

- 11.10. The gradient of the **service access** on Hall Road shall not exceed 1:12 for the first 10 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 the interests of highway safety in accordance with NMWDF Policy DM10.

- 11.11. Prior to the commencement of works at Area 2 hereby permitted visibility splays measuring 160 metres x 2.4 metres shall be provided to each side of the **service access** (on Hall Road) where it meets the highway. The splay(s) shall thereafter be maintained at all times free from any obstruction exceeding 0.6 metres above the level of the adjacent highway carriageway.

Reason: In the interests of highway safety in accordance with NMWDF Policy DM10.

- 11.12. Prior to the commencement of works at Area 3 hereby permitted the vehicular access onto Pheasants Walk (**service access**) shall be constructed in accordance with a detailed scheme (for the first 10 metres into the site) to be agreed in writing with the County Planning Authority, in consultation with the Highway Authority and thereafter retained at the position shown on the approved plan. Arrangement shall be made for surface water drainage to be intercepted and disposal of separately so that it does not discharge from or onto the highway.

Reason: To ensure construction of a satisfactory access and to avoid carriage of extraneous material or surface water from or onto the highway in the interests of highway safety in accordance with NMWDF Policy DM10.

- 11.13. Any access gates/bollard/chain/other means of obstruction across the **service access** on Pheasant's Walk shall be hung to open inwards, set back, and thereafter retained a minimum distance of 10 metres from the near channel edge of the adjacent carriageway.

Reason: In the interests of highway safety enabling vehicles to safely draw off the highway before the gates/obstruction is opened in the interests of highway safety in accordance with NMWDF Policy DM10.

- 11.14. The gradient of the **service access** on Pheasant's Walk shall not exceed 1:12 for the first 10 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 the interests of highway safety in accordance with NMWDF Policy DM10.

- 11.15. Prior to the commencement of works at Area 3 hereby permitted visibility splays measuring 120 metres x 2.4 metres shall be provided to each side of the **service access** (on Pheasants Walk) where it meets the highway. The splay(s) shall thereafter be maintained at all times free from any obstruction exceeding 0.6 metres above the level of the adjacent highway carriageway.

Reason: In the interests of highway safety in accordance with NMWDF Policy DM10.

- 11.16. Vehicular/pedestrian/cyclist access to and egress from the adjoining highway shall be limited to the access(s) shown on Drawing No. 1303/03/200 Rev B only. Any other access (excluding the existing access on Pheasant's Walk) or egress shall be permanently closed, and the highway verge shall be reinstated in accordance with a detailed scheme to be agreed with the County Planning Authority concurrently with the bringing into use of the new access.

Reason: In the interests of highway safety in accordance with NMWDF Policy DM10.

- 11.17. The development shall not take place except in strict accordance with the 'HGV Route Management Plan' dated 27 July 2020 prepared by Create Consulting Engineers.

In the interest of highway safety and to protect the environment of the local highway corridor in accordance with NMWDF Policy DM10.

- 11.18. Notwithstanding the details indicated on the submitted drawings, within 6 months of the date of the permission a detailed scheme for the off-site highway improvement works **consisting of the carriageway widening works on Hall Road** shall be submitted to and approved in writing by the County Planning Authority in consultation with the Highway Authority.

Reason: To ensure that the highway improvement works are designed to an appropriate standard in the interest of highway safety and to protect the environment of the local highway corridor in accordance with NMWDF Policy DM10.

- 11.19. Within 12 months of the date of this permission the off-site highway improvement works **consisting of the carriageway widening works on Hall Road** referred to in condition 11.18 shall be completed to the written satisfaction of the County Planning Authority in consultation with the Highway Authority.

Reason: To ensure that the highway network is adequate to cater for the development proposed in accordance with NMWDF Policy DM10.

- 11.20. Notwithstanding the details indicated on the submitted drawings, prior to commencement of the use of the relocated processing plant, a detailed scheme for the off-site highway improvement works **consisting of the new passing places on Hall Road** shall be submitted to and approved in writing by the County Planning Authority in consultation with the Highway Authority.

Reason: To ensure that the highway improvement works are designed to an appropriate standard in the interest of highway safety and to protect the environment of the local highway corridor in accordance with NMWDF Policy DM10.

- 11.21. Prior to commencement of the use of the relocated processing plant the off-site highway improvement works **consisting of the carriageway new passing places on Hall Road** referred to in condition 11.20 shall be completed to the written satisfaction of the County Planning Authority in consultation with the Highway Authority.

Reason: To ensure that the highway network is adequate to cater for the development proposed in accordance with NMWDF Policy DM10.

- 11.22. Notwithstanding the details indicated on the submitted drawings no works shall commence in Area 3 until a detailed scheme for the off-site highway improvement works **including the culvert / conveyor crossing of Five Acre Lane** have been submitted to and approved in writing by the County Planning Authority in consultation with the Highway Authority.

Reason: To ensure that the highway improvement works are designed to an appropriate standard in the interest of highway safety and to protect the environment of the local highway corridor in accordance with NMWDF Policy DM10.

- 11.23. Prior to the commencement of the use hereby permitted the off-site highway improvement works **including the culvert / conveyor crossing of Five Acre Lane** referred to in condition 11.22 shall be completed to the written satisfaction of the County Planning Authority in consultation with the Highway Authority.

Reason: To ensure that the highway network is adequate to cater for the development proposed in accordance with NMWDF Policy DM10.

- 11.24. 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.

- 11.25. No development shall take place until an archaeological written scheme of 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 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 NMWDF Policy DM9.

- 11.26. No development shall take place other than in accordance with the written scheme of investigation approved under condition 11.25.

Reason: To ensure adequate time is available to investigate any features of archaeological interest, in accordance with NMWDF Policy DM9.

- 11.27. Each Area of mineral shall not be extracted until the site investigation and post investigation assessment has been completed for that Area in accordance with the programme set out in the archaeological written scheme of investigation

approved under condition 11.25, and the provision 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 NMWDF Policy DM9.

- 11.28. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any Order revoking, re-enacting or modifying this Order, no further buildings, plant or machinery, nor structures of the nature of plant or machinery 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 control possible future development which would otherwise be permitted but which may have a detrimental effect on the adjacent Broads Authority Executive Area, in accordance with Policy DM12 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.

- 11.29. The Solar panels detailed on drawing reference 'Earsham – Plant Site Office / Weighbridge' dated May 2019 shall be installed in accordance with the approved details within three months of installation of the building and retained for the lifetime of the development.

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

- 11.30. No development shall take place except in accordance with the Arboricultural Method Statement and Tree Protection Plan Drawing 150720/01, Revision C, dated 5 August 2020 provided by Ravencroft Arboricultural Services.

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.

- 11.31. No extraction shall take place in Area 2 until the existing plant site at Bath Hills Road has been fully restored to the written satisfaction of the County Planning Authority. No extraction shall take place in Area 3 until both Area 1 (with the exception of the plant site and perimeter screen bunding identified on drawing P2017 - 06 D11A Ver 2 dated Nov 2019) and Phase A of Area 2 (as identified on drawing number P2017 - 06 D9 A dated Oct 2019) have been restored to the written satisfaction of the County Planning Authority.

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.

- 11.32. Noise emitted from the site from soil stripping operations, landscape operations and bund construction and removal operations shall not exceed 70 dB LAeq, 1 hour when measured at a distance of 3.5 metres from any dwelling.

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

- 11.33. With the exception of noise emitted from the site from soil stripping operations, landscape operations and bund construction and removal operations, the noise emitted from the extraction site or the plant site shall not exceed the following levels at a distance of 3.5 metres from the facade of the following properties:

The Sidings	55 db LAeq, 1 hour
Dukesway	55 db LAeq, 1 hour
The Street	55 db LAeq, 1 hour
Woodlands, Hall Road, Earsham	55 db LAeq, 1 hour
34, 34a and 35 Bath Hills Road, Earsham	51 dB LAeq, 1 hour
Earsham Hill Farm House, Bath Hills Road	51 db LAeq, 1 hour
Rookery Farm	51 db LAeq, 1 hour
Camphill Farm, Middle Road	50 db LAeq, 1 hour
Park Farm Cottages, Pheasant's Walk	55 db LAeq, 1 hour
River Farm, Old Harleston Road	55 db LAeq, 1 hour

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

- 11.34. In the event a complaint is received relating to noise or dust which is substantiated by the County Planning Authority, a management plan to control the emissions shall be submitted to the County Planning Authority for approval in writing in consultation with the Environmental Health Officer. The approved scheme shall be implemented on site thereafter.

Reason: To protect the amenities of residential properties, in accordance with NMWDF Policy DM12.

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

Reason: To protect the amenities of residential properties and the surrounding area, in accordance with NMWDF Policy DM12.

- 11.36. No operation authorised or required under this permission or under The Town and Country Planning (General Permitted Development) (England) 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:
07.00 - 18.00 Mondays to Fridays
07.00 - 13.00 Saturdays.

Reason: To protect the amenities of residential properties and the surrounding area, in accordance with NMWDF Policy DM12.

- 11.37. Within three months of the date of this permission a detailed scheme of landscaping, shall be submitted to the County Planning Authority for its approval in writing. The scheme as may be so agreed shall be implemented within the

first planting season following the granting of 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, and details of the construction and maintenance of the soil bunds. It shall be completed prior to commencement of extraction in each area of development and shall make provision for:

- (a) the screening of the operations by trees, hedges and soil bunds (with particular consideration to further screening of the north-western boundary of Area 2);
- (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 and setting of the Heritage Assets of the surrounding area, in accordance with NMWDF Policies DM8 and DM12.

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

Reason: To ensure the proper and expeditious restoration of the site, in accordance with NMWDF Policy DM14.

- 11.39. The restoration of the site shall be completed within 20 years of the date of this planning permission in accordance with the submitted scheme outlined in section 4.5 of the Planning Statement and detailed in condition 11.40 below.

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.

- 11.40. Within six months of the date of this permission a detailed scheme of restoration in accordance with the principles shown in section 4.5 of the Planning Statement, shall be submitted to the County Planning Authority for its approval in writing and implementation following extraction of minerals from each Area. The said scheme shall include details of:
- (a) dates for the starting and completion of each phase of restoration;
 - (b) a maximum area of disturbed land which at any time is unrestored;
 - (c) contours of the restored land shown by plans and sections;
 - (d) the provision to be made for drainage of the site;
 - (e) areas to be seeded or planted with trees, including 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;
(f) details of tree species to be planted;
(g) bank profiles and batters.

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.

- 11.41. Notwithstanding the Outline Long-Term Restoration, Management and Aftercare Scheme, a detailed aftercare scheme specifying such steps as may be necessary to bring the land to the required standard for use for nature conservation habitat shall be submitted for the written approval of the County Planning Authority in writing not later than 12 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.

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.

- 11.42. No stockpiles of materials shall be stacked or deposited on the site such that its height exceeds 6 metres above its base level (the quarry floor).

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

- 11.43. Within 1 year of the expiration of operations, a scheme shall be submitted comprising the removal of the main access and the culvert / crossing of Five Acre Lane for the approval of the County Planning Authority in consultation with the Highway Authority. The approved works shall be carried out within 1 year of the cessation of mineral extraction and ensure the Highway is reinstated to the reasonable satisfactions of the Highway Authority.

Reason: To ensure the Highway is reinstated in the interests of highway safety in accordance with NMWDF Policy DM10.

- 11.44. **Conditions for application reference FUL/2020/0059**
Subject to the revised conditions 1 and 13 as sought by the applicant together with the other conditions subject to which parent planning permission was granted insofar as their requirements have not been discharged have not been discharged.

- 11.45. **Conditions for application reference FUL/2020/0058**
Subject to the revised conditions 1 and 2 as sought by the applicant together with the other conditions subject to which parent planning permission was

granted insofar as their requirements have not been discharged have not been discharged.

12. Background Papers

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

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

Norfolk Minerals and Waste Local Plan Review:

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

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

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

The National Planning Policy Framework (NPPF) (2019):

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

Planning Practice Guidance (2014):

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

Local Plan for the Broads (2019):

<https://www.broads-authority.gov.uk/planning/planning-policies/development>

South Norfolk Local Plan (2015):

<https://www.south-norfolk.gov.uk/residents/planning/planning-policy/adopted-south-norfolk-local-plan>

Norfolk County Council's Environment Policy

<https://www.norfolk.gov.uk/what-we-do-and-how-we-work/policy-performance-and-partnerships/policies-and-strategies/natural-environment-policies/environmental-policy>

Officer Contact

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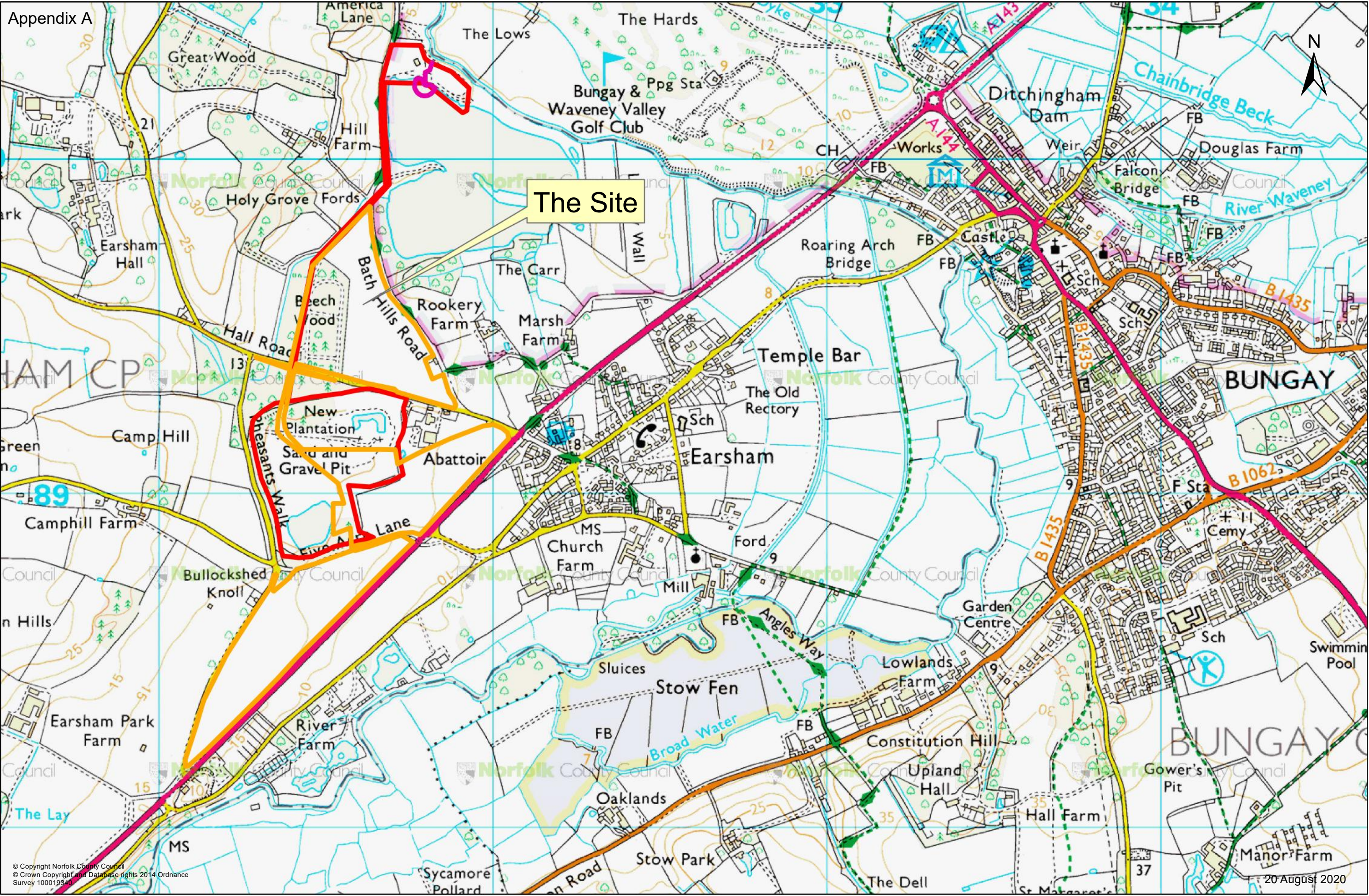
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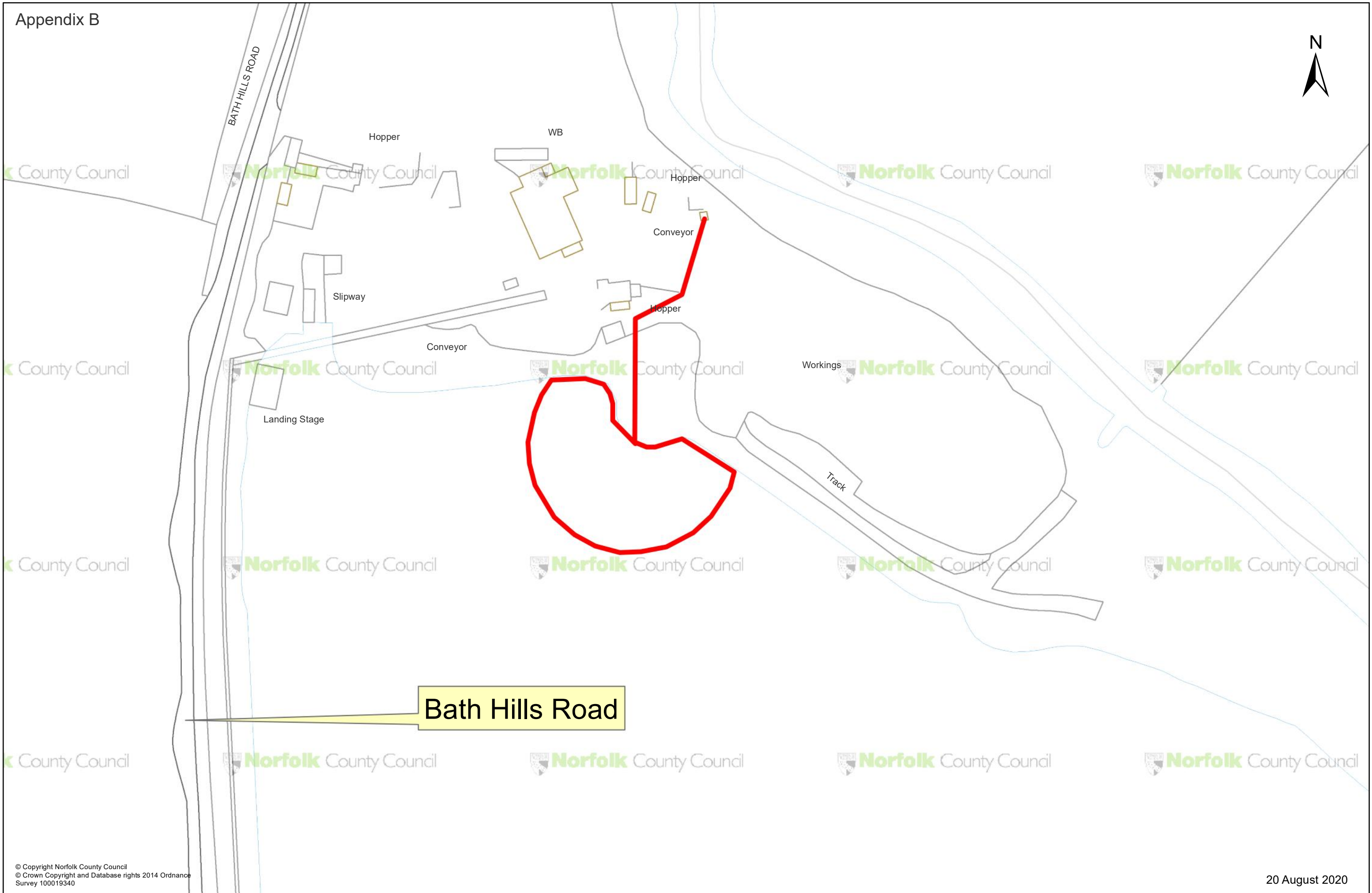


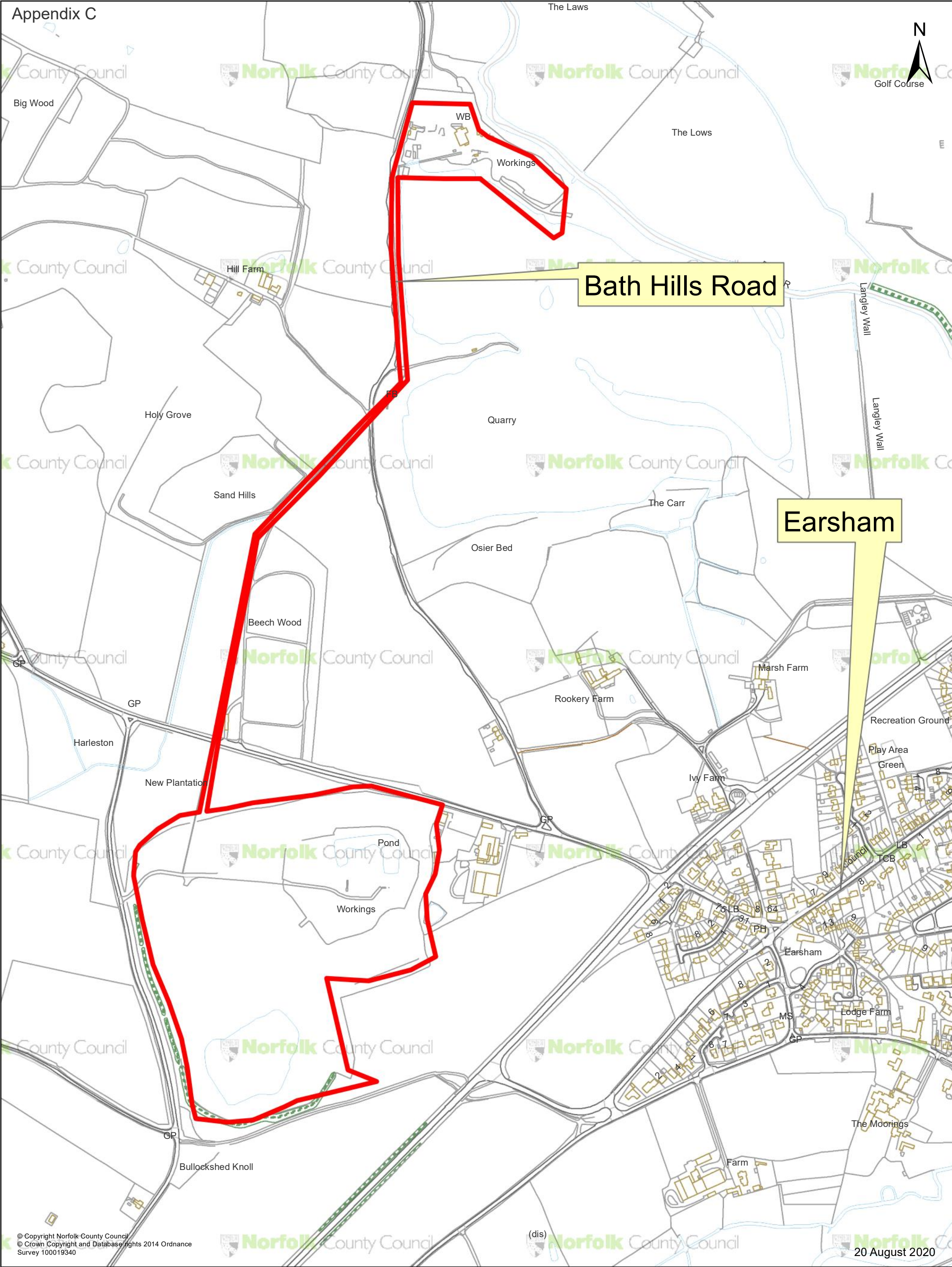
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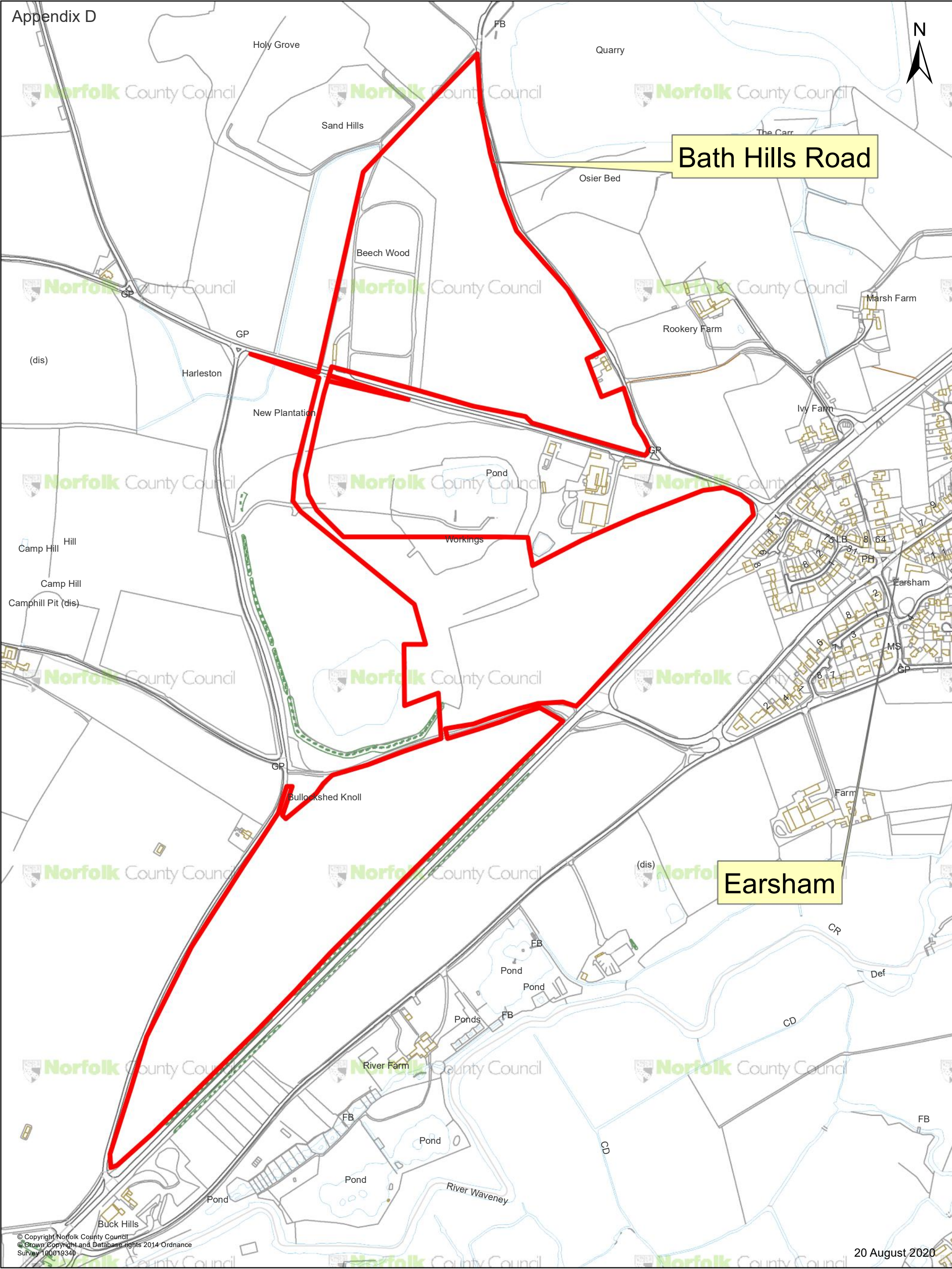


Earsham Quarry
Location Plan









Planning (Regulatory) Committee

Item No: 6

Decision making report title:	FUL/2020/0017 Pips Skips Ltd, Frans Green Industrial Estate, Unit 7, Sandy Lane, East Tuddenham.
Date of meeting:	04 September 2020
Responsible Cabinet Member:	N/A
Responsible Director:	Tom McCabe, Executive Director of Community and Environmental Services
Is this a key decision?	No
Proposal & Applicant:	Proposed waste transfer building (Mr P L Hyde of Pips Skips)

Executive Summary

The application proposes to install a new waste transfer building to handle paper and cardboard, plastic, textiles and mixed municipal wastes in the south eastern portion of the application site. The net effect would be to allow the site to handle a further 5,000 tonnes of construction, demolition and excavation waste with the addition of two new employed members of full-time staff, and an increase in HGV's of 5-10 equating to movements of 10-20 per week. The building is required to provide weather protection for existing activities on site and support an expanding business.

In accordance with the Council's Constitution, the application is being reported because it has received three third party objections including multiple representations from a planning consultancy, and therefore cannot be dealt with under delegated powers.

The key issues raised by neighbour representations which have brought it to committee relate to the impact on amenity of both the waste being brought to the site and of the increased HGV movements resulting from the increased throughput of waste.

It is considered that the proposal would be in accordance with the policies contained within the Norfolk Minerals and Waste Development Framework (adopted 2011) (NMWDF) and Breckland Local Plan (2019). There are no other material considerations that would outweigh the development plan.

Recommendation:

That the Executive Director of Community and Environmental Services be authorised to:

- I. Grant planning permission subject to the conditions outlined in section 11.**
- II. Discharge conditions 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 to deal with any non-material amendments to the application that may be submitted.**

1. Background

- 1.1. The application was originally submitted as a discharge of condition application under DIS/2020/0002 in relation condition 2 of planning permission C/3/2016/3028. However, this was not an appropriate format of application to consider this proposal, and the applicant was advised that a new full planning application was required for the waste handling building.

Tentative reference was made within the application for the potential installation of a baler once the building was erected. However, after clarification was sought with the applicant, it was established this does not form part of this planning application. The works required to install a baler in any building on the site might not require planning permission, but the implications for the lawful use of the site would need to be considered. In any event, the planning implications of the introduction of a baler will be for consideration, if and when a proposal comes forward, issues surrounding environmental impacts such as noise and dust associated with any possible installation in the future would be for consideration by the Environment Agency under the Waste Permit for the site.

It is understood from planning history held by the County Council that prior to 2011 the site had a permitted throughput of 25,000 tpa and since then further applications have been lodged bringing the total to 60,000 tpa.

2. Proposals

2.1. SITE

- 2.2. The application site is situated on an established rural industrial estate, Frans Green Industrial Estate, with the nearest villages being East Tuddenham and Hockering. Frans Green Farm is situated to the south of the site formed of agricultural fields and the site is accessed via Sandy Lane (B1535). Most premises on the industrial estate are associated with waste operations, salvage and commercial activities. The access road is located in the parish of East Tuddenham and the main portion of the operational site lies in Hockering parish.

- 2.3. The site was first granted planning permission under application D/3/1991/1439 for a waste transfer station. The site has grown since this permission in both scale and intensity and a number of activities were regularised on the site in 2005. Since then further applications have been submitted to improve the site with the most recent permission dating back to 2017. The site currently processes rubble, wood, baled recyclables and skip waste and is controlled by an Environment Agency Waste Permit for the types of waste that can be brought to site.

- 2.4. The nearest residential receptor is Frans Green Farm located some 27m south of the application site and screened by mature vegetation.

2.5. **PROPOSAL**

- 2.6. The applicant is proposing to install a new waste transfer building to the south eastern portion of the application site which would allow the site to handle an additional 5,000 tonnes of construction, demolition and excavation wastes. The building itself would be associated with the storage and processing of paper, cardboard, plastic, textiles and mixed municipal waste. This will therefore free up space outside to bring in the additional waste throughput proposed. It would result in the addition of two new employed members of full-time staff and an increase in HGV's visits of 5-10 per week resulting in 10-20 further movements a week. The building is required to provide weather protection for existing activities and processing of waste on site and support an expanding business. The building would measure 21m x 15m with an eaves height of 9m. It would be treated to match the existing industrial setting of the site in grey plastic faced steel sheeting.
- 2.7. The waste associated with the proposed building is solely paper, cardboard, plastic, textiles and mixed municipal wastes, which is associated with the use of the site as a skip hire company and permitted under the Environment Agency's Waste Permit for the site. It has been confirmed that no food waste will be brought onto the site and any concerns arising from the waste types associated with the site are a matter for the Environment Agency to control through the waste permit in relation to dust, noise and odour.

3. **Impact of the Proposal**

3.1. **DEVELOPMENT PLAN POLICIES**

The following policies of the Norfolk Minerals and Waste Development Framework (adopted 2011) (NMWDF) and Breckland Local Plan (2019) provide the development plan framework for this planning application. The following policies are of relevance to this application:

Norfolk Minerals and Waste Development Framework

CS5: General location of waste management facilities

CS6: General waste management considerations

CS7: Recycling, composting, anaerobic digestion and waste transfer stations

CS13: Climate change and renewable energy generation

CS15: Transport

DM8: Design, Local landscape and townscape character

DM10: Transport

DM12: Amenity

Breckland Local Plan (2019)

TR01 – Sustainable Transport

TR02 – Transport Requirements

ENV05 – Protection and Enhancement of the Landscape

EC01 – Economic Development

COM01 – Design

COM03 – Protection of Amenity

3.2. **OTHER MATERIAL CONSIDERATIONS**

The Revised National Planning Policy Framework (NPPF) was published in February 2019 and sets out the Government's planning policies for England and how these should be applied. Whilst not part of the development plan, policies within the NPPF are also a further material consideration capable of carrying significant weight. The NPPF places a presumption in favour of sustainable development. Paragraph 47 states that planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

3.3. Planning policy with respect to waste is set out in the National Planning Policy for Waste (NPPW published on 16 October 2014). Additionally, the National Waste Management Plan for England (NWMPE) is the overarching National Plan for Waste Management and is a further material consideration in planning decisions.

3.4. Paragraph 48 of the NPPF states, in summary, that local planning authorities may give weight to relevant policies in emerging plans according to the stage of preparation of the emerging plan; the extent to which there are unresolved objections to relevant policies and the degree of consistency of the relevant policies in the emerging plan to the NPPF.

3.5. **CONSULTATIONS**

BRECKLAND DISTRICT COUNCIL – No response received.

DISTRICT COUNCIL ENVIRONMENTAL HEALTH OFFICER (EHO) – No objection. Note that site conditions need to alleviate environmental concerns.

ENVIRONMENT AGENCY – No objection. Note on combustible waste and Fire Protection Plan (FPP).

HIGHWAY AUTHORITY – No objection on highway grounds due to moderate increase in vehicle movements due to waste increase. Acceptable even with the baler removed from application.

COUNTY COUNCIL'S LANDSCAPE & GREEN INFRASTRUCTURE OFFICER – No objection from landscape perspective as mature vegetation screens site.

EAST TUDDENHAM PARISH COUNCIL – No response received.

HOCKERING PARISH COUNCIL – Original comment stating that the proposal should resolve some existing concerns with the site and that the current conditions for working are enforced. Further comment referenced a third party comment they have received. Clarity on if East Tuddenham were consulted and

if food waste was associated with the application. Ask that it is conditioned that no food waste is allowed in relation to development.

LOCAL MEMBER (ELMHAM AND MATTISHALL) (MR B BORRETT) – No response received.

3.6. **REPRESENTATIONS**

The application was advertised by means of neighbour notification letters, site notices, and an advertisement in the Eastern Daily Press newspaper. Objections were received from three third parties with multiple representations from one planning consultancy. The grounds of objection and concerns raised are summarised as follows:

- The bringing of food waste to site and the impact on surrounding livestock through disease.
- Waste blowing off the waste handling site onto surrounding agricultural land.
- The increase in traffic movements to and from the site and their associated impacts on amenity.
- The increase in waste tonnage associated with the proposal.
- Inconsistencies within the application with particular reference to the baler and the impact on vehicle movements.

3.7. **APPRAISAL**

The key issues for consideration are:

- A. Principle of Development (& Need)
- B. Landscape & Visual Impact / Design
- C. Amenity
- D. Ecology and Appropriate Assessment
- E. Transport
- F. Sustainability
- G. Agricultural Land and Livestock

3.8. **A - PRINCIPLE OF DEVELOPMENT**

3.9. 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”.

3.10. The application site forms part of a long-established waste handling operation that has undergone further development over the years to add additional facilities. Therefore, the principle of a new waste handling building for the storage and processing of paper, cardboard, plastic, textiles, storage of mixed

municipal waste and the allowance of an additional 5,000tpa of construction, demolition and excavation waste is considered appropriate to the lawful use of the site as a skip operator and is in accordance with adopted NMWDF Policy CS6: General waste management considerations. Furthermore, the proposal would assist in the moving of waste up the waste hierarchy in accordance with the Government's NPPW (2014) and the Waste Management Plan for England (2013).

3.11. B - LANDSCAPE & VISUAL IMPACT

3.12. The proposed development consists of a new waste handling building that is in keeping with the surrounding industrial area. The building proposed is a steel portal frame construction of insulated plastic faced steel sheeting to roof and walls which is open fronted in nature toward the operational area of the site. The building would be situated to the south-east of the wider operational site and the open side is located towards the centre of the operational area.

3.13. The Council's Green Infrastructure and Landscape Officer was consulted on the proposal in relation to landscape impacts and raised no objection to the proposal as they were satisfied that the mature vegetation south and east of the building will screen the proposal from long distance view. The design of the building is considered appropriate in both scale and location and will provide much needed covered weather protected areas for the operation of the site.

3.14. Therefore, the proposal is considered compliant with policies DM8 of the NMWLDF (2011), COM01 AND ENV05 of the BLP (2019) and the objectives of section 12 and 15 of the NPPF (2019).

3.15. C – AMENITY

3.16. With regards to the regulation of an operation such as this, in accordance with paragraph 183 of the NPPF and the National Planning Policy for Waste, the County Planning Authority needs to focus on whether the proposed development is an acceptable use of land, rather than the control of processes or emissions, and the CPA needs be satisfied that the facility can in principle operate without causing an unacceptable impact on amenity by taking advice from the relevant regulation authority (the Environment Agency). However, it is the role of the Environmental Permit, regulated by the Environment Agency, to control emissions such as noise, dust and odour through conditions, and Planning Authorities should assume this regime will operate effectively.

3.17. The proposed development for a new waste transfer building is considered by officers to help mitigate against existing concerns that have been raised to Hockering Parish Council who were contacted by a third party regarding the proposals impact on local amenity and waste blowing off the site. The building is intended to provide weathered protection for the processing and storage of

waste on the site for paper, cardboard, plastic, textiles and solely storage of mixed municipal wastes which does not include food waste that has been brought up as a concern by a local objector. The applicant has confirmed that there is no further external lighting associated with the proposal and this will be implemented as a condition on any forthcoming permission. The impact of a further 5-10 HGV visits, equating to 10-20 movements per week in relation to noise and access concerns of residents is considered acceptable due to the site being an established waste transfer site within a rural industrial area.

- 3.18. Breckland EHO were consulted on the proposal and raised no objection subject to appropriate environmental considerations being met that are already conditioned on the site and remain in place along with the Environmental Waste Permit. A third-party representation was received that raised concern regarding the number of vehicle movements and the reverse beeping of HGV's, but for the reason given above it is considered that 5 -10 additional HGV visits equating to 10-20 movements would be acceptable in the context of the site. There would also be some benefit to amenity as waste would be being weather protected and therefore less likely to become a visual amenity concern in regards to waste blowing off the site on to surrounding agricultural land. In terms of the building itself, this would provide additional environmental improvements with regards to noise and dust being captured and fewer operations being carried out in the open.
- 3.19. Therefore, the proposal is considered compliant with policies DM12 of the NMWLDF (2011), COM03 of the BLP (2019) and the objectives of section 8 of the NPPF (2019).
- 3.20. D – ECOLOGY AND APPROPRIATE ASSESSMENT
- 3.21. The application site is within 3.5km of The River Wensum SAC which is a European protected habitat. The application has been assessed in accordance with Regulation 63 of The Conservation of Habitats and Species Regulations 2017, and based on the information submitted to the County Planning Authority (CPA), it is considered that, due to both the nature of the development and the distance from the European Sites, the proposal is not likely to have a significant impact on these or any other protected habitat. Accordingly, no Appropriate Assessment of the development is required.
- 3.22. Due to the nature of the development consisting of the introduction of a new steel framed structure on existing areas of hardstanding away from any vegetation there are no issues relating to Ecology arising from the proposal.
- 3.23. Therefore, the proposal is considered compliant with policy CS14 of the NMWLDF (2011) and the objectives of the NPPF (2019).
- 3.24. E – TRANSPORT

- 3.25. The proposed development would result in 5-10 HGV's resulting in a further 10-20 movements per week due to the increase in waste throughput by 5,000tpa. The Highway Authority were consulted on the proposal and requested further details on the increased traffic movements proposed and the clarifying figures provided by the applicant have ensured that the Highway Authority do not wish to object to the proposal due to the relatively modest figures associated with HGV movement increases. Although, this does result in a moderate increase in vehicle movements, it is not considered it will impact negatively on highway safety.
- 3.26. The Highway Authority were consulted again when the baler was removed from the Planning Statement and application due to not enough information being available and the applicant unsure if they would require it and considered that the vehicle movements suggested without this in place were still considered acceptable. The comment raised by a third-party regarding HGV reverse beeping is required for the safe operation of vehicles both on and off the site for employees and the general public. Any concerns related to HGV's flouting the existing environmental weight limit signage relate to the requirements of a Traffic Regulation Order, breach of which is not a planning matter but instead an enforcement matter for the Council to assess in its capacity as Traffic Authority.
- 3.27. Therefore, the proposal is considered compliant with policies CS15 and DM10 of the NMWLDF (2011), TR01 and TR02 of the BLP (2019) and the objectives of the NPPF (2019).
- 3.28. F – SUSTAINABILITY
- 3.29. The proposed development does not include any sustainability enhancing features to the design of the waste handling building. However, by providing the facility the operator hopes this will enable the site to meet its 0% target for recycling material that ends up in landfill by increasing its efficiency with more covered processing and storage space for waste that is impacted by the weather conditions such as paper and cardboard the site should be able to recycle a high percentage of waste..
- 3.30. G – AGRICULTURAL LAND AND LIVESTOCK
- 3.31. The proposed development of a new waste handling building is situated in an area that is bounded on the south east and north east corner by agricultural land. The consultation response received from Hockering Parish Council noted existing concerns with waste blowing onto surrounding fields and an objector raised concern regarding food waste and its impact on disease of livestock. It has been clarified that no food waste is associated with the proposal and therefore there is no increased risk of disease to the agricultural livestock. It is considered that the introduction of a further area of weather protected storage

space will help to reduce the amount of litter that is blown off the site onto surrounding agricultural land.

- 3.32. Therefore, the proposal is considered compliant in relation to policies CS5, CS7 and DM12 of the NMWLDF (2011), ENV05 and COM03 of the BLP (2019) and the objectives of section 8 and 15 of the NPPF (2019).

3.33. **ENVIRONMENTAL IMPACT ASSESSMENT**

In accordance with the Town and Country Planning Environmental (Impact Assessment) Regulations 2017

The application was screened on receipt and re-screened at the determination stage and it is not considered that the development would have significant impacts on the environment. No Environmental Impact Assessment is therefore required.

3.34. **RESPONSES TO REPRESENTATIONS RECEIVED**

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

- 3.35. The third-party representations received have been taken into consideration when coming to a decision. As the proposal is not associated with the transfer of food waste it is not considered that the proposal will increase the disease risk to livestock on the surrounding agricultural land. In relation to the amenity concerns raised, in particular to noise, the proposal is just for the erection of a new waste handling building and increase in waste throughput and its location on the southern end of the site should provide some control to exiting noise generated to the north of the site. All concerns regarding dust, noise and odour are, and would continue to be, regulated through the Environment Agency's Waste Permit.

The provision of a building to weather protect stored materials and waste as well as for processing will help to mitigate against the production of dust and is likely to reduce the levels that are seen on the site currently.

With regards to odour, the application only proposes a new building and to allow an additional 5,000 tonnes of construction, demolition and excavation waste to be imported to the site. Therefore, this proposal would not give rise to odour and any existing issues would in any case be regulated and dealt with through the site's environmental permit.

The further 5-10 HGVs per week (10-20 movements) are not considered to negatively impact on noise and access amenity for residents to a significant degree. The extra quantity of waste brought to site will be conditioned in relation to the quantity allowed for the wider site to ensure that the HGV movements do not increase further and the benefit of the structure on the containment of waste

for the surrounding agricultural land owners is considered to outweigh any further impact on noise and access concerns with the site already operating as an established waste transfer site in a rural industrial area. Furthermore, the Environment Agency as the relevant pollution control authority have raised no concerns regarding their ability to effectively regulate noise arising from the site.

3.36. **INTENTIONAL UNAUTHORISED DEVELOPMENT**

Following the Chief Planner's letter of 31 August 2015 to planning authorities, intentional unauthorised development is now a material consideration in the determination of all planning applications received after 31 August 2015. This is therefore capable of being a material consideration in the determination of this application.

3.37. In this instance the application is not retrospective and therefore this is not applicable to the application.

3.38. **LOCAL FINANCE CONSIDERATIONS**

In accordance with Section 70(2) of the Town and Country Planning Act 1990 (as amended) the County planning authority must have regard to a local finance consideration as far as it is material. Section 74 of the 1990 Act defines a local finance consideration as a grant or other financial assistance that has been, that will or that could be provided to a relevant authority by a Minister of the Crown, or sums that a relevant authority has received, or will or could receive, in payment of the Community Infrastructure Levy.

3.39. In this instance is not considered that there are local finance considerations material to this decision.

4. Conclusion & Reasons for Decision

4.1. The proposal is for the provision of a waste handling building on an existing industrial site that would not only help to weather protect stored materials and wastes and processing on the site, but also provide environmental protection to neighbouring receptors as it would assist in preventing the production of dust and noise from the site.

4.2. The increase in waste brought to site by 5,000 tpa in relation to construction, demolition and excavation wastes provides justification for the requirement of more covered storage and processing space on the existing site that will help improve efficiencies and move waste up the hierarchy. Because waste would no longer be impacted by the weather, it is anticipated that a larger portion of received waste would be recycled. The addition of 5-10 HGV's per week would equate to 10-20 movements on top of those that currently exist, and this is considered moderate in its impact on residential amenity and deemed acceptable on highways safety grounds due to the site being an existing waste operation and accessed directly by the B1535 Paddy's Lane to the A47.

- 4.3. The conditions imposed ensure that the increase in waste brought to the site of 5,000 tpa as requested on the application form is added to that which is currently brought to site of 60,000 tpa. This increase has been used as reasoning for the justification of the application and a condition capping the quantity of waste allowed onto the site will therefore reduce the impact on residential amenity and the concerns raised by objectors on the local road network. The operating hours remain as currently permitted and a condition is imposed to ensure any lighting does not glare onto adjoining boundaries.
- 4.4. Subject to the implementation of appropriate conditions, it is considered that the proposal would not create any adverse impacts and as such is in accordance with the development plan policies identified and national policy. There are no material considerations that indicate that the application should be refused.

5. Alternative Options

- 5.1. Members of the Planning (Regulatory) Committee can only resolve to make a decision on the planning application before them whether this is to approve, refuse or defer the decision.

6. Financial Implications

- 6.1. The development has no financial implications from the Planning Regulatory perspective.

7. Resource Implications

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

8. Other Implications

8.1. Legal Implications

There are no legal implications from the Planning Regulatory perspective.

8.2. Human Rights implications

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.

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.

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 with conditions may infringe that right but the right is a qualified right and may, as here, be balanced against the need to protect the environment and the amenity of adjoining residents.

8.3. Equality Impact Assessment (EqIA) (this must be included)

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.

8.4. Health and Safety implications (where appropriate)

There are no health and safety implications from a planning perspective.

8.5. Sustainability implications

This has been addressed in the sustainability section of the report above.

8.6. Any other implications

9. Risk Implications/Assessment

9.1. There are no risk issues from a planning perspective.

10. Select Committee comments

10.1. Not applicable.

11. Recommendations

11.1. That the Executive Director of Community and Environmental Services be authorised to:

- I. **Grant planning permission subject to the conditions outlined below.**
- II. **Discharge conditions 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 to deal with any non-material amendments to the application that may be submitted.**

CONDITIONS:

- IV. 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.

- V. The development must be carried out in strict accordance with the application form, plans and documents detailed below:

- a) Proposed Site Plan; TL-4368-20-2; prepared by Anglia Design LLP; dated March 2020;
- b) Proposed Layout Plan & Elevations; TL-4368-20-1; prepared by Anglia Design LLP; dated March 2020;
- c) Planning Design & Access Statement; prepared by Anglia Design LLP; dated 4th March 2020 (Revised 9th July 2020); received 09.07.2020 at 11:27am;
- d) Email from the applicant to the planning officer providing clarifying information; FUL/2020/0017 Pips Skips; dated 14.08.2020; received 14.08.2020 at 07:57am.

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

- VI. No more than 65,000 tpa of waste explicitly listed in the Environmental Waste Permit for the site with reference EPR/FB3107SV shall be brought on to site.

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.

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

06.30 - 18.00 Mondays to Fridays
06.30 - 13.00 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.

- VIII. 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.

- IX. 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. Background Papers

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

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

Breckland Local Plan (2019)

<https://www.breckland.gov.uk/adoption>

The National Planning Policy Framework (NPPF) (2019)

<https://www.gov.uk/guidance/national-planning-policy-framework>

Planning Practice Guidance (2014)

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

National Planning Policy for Waste (2014):

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

Waste Management Plan for England (2013)

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

Officer Contact

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

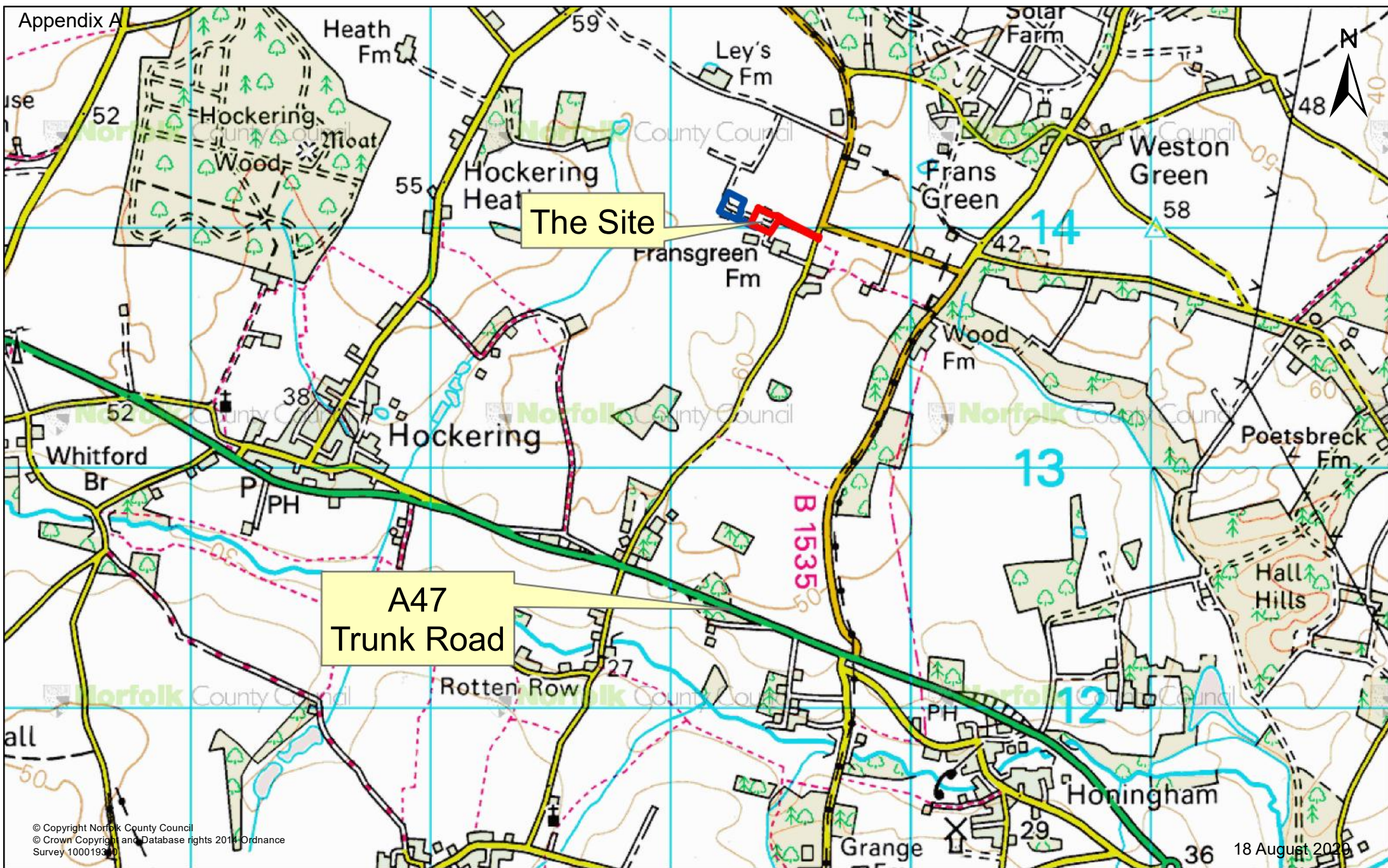
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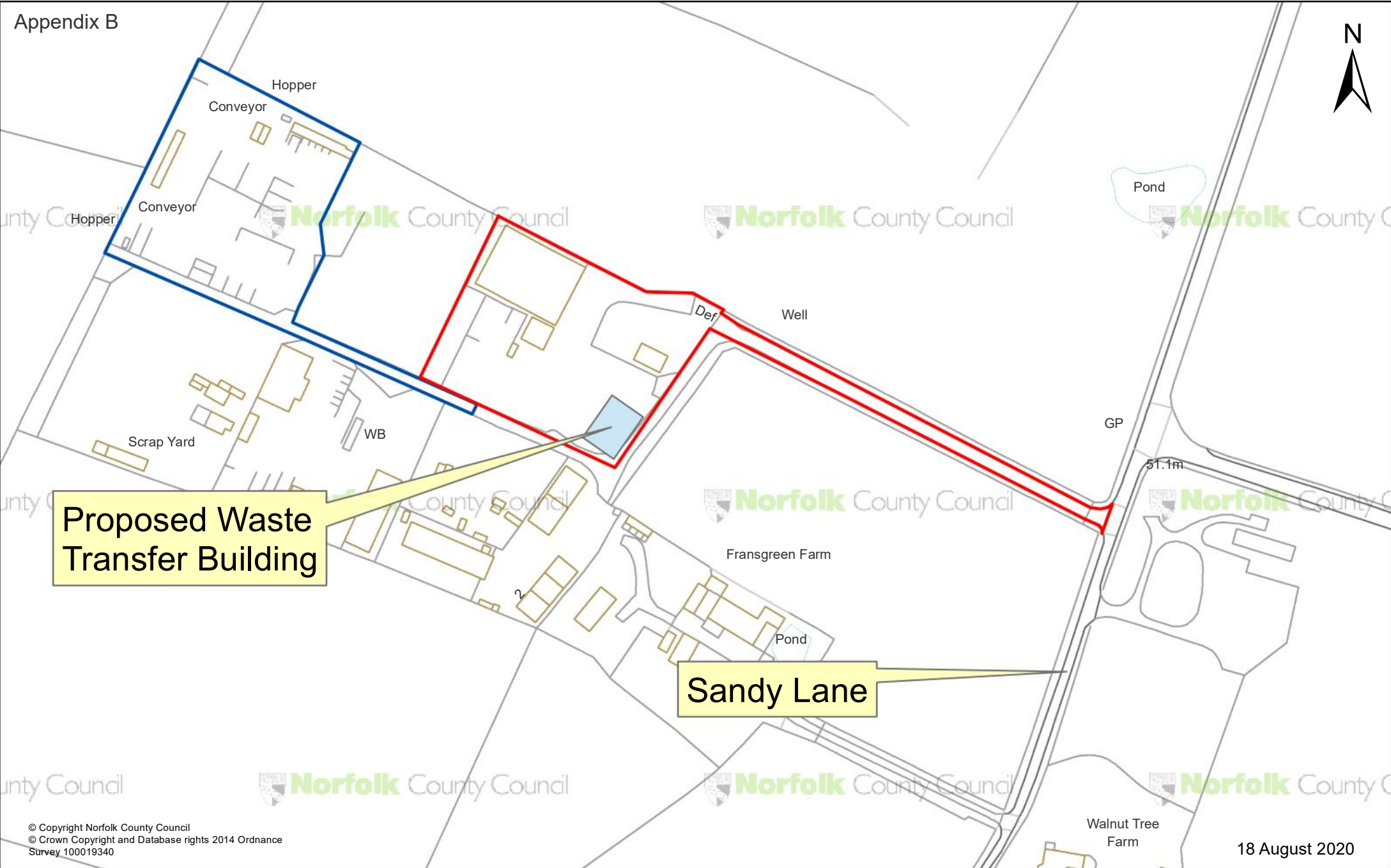


Hockering Pips Skips Location Plan

0 500 1,000 2,000 Metres

Norfolk County Council

1:20,000



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Survey 100019340

18 August 2020

Hockering Pips Skips Site Plan

