

# Planning (Regulatory) Committee

Date: **Friday 23 September 2022**

Time: **11am**

Venue: **Council Chamber, County Hall, Martineau Lane,  
Norwich. NR1 2UA**

## **Advice for members of the public:**

This meeting will be held in public and in person.

It will be live streamed on YouTube and, members of the public may watch remotely by clicking on the following link: [Norfolk County Council YouTube](#)

However, if you wish to attend in person it would be helpful if, you could indicate in advance that it is your intention to do so as public seating will be limited. This can be done by emailing [committees@norfolk.gov.uk](mailto:committees@norfolk.gov.uk).

The Government has removed all COVID 19 restrictions and moved towards living with COVID-19, just as we live with other respiratory infections. However, to ensure that the meeting is safe we are asking everyone attending to practice good public health and safety behaviours (practising good hand and respiratory hygiene, including wearing face coverings in busy areas at times of high prevalence) and to stay at home when they need to (if they have tested positive for COVID 19; if they have symptoms of a respiratory infection; if they are a close contact of a positive COVID 19 case). This will help make the event safe for all those attending and limit the transmission of respiratory infections including COVID-19.

Members of the public wishing to speak about an application on the agenda, must register to do so at least 48 hours in advance of the meeting. Further information about how to do this is given [below](#). Anyone who has registered to speak on an application will be required to attend the meeting in person and will be allocated a seat for this purpose.

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

## Membership

Cllr Brian Long (Chair)

Cllr Graham Carpenter (Vice-Chair)

Cllr Stephen Askew

Cllr Matt Reilly

Cllr Rob Colwell

Cllr William Richmond

Cllr Chris Dawson

Cllr Steve Riley

Cllr Barry Duffin

Cllr Mike Sands

Cllr Paul Neale

Cllr Martin Storey

Cllr Tony White

## Registering to speak:

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](mailto: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 [Part 2A 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](mailto: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](mailto:committees@norfolk.gov.uk)

# A g e n d a

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

2. **Minutes**

To confirm the minutes from the Planning (Regulatory) Committee meetings held on 20 May 2022

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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 Chair decides should be considered as a matter of urgency**
  
5. **FUL/2020/0043: Anglian Business Centre, West Carr Road, Attleborough, NR17 1AN** **Page 17**  
Report by the Executive Director of Community and Environmental Services
  
6. **Larkshall Mill, Thetford Road, East Wretham, Thetford, Norfolk, IP24 1QY** **Page 49**  
Report by the Executive Director of Community and Environmental Services
  
7. **FUL/2020/0079 & FUL/2020/0080: Spixworth Quarry, Church Lane, Spixworth; FUL/2022/0018: Land at former Quaker Lane, Spixworth** **Page 80**  
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: 14 September 2022



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## STANDING DUTIES

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

### **Equality Act 2010**

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

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

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

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

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

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

### **Crime and Disorder Act, 1998 (S17)**

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

### **Human Rights Act 1998**

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

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

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

**Planning (Regulatory) Committee  
Minutes of the Meeting Held on Friday 20 May 2022  
at 11am in the Council Chamber, County Hall**

**Present:**

Cllr Brian Long (Chair)  
Cllr Graham Carpenter (Vice-Chair)

Cllr Rob Colwell	Cllr Steve Riley
Cllr Chris Dawson	Cllr Mike Sands
Cllr Barry Duffin	Cllr Martin Storey
Cllr Matt Reilly	Cllr Tony White
Cllr William Richmond	

**Also Present:**

Hollie Adams	Committee Officer
Ralph Cox	Principal Planner
Jodie Cunnington-Brock	Senior Lawyer, NPLAW
Stephen Daw	Public Speaker
Faye Green	Public Speaker
Phillip Green	Public Speaker
John Hanner	Principal Engineer (Developer Services)
John Hogg	Public Speaker
Nick Johnson	Head of Planning
Jonathan Sharman	Public Speaker
Cllr Carl Smith	Local Member
Michael Zieja	Senior Planner (Apprenticeship)

**1 Apologies and Substitutions**

1.1 Apologies were received from Cllr Stephen Askew and Cllr Paul Neale.

**2 Minutes**

2.1 The minutes from the Planning (Regulatory) Committee meeting held on 25 March 2022 were agreed as an accurate record and signed by the Chair.

**3 Declarations of Interest**

3.1 Chairman declared a non-pecuniary interest as a previous customer of M & M.

## 4 Urgent Business

4.1 No urgent business was discussed

### Applications referred to the Committee for determination.

## 5. **FUL/2021/0010: Welcome Pit, Butt Lane, Burgh Castle, Great Yarmouth & FUL/2019/0040: Northern Extension to Welcome Pit, Butt Lane, Burgh Castle, Great Yarmouth**

5.1.1 The Committee received the applications for continued use of Operational Area to service the existing and proposed extended Quarry with retrospective erection and use of Two-Storey Portakabin as an Office/Mess, importation of up to 1500 tonnes of aggregate per year for the purposes of blending with extracted Quarry material (Folkes Plant & Aggregates Ltd) and a Northern extension to the existing approved pit with extraction of sand and gravel, restoration to a lake with landscaped slopes and reed beds, and retrospective erection of a perimeter bund for security purposes (Mr Kevin Lee – Folkes Plant)

5.1.2 The Principal Planner introduced the report and gave a presentation to the Committee:

- The proposal was finely balanced; the site was not allocated, and the mineral was not required however there was no demonstrable harm and the proposal accorded with the development plan.
- The site was located between a holiday park and Butt Lane, and 225 metres away from a Scheduled Monument, Burgh Castle Roman Fort.
- The second application, FUL/2019/0040, would allow continued use of the service area, erection of a portacabin, and importation of aggregate to blend with the extracted material.
- It was proposed to restore the site to a nature conservation after use including reed beds and geological exposures across the northern boundary to increase biodiversity.
- The developer had agreed to suspend the skip, lorry and plant hire part of the business from this site to ensure there was no net increase in vehicle movements; subject to this which would be secured through a unilateral undertaking, and conditions related to upgrade of vehicular access, provision of visibility spays, submission of and adherence to an HGV management plan, and off-site highway improvements, the Highway Authority did not object to the applications.
- The site was on grade 3 land, which was not currently used for agriculture.
- Approving the applications would safeguard 13 full time jobs in a deprived area of the County.
- An additional condition was recommended in the member update report circulated to Committee Members: “No more than 20,000 tonnes of mineral shall be exported from the site per annum. From the date of this permission the operator shall maintain records of their annual output and shall make them

- 5.1.3 available to the County Planning Authority at any time upon request. All records shall be kept for at least 24 months.”

Cllr Steve Riley arrived at 11:13. Due to missing the beginning of discussion he was unable to vote on this application however could take part in discussion and debate.

- 5.1.4 Committee Members asked questions about the presentation:

- It was noted that there was a 25-metre stand-off on the application site looking towards the caravan park; the Principal Planner confirmed that there was a fence here within the hedge line however this was a low fence which would not provide many mitigation impacts.
- The Principal Planner confirmed there were 5 HGV movements in and 5 HGV movements out of the site per day associated with the skip hire part of the business. The site averaged 16,000 tonnes per year (in terms of mineral exported) for the past ten years, ranging from 13,000 to 22,000 tonnes per year. On average this generated 24 daily movements (12 in and 12 out).

- 5.2 The Committee heard from registered speakers.

- 5.2.1 John Hogg, local resident, spoke in objection:

- My wife and I have been residents of Stepshort Burgh Castle for over 50 years; this area is a section of the road system referred to as the preferred route in the section 106 statement for Welcome Pit.
- Over the past 50 years we have seen an increase in holiday camps in the area and activity at the pit including use of larger lorries and bulkers. I question the transport statement made by the applicant as, from my experience, the size and number of vehicles transporting material is higher. The planning statement made by the applicant says that suspending skip, lorry and plant hire will provide an overall modest reduction in vehicle movements. Under present permissions, vehicle movements should cease by 2025 but this application would create an extra 10 years of movements.
- The site is surrounded on three sides by holiday parks and residential sites. The traffic on the highway is a blight on the area, exacerbated by traffic from the pit. Preference from Highways is that quarry work ceases at the end of its current permission due to the insufficiency of the road network.
- Since the sale of the pit in 1999 when permissions were due to cease in 2008, there have been applications refused and enforcement action, including a refusal which led to a public enquiry in 2002; the planning inspector upheld the refusal on the grounds that the highway network was unsuitable, prejudiced to the restoration and impact on local amenity, noting that the local area was defined as a prime holiday area in the Great Yarmouth Local Plan. In 2005 and 2006 continued extraction was refused on the grounds that it would detriment the character of the neighbourhood and impact on amenity of holiday visitors and residents, and unsuitability of the highway network.
- Although the application was submitted in 2018 as a potential allocation for future extraction it was not allowed on the basis that the highway network was not suitable and there are more acceptable alternative sites for sand and

gravel. Policy MP1 seeks to resist mineral extraction outside of allocated sites unless there is an overriding justification, and the proposal is consistent with all development plan policies. As of May 2021, the Norfolk land bank stood at 13.5 years, above the required 10 years referred to in policy CS1, showing no need for the mineral. If approved the application will be contrary to the opinion of highways, and three surrounding Parish Councils.

5.2.2 Johnathan Sharman, local resident, spoke in objection:

- I have lived next to the plant buildings for one year and have experience working in countryside management and quarrying. I object to the expansion due to living next to the “hard end” of the working where I hear noise, see lorries, see light pollution at night and experience pollution from diesel and dust, which also affects the holiday camps.
- There are lots of species of animals living around the quarry and I am concerned that the expansion may occur during nesting seasons, impacting on nesting birds and other animals such as newts.
- Saturday working is a concern due to the number of people on the roads outside the quarry at the weekends from holiday parks. Lorries can be inconsiderate to pedestrians and parked cars here.

5.2.3 The Committee heard from speakers on behalf of the applicant:

5.2.3a Stephen Daw (Agent for the Applicant):

- We agree with your Officer that this proposal is in accord with the development plan and does not pose demonstrable harm. We know this because the Pit has been an integral part of Burgh Castle for many decades, providing local employment and other economic benefits for the community as well as a local source of aggregate. On this last point, Welcome Pit is the only land-won source of aggregate within 10 miles of the Great Yarmouth urban area. Without this facility alternative sources of aggregate can only be found in Norfolk as far away as Norton Subcourse, Kirby Cane and Earsham or in Suffolk as far as Wangford. At a time when local supply is becoming increasingly important, especially in the haulage of bulky materials such as sand and gravel, it makes both environmental and economic sense to allow Welcome Pit to continue in operation.
- This application has been in the making for several years during which time local residents have been kept well informed firstly through a public exhibition and later a public meeting. Feedback from these events combined with liaison with statutory consultees has influenced the design of the application, for example in the following ways:
  - Improvements to surfacing and visibility at the site entrance together with improved road markings and erection of a vehicle activated sign, will assist road safety and prevent debris being carried onto the highway.
  - Drawing back the limit of extraction at the eastern boundary and only extracting mineral when the holiday park is closed will protect residents of the holiday park.
  - Limiting extraction to no deeper than 2 metres below the water table will

- encourage reed growth and enhance biodiversity.
- Incorporating an exposed mineral face in the restoration scheme will allow study of the geology.
- Incorporating steep sandy banks in the restoration scheme will provide habitat for Sand Martins and invertebrates.
- suspending lorry skip and plant hire will bring about a reduction in vehicle movements from the site.

5.2.3b Philip Green (Applicant):

- I am Managing Director of Folkes Plant & Aggregates Limited and wish to make comments in support of the Officer's recommendation. Whilst we have several permanent uses in place at Welcome Pit, mainly involving the recycling of inert waste materials, the aggregate side of the business is vitally important in maintaining employment at its current level. The lorry, skip and plant hire side is less so, which is why we're able to suspend these activities and bring about an overall reduction in HGV movements.
- This is not a quarry which produces large volumes of mineral. At around 16,000 tonnes annually most is sold in small loads to local builders and residents who are carrying out their own home-improvement works. Any larger loads are usually supplying aggregate to local housing developments in and around Burgh Castle, Belton and Bradwell of which there have been several over the last few years.
- One point I'd like to clarify concerns extraction close to the Cherry Tree Holiday Park where every effort will be made to complete extraction during the first 2 week period when the Park is closed to residents. We therefore anticipate all extraction within 100 metres of the Park boundary will be completed by the end of the closed period following grant of permission, so during January 2023, with the restoration of the whole phase completed by the end of that year. am an advocate of alternative fuels and would like to work toward electric vehicles moving forward.

5.2.3c Faye Green (Employee):

- It is with pleasure that I get to stand here today to speak for Folkes Plant and Aggregates to members in support of the officer's recommendation. I have recently spent the last three years becoming an active part of the team at Welcome Pit.
- To also become the next generation to hopefully continue the well-established, long standing product service that Folkes has to offer, to both individual customers and the construction industry.
- Having closely liaised with both large and small customers it's always a great delight to be able to inform them that the majority of the natural products they are sourcing have been quarried from the pit itself. All too often I receive customer calls whereby individuals have been instructed by their builders that 'they must get their building sand from Folkes' as they indicate it's the best building sand within the area. As a personal advocate of small local businesses, I believe it's a crying shame that national businesses are now taking the monopoly of small areas in turn possibly losing that valued customer and community feel. Being a small family business, I believe this

approach applies to us with both our customers and our relationship with the local residents when dealing with direct issues.

- I can completely appreciate the concerns the local residents have regarding traffic
- movements, by the team and myself having a good rapport with our regular and repeat customers we make them fully aware how important it is for them to drive considerately through the village. I'm not sure the same rapport is possible for present neighbouring businesses that have a vast turnover of customers.

#### 5.2.4 Cllr Carl Smith, Local Member for Breydon:

- I am in favour of the application. This business has been in my division for many decades and is a well-run family business, well thought of in the local area.
- There have been problems accessing building materials during the Covid-19 pandemic, so it is important to have businesses providing materials to local businesses and individuals in the area.
- The site employs 13 local people and is a local source of aggregate. They have agreed to suspend skip hire which will address highway issues.

#### 5.2.5 Committee Members asked questions to speakers:

- A Committee member asked how essential it was for the business to operate on a Saturday from 7am. Kevin Lee, manager of the site, confirmed that the site had not operated on a Saturday for the last three years. If work were to occur on a Saturday it would likely to be for maintenance purposes.
- A Committee Member queried the timing of flood lighting on the site. Kevin Lee confirmed that the flood lighting was on an auto sensor and came on once it was dark for security reasons.
- The amount of extraction carried out on the site was queried; the Principal Planner confirmed that the figure was an average of 16,000 as it fluctuated. It was noted that there was a condition for a cap of 20,000 extraction to be placed on the site.

#### 5.3 The Committee moved on to debate the applications:

- A Committee member noted that objections had been received from the local Parish Councils, however Natural England and the Environment Agency had put forward no objections. It was noted as positive that extraction would take place while the holiday park was closed and that it was important to take into account the concern of local residents.
- A Committee Member suggested that it could provide an energy saving for the company as well as reduce light pollution in the area if flood lights on the site were on motion sensors. The Principal Planner confirmed that, as the red line planning area included the existing site and operational area, the Committee could include this as a condition if there were minded to do so. The Senior Lawyer, NPLAW, agreed that as long as any condition met the six tests of the NPPF it could be added by the Committee. The Head of Planning added that light pollution was taken into account as a material consideration.

- Cllr Duffin, seconded by Cllr Sands, **proposed** to take the recommendation in the report subject to including a condition to include motion sensed/eco friendly lighting for the prevention of excess light pollution (*with final wording for the condition to be finalised with the Senior Lawyer and Chairman after the meeting*)

#### 5.4.1

With 8 votes for, 1 vote against and 1 abstention, the Committee **AGREED** that:

- if they were minded to approve the recommendations a condition would be included for the applicant to install motion sensed/eco-friendly lighting for the prevention of excess light pollution (*with final wording for the condition to be finalised with the Senior Lawyer and Chairman after the meeting*).

#### 5.4.2

With 9 votes for and one abstention, the Committee **AGREED** that the Executive Director of Community and Environmental Services be authorised to:

- I. Grant planning permission subject to the conditions outlined in section 12 and the signing of a unilateral undertaking for the suspension of the existing skip lorry and plant hire operations.
- II. Discharge conditions where those detailed below 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.

### 6. **FUL/2021/0021 Marsh Road, Walpole St Andrew, PE14 7JN**

6.1.1 The Committee received the retrospective application for an the Extension to open skip storage area with 3.5-metre-high earth bund. The unauthorised use of the application area the subject of this permission commenced in April 2017. The key issues related to: Development within the open countryside; development on grade 1 agricultural land that was considered best and most versatile (BMV); and insufficient and conflicting information provided in regard to the annual throughput of the site and associated HGV movements.

6.1.2 The Planner introduced the report to Committee and gave a presentation:

- Conflicting information had been provided by the applicant about HGV movements.
- The application site was located on grade 1 agricultural land meaning it was not in accordance with policies in the Norfolk Minerals and Waste Plan.
- Screening was in place on the site, obscuring the view of the site from Walpole St Marsh.
- The land was intended to be returned to agricultural use.
- The Highways Agency had put forward a refusal on the grounds of the contradictory information given which meant they were unable to determine the use of the road by the applicant.
- The application was recommended for refusal, with the reasons for this set out in the report.

- 6.2.1 The Chairman read out a statement sent by email to each of the Committee Members by Matt Sparrow of Peter Humphrey Associates Ltd on behalf of the applicant; see appendix A. It was confirmed that this statement was received before the deadline for speakers to register had closed.
- 6.2.2 The Principal Planner confirmed that the statement by the applicant reinforced the points raised in the application and no further points were raised.
- 6.3 The Committee moved on to debate the application:
- The gradual creep of the site onto grade 1 agricultural land was noted by a Committee Member. The Senior Planner confirmed that the initial permissions granted for this site had been temporary; some buildings on the site had recently been returned to agricultural use. Use of the site had increased over time.
  - The Senior Planner confirmed that correspondence had been received from the applicant about the application area being considered to be in the wrong place, however it was too late in the process to make a change to the application.
  - A Committee Member suggested that it might have been more appropriate for the applicant to withdraw the application and resubmit with the information required. The Head of Planning confirmed that the official time of the decision was when he signed it formally, therefore it could be withdrawn up until this time.
  - A Committee Member queried how much agricultural work could be carried out on one acre of land.
  - A Committee Member noted that the business was sustainable and successful, and that there had been no objections raised to the business operation.
  - Another Committee Member noted that the application contravened a number of policies.
  - Cllr Steve Riley **PROPOSED** to move to the recommendation to refuse the application. The Chairman seconded this proposal by moving to the recommendation to refuse, as set out in the report.
- 6.4 With 10 votes for and 1 abstention, the Committee **AGREED** that the Executive Director of Community and Environmental Services be authorised to refuse planning permission for FUL/2021/0021 on the following grounds:
1. On the basis that the proposal is a departure from policy CS6: General waste management considerations and CS7: Recycling, composting, anaerobic digestion and waste transfer stations of the Norfolk Minerals and Waste Local Development Framework (2011) as the proposal falls on undeveloped land in the open countryside and is therefore not acceptable in land use terms in relation to the policy which seeks to direct waste development to land already in waste management use, existing industrial/employment land, contaminated or previously developed land only with no unacceptable environmental impacts.
  2. On the basis that the proposal is contrary to the National Planning Policy for Waste which requires need to be demonstrated where an application does not

accord with the plan. In this instance no demonstrable case for the need for the facility at this location has been made to extend the site by 0.395ha into open countryside solely for storage skips, recyclable topsoil and to regularise operations on the site.

3. On the basis that the proposal is a departure from policy DM16: Soils of the Norfolk Minerals and Waste Local Development Framework (2011) as the proposal is located on Grade 1 Agricultural Land which will only permit development in exceptional circumstances where it is demonstrated that there are no alternative locations for development. Therefore, with no Soil Survey provided suggesting otherwise and no sufficient exceptional circumstances being demonstrated for development on grade 1 Best and Most Versatile (BMV) agricultural land the proposal is not considered acceptable.
4. On the basis that the proposal is a departure from policies CS15: Transport and DM10: Transport of the Norfolk Minerals and Waste Local Development Framework (2011) and the objectives of section 9 of the National Planning Policy Framework (2021). Insufficient and conflicting information has been provided in regard to the annual throughput and associated HGV movements of the site with the extension area that results in an increase from 22,880tpa to 29,640tpa which exceeds the Highway Authority's proposed condition to cap the throughput at 15,000tpa.

The meeting ended at 12:23

### Chair



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**Statement from Matt Sparrow of Peter Humphrey Associates Ltd, on behalf of the applicant for item FUL/2021/0021 Marsh Road, Walpole St Andrew, PE14 7JN, sent to Planning (Regulatory) Committee members for consideration at the meeting on 20 May 2022.**

We apologise for not appearing before the committee to present our case; but our planning consultant is working away at the moment and is unable to attend in person- so he has prepared the following statement for Committee's information to explain the background to and rationale of the application.

The full case is as set out in the Planning Design and Access Statement and Suitability Statement which accompanied the submission.

In summary, we present our case below;

M and M Services are an established skip hire and waste company based on a permitted site of Marsh Road, Walpole St Andrew, Norfolk.

It is apparent from the history that there has been a waste transfer station on site since at least 1995 and as such the subsequent proposals have been expansion of this established use.

The most recent application for expansion was C/2/2015/2043 which permitted the change of use of a paddock area to form part of the transfer station and the change of use of another part of transfer station to private agricultural use along with the erection of a covered bay for sorting waste and the installation of a weighbridge.

It is contended that the material circumstances in terms of planning policy remain very similar to those for the 2015 application- our client is therefore surprised that officers have raised objections to aspects of the current.

The current application has been predicated on a significant growth in the business activity for M and M Services over the last few years with increasing demand for domestic skips.

In spatial terms the proposal is explicitly an expansion of the existing business location which serves a wide catchment of villages and towns in rural West Norfolk- whilst it is evidently not within a town the location is central to its catchment; to this extent in an established, successful, and efficient location having regard to the requirement to minimise trips whilst providing waste management services to a rural catchment.

The proposal expands the available site area for the storage and management of skip by approx. 25% and in conjunction with the wider site provides skip provision and waste management for the local rural community.

The proposal is not considered harmful to rural amenity as it is focussed on the existing lawful site and screened by the bund.

## Appendix A

We would also note that a condition could be imposed regarding details of the access to join to the existing site access were members to approve this application.

### Sequential

In terms of the sequential test for both the best and most versatile agricultural land and flood risk – we did address this in the initial planning design and access statement and subsequently in email correspondence; it remains our position that as this is an expansion of an established rural business it is not in operational terms, practical to consider alternative sites elsewhere in the district or wider catchment as the additional costs, inefficiencies and disaggregation of the business would render this undeliverable and uneconomic.

It is clear that in practical and policy terms little has changed since the previous planning permission was granted for a similar form of development in 2016.

However, in respect to wider planning considerations the site;

- Provides local employment.
- Does not cause harm to ecological interests.
- Is acceptable in relation to its visual / rural impact.
- Addresses a local need for waste management and in doing so reduces overall travel and CO2.
- Is sufficiently distant from the village so as not to cause harm to residential amenity to the village or surrounds.

# Planning (Regulatory) Committee

Item No: 5

**Report Title:** FUL/2020/0043: Anglian Business Centre, West Carr Road, Attleborough, NR17 1AN

**Date of meeting:** 23 September 2022

**Responsible Cabinet Member:** N/A

**Responsible Director:** Tom McCabe, Executive Director of Community and Environmental Services

**Is this a key decision?** No

**Proposal & Applicant:** Continuation of existing commercial waste recycling facility for construction, demolition and excavation waste, and a change of use on the adjacent site from fuel storage depot to an additional extended working area for the recycling of metals, construction, demolition and excavation waste (Anglian Demolition & Asbestos Ltd)

## Executive Summary

Planning permission is sought to continue operating the existing commercial waste recycling facility for construction, demolition and excavation waste, and introduce a change of use on the adjacent site from fuel storage depot to an additional extended working area, including the recycling of metals, of up to 75,000 tonnes per year.

In accordance with the Council's Constitution, the application is being reported to the Planning (Regulatory) Committee because three non-statutory representations have been received objecting to the development raising concerns about the traffic impact, highway safety, significantly adverse amenity impacts, principally due to the processing of metals on site.

It is considered that the proposal would be in accordance with the development plan and with the National Planning Policy Framework and National Planning Policy for Waste.

## Recommendation:

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

1. **Grant planning permission subject to the conditions outlined in section 11.**
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.**

## **1. Background**

- 1.1. The applicant has submitted this application which encompasses the majority of the Anglian Business Centre site, in order to propose a consolidated site, to include the existing waste recycling centre on the eastern half of the proposed site and apply for a change of use of the former Rix Petroleum site to the western half of the site. This includes the introduction of shearing/processing and the storage of metals on site.
- 1.2. In July 2019, the eastern half of the proposed site was granted (by the Planning Regulatory Committee) planning permission (ref: C/3/2018/3001) to operate the application site for the processing and recycling of up to 75,000 tonnes of inert waste material per year.
- 1.3. The north-western part of the site, also subject to this planning application site area, was previously used by Rix Petroleum, as an oil storage and distribution depot. Prior to this, the site was a haulage depot and prior to this, a scrapyards and vehicle dismantling business.
- 1.4. The site has a number of historical and extant permissions. A summary of the extant permissions granted by the Breckland District Council (BDC) and Norfolk County Council (NCC) are understood to include:
  - [BDC] 3PL/2013/0679/F - Erection of storage building. Permitted on 19-07-13. The use is for a 'warehouse, to store building materials susceptible to weather damage.'
  - [BDC] 3PL/2011/0497/F - Replace existing portacabin offices with new portacabin building. Permitted on 22-08-11.
  - [BDC] 3PL/2010/0896/F - Proposed oil storage & distribution depot, inc. office building, installation of tanks & C/U of land. Permitted 09-10-10.
  - [BDC] 3PL/1998/0799/F - Change of use to MOT Servicing Centre and haulage depot, storage of scrap materials & erection of 3 building. Permitted 25-08-98.
  - [BDC] Certificate of Lawful Proposed use – ref. 3PL/2017/0774/LU - Proposed Erection of Single-Storey Storage Building on the old Rix Petroleum Site (see Area A in Figure 1 below). Issued on 14-07-17.

- [NCC] C/3/2018/3001 - Recycling facility for construction, demolition and excavation waste. Permitted 26-07-19.
- [BDC] 3BT/2000/0011/BT - Erection of 15m free-standing tower and steel equipment cabin. No Prior Approval required, issue 25-09-00.

1.5. The site is within the Parish of Attleborough, however, given the physical separation of the A11, it is also relevant to the parish of Great Ellingham (see consultation responses for further comment). The boundary of Great Ellingham Parish is no less than 1km west of the site as the crow flies.

## **2. Proposals**

### **2.1. SITE**

2.2. The site is approximately 1.65 hectares, and incorporates the existing inert waste permission granted by Norfolk County Council Planning Committee in July 2019, and the former tenant, Rix Petroleum site area to the north west of the wider Anglian Business Centre site.

2.3. The site has a number of existing uses and structures, set out as per the extant planning permissions listed above. This incorporates a number of warehouse structures, either for storing or processing material, portacabin offices, parking, and the storage and processing of inert waste/metal waste. The facility is already permitted to accept 75,000 tonnes per annum of inert C&D wastes, defined as EWC Codes Chapter 17. These include (but not restricted to) concrete, bricks, tiles and ceramics, wood, glass and plastic, bituminous mixtures, metals (including their alloys), soil, stones and dredging spoil, insulation materials, gypsum-based construction material, other construction and demolition wastes. It should be noted that the storage of scrap metal is considered to be permitted as per BDC permission 3PL/1998/0799/, except where the planning permission for the inert waste processing had superseded the 1998 permission. See paragraph 3.78 for further comment on concerns by third party representations on intentional unauthorised development.

2.4. The site is largely screened from view by trees and bunding surrounding the site, and a security fence to the front of the site. The operational area is bounded to the east by a mix of sheet metal fencing and cast concrete wall sections approximately 3-4m high which will be retained. The site is served by the existing business centre site access road, which is situated on West Carr Road in Attleborough, which has a direct link to the A11 slip road. It is located approximately 1.5 kilometres (km) west of the centre of Attleborough, west of the A11 and just north of West Carr Road. There is a pedestrian access to the town via the footbridge opposite the site entrance. There is a 7.5t weight limit along West Carr Road heading west.

2.5. The site is separated from the market town of Attleborough and its residential dwellings by the A11(T). There are a number of residential properties on West Carr Road. The nearest property, Oakmead, is to the south west of the site.

The rear boundary of the house is about 90 metres from the operational site (subject to this application site) and 50-70m from the access road. There is one more residential property to the east of the site, West Farm, which is adjacent the site. The house and main amenity area are circa 65-85m from the site. Both sites are largely screened by existing surrounding woodland/tree lines and existing surrounding bunds. There are agricultural fields to the north and the A11 lies to the south east of the site, separated by agricultural fields.

## **2.6. PROPOSAL**

- 2.7. The proposal seeks to extend the current permitted operations into the vacated Rix Petroleum area, previously used as a fuel storage and distribution depot. It includes the existing recycling area (planning permission C/3/2018/3001) access road, parking provisions, welfare facilities and offices. The office and welfare facilities are connected to an entec biotec sewage treatment plant as permitted under planning permission 3PL/2011/0497/F) and the proposal will not require any new connections to foul sewer or any upgrading of the existing foul sewer facilities. The site will remain largely screened from view by trees and bunding surrounding the site, and a security fence to the front of the site. The operational area is bounded to the east by a mix of sheet metal fencing and cast concrete wall sections approximately 3-4m high which will be retained.
- 2.8. According to the applicant, the site will consolidate the existing uses permitted, to accept 75,000 tonnes per annum of non-hazardous Construction, Demolition and Excavation (C, D&E) wastes, as defined by European Waste Catalogue (EWC) Codes Chapter 17. The storage of scrap metal is considered to be permitted as per BDC permission 3PL/1998/0799/ and this is incorporated into this application. The processing of C, D&E waste will continue, as allowed in the existing NCC 2018 permission. The original submission also referred to asbestos, but this has since been removed from the proposal. Stockpiles of processed materials are proposed to be no taller than three metres high to remain hidden from view.
- 2.9. The application also proposes the shearing and bailing of metals on site. The application is accompanied by an addendum to the original noise impact assessment used in the 2018 permission. It concludes, the acoustic screening provided by various solid screens either already in place or proposed to be installed will reduce the noise levels at Oakmead to generate a noise level measured at the nearest residential boundary, no greater than 5dBA above the existing background level, and thereby ensure that the BS 4142 threshold of adverse impact is not exceeded. This includes the cumulative impact of potential shredding and crushing at the same time. An updated Management Plan has been submitted.
- 2.10. Lorries operating at the site will not pass those properties on the highway due to the weight restriction, although staff car movements could do so. The Planning Statement clarifies that the application will not result in an increase

to the current permitted annual inputs, which will remain at no more than 75,000 tonnes per annum.

- 2.11 The proposals include a depollution area within the existing workshop building to the north eastern part of the site. The applicant confirms that car shells are currently processed as part of the existing metal processing on site. This depollution area would allow the applicant to remove the components and fluids contained in end of life vehicles on site prior to processing.
- 2.12 The applicant confirms that the estimated number of cars to be depolluted per day would be no more than 5 and, at this scale, there would be no requirement for additional storage in connection with this part of the proposal.

### **3. Impact of the Proposal**

#### **3.1. DEVELOPMENT PLAN POLICIES**

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

##### Norfolk Minerals and Waste Development Framework (September 2011)

Policy CS3: Waste Management Capacity to be Provided

Policy CS4: New Waste Management Capacity to be Provided

Policy CS5: General Location of Waste Management Facilities

Policy CS6: General Waste Management Considerations

Policy CS7: Recycling, Composting, Anaerobic Digestion and Waste Transfer Stations

Policy CS13: Climate Change and Renewable Energy Generation

Policy CS14: Environmental Protection

Policy CS15: Transport

Policy DM1: Nature Conservation

Policy DM3: Groundwater and Surface Water

Policy DM4: Flood Risk

Policy DM8: Design, Local Landscape and Townscape Character

Policy DM10: Transport

Policy DM11: Sustainable Construction and Operations

Policy DM12: Amenity

Policy DM13: Air Quality

Policy DM15: Cumulative Impacts

##### Norfolk Minerals and Waste Local Development Framework:

##### Waste Site Specific Allocations DPD (2013)

WAS 47

##### Breckland Local Plan (November 2019)

Policy GEN01: Sustainable Development in Breckland

Policy GEN02: Promoting High Quality Design

Policy GEN03: Settlement Hierarchy

Policy GEN05: Settlement Boundaries  
Policy TR01: Sustainable Transport Network  
Policy TR02: Transport Requirements  
Policy ENV01: Green Infrastructure  
Policy ENV02: Biodiversity Protection and Enhancement  
Policy ENV03: The Brecks Protected Habitats & Species  
Policy ENV05: Protection and Enhancement of the Landscape  
Policy ENV 06 Trees, Hedgerows and Development  
Policy ENV07 Designated Heritage Assets  
Policy ENV09: Flood Risk & Surface Water Drainage  
Policy ENV10: Renewable Energy Development  
Policy EC01: Economic Development  
Policy EC 04 Employment Development Outside General Employment Areas  
Policy COM01: Design  
Policy COM03: Protection of Amenity

Attleborough Neighbourhood Plan 2016-2036 (January 2018)

Policy ESD.P3: Environment, Sustainability and Design

### **3.2. OTHER MATERIAL CONSIDERATIONS**

The Revised National Planning Policy Framework (NPPF) was published in July 2021 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. The following chapters are of relevance to this application:

- 2 – Achieving sustainable development
- 6 – Building a strong, competitive economy
- 8 – Promoting healthy and safe communities
- 9 – Promoting sustainable transport
- 11 – Making effective use of land
- 12 – Achieving well-designed places
- 14 – Meeting the challenge of climate change, flooding and coastal change
- 15 – Conserving and enhancing the natural environment
- 17 – Facilitating the sustainable use of minerals

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. The policies below are material to the application:

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

Policy MW2: Development Management Criteria

Policy MW3: Transport

Policy WP2: Spatial Strategy for waste management facilities

Policy WP3: Land potentially suitable for waste management facilities

Policy WP4: Recycling or transfer of inert construction, demolition and excavation waste

Policy WP5: Waste transfer stations, materials recycling facilities, end-of-life vehicle facilities and waste electrical and electronic equipment recovery facilities

Policy WP6: Transfer, storage, processing and treatment of hazardous waste

Policy WP16: Design of waste management facilities

- 3.5. Breckland District Council adopted the Breckland Local Plan on November 28<sup>th</sup> 2019 to replace the suite of plans produced as part of the Local Development Framework process. In November 2021, Breckland Council agreed to undertake a review of the Adopted Local Plan 2019, but this is at a very early stage with no draft policies for consideration. Therefore, this is not a relevant material consideration.

### **3.6. CONSULTATIONS**

BRECKLAND DISTRICT COUNCIL – No objection given EHO and Highway Authority have no objections, however give due weight and consideration to comments made by Great Ellingham Parish Council.

DISTRCT COUNCIL ENVIRONMENTAL HEALTH OFFICER (EHO) – (Most recent comments) No objections or further comments providing the development proceeds in line with the application details including the mitigation, managing, and monitoring measures detailed within section 6 of the dust management plan 17/010i (5 rev 2) undertaken by Westbury Environmental and that the previously recommended noise condition will still be complied with and conditions are imposed to ensure that measures are taken to control noise to an accepted level.

ENVIRONMENT AGENCY - (Most recent comments) No objection provided the applicant confirms there is no infiltration of surface water to ground we would have no objection to removal of our drainage condition (condition 3). We still request the remaining conditions outlined in our previous response be appended to any permission granted.

HIGHWAY AUTHORITY – No objection subject to condition requiring access to the site to be via the trunk road.

LEAD LOCAL FLOOD AUTHORITY – No comments; falls below current threshold for providing detailed comment. Standing advice provided.

EAST HARLING IDB – No objection

COUNTY COUNCIL'S ECOLOGIST – (Most recent comments) No objection, subject to development being carried out in strict accordance with the EDS Addendum and Planting Plan.

COUNTY COUNCIL'S ARBORICULTURIST – (Most recent comments) No objection.

COUNTY COUNCIL'S LANDSCAPE & GREEN INFRASTRUCTURE OFFICER –(Most recent comments) Holding objection, based on insufficient information regarding the vegetation to be removed, protection of retained vegetation and root protection areas, replacement for dead, dying or diseased plants to be replaced with the same size/species for a period of 5 years and details of fencing and walling.

COUNTY COUNCIL'S HISTORIC ENVIRONMENT OFFICER – No objection. Proposal will not have any significant impact on the historic environment.

ATTLEBOROUGH TOWN COUNCIL – No objections.

LOCAL MEMBER (CLLR OLIVER RHODRI) – No direct response, however Cllr Rhodri was copied into response from fellow Cllr Edward Connolly, regarding comments from Great Ellingham Parish Council

GREAT ELLINGHAM PARISH COUNCIL – Objects to the proposed development on the basis of: inappropriate expansion in a predominantly residential area/closer to residents; landscaping should be enhanced. Noisy nature of metal shearing machine. Require hours of operation. Highway safety concerns regarding disregard of weight restriction on West Carr Road. Asbestos should not be handled/processed in a residential area. Contamination should be investigated.

### **3.7. REPRESENTATIONS**

The application was advertised by means of neighbour notification letters and site notices outside the site entrance. Three letters of correspondence were received from the public/non-statutory consultees with all explicitly objecting to the planning application. The grounds of objection and concerns raised are summarised as follows:

- Inappropriate expansion in a predominantly residential area/closer to residents.
- Landscaping should be enhanced.
- Noisy nature of metal shearing machine.
- Require hours of operation to be specified/controlled.
- Highway safety concerns regarding disregard of weight restriction on West Carr Road.
- Asbestos should not be handled/processed in a residential area.

- The site is currently operating without the benefit of planning permission and in breach of planning control and outside the licenced activities permitted by the Environment Agency.
- The level of noise coming from the site has already increased substantially over the past few months. The “crushing” and “crashing” sounds are so loud that on occasion the operational machinery and movement of waste material can be heard from within nearby residential property.
- Private amenity space cannot be enjoyed peacefully.
- Concern about recent fire on site and safety measures
- Inadequate and contradictory information provided
- Actual use of site does not correspond with planning permission given historically
- Concern about the levels of activity on site which have not been adequately specified
- Unnatural feature of a 7m acoustic fence
- No action taken to remedy breaches of historic planning permission and planning conditions.

### **3.8. APPRAISAL**

The key issues for consideration are:

- A. Principle of Development
- B. Landscape & Visual Impact / Design
- C. Amenity and cumulative effect
- D. Ecology
- E. Impact of Heritage Assets
- F. Transport
- G. Sustainability
- H. Flood Risk
- I. Groundwater/surface water

### **3.9. A - PRINCIPLE OF DEVELOPMENT**

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

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

- 3.10. The principle use of the existing part of the site is already considered to be established given the benefit of planning permission as granted by the Planning Regulatory Committee in July 2019 in permission reference C/3/2018/3001. Policy WAS 47 of Norfolk Mineral and Waste Development Framework, Waste Site Specific Allocations DPD allocates the application site for a waste use including inert waste and recycling with an estimated capacity

up to 10,000 tonnes per annum. Compliance with Policy WAS 47 was discussed during consideration of planning application ref C/3/2018/3001. Although it was recognised that the proposal exceeded the estimated capacity tonnes per annum and did not propose full enclosure of all on-site operations, following an assessment of potential highway, environmental and amenity impacts of the proposed development, combined with the fact that the proposals would be compliant with the principles of Policy CS6, & CS7, this was considered sufficient reason to support the application. This approach is supported in the consideration of this current proposal as the application is not proposing to increase its existing approved annual throughput/tonnage (75,000 tonnes). It also has the benefit of planning permission, as granted by the District Council for the storage of scrap metal.

- 3.11. Although the proposal is proposing to increase further waste processing activity in the form of scrap metal shearing/processing, the north western part of the site recently vacated by Rix Petroleum is a previously developed site and has an extant industrial use, which is in line with the requirements of NMWLDF Policies CS3 and CS6. Therefore, the extension of these waste/industrial activities, as set out in this application is considered to be acceptable in principle, subject to an assessment of the impacts on the environment, amenity and highways, as required by Policy CS7 of the NMWLDF, in order to support the development of inert recycling sites. The site remains to have a direct link to a trunk road, and meet the requirements of NMWLDF Policy CS5, which is considered a non-strategic waste site given it is storing/processing inert waste.
- 3.12. The proposed scheme continues to assist with the overarching thrust of dealing with waste in a more sustainable manner i.e. through recycling and recovery of waste and therefore driving waste management up the waste hierarchy (and only disposing of it as a last resort). The application is therefore considered to comply with the aims and objectives of this and the Government's 'Our Waste, Our Resources: A Strategy for England' which similarly seeks to promote the management of waste up the waste hierarchy. The National Planning Policy for Waste also underlines that the need for a facility is only required to be demonstrated where a proposal is not consistent with an up to date plan. Because of the previous WAS 47 allocation of the land for waste uses, and because of the compliance with the land use policies detailed above, there is not a requirement to demonstrate a need for this facility at this location, which was also the case for the 2018 application.

### **3.13. B - LANDSCAPE & VISUAL IMPACT**

- 3.14. NMWDF Policy DM8: Design, local landscape and townscape character seeks to only permit development that does not have unacceptable impacts on the character and quality of the landscape. BLP Policy GEN02: Promoting High Quality Design states that all new development should achieve the highest standard of design. The NP Policy ESD.P3 states all new

development should seek to be of the highest sustainable and innovative design quality in terms of both architecture and landscape.

- 3.15. The location of the application site, existing and proposed bunding, will prevent any major adverse visual impacts. Due to the existing use of the adjacent land, the wider landscape impacts are likely to be minimal. Since the original submission, the applicant has provided more details on proposed boundary treatment to the north western part of the site. The visual impact beyond most of the site will remain unchanged as the boundary treatment will be retained to most site boundaries. The submitted planting plan (Drawing No. E22841 401, dated 25.07.2022) shows that existing vegetation on the western bunds will be cleared, and new native hedgerow species will be planted across the existing 4m earth bund. The submitted Ecology Report finds that these bunds are typically covered in nettles and brambles with a variety of low quality plant species typical of those associated with imported soil. The existing planting beyond the bund will be retained. Additionally, a 3m high acoustic fence will be erected at the top of the existing bund which will mean that the top of the fence will be 1m higher than the 6m high inner concrete push wall.
- 3.16 Once the new hedgerow planting to this western part of the site becomes established the views of the fence from outside the site will be softened by the additional planting and the visual impact will be improved. This will also provide a net gain for biodiversity, in line with the requirements of the NPPF, and planning conditions are recommended to be imposed to ensure the new landscaping is implemented, retained, and maintained accordingly.
- 3.17 The Landscape Officer retains a holding objection seeking additional information about the vegetation to be removed and protection for the vegetation to be retained as this is currently not shown on the proposed planting plan. Given the findings of the Ecology Report regarding the low quality of the existing vegetation to be removed from the bunds it is considered this information can be provided by way of planning condition prior to the erection of the acoustic fencing rather than prior to determination of the planning application.
- 3.18 In response to other matters raised by the Landscape Officer, details of the construction of the proposed acoustic fencing have already been provided and the reference seeking the replacement of newly planted hedging that dies or becomes diseased with plants of the same size/species for a period of 5 years can also be controlled by way of planning condition.

### **3.19 C – AMENITY AND CUMULATIVE EFFECT**

- 3.20 The protection of amenity for people living in close proximity of waste management facilities is a key consideration and NMWDF Policy DM12: Amenity states that development will only be permitted where "...unacceptable impact to local amenity will not arise from the operation of the facility." This echoes policy NMWDF CS14: Environmental protection

which also seeks to avoid unacceptable impacts on amenity. BLP Policy COM03: Protection of Amenity states that development will not be permitted where there are unacceptable effects on the amenities of the area or the residential amenity of neighbouring occupants. Regard will be given to issues such as overlooking/loss of privacy, odour, noise, vibration or other forms of disturbance, contamination, light pollution or the emission of particulates and quality of landscape.

- 3.21 The site is separated from the market town of Attleborough and its residential dwellings by the A11(T). There are a number of residential properties on West Carr Road. The nearest property, Oakmead, is to the south west of the site. The rear boundary of the house is about 90 metres from the operational site (subject to this application site) and 50-70m from the access road. There is one more residential property to the east of the site, West Farm, which is adjacent to the site. The house and main amenity area are approximately 65-85m from the site, however the extensive rear garden is approximately 6m from the eastern boundary of the operational site.
- 3.22 Neighbour representations raise concerns over the inappropriate expansion in a predominantly residential area/closer to residents. It is considered that the change of use complies with development plan policies where amenity impacts are not adversely impacted (discussed below), given the previously developed status of the land, which has been in industrial use for a long period of time. Furthermore, the site is largely screened by existing surrounding woodland/tree lines and existing surrounding bunds. There are agricultural fields to the north and the A11 lies to the south east of the site, separated by agricultural fields.
- 3.23 The main area of concern regarding the proposed development, and particularly an issue brought up by objectors, is the impact of the proposed metal shearing/processing, and the consideration of the cumulative effect of the possibility of processing of both waste and metal at the same time (NMWLDF Policy DM15: Cumulative Impacts). Objectors have commented that shearing and processing metal has been undertaken without the benefit of legitimate planning permission. Whilst the applicants have permission from BDC to store scrap metal on the land, they do not currently have permission to process the metal, which part of this application seeks to address. Therefore any shearing sounds which have been experienced to date will not have been in the location proposed on the site, and will not have benefitted from the proposed mitigation measures in place.
- 3.24 As acknowledged by the District EHO, the sound can be “harsh to listen to” when you are close to the operations, and complaints have been raised in a neighbour’s objection. Since the initial submission an update to the previous noise impact assessment has been submitted by the applicant, which includes additional assessments of impacts from shear processing of metals and cable granulation during 2020 and 2021. The noise consultants also note that despite this ‘the sound does not exhibit any strong tonal, intermittent, or

impulsive characteristics.’ Therefore, during periods of activity the noise is most likely to be experienced as relatively consistent and indistinct mechanical noise.

- 3.25 The updated noise assessment finds that noise emissions from shear processing are unlikely to exceed the threshold at which British Standards (BS 4142) indicate that an adverse impact could occur, and the cable granulator would be well below background noise and would probably be inaudible at the nearest residences for much of the time. All predictions account for attenuation due to distance (from source to receiver) and the acoustic screening provided by various solid screens either already in place or proposed to be installed. This includes the proposed 7 m acoustic barrier on the south/south-west boundary of the new work area (comprised of a concrete push wall and fence), 6 m concrete push walls around the rest of this area, and a combination of 3 m high sheet metal/concrete push walls and 5 m high shipping containers on the east boundary of the existing work area. The updated assessment also considered the cumulative impact of on-site concrete crushing, and although unlikely to occur at the same time in reality, the combined impact is likely to be acceptable.
- 3.26 Predicted noise emissions from shear processing and cable granulation were also assessed (both in isolation and in combination with each other and with concrete crushing) against the DCLG technical guideline criteria. Worst-case noise levels would not exceed either DCLG guideline limits in any scenario.
- 3.27 Ultimately, the impact of noise from shear processing and cable granulation is likely to be acceptable, in line with relevant technical guidance. This is based on worst-case conditions, and the impact at other times would likely be lower.
- 3.28 The proposals also include a ‘depollution area’ within the existing workshop, to the north eastern part of the site. The applicant confirms that car shells are currently processed as part of the existing metal processing on site and this depollution area would allow the applicant to remove the components and fluids contained in end of life vehicles on site.
- 3.29 The applicant confirms that the estimated number of cars to be depolluted per day would be no more than 5 however this would be restricted through the permitted activities contained within the Environmental Permitting Regulations. At this scale there would be no anticipated increase in the number of vehicle movements to the site. Once depolluted, the car shells will be processed as they are now, so there would be no requirement for any changes or increases to the on site storage areas shown on the proposed layout plan. Similarly, the Environmental permit would control how waste is stored and handled to prevent pollution, odour, noise and vibration.
- 3.30 In terms of land use this element of the proposal is compatible with the existing use of the site and the way it functions. Based on information provided by the applicant, this involves similar activity to that which already takes place in the building, and the updated noise assessment confirms that

noise from depollution is unlikely to be audible off site or result in a significant noise impact.

- 3.31 The updated impact assessment states that there is no history of noise complaints from residents regarding typical operational activity on site. Complaints have arisen, however, during certain episodes which the applicant has responded to in a timely manner. The operator has already installed some screening to reduce noise emissions from the site and this proposal would see the installation of additional measures as part of the plans.
- 3.32 From the information provided, the proposed acoustic attenuation measures referred to above support the conclusion that an adverse impact upon the nearest occupants of Oakmead and West Farm is unlikely, even under infrequent worst-case conditions. This takes into account the possible cumulative effect of both screening and shearing at the same time and ensures that the proposed development will not generate a noise level measured at the nearest residential boundary greater than 5dBA above the existing background level. A suitably worded condition will be required to ensure that these mitigation measures are installed prior to any/further shearing activities on site.
- 3.33 To clarify on this issue further, with regards to the actual regulation of an operation such as this, in accordance with paragraph 188 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 to be satisfied that the facility can, in principle, operate without causing an unacceptable impact on amenity by taking advice from the relevant regulation authority (the Environment Agency). However, it is the role of the Environmental Permit (which the facility requires before it can operate) as issued by the Environment Agency to actually control emissions such as noise, odour and dust through conditions, and Planning Authorities should assume this regime will operate effectively.
- 3.34 The District Environmental Health Officer raises no objection to the proposed development following the submission of the noise assessments and enhancement of the mitigation measures. Relevant conditions to protect amenity, such as hours of operation, which will match the existing 2018 permission (which addresses comments made by Great Ellingham Parish Council), and the restriction of throughput are recommended to be included in the event of an approval. Therefore, it is considered to comply with the relevant planning policies.
- 3.35 D – ECOLOGY**
- 3.36 NMWDF Core Strategy policies CS14 and DM1 both seek to protect adverse impacts on biodiversity including nationally and internationally designated sites and species. NMWDF Policy CS14 Environmental Protection and BLP Policy ENV02: Biodiversity Protection and Enhancement refer that

development should demonstrate how net gains for biodiversity are secured as part of the development, proportionate to the scale of development and potential impacts (if any).

- 3.37 The site consists predominantly of hard standing and compacted ground bounded by concrete clamps and fabricated steel fence and is not located within a statutory or non-statutory designated site. There are three ponds within 250m of the proposed development. One pond is located to the eastern boundary of the site and another beyond the southern boundary of the red line application site. A third pond lies approximately 130m to the east of the site in the grounds of West Farm.
- 3.38 Desktop and walkover assessments along with on site surveys for great crested newts, a legally protected species, were undertaken in April/May 2019 and no great crested newts were found. A subsequent ecology report and great crested newt survey was carried out in May 2021, again with no species found. An Ecological Design Strategy (EDS) was submitted in May 2021 followed by an updated EDS Addendum (June 2022).
- 3.39 The surveys and ecology reports found that no habitats of nature conservation value will be lost due to the proposed development. No protected species were recorded and therefore mitigation is deemed unnecessary. However, the reports found that the site has a good potential for biodiversity enhancements via the provision of both bird and bat roosting boxes. Full details of the bat and bird type boxes and timing for installation are included within the updated EDS Addendum (June 2022).
- 3.40 The NCC Ecologist has no objection to the proposals and considers the information contained within the EDS Addendum and Planting Plan adequately addresses previous comments raised regarding clarification of removal of pond restoration from ecological enhancement proposals and details regarding installation and maintenance of bird and bat boxes. Conditions are recommended to ensure that implementation of the proposal are carried out in strict accordance with the EDS Addendum and Planting Plan.
- 3.41 The EDS Addendum, along with the details shown on the Planting Plan, will protect and enhance biodiversity, ensuring net gains for biodiversity as required by local plan policy, including the NCC Environment Policy and the NPPF. There are no concerns from the arboricultural officer. With the imposition of the suggested conditions, the development complies with the relevant planning policies and NPPF.

### **3.42 Appropriate Assessment**

The application site is located approximately 2.2 km from the Norfolk Valley Fen SAC, which is an internationally 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 designated 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.

- 3.43 Nutrient Neutrality - On 16 March 2022 Natural England wrote to a cohort of 42 councils including the County Council reviewing its position on nutrient neutrality. In this instance the proposed site is not located within Natural England's identified nutrient neutrality Site of Special Scientific Interest (SSSI) catchment, would not create new overnight accommodation or additional discharges, and therefore there are no outstanding issues in regard to nutrient neutrality.
- 3.44 It is concluded that these proposals will not have an adverse effect on the integrity of the designated sites identified above, either alone or in combination with other plans and projects. It is therefore considered that the proposed development complies with Policies CS14 and DM1 of the Norfolk Core Strategy.

### **3.45 E – IMPACT ON HERITAGE ASSETS**

- 3.46 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.
- 3.47 Policy ENV 07 Designated Heritage Assets of the Breckland Local Plan November 2019 states that development that will affect any designated heritage asset will be subject to comprehensive assessment and should conserve or, wherever possible, enhance the architectural and historic character, appearance and setting of the asset.
- 3.48 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.
- 3.49 The proposed development is not within a conservation area, nor does it contain any Scheduled Ancient Monuments or listed buildings. West Farm and West Farm barn, are Grade II Listed Buildings, which are adjacent to the site. The listed farmhouse is 85m east of the site, however the extensive rear garden is circa 6m from the eastern boundary of the operational site.
- 3.50 The applicant considers that the existing screening would prevent the proposed development from having any additional impacts on the listed buildings. The 'Further ecological and arboricultural information (July 2019)' document further states that the operational area is bounded to the east by a mix of sheet metal fencing and cast concrete wall sections approximately 3-4m high, which are to be retained. Furthermore, stockpiles of processed

materials will continue to be conditioned to be up to three metres high to remain hidden from view, and other controls (including the Environment Agency Permit required to operate the site) shall serve to mitigate any unacceptable amenity impacts on the designation. Just beyond these physical barriers and also beyond the application area is a group of Ash trees, with some covered in ivy. These provide further visual screening as well as landscaping to the listed buildings.

- 3.51 Para 195 of the NPPF requires the local planning authority to identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) and paras 199 – 202 require an assessment of the heritage asset and consideration of any potential impact and the degree of harm. In this case the use of the part of the application site closest to the listed building will remain unchanged. The western part of the site will see the existing recycling facility use extend into this area.
- 3.52 In visual terms the proposed development will not have any harm upon the setting of the listed building given that the nearest boundary treatment will remain unaltered and stockpiles of materials will be lower than the boundary treatment.
- 3.53 It is therefore considered that the proposal is continued to be well screened from the listed building and therefore would not cause harm to the character or setting of the listed buildings or its curtilage. The proposal is considered to be in accordance with policies CS14 and DM8 of the NMWLDf and BLP Policy ENV07 Designated Heritage Assets, Planning (Listed Buildings and Conservation Areas) Act 1990 and objectives of the NPPF.

### **3.54 F – TRANSPORT**

- 3.55 NMWDF Policies CS15: Transport and DM10: Transport requires that proposed new waste facilities in terms of access will be satisfactory where anticipated HGV movements, taking into account any mitigation measures proposed, do not generate, inter alia, unacceptable risks/impacts to the safety of road users and pedestrians, the capacity and efficiency of the highway network, or to air quality and residential and rural amenity, including from air and noise.
- 3.56 The site lies 300m off the A11 and 40m from the A11 slip road and is therefore very close to the trunk road network. The route currently used and being proposed for site lorries exiting will be to turn right out of the site entrance onto the West Carr Road, then left onto the A11 slip-road, and then left onto the A11 northbound. The route used by lorries entering, will be the opposite, which is peel left off the A11 northbound, onto the A11 slip-road, and then turn right onto West Carr Road, and then left into the site. Other routes are not possible as turning left out of the site entrance is a dead-end, whilst West Carr Road west of the A11 slip-road has a weight restriction of 7.5 tonnes. No vehicles will therefore drive past the residential properties on West

Carr Road. This would be controlled via condition, as requested by the Highways officer. The Highways officer noted there is no increase in the throughput (previously permitted in the 2018 permission) proposed. They further noted it would mean a possible reduction in anticipated HGVs given the existing permitted use of the neighbouring site, and the cessation of Rix Petroleum depot. Therefore, there are no highway objections subject to a condition regarding vehicle routeing.

- 3.57 Several objections raised concerns regarding highway safety of pedestrians and vulnerable people. Great Ellingham Parish Council commented that West Carr Road; Wroo Road and Long Street are all subject to a 7.5Tonne weight restriction but adherence to this restriction is 'scant at best'. They have concerns the application will exacerbate this problem, which is of particular concern to them, given the site is situated on a walking / exercise route for the patients of West Carr Barns Care Home, Long Street.
- 3.58 It is noted that there are no existing pavements along this route, however given the proposal is not applying for an increase in throughput, there is no further increase in traffic proposed to that already permitted. Paragraph 111 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety and the Highways officer has no objections to the scheme.
- 3.59 It is considered that subject to conditions the proposal would not have any unacceptable impact upon highway safety, and the site is located with an existing good access onto a main trunk road. The proposal in this respect would accord with NMWLDF Policies CS15 and DM10, and the objectives of the NPPF.

### **3.60 G – SUSTAINABILITY**

- 3.61 NMWDF Policy CS13: Climate change and renewable energy generation seeks to ensure new developments generate a minimum of 10% renewable energy on site.
- 3.62 The applicant has repeated from the 2018 application/permission that "As a relatively small open-air facility for recycling inert materials, there are no opportunities available for generating decentralised or renewable energy on site."
- 3.63 Whilst it is not considered this statement is necessarily factually correct, in the 2018 permission, officers considered that the size of the site is a limiting factor as is the physical use of the working areas, in this instance it is not considered reasonable to insist that renewable energy generation is provided as part of this proposals, the application would in this respect accord with the principles of policy CS13 of the NMWLDF.
- 3.64 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 a 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.

- 3.65 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 using resources from nature more sustainably and efficiently.

### **3.66 H – FLOOD RISK**

- 3.67 Breckland Local Plan 2019 Policy ENV09 - Flood risk and surface water drainage and NMWDF Policy DM4: Flood Risk requires developers to demonstrate waste management sites can function without unacceptable flood risk to both the site itself and also that flood risk is not increased as a result of the proposed development. The site is situated within flood zone 1, less than 1 hectare in size and allows the proposed land use.

### **3.68 I – GROUNDWATER/SURFACE WATER**

- 3.69 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. The site is not within a groundwater source protection zone.
- 3.70 The applicant states that no additional surface water drainage is proposed. The 2018 permission was granted on the basis that the working area is impermeable and will drain into an existing drainage system which is a mix of a "sealed 3-stage interceptor and tank" and further interceptors which eventually drains off site.
- 3.71 Initially the Environment Agency objected to the application on groundwater and contaminated land grounds. However, during the course of the application additional information has been provided in response to the EA concerns. A Tier 2: Generic Quantitative Risk Assessment (GQRA), January 2022 has been submitted in addition to the initially submitted Preliminary Risk Assessment (PRA) report. This followed sampling of water across the whole site and found that, while contamination may be present at low levels, the client's pollution prevention measures and environmental management system are functioning sufficiently well to prevent gross contamination of the soils and groundwater underlying the site.
- 3.72 The GQRA concludes that the potential risk of contamination remains mostly unchanged from the assessment in the PRA. Para 5.3 of the GQRA sets out several recommendations regarding the maintenance of the existing drainage system to ensure it functions effectively. The applicant confirms these recommendations are already being complied with, but it is recommended they are secured by way of planning condition.

- 3.73 The EA has since confirmed that, provided there is no infiltration of surface water to the ground, they would have no objection to the removal of the drainage condition they initially proposed, but that conditions relating to unexpected contamination and the prohibition of piling or other penetrative foundation methods (unless agreed in writing with the local planning authority) are still recommend to be imposed.
- 3.74 It is noted that the 2018 permission (ref: C/3/2018/3001) included a condition requiring the submission and written approval of the surface water drainage scheme prior to commencement (condition 14). There are no records to show that this condition has been formally discharged (which was a 'prior to commencement' condition), and no evidence that a drainage scheme has been approved and installed. This application therefore seeks to regularise this situation and the information provided ensures this matter is now resolved.
- 3.75 Officers consider that the proposal is now acceptable and would not result in any increase in flood risk or impact upon groundwater, subject to conditions as described. The proposal subject to condition, is therefore acceptable in terms of policies DM3 and DM4of the NMWLDF.

### **3.76 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

### **3.77 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.

- 3.78 A number of concerns/objections were raised. Initially the application included reference to the handling of asbestos on site and third party comment objected to this being handled/processed in a residential area. However, the description of the proposed development has changed during the course of the application so this element has now been removed and handling of asbestos is not part of the consideration of this current application.
- 3.79 Concern has been raised that the site is currently operating without the benefit of planning permission and in breach of planning control and outside the licenced activities permitted by the Environment Agency. However, this application seeks to regularise the situation in terms of planning permission for the site. Potential non compliance of an environmental permit is undertaken by the EA.
- 3.80 Concern has been raised regarding a recent fire on the site and how safety measures are conducted on the site. Management of fire risk on site is a

matter that is dealt with through the Environmental Permitting regime administered by the Environment Agency.

- 3.81 Objection has been made that inadequate and contradictory information has been provided by the applicant. However, during the course of the application more information has been provided in response to questions and queries raised by the county planning authority and statutory consultees. It is now considered there is sufficient information to determine the application.
- 3.82 Concern has been raised regarding the lack of enforcement taken to control unauthorised development on the site. However, the county planning authority is required to consider the expediency of taking formal enforcement action and, seeks to resolve issues through discussion and negotiation where possible. In this case the applicant is seeking to resolve and regularise the issues through this planning application and, in line with para 6.6 of the NCC Compliance and Enforcement Policy (November 2021) the Authority will not normally consider formal enforcement action whilst the application is being considered.

### **3.83 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.

- 3.84 In this instance the site has a long planning history going back to 1998, including a permission granted by Breckland District Council that permitted the storage of scrap metal. In assessing the planning history it was found that the storage of metal was permitted across the site, except where the planning permission for the inert waste processing had superseded the 1998 permission. Reports of alleged unauthorised activity were brought to the attention of the county planning authority, who advised that all activities should be kept within the designated areas. Given the complicated nature of the historic permissions across the whole site, this application seeks to regularise the situation.
- 3.85 Whilst regrettable, in this instance it is not felt that the retrospective nature of the application would represent a ground for refusing planning permission for this development and no weight is given to this in the planning balance.

### **3.86 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.

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

#### **4. Conclusion, Reasons for Decision and Planning Balance**

4.1 The eastern part of the application site already has planning permission to operate for the processing and recycling of up to 75,000 tonnes of inert waste material per year (ref: C/3/2018/3001). The north-western part of the application site is previously developed land with the last use as an oil storage and distribution depot, and former uses as a haulage depot, scrapyards and vehicle dismantling business. This current application seeks planning permission for the continuation of the existing commercial waste recycling facility for construction, demolition and excavation waste, and the change of use of the fuel storage depot to an additional extended working area for the recycling of metals, construction, demolition and excavation waste.

4.2 Most of the application site includes site WAS 47 of the Norfolk Mineral and Waste Development Framework Waste Site Specific Allocations DPD which allocates the site for a waste use including inert waste and recycling with an estimated capacity up to 10,000 tonnes per annum. Although the proposed capacity is higher than the allocated site estimated capacity, it is no greater than the amount already approved in 2018 under application ref: C/3/2018/3001, where it was found to be acceptable.

4.3 Representations raising concerns have been received from, or on behalf of, 3 residents and Great Ellingham Parish Council. However, for the reasons given above in the main body of the report, it is considered that subject to conditions, the scheme can be operated without unacceptable impacts on amenity, the landscape, the highway network, ecology, groundwater & surface water and flood risk and it will not have any significant impact on the historic environment or heritage assets.

4.4 Whilst some of the boundary treatment proposed is unconventional (i.e., the 7 metre bund/ acoustic fence and use of storage containers), on balance they are considered acceptable as long distance and public views of the facility are limited, the site benefits from existing landscaping, and the fence would mitigate the impact of the outdoor processing that would take place within the site safeguarding the amenity of nearby residences

4.5 There are no objections from statutory consultees. The proposed development is considered acceptable and there are no other material considerations as to why it should not be permitted. Accordingly, full conditional planning permission is recommended.

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

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

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 Data Protection Impact Assessments (DPIA):**

It is not considered that there are any data protection implications in regards to the above report.

#### **8.5 Health and Safety implications**

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

#### **8.6 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:

- 1. Grant planning permission subject to the conditions outlined in section 11.**
- 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.**

#### **11.2 CONDITIONS:**

1. The development hereby permitted shall commence within three years of the date of this permission

Reason: To comply with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004. Development to be carried out in accordance with the submitted plans and drawings.

2. The development must be carried out in strict accordance with the application form, plans and documents as received by the County Planning Authority as detailed below:

- Drawing No. 28015/001Rev A -Topographical Survey (including Site Plan & Location Plan)
- Drawing No. RIX/WR/004 Rev C – Proposed Drainage Layout
- Job No. E22841 Drawing No. 401 – Planting Plan, dated 25.07.22
- Drawing No.J7/01296 (sheet 3)– Jakoustic Highway fence, dated 11.06.2007
- Drawing No.17807/0002 Version 3, Anglian Proposed Layout 2020 (insofar as it is not superseded by Drawing No. RIX/WR/004 Rev C – Proposed Drainage Layout or Job No. E22841 Drawing No. 401 – Planting Plan)
- Update to Planning Statement & Submission Docs
- Planning Statement 2020 version 3
- 12591 Report 1A Updated Noise Report Feb 2022
- Addendum to ecological design strategy, E22841
- Tier 2: Generic Quantitative Risk Assessment 21/27

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

3. Not including the components and fluids contained in end of life vehicles, no more than 75,000 tonnes of C, D & E non-hazardous waste shall be imported to the site per annum. Records shall be kept of waste imported to and exported from the site and shall be made available to the County Planning Authority upon request. All records shall be kept for a minimum of 24 months.

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

4. No more than 5 cars shall be depolluted per day on the site.

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

6. No material other than stated in the application shall be brought onto the site.

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

7. No operation authorised or required under this permission 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: Monday to Friday: 07.00 - 18.00 Saturday: 07.00 - 13.00

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

8. Crushing activity on site shall be limited to a maximum of 40 hours per week. A weekly log of the crushing activity shall be kept for a minimum of 12 months and made available to the County Planning Authority upon request.

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

9. All plant and machinery shall only be operated at the original ground level and not at an elevated position on bunds or stockpiles.

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.

10. The crusher and screener shall only be used in the locations as shown on Drawing No.17807/0002 Version 3. This plant shall not be sited above natural ground level.

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

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

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

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

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

13. There shall be no burning of waste on site.

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

14. All external lighting should be hooded and angled down and installed and maintained in accordance with the manufacturers design. Lighting should be

sensor activated with LED warm lights used. No other external lighting shall be installed on the site without the prior written approval of the local Planning Authority.

Reason: To protect the amenities of the surrounding area in accordance with Policies GEN02, COM01 and COM03 of the Breckland Council Local Plan (2019), Policy DM12 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026, and sections 2 and 15 of the National Planning Policy Framework (2021).

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

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

16. Means of access to and egress from the development hereby permitted for all heavy goods vehicles using the site, shall be derived from and to A11 (Trunk) via the West Carr Link Road only and not West Carr Road.

Reason: To ensure the permanent availability of the parking manoeuvring area, in the interests of highway safety in accordance with policies CS15 & DM10 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.

17. Within 4 months of the date of this permission the approved noise mitigation measures including the 7m noise barrier shown in the position shown on Drawing no. E22841/ 401– Planting Plan dated 25.07.22, shall be installed and maintained for the lifetime of the operation.

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.

18. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with details to be agreed in writing with the Local Planning Authority. Where remediation is necessary, a remediation scheme must be submitted to and approved in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report shall be submitted to and approved in writing by the Local Planning Authority.

To protect and prevent the pollution of controlled waters from potential pollutants associated with current and previous land uses in line with National Planning Policy Framework (NPPF), paragraphs 170, 178, 179 and Environment Agency Groundwater Protection Position Statements and Policy DM12 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.

19. Piling or any other foundation designs and investigation boreholes using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

To protect and prevent the pollution of controlled waters from potential pollutants associated with current and previous land uses in line with National Planning Policy Framework (NPPF), paragraphs 170, 178, 179 and Environment Agency Groundwater Protection Position Statements and Policy DM12 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.

20. No development shall take place except in accordance with the ecological supervision details referred to at section 4.3 of the Ecological Design Strategy Addendum by the Landscape Partnership (June 2022) and on Drawing no. E22841/ 401– Planting Plan, dated 25.07.22.

Reason: To protect areas of nature conservation interest in accordance with Policies GEN02, COM01 and COM03 of the Breckland Council Local Plan (2019), Policy DM12 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026, and sections 2 and 15 of the National Planning Policy Framework (2021).

21. Development shall be carried out in compliance with the details of the bat and bird boxes referred to at section 4.1 of the Ecological Design Strategy Addendum by the Landscape Partnership (June 2022). They shall be installed within 3 months of the erection of the acoustic boundary fencing referred to in paragraph 4.3.2 of the same document, unless otherwise agreed in writing with the county planning authority, and retained thereafter.

Reason: To protect areas of nature conservation interest in accordance with Policies GEN02, COM01 and COM03 of the Breckland Council Local Plan (2019), Policy DM12 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026, and sections 2 and 15 of the National Planning Policy Framework (2021).

22. Notwithstanding the details shown on Drawing no. E22841/ 401– Planting Plan, dated 25.07.22, the locations of any trees, tree root protection areas and protection measures within the area hatched green shall be submitted to and agreed in writing with the county planning authority prior to clearance of this area.

Reason: To protect the visual amenities of the surrounding area in accordance with Policies GEN02 and COM01 of the Breckland Council Local Plan (2019), Policy DM12 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026, and sections 2 and 15 of the National Planning Policy Framework (2021).

23. Notwithstanding the details shown on Drawing no. E22841/ 401– Planting Plan, dated 25.07.22., the defects liability for dead, dying or diseased plants to be replaced with the same size/species shall be for a period of 5 years from the date of planting.

Reason: To protect the visual amenities of the surrounding area in accordance with Policies GEN02 and COM01 of the Breckland Council Local Plan (2019), Policy DM12 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026, and sections 2 and 15 of the National Planning Policy Framework (2021).

## **12. Background Papers**

Planning Application reference: FUL/2020/0043 available here:

<http://eplanning.norfolk.gov.uk/PlanAppDisp.aspx?AppNo=FUL/2020/0043>

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 National Planning Policy Framework (NPPF) (2021):

National Planning Policy Framework - GOV.UK ([www.gov.uk](http://www.gov.uk))

Planning Practice Guidance (2014):

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

Attleborough Local Plan - [https://www.breckland.gov.uk/media/12373/Attleborough-Neighbourhood-Plan/pdf/LP\\_D\\_4\\_Attleborough\\_Neighbourhood\\_Plan.pdf?m=637339381543300000](https://www.breckland.gov.uk/media/12373/Attleborough-Neighbourhood-Plan/pdf/LP_D_4_Attleborough_Neighbourhood_Plan.pdf?m=637339381543300000)

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>

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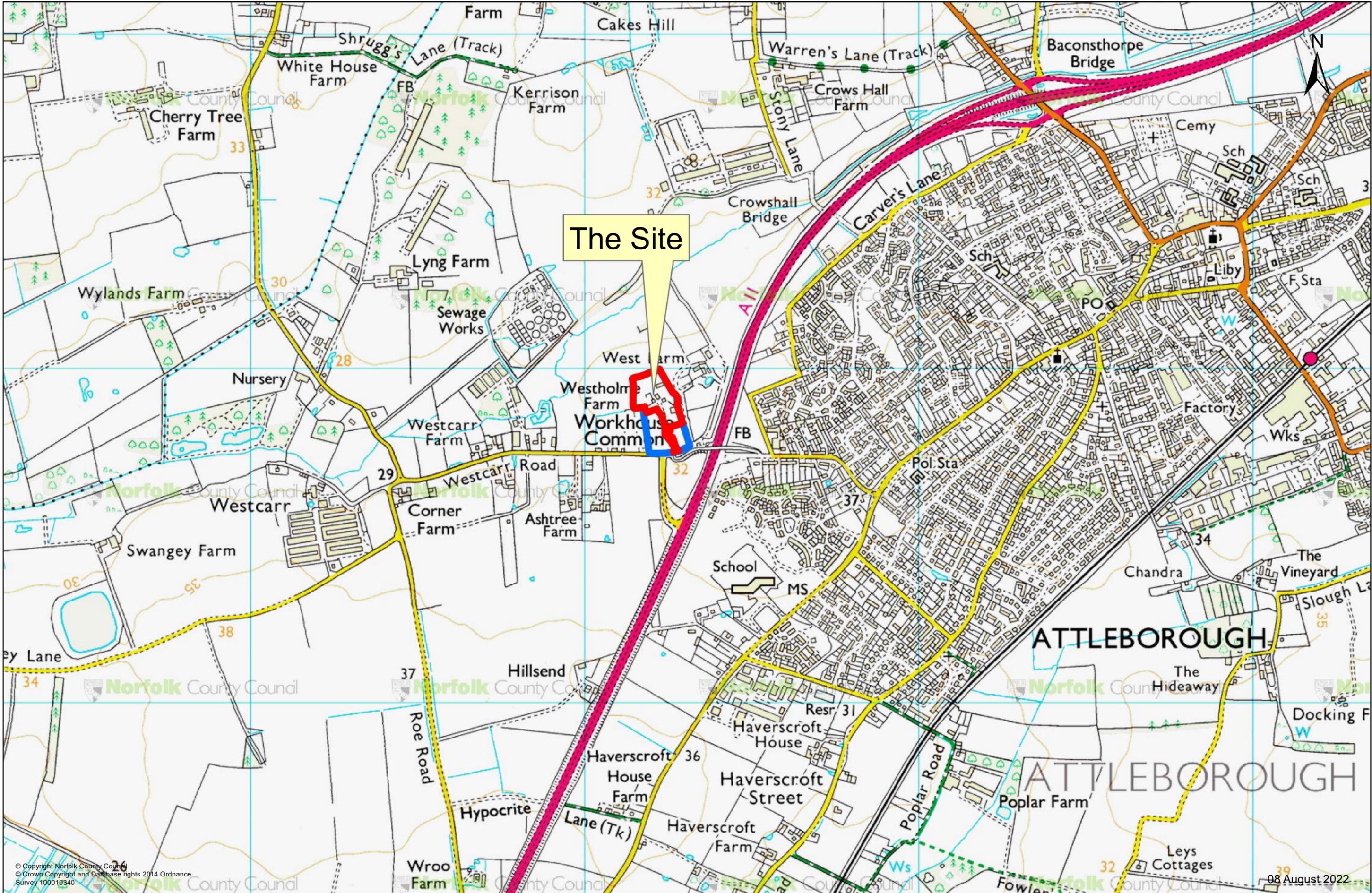
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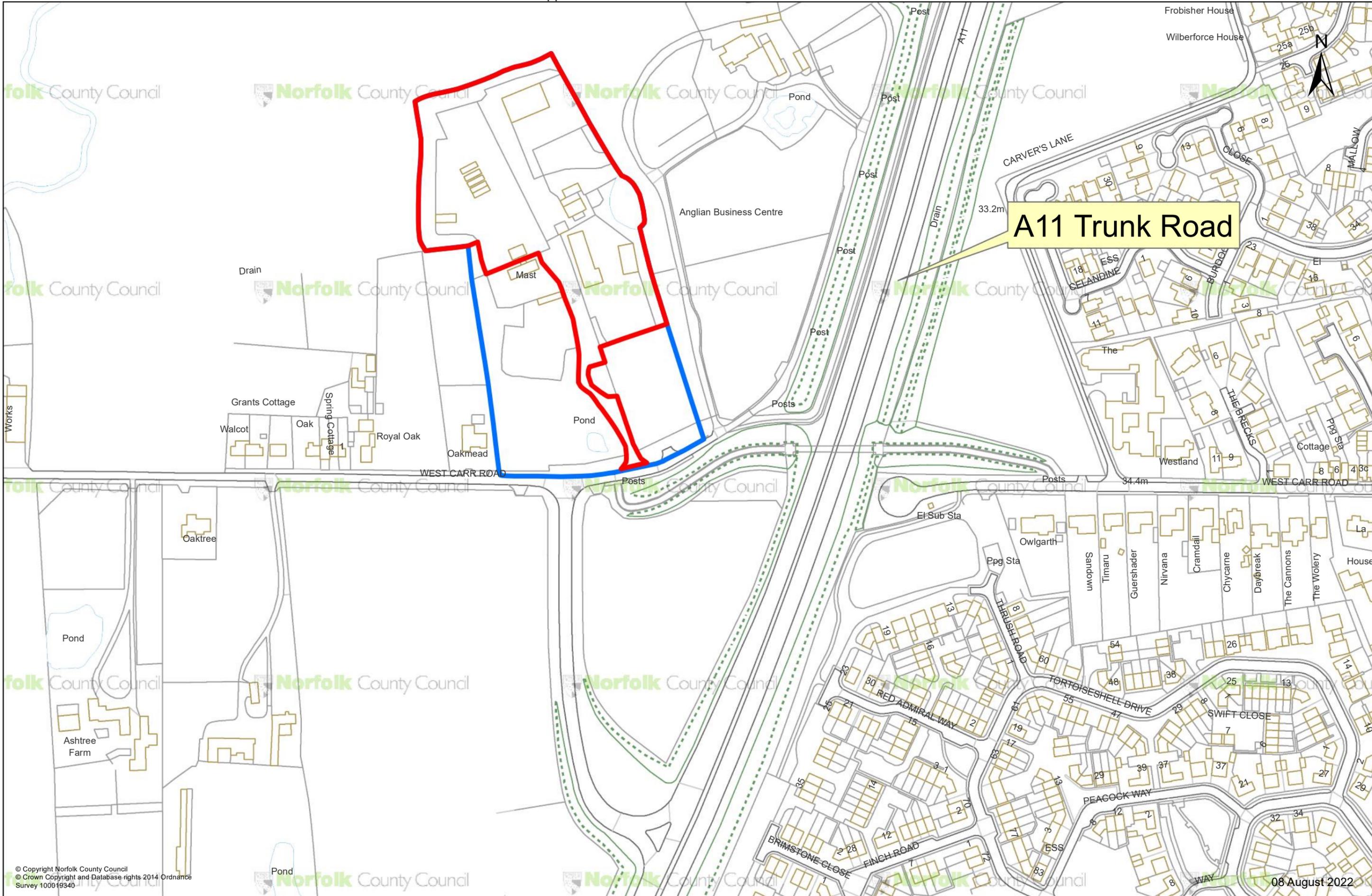


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08 August 2022

# Anglia Business Park Location Plan





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08 August 2022

# Anglia Business Park Site Plan



## Planning (Regulatory) Committee

Item No: 6

**Report Title: FUL/2021/0072:** Larkshall Mill, Thetford Road, East Wretham, Thetford, Norfolk, IP24 1QY

**Date of Meeting:** 23 September 2022

**Responsible Cabinet Member:** N/A

**Responsible Director:** Tom McCabe, Executive Director of Community and Environmental Services

**Is this a Key Decision?** No

**Proposal & Applicant:** Change of use from waste transfer station/materials recovery facility to a facility for the manufacturing of carbon-negative aggregates for use in the construction industry including demolition of existing storage shed, construction of feed hopper and conveyor, curing bay shed, covered aggregate conveyor system, 7 no. silos, CO2 tank and associated site works (OCO Technology Ltd).

### Executive Summary

Full planning permission is sought for the change of use of the existing Larkshall Mill Materials Recovery Facility site at Thetford Road, East Wretham, Thetford from a waste transfer station/materials recovery facility to a facility for the production of carbon-negative aggregates involving the use of Air Pollution Control residues (APCr).

In accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 ('the EIA Regs') an Environmental Statement has been submitted with this application. By virtue of the location of the application site being in proximity to the Breckland Special Protection Area (SPA) and the Breckland Special Area of Conservation (SAC). In accordance with the Council's constitution the application therefore needs to be reported to this committee.

The key issues:

- Ecological impacts;
- Visual / landscape impacts;
- Amenity impacts - noise, dust and light etc (including vehicle movements).

No objections have been received from consultees, and one third party representation has been received which relates to different development on the same site.

It is considered that the proposal is in accordance with the development plan.

**Recommendation:**

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

- 1. Grant planning permission subject to the conditions outlined in section 11;**
- 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.**

**1. Background**

- 1.1 Larkshall Mill Materials Recycling Facility (MRF) has been in use for waste management and recycling since planning permission was granted by the Planning (Regulatory) Committee in 2006 (Ref: C/3/2004/3014). Since then, the site has been subject to numerous applications for waste related development. In 2011 planning permission was granted for an increase to the size of the application site along with additional equipment, fencing and lighting (Ref: C/3/2011/3017).
- 1.2 The site has planning permission to accept up to 75,000 tonnes of household, commercial and industrial materials each year for recycling, along with incidental non-recyclable waste and pre-sealed clinical waste for storage.
- 1.3 The application has been supported by an 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 there are no outstanding objections to the planning application, in accordance with the Council's Constitution, the application needs to be determined by the Planning (Regulatory) Committee.
- 1.4 The site is within the Parish of Wretham and within the jurisdiction of Breckland District Council.

**2. Proposal**

**2.1 SITE**

- 2.2 Larkshall Mill Recycling Facility is located approximately 6 miles northeast of Thetford and approximately 27 miles southwest of the city of Norwich.
- 2.3 Access to the site is directly from Thetford Road, (the A1075) which links to the surrounding road network with the A11 approximately 3 miles to the south.

- 2.4 The site entrance road is hard surfaced and there is a gravel covered car park area adjacent to the main site area. The main yard is concrete surfaced and enclosed by steel palisade fencing.
- 2.5 The site comprises existing buildings, hard surfacing and parking areas used in connection with the existing waste transfer station/materials recovery facility, and two weighbridges. The existing buildings include the main office, a tipping hall, a material recycling facility, baling hall, baling hall office, storage unit and workshop.
- 2.6 In the northeast corner of the application site is a lagoon forming part of the site's drainage infrastructure.
- 2.7 The application site is part of an industrial estate created on the site of the former Larkshall Mill, which extends to the south and to the south east of the application site, and comprises several large industrial units, areas of hard standings and car parking. A petfood manufacturer and an agribusiness facility are located to the south of the site and share the same vehicle access.
- 2.8 To the east of the application site are three reservoirs associated with agricultural/agribusiness uses in the area.
- 2.9 To the north and north east is an area of grassland and scrub, beyond which is a tree belt forming part of 'Sawpit Plantation'. There are poultry sheds north of the tree belt.
- 2.10 A pair of semi-detached properties are located adjacent to the car park on the northern side of the entrance to the site. These are however understood to now be under the ownership of the developer with the nearest private dwellings being Saw Pit Farm dwelling to the north of the site boundary and a private dwelling on the A1075 to the southwest.
- 2.11 The site is located within 415 metres of Breckland Forest Site of Special Scientific Interest (SSSI) that forms part of the Breckland Special Protection Area (SPA) and within 645 metres of East Wretham Heath SSSI, that also forms part of the Breckland SPA as well as the Breckland Special Area of Conservation (SAC).
- 2.12 East Wretham Heath Nature Reserve, to the southwest of the application site, is located within the SSSI designation.
- 2.13 The nearest Scheduled Monument is Roudham deserted medieval village, located 3.6km to the southeast of the site. There are no listed buildings within the site or in the immediate surrounding area.
- 2.14 The site is located within Flood Zone 1 and therefore has a low probability of flooding.
- 2.15 PROPOSAL**
- 2.16 This application seeks planning permission for the reuse of the existing waste transfer station/materials recovery facility for the manufacture of an aggregate (building material for use in concrete products such as blocks) that is carbon negative, meaning that the product's carbon footprint is less than zero and it absorbs (captures) carbon dioxide (CO<sub>2</sub>).

- 2.17 The process is called 'accelerated carbonation' and uses Air Pollution Control residue (APCr) from Energy from Waste (EfW) facilities in the process. APCr is classified as a hazardous waste. It is noted that other powder waste materials can be used in the process and it is not limited to APCr.
- 2.18 The process involves 3 stages:
- 2.19 Stage 1: APCr is delivered in sealed bulk powder tankers and blown through pipes into enclosed storage silos. The APCr is transferred by sealed conveyors into enclosed mixers, where it is treated with carbon dioxide to chemically and physically change it using the patented process known as Accelerated Carbonation Technology (ACT). This initial process causes the calcium in the materials to be converted into calcium carbonate, which both chemically and physically stabilises the materials, lowering the PH and reducing the potential leaching of any contaminants.
- 2.20 Stage 2: The carbonated output from Stage 1 is blended with binders and fillers (typically sand and cement) to produce the appropriate properties for pelletisation. This is completed in sealed mixers. Material movements are fully automated with no manual handling of the ingredients.
- 2.21 Stage 3: Pelletising is undertaken to achieve the strength and pellet size requirements (for use as an alternative product replacement in the manufacturing of blocks). The manufactured aggregate is then stored under cover to allow it to full harden before delivery to the customers.
- 2.22 The process uses non waste inputs of sand, cement, and CO<sub>2</sub> in the manufacturing process which by tonnage and volume outweigh the APCr.
- 2.23 To achieve this facility the applicant is proposing to demolish one building to the west of the existing baler shed and reuse the remaining existing buildings on the site.
- 2.24 Plans show that the roofs of the existing waste reception and processing halls are fitted with photovoltaic panels which are proposed to be retained and reconnected.
- 2.25 In addition to reusing the existing buildings on site, it is proposed to construct a new curing bay building of 13.5m in height, a conveyor belt system, hopper, 7 No. silos (large upright tanks) measuring 21m in height and a CO<sub>2</sub> tank measuring 13m in height. All new infrastructure will be located within the existing site.
- 2.26 In terms of site operation, APCr and cement will be delivered to the site using bulk tankers which fill the silos pneumatically, preventing windborne dust. CO<sub>2</sub> would be discharged under pressure from the tanker to the tank on site.
- 2.27 Sand would be delivered by sheeted bulk tippers and tipped in the sand storage bay. The proposed bays will consist of pre-cast interlocking concrete blocks (Loc-bloc or similar).
- 2.28 The process requires the importation of the following:
- APCr: circa 30,000 tonnes per annum (tpa) by HGV
  - Sand: circa 20,000 tpa by HGV

- Cement: circa 8,000 tpa by HGV
- CO2: circa 480 tpa by HGV

- 2.29 This equates to 44 (22 in, 22 out) average daily HGV movements spread throughout the working day. HGVs used are typically articulated tankers or tipper trailers.
- 2.30 The hours of operation proposed are Monday – Saturday 0600 – 2200 hours and closed on a Sunday and Bank Holidays.
- 2.31 It is proposed to employ 40 staff on the site consisting of 28 operatives and 12 support staff and administrative staff. The operative staff will be split across two shifts.

## **Impact of the Proposal**

### **3.1 DEVELOPMENT PLAN POLICIES**

The following policies of the Norfolk Minerals and Waste Development Framework (adopted 2011) (NMWDF), Adopted Breckland Local Plan November 2019 (adopted 2019), Core Strategy and Development Control Policies (2009) (Saved policies) provide the development plan framework for this planning application. Neighbourhood Plans also form part of the development plan however there is not one currently in place for this area.

#### Norfolk Core Strategy and Minerals and Waste Development Management Policies DPD

- 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
- CS14: Environmental protection
- CS15: Transport
- CS16: Safeguarding mineral and waste sites and mineral resources
- CS17: Use of secondary and recycles aggregates
- DM1: Nature conservation
- DM3: Groundwater and surface water
- DM4: Flood Risk
- DM8: Design, Local landscape and townscape character
- DM10: Transport
- DM11: Sustainable construction and operations
- DM12: Amenity
- DM13: Air Quality
- DM15: Cumulative impact

#### Breckland Local Plan 2019

- GEN 01 - Sustainable Development in Breckland
- TR01 – Sustainable transport network
- TR02 -Transport requirements
- ENV02 – Biodiversity and enhancement

ENV03 – The Brecks protected habitat and species  
ENV05 – Protection and enhancement of the landscape  
ENV 06 - Trees, Hedgerows and Development  
ENV09 – Flood risk and surface water drainage  
EC 04 - Employment Development Outside General Employment Areas  
COM 01 – Design  
COM03 - Protection of Amenity

### **3.2 OTHER MATERIAL CONSIDERATIONS**

The Revised National Planning Policy Framework (NPPF) was published in July 2021 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. The following sections are of relevance to this application:

2. Achieving sustainable development;  
6. Building a strong, competitive economy;  
14. Meeting the challenge of climate change, flooding and coastal change.

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, both the National Waste Management Plan for England (2021) (NWMPE), which is the overarching National Plan for Waste Management, and the Government’s Waste Strategy, Our Waste, our resources: a strategy for England (2018), are both 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 In November 2021, Breckland Council agreed to undertake a review of the Adopted Local Plan 2019, but this is at a very early stage with no draft policies for consideration.

3.6 A new Norfolk Minerals and Waste Local Plan (NM&WLP) is being produced to consolidate the three existing Development Plan Documents (DPD’s) into one Local Plan, to ensure that the policies within the plan remain up-to-date and to extend the plan period from 2026 to 2038. The draft Publication document was approved by Norfolk County Council's Cabinet meeting on 4 July 2022. It has several stages to go through before adoption, but the following policies are relevant:

Norfolk Minerals and Waste Local Plan Draft Document May 2022

Policy MW1: Development Management Criteria

Policy MW2: Development Management Criteria

Policy MW4: The Brecks Protected Habitats and Species  
Policy WP2: Spatial Strategy for waste management facilities  
Policy WP6: Transfer, storage, processing and treatment of hazardous waste

### 3.7 CONSULTATIONS

**Breckland District Council** – No objections

**Breckland District Council Environmental Health Officer** – (most recent response) No objection – based on the information provided and the fact that the proposed development will require an Environment Agency Permit which will control emissions of dust & noise, there are no objections or further comments on the grounds of Environmental Protection, providing the development proceeds in line with the application details. However, recommend condition relating to light is included as this is unlikely to be controlled under the permitting regulations.

**Environment Agency** – No objection - The proposed development will require a permit under the Environmental Permitting Regulations 2010. We have not identified any major concerns about issuing a permit for this development based upon the current information submitted in support of this planning application.

**Natural England** - No objection - Considers that the proposed development will not have significant impacts on designated sites.

**Habitats Regulation Assessment**- The HRA Technical Note (December 2021) provided by the applicant concludes that the proposal can be screened out from further stages of assessment because significant effects are unlikely to occur, either alone or in combination. On the basis of the information provided, Natural England concurs with this view.

Recommend conditions re: provision of a Construction Environment Management Plan (CEMP), implementation of dust mitigation measures set out in section 6 of the Dust Assessment (December 2021) and control of any additional lighting.

**Department for Levelling Up, Housing and Communities** – No comments on the Environmental Statement

**Highway Authority** – No objection – conditionally. Recommend conditions to limit the throughput of material / aggregate to the levels proposed, implement new road markings proposed at the existing vehicular access onto the A1075, provide and retain visibility splays and provide and retain the vehicle parking/manoeuvring areas.

**Lead Local Flood Authority** – No comments

**County Council Ecologist** – No objection – Protected species (bats) Recommend that full lighting details are secured via a suitably worded condition.

HRA: Agree with HRA Screening Note conclusion that the proposal would be unlikely to have an adverse effect on designated sites, either alone or in combination with other developments. Advise that the submitted HRA Note appears to be fit for purpose and may therefore be 'adopted' by the LPA to fulfil its duty as competent authority.

Other Advice: Recommend conditions in relation to Dust Mitigation and the submission of a Construction Environmental Management Plan (CEMP).

**County Council Arboriculturist** – No objection

**County Council Green Infrastructure and Landscape Officer** - No objection the site is currently well screened by existing vegetation and landform and additional that from several viewpoints, the existing infrastructure will block the view of new proposals. The site is already in established industrial use and whilst the proposals look to add to the existing infrastructure, they will not appear out of place within the site.

**County Council Historic Environmental Officer (Archaeology)** – No objection – based on currently available information the proposed development will not have any significant impact on the historic environment and make no recommendations for archaeological work.

**Wretham Parish Council** – (Most recent comments) No objection - The applicant has now sent the Council additional information, and so my Council has agreed to withdraw its previous expressions of concern regarding possible impact on the pingos, the volume HGV traffic (having been assured that the vast majority of this will be on the A1075 between the site and the A11, and that should there be issues, these could be raised at the proposed Liaison Group, (and that a Site Management Plan would be introduced and enforced) and the possible 24/7 noise of operating equipment.

**Norfolk Fire Service** - No response received.

**RSPB** - No response received.

**Local Member (The Brecks) (Cllr Eagle)** - No response received.

### **3.8 REPRESENTATIONS**

The application was advertised by means of neighbour notification letters, site notices, and an advertisement in the Eastern Daily Press newspaper. One letter of correspondence has been received from the public, although this relates to the future DCO application which is intended to be submitted in the next few months, and not this current planning application. The concerns raised relate to noise and traffic.

### **3.9 APPRAISAL**

The key issues for consideration are:

- A. Principle of Development
- B. Landscape & Visual Impact / Design
- C. Amenity
- D. Ecology
- E. Impact upon Heritage Assets
- F. Transport
- G. Sustainability
- H. Flood Risk
- I. Groundwater/surface water
- J. Cumulative Impacts

### **3.10 A – Principle of Development**

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

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

- 3.11 Relevant development plan policy is, as detailed above, is set out in the Norfolk Minerals and Waste Development Framework (NM&WDF) Core Strategy, Adopted Breckland Local Plan November 2019 (adopted 2019), Core Strategy and Development Control Policies (2009) (Saved policies).
- 3.12 In terms of the principle of the development, the main issue is whether the proposal is in accordance with the development plan policy for the location of new waste management facilities. In this case the application site has previously been consented and operated for a waste management use and policy supports the development of new and expanded waste management facilities on land that is already in a waste management use, on existing industrial or employment land and/or on other previously developed and contaminated or derelict land.
- 3.13 The proposed use in this case is a facility for the production of carbon-negative aggregates involving the use of Air Pollution Control residues (APCr), which, is classed as hazardous waste.
- 3.14 APCr is classed as hazardous mainly due to the high pH level (pH11 - 13) and can, from some sources, have sufficiently high concentrations of heavy metals (notably copper) to give it Hazard Property (HP) 14 - ecotoxic. In most cases, however, the concentrations of heavy metals are only just over the relevant thresholds.
- 3.15 APCr is considered no more, or no less, hazardous than cement powder. Both are fine powders, very alkaline with low levels of heavy metals. The handling of both materials has identical PPE requirements and carries the same risks to the environment and human health.
- 3.16 The NM&WDF Core Strategy, and in particular Policies CS3, CS4, CS5, CS6 and CS7 are of relevance.
- 3.17 Policy CS3, which is concerned with the amount of waste management capacity to be provided over the plan period, sets out that the aim of the overall strategy is to provide sufficient waste management capacity to meet the expected arisings of municipal and commercial and industrial waste. Policy CS4 sets out in more detail the amount of different types of capacity to be provided.
- 3.18 Policy CS5, which is concerned with the general location of waste management facilities, sets out the broad spatial strategy for the location of new waste management capacity and identifies that strategic or major waste

management facilities should be well related to the major centres of population and waste arisings in Norwich, Great Yarmouth, King's Lynn or Thetford. Although the site is located within 6 miles of Thetford, the facility would not in any case be dealing with household or industrial waste generated from the town or the surrounding area. Instead the waste stream would emanate from energy from waste facilities across the country (as the facility at Brandon already does), including from Peterborough, Milton Keynes London and Kent. Given the unique nature of the waste stream, and the proximity to the A11 providing good transport links, this is however considered acceptable in the context of Policy C7 (see below).

- 3.19 The two other relevant key policies in relation to the principle of the development are Policies CS6 and CS7. Policy CS6 which sets out general considerations in relation to proposed waste management uses makes clear that proposals on land already in a waste management use, on existing industrial or employment land or land identified for these uses in a Local Plan or Development Plan Document, other previously developed land; and contaminated or derelict land, will be considered to be acceptable. The proposal included in this application would fall within these types of land, as either land in a waste management use, existing industrial land or alternatively as other previously developed land. The additional qualifying test to be applied is that it should not cause any unacceptable environmental impacts. These are considered in more detail below.
- 3.20 Finally, Policy CS7 which is concerned with applications for recycling, composting, anaerobic digestion and waste transfer stations, to handle all types of waste states that these will be considered favourably, so long as they would not cause unacceptable environmental, amenity and/or highways impacts.
- 3.21 In terms of the principle of the development (i.e., in relation to the type and location of the site only), subject to the additional consideration of the environmental, amenity and highways impacts the application can be considered to be acceptable and in compliance with the development plan policy, i.e., Core Strategy Policies CS3, CS4, CS5, CS6 and CS7 as detailed above. As such and in accordance with paragraph 7 of the National Planning Policy for Waste (NPPW) there is no need for the applicant to have to demonstrate the quantitative or market need for new or enhanced waste management facilities.
- 3.22 Additionally, the site is suitably located to replace the applicant's Brandon site, where the lease is due to expire. The Larkshall Mill site would allow the applicant to maintain existing contracts and give opportunity for employees at the Brandon site to be retained without significant disruption.
- 3.23 The principle of the development is accordingly acceptable in relation to relevant development plan policy.
- 3.24 The Government's National Planning Policy for Waste (2014) is the most direct relevant national guidance. This document underlines that the planning system is pivotal to the timely and adequate provision of waste facilities and it sets out the Government's strategy for sustainable waste management. This scheme would assist with the overarching thrust of dealing with waste in a

more sustainable manner, i.e. through recovery of hazardous waste and diverting it from landfill, therefore driving waste management up the waste hierarchy. The NPPW also underlines that the need for a facility is only required to be demonstrated where a proposal is not consistent with an up to date plan. Because of the compliance with the land use policies detailed above, there is not a requirement to demonstrate a need for this facility at this location.

### **3.25 B - Landscape & Visual Impact**

- 3.26 Adopted NMWDF Policy CS14: Environmental Protection requires that there are no unacceptable impacts and ideally improvements to the character and quality of the landscape, 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, Policy ENV 05 of the Breckland Local Plan November 2019 requires proposals to have particular regard to maintaining the aesthetic and biodiversity qualities of natural and man-made features within the landscape, including a consideration of individual or groups of natural features such as trees, hedges and woodland or rivers, streams or other topographical features.
- 3.27 In this case most of the existing buildings on the site will be repurposed. The proposal shows the demolition of one large storage unit and the construction of a feed hopper and conveyor, a curing bay shed, covered aggregate conveyor system, 7 no. silos, CO2 tank and associated site works. These are shown to be located to the north west part of the site.
- 3.28 The proposed new silos, building and conveyor are all lower than the existing buildings on the site. Their design is functional and not out of keeping for this existing waste site surrounded by other industrial uses. In context the siting and design of these industrial structures would not be unexpected in terms of visual impact.
- 3.29 As part of the Environmental Statement, a Landscape and Visual Statement has been undertaken by David Jarvis Associates (DJA). Fieldwork carried out by DJA established that site is visually contained to the north by a tree belt, to the east by two embanked reservoirs and to the south and southeast by hedgerows and woodland.
- 3.30 Whilst there are some views of the upper elements of the existing principal waste facility building on the site, such views are very localised and limited to a short section of Thetford Road to the southwest and restricted byway Wretham RB8 to the southeast.
- 3.31 Consequently, the Landscape Statement concludes that the proposed development will have very limited effects on local landscape character and visual amenity.
- 3.32 The site is not visible from the Peddars Way National Trail.
- 3.33 Any limited public views of the structures will be seen against or adjacent to existing buildings. Given that the proposed new silos, building and conveyor are all lower in height than the existing buildings, they will not appear unduly prominent within the landscape.

- 3.34 No objection has been raised from the County Green Infrastructure and Landscape Officer, who agrees with the findings of the Landscape Statement. The County Council Arboriculturist finds there are no arboricultural implications relating to this application and therefore has no objections to this change of use development.
- 3.35 The proposals therefore are considered consistent with the development plan policies outlined above and the NPPF.
- 3.36 C – Amenity**
- 3.37 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.
- 3.38 Breckland Adopted Local Plan policies GEN02 and COM03 also give regard to the protection of existing residential amenity and permitting development that would not have significant impact on human health. NMWDF policy DM13: Air Quality seeks to only permit development where development would not impact negatively on Air Quality Management Areas (AQMA) or lead to the designation of new ones. Furthermore, NPPF paragraph 170 requires that new and existing development should be prevented from contributing to unacceptable levels of air pollution.
- 3.39 As referred to above, a small number of residential properties lie in close proximity of the application site. The nearest are a pair of semi-detached dwellings which are immediately to the north of the car park at the western end of the site; these are in the ownership of the applicant. The farmhouse to Saw Pit Farm is to the nearest dwellinghouse to the north, separated from the application site by a band of trees. The nearest private dwelling to the south east is sited along the A1075.
- 3.40 No public rights of way run through or abut the site.
- 3.41 Noise
- 3.42 A noise survey was undertaken and submitted when the application was first made. This included surveys at both the application site and one of O.C.O's other sites to provide predicted noise levels for the proposed development. This found that the proposed development is unlikely to generate noise above which has been historically experienced at the Larkshall Mill site.
- 3.43 However, in response to the original submission, Breckland Council Environmental Protection Team stated that the proposed development should 'not adversely affect the amenity of the nearby residential properties or generate a noise level measured at the boundary of the nearest noise sensitive premises greater than 5 dBA above the existing day or night-time background levels.'
- 3.44 In order to clarify that this could be achieved, the applicant undertook a full Noise Impact Assessment (NIA) for the proposed change of use. In line with

the requirements of British Standard BS 4142:2014+A1:2019, this NIA includes a noise survey using noise recordings from the nearest noise-sensitive receptors, and an assessment of the difference between the rating level resulting from the plant operation predicted at the nearest noise sensitive premises and the existing background noise level in the area.

- 3.45 The nearest noise-sensitive receptors are the two residential dwellings adjacent to the access road which are owned by the applicant and leased to permanent residents, the poultry farm manager's dwelling to the north of the site boundary and the private dwelling on the A1075 to the southwest.
- 3.46 The NIA used computer modelling to calculate the plant and activity noise emissions from the proposed facility at each receptor location, based on noise survey results from the operational O.C.O Technology site in Leeds to inform the noise prediction model.
- 3.47 The noise sources with the highest levels were found to be the tankers and HGVs visiting the site rather than the on-site processing plant and equipment.
- 3.48 The NIA found that the predicted rating noise levels for the site are expected to be lower than the current background noise levels of the approved site use as a waste transfer station. Accordingly, significant effects are not expected to result from the operation of the proposed development and no mitigation is deemed to required.
- 3.49 The Breckland Council Environmental Protection Officer has reviewed the findings of the NIA and raises no objection, providing the development proceeds in line with the application details. It is recommended that this is secured by way of planning condition.
- 3.50 Dust
- 3.51 The submitted Environmental Statement (ES) includes a Dust Assessment by Dustscan AQ Ltd (Appendix 5 of the ES) which considers the potential impacts to air in relation to pollutants and potentially arising from the proposed development.
- 3.52 The majority of the process takes place indoors and therefore dust is not expected to a problem. APCr and cement are proposed to be delivered to the site using bulk tankers which fill the silos pneumatically, preventing windborne dust. Sand is proposed to be delivered by sheeted bulk tippers and tipped in the sand storage bay.
- 3.53 The processing will take place indoors and the processed aggregate is then shown to be transported along a covered belt conveyor system to the proposed aggregate curing bays. The conveyor is covered to avoid dust arising from the aggregate.
- 3.54 However, a number of mitigation measures are proposed to prevent dust becoming a nuisance. Suggested mitigation measures relating to material handling and processing include wetting materials down with a water bowser where necessary, controlling vehicle speeds within the site, suspending operations when wind conditions would be likely to result in visible dust emissions towards offsite receptors.

- 3.55 Suggested mitigation measures relating to on-site transportation (including conveyors) include keeping conveyors and transfer points covered at all times, using mobile plant with upward or sideways exhausts only, inspecting conveyors regularly, fitting shrouding to transfer points where visible dust emissions may occur and fitting return belt cleaners on conveyors.
- 3.56 The Dust Assessment concludes that, provided the proposed dust mitigation measures are applied to the proposed development, there would be Negligible impacts as a result of the development at all nearby receptors.
- 3.57 Consequently, this assessment shows that the proposed development can be operated in a manner unlikely to cause adverse dust impacts in its vicinity, and with reference to best practice guidance, the overall impact of the proposed development is considered to be not significant.
- 3.58 Accordingly, the proposal is considered not to conflict with any national, regional and local planning policy.
- 3.59 The submitted Environmental Statement (ES) includes an Air Quality Assessment (AQA) by Dustscan AQ Ltd (Appendix 5 of the ES). This is to assess the impacts of the predicted vehicle movements on air quality and on any designated nature conservation sites in the area such as Breckland Forest SSSI East Wretham SSSI SE East Wretham SSSI NW which are those closest to the road network.
- 3.60 An assessment was made regarding the associated transport emissions on these designated sites which are adjacent to the affected road network. However, the AQA found that based on the maximum forecast over a three-year modelling period (representative of the worst-case scenario) there is no likely significant effect, and that the contribution is negligible.
- 3.61 An assessment has been made of the associated transport emissions on three other nearby residential receptors along the A1075. The percentage change in concentrations is less than 0.5 %, which is considered imperceptible, which is classed as a 'negligible' impact.
- 3.62 Based upon the above, the AQA makes no recommendations for air quality mitigation measures for the operational phase of the proposed scheme.
- 3.63 In regard to air quality, it can therefore be concluded that the proposed scheme is not considered to conflict with national, regional and local planning guidance.
- 3.64 With respect to the actual regulation of an operation such as this, in accordance with paragraph 188 of the NPPF and the National Planning Policy for Waste, the County Planning Authority needs to focus on whether proposed development is an acceptable use of land, rather than the control of processes or emissions, and the CPA needs to be satisfied that the facility can in principle operate without causing an unacceptable impact on amenity by taking advice from the relevant regulation authority (the Environment Agency). However, it is the role of the Environmental Permit (which the facility would also require before it can operate) as issued by the Environment Agency to actually control emissions/pollutants such as noise, odour and dust

through conditions, and Planning Authorities should assume this regime will operate effectively.

- 3.65 In summary, the accompanying ES contains noise, dust and air quality assessments which have considered the relevant receptors to the site. The assessments conclude that the proposed development can operate safely without causing nuisance and, where necessary, have recommended mitigation measures or management plans.
- 3.66 It is therefore considered that the proposed development complies with Policies CS14, DM12 and DM13 of the Norfolk Core Strategy.

### **3.67 D – Ecology**

- 3.68 NMWDF Core Strategy Policy CS5 notes the significant environmental constraints affecting the major settlements. With reference to Thetford, it states that development in or near Thetford (and also Swaffham and Watton) is highly constrained by the presence of the Breckland SPA and Breckland SAC... Given the noise and disturbance of waste management operations, any new waste management facilities close to Thetford are likely to be more acceptable in the area immediately east of Thetford only...
- 3.69 NMWDF Core Strategy policies CS14 and DM1 both seek to protect adverse impacts on biodiversity including nationally and internationally designated sites and species
- 3.70 NMWDF Core Strategy Policy MW5 refers specifically to The Brecks Protected Habitats and Species, stating that development will only be permitted where sufficient information is submitted to demonstrate that the proposal will not adversely affect the integrity of the SPA or SAC.
- 3.71 The application site lies within 450m of the Breckland Special Protection Area (SPA) and 620m of the Brecklands Special Area of Conservation (SAC)).
- 3.72 A bat survey and a Habitat Regulations Assessment (HRA) Technical Note are included with ES which accompanies this planning application.
- 3.73 Bat Survey
- 3.74 A previous bat survey carried out in June 2020 (in relation to a different project) identified a number of small buildings, to the northeast of the site (outside the site boundary), as confirmed bat roosts owing to the presence of suspected long-eared bat droppings or as holding moderate bat potential owing to the access points and roosting features identified.
- 3.75 The Baler Hall building (proposed Process Building) was assessed as holding low bat potential owing to an access and roosting feature. Other buildings on site were assessed as not suitable for roosting.
- 3.76 The storage building proposed to be demolished (see Drawing No. 2843-4-DR0003 Existing Conditions) is largely made up of metal cladding and lacks internal cavities and structures that bats typically roost in. As a result, it was assessed in 2020 as holding negligible bat potential.
- 3.77 An updated bat survey was undertaken between August and September 2021 by Biome Consulting Ltd. The survey confirmed a roost (probable night-roost)

for a single Brown Long-eared Bat in a small building to the northeast of the site (Building 3). This building is located outside the site boundary and will be unaffected by the proposed development.

- 3.78 The survey of the Baler Hall (referred to as 'Building 9' in the Bat Survey Report) confirmed a day roost of a single Common Pipistrelle. It is considered that no adverse impacts to this roost will occur as long as no additional external lighting is directed upon to the roost site.
- 3.79 The survey report confirmed that the site is currently of very limited value to foraging bats and nocturnal surveys confirmed that only low numbers of Common and Soprano Pipistrelles (and Noctules which were high over the site) used the site for foraging. It is recommended, however, that additional external lighting is restricted as much as possible and it should be directed to where it is needed, and light spillage avoided.
- 3.80 Habitat Regulations Assessment
- A Habitat Regulations Assessment (HRA) Technical Note has been prepared by Artemis Ecological Consulting Ltd and accompanies the ES to provide the CPA with sufficient information to make an HRA of the proposed development.
- 3.81 The HRA Technical Note considered the likely significant effects of the proposed development on breeding stone curlew (loss of breeding habitat, disturbance and changes in air quality) and also breeding woodlark (changes in air quality) associated with the Breckland SPA. The potential likely significant effects on changes in air quality on habitats within the Brecklands SAC have also been considered.
- 3.82 While stone curlews are known to nest in the locality, the proposed development takes place on an existing site and does not remove any habitat. The areas used for nesting are considered to be a sufficient distance from the site to not be affected by noise or lighting from the site.
- 3.83 All trees surrounding the site will be retained.
- 3.84 The HRA Technical Note states that disturbance and air quality are the only realistic impact pathways linked to the development that could impact on the interest features of the two protected sites. No likely significant effects on the interest features of the two sites have been identified. A significant effect is any effect that would undermine the conservation objectives for the respective National Site Network (NSN).
- 3.85 The HRA Technical Note concludes that the impacts of the project alone on the two NSN sites are considered to be negligible. There are no other projects within the immediate vicinity of this site that are considered likely to act in-combination with this scheme and result in likely significant effects.
- 3.86 Accordingly, no mitigation is required to be included in the scheme design to address potential impacts on the NSN sites. The inclusion of mitigation measures would require the project to be subject to appropriate assessment.

- 3.87 On this basis, it is concluded that these proposals will not have an adverse effect on the integrity of the designated sites identified above, either alone or in combination with other plans and projects.
- 3.88 Nutrient Neutrality - On 16 March 2022 Natural England wrote to a cohort of 42 councils including the County Council reviewing its position on nutrient neutrality. In this instance the proposed site is not located within Natural England's identified nutrient neutrality Site of Special Scientific Interest (SSSI) catchment, would not create new overnight accommodation or additional discharges, and therefore there are no outstanding issues in regard to nutrient neutrality.
- 3.89 It is therefore considered that the proposed development complies with Policies CS14 and DM1 of the Norfolk Core Strategy.
- 3.90 Appropriate Assessment
- 3.91 The site is situated within 450m of the Breckland Special Protection Area (SPA) and 620m of the Breckland Special Area of Conservation (SAC)). 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 the nature of the development, the proposal would not have a significant impact on these or any other protected habitat. Accordingly, no Appropriate Assessment of the development is required.

### **3.92 E – Impact upon Heritage Assets**

- 3.93 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.
- 3.94 Policy ENV 07 Designated Heritage Assets of the Breckland Local Plan November 2019 states that development that will affect any designated heritage asset will be subject to comprehensive assessment and should conserve or, wherever possible, enhance the architectural and historic character, appearance and setting of the asset.
- 3.95 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.
- 3.96 In this case there are no listed buildings within the site or within the immediate surrounding area. The nearest Scheduled Monument is Roudham deserted medieval village which is located 3.6km to the southeast of the site.
- 3.97 As this is an existing waste site and all new works are within the existing site, the proposed development is not considered to have any negative impacts on cultural or heritage assets in the locality. The contained nature of the site also means there are limited views from any heritage assets in the wider area.

There are no implications for designated or non-designated heritage assets in this case.

- 3.98 The County Council Historic Environmental Officer (Archaeology) raises no objection stating that the proposed development will not have any significant impact on the historic environment. There are no recommendations for archaeological work.
- 3.99 The proposals therefore are considered consistent with the development plan policies outlined above and the NPPF.

### **3.100 F – Transport**

- 3.101 NMWDF Policies CS15: Transport and DM10: Transport state that new waste site development must not result in unacceptable risks to road users and pedestrians or unacceptable impacts on the capacity or efficiency of the highway network.
- 3.102 Paragraph 111 of the NPPF states that ‘development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highways safety, or the residual cumulative impacts on the road network would be severe.’
- 3.103 A Transport Statement (TS) is included at Appendix 9 of the ES that accompanies this planning application.
- 3.104 Access to the site is taken directly from the A1075 Thetford Road which is a strategic County A-road. The section of the road where the access is located is straight and with good forward visibility. The established access forms a simple priority junction arrangement with large radii and good minor road sightline visibility. It is not proposed to physically change this access in any way as the site entrance is considered suitable for the new proposed use.
- 3.105 It is anticipated that waste and other constituent material deliveries will be received on the site throughout much of the day and transported to the site by tanker trucks. Articulated tipper trucks will transport away the aggregates that are created by the OCO process.
- 3.106 OCO has existing contracts in place for receipt of APCr. This would mean that the trucks delivering this material would arrive at the site from the A11 direction. This will also be the case for CO2 and cement. Some of the sand, estimated to be about 50%, is expected to be supplied locally from Watton. The rest of the sand will come from the A11 direction. Aggregates are mostly supplied to destinations served by the A11.
- 3.107 The site is expected to have 40 full time equivalent employees of which 28 will be site operatives working shifts i.e., 14 at a time, and 12 will be office based staff. Office staff will operate ‘normal’ working hours that are likely to be 0700-1800 Monday to Friday. Site operatives will work shifts of 0600-1400 or 1400-2200. HGV movements will take place between the hours of 0600-2200 Monday to Saturday.
- 3.108 A Traffic Survey and accident analysis was conducted as part of the TS. Trip generation has been forecast for the additional trucks associated with the O.C.O Technology facility. On a weekday, it is forecast that there will be 22

trucks in and 22 trucks out from the site per day. There will also be 40 cars in, and 40 cars out generated, which is considered to be a worst-case scenario. An analysis of the former use of the site as the Viridor Waste Transfer Station suggests that the proposed development would amount to a significant net reduction in traffic generated by the site.

- 3.109 An assessment of the development traffic movements by hour has been undertaken and included in the TS. This shows that much of the development traffic takes place outside of the peak periods for general traffic. Overall, the development traffic represents a negligible difference to hourly traffic flows, and less than the existing daily variations in general traffic flow.
- 3.110 The TS concludes that the proposed change in use of the site to a new technology facility will result in no detrimental impacts on the local highway network.
- 3.111 The Highways Officer has evaluated the submitted information and, given the existing lawful use of the site coupled with the other existing users of the access, raises no objection to the proposed change of use. Planning conditions are recommended to be imposed with regard to limiting the throughput of material / aggregate to the levels proposed, the provision and retention of visibility splays and vehicle parking and manoeuvring areas.
- 3.112 The proposed development is considered to comply with Policies CM15 and DM10 of the Norfolk Core Strategy. In accordance with the provisions of Paragraph 111 of the NPPF, there is no reason to prevent the development on highway safety grounds.
- 3.113 G – Sustainability**
- 3.114 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 waste sites.
- 3.115 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.
- 3.116 A Sustainability Statement has been submitted as part of the application. This states that one of the key factors in choosing the Larkshall Mill site for the proposed development was the ability to repurpose the majority of the existing buildings and infrastructure on site. Reusing existing buildings is considered to be the most sustainable option in comparison to the development of a greenfield site or the complete demolition and re-building of a facility.
- 3.117 The only new building proposed (the curing bay shed) is of modest scale and has been designed to be in keeping with the existing structures on site. The layout of the proposed infrastructure, such as conveyors and silos, has been designed to allow HGVs to circulate the site without having to undertake unnecessary manoeuvres and thereby wasting fuel.

- 3.118 Where possible, use of recycled and/or secondary materials will be supported during the construction phase. Most of the proposed development to be constructed consists of infrastructure such as metal silos, tanks, conveyors and internal mechanical equipment, the majority of which are recyclable at the end of their life.
- 3.119 The proposed facility will allow O.C.O Technology to continue to supply a sustainable construction product to the region, in turn allowing other construction projects to achieve sustainability targets.
- 3.120 The Statement refers that opportunities for rainwater harvesting and its use in the process will be explored in greater detail once the facility is operational. Rainwater harvesting is standard practice at O.C.O Technology's other sites and is a target in the company's sustainability metrics.
- 3.121 Adopted NMWDF policy CS13 seeks to secure at least 10% of a site's energy requirements should be renewable energy created on site from micro-renewables (such as PV panels). This policy applies to extensions to existing sites as well as new ones. The roofs of the existing waste reception and processing halls are already fitted with photovoltaic panels which are proposed to be retained and reconnected. This will contribute significantly towards meeting the 10% requirement for onsite generation.
- 3.122 The proposed development involves the recovery of a material that would have otherwise ended up at a hazardous landfill. The process used in the manufacturing of carbon-negative aggregates does not generate any waste material.
- 3.123 In terms of socio-economic impact, the application states that the existing use of the site as a waste transfer station is no longer required so this proposed change of use would retain an existing workforce in the area.
- 3.124 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.
- 3.125 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 using resources from nature more sustainably and efficiently.
- 3.126 In summary, the proposed development is considered to comply with the provisions of policies CS13 and DM11 of the Norfolk Core Strategy.
- 3.127 H. Flood Risk & Drainage**
- 3.128 Breckland Local Plan 2019 Policy ENV09 - Flood risk and surface water drainage and NMWDF Policy DM4: Flood Risk requires developers to demonstrate waste management sites can function without unacceptable

flood risk to both the site itself and also that flood risk is not increased as a result of the proposed development.

- 3.129 Although the entirety of the proposed extension is located in Flood Zone 1 (the lowest risk of flooding) a Flood Risk Assessment (FRA) was undertaken by Callidus Transport and Engineering Ltd. and submitted with the application and is included at Appendix 4 of the accompanying ES in accordance with the NPPF and PPG on the basis the site area exceeds 1 hectare.
- 3.130 The potential for flooding from a wide range of sources has been considered in this FRA, including fluvial, tidal, groundwater, overland, and from canals and reservoirs.
- 3.131 The site currently drains to a lagoon within the site where the water infiltrates into the ground. Drainage on the site is through a piped drainage system with two spill tanks prior to discharging into the lagoon.
- 3.132 The proposed development will utilise much of the same buildings and yard as the existing site usage. The only change will be the removal of a low-level corrugated iron shed. Therefore, it is proposed to retain the existing surface water drainage arrangement as far as possible by draining the proposed development areas to the lagoon using the same piped network, which has been surveyed and shown to be in good condition
- 3.133 Existing discharge rates from the piped surface water drainage system are to remain as calculated, and associated attenuation is already provided by the lagoon, which acts as a storage structure. There is no positive discharge from the lagoon, which discharges via infiltration only.
- 3.134 Foul flows generated by the development will be collected by the two existing septic tanks. These will be cleaned out and maintained. After treatment of the foul sewage, the septic tanks discharge to the surface water network, and then to the lagoon, and this arrangement will remain.
- 3.135 Overall, the drainage system on the site, which discharges to a lagoon for infiltration, satisfies the top level of the SuDS hierarchy.
- 3.136 The FRA demonstrates that the proposed development is appropriate and shows that the existing drainage system can be maintained so as not to put the development at a high risk of flooding. The site is operating a SuDS compliant solution to drainage, and this will be continued.
- 3.137 The surface water discharges from the site are to be stored on site and infiltrated into the ground via the lagoon. The FRA concludes that the risk of flooding downstream of the site will not be increased as a result of the application proposals and there should be no reasons why the approving Authority would not accept the application on flood risk or drainage grounds.
- 3.138 The Lead Local Flood Authority (which has responsibility for managing surface water flooding) has made no comments. The proposed development will require a permit under the Environmental Permitting Regulations 2010 and the EA has not identified any major concerns about issuing a permit for

this development based upon the current information submitted in support of this planning application.

- 3.139 The proposal is considered to accord with development plan policy and the NPPF with regards to flood risk.

### **3.140 I - Groundwater/surface water**

- 3.141 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.
- 3.142 As referred to above, the proposed development will utilise the existing drainage infrastructure on site. The existing drainage system that discharges to the lagoon from which the surface water infiltrates into the ground will be retained. The entire site is drained this way using mostly gullies connected to a piped network system. Along the north side of the site where the drainage network is quite shallow, kerb drains are used to collect surface water before discharging to the piped network. The piped network has been surveyed and shown to be in good condition.
- 3.143 Between the piped network and the discharge to the lagoon there are spill tanks, to capture hydrocarbons and suspended sediments, as well as a sluice gate to shut down the discharge to the lagoon in case of emergency.
- 3.144 Foul drainage flows from the site are treated by two onsite septic tanks. These clean the water and then discharge as grey water into the surface water system for discharge to the lagoon. The site's two welfare facilities are connected to the two septic tanks.
- 3.145 The drainage system on the site, which discharges to the lagoon for infiltration, satisfies the top level of the SuDS hierarchy and this arrangement will continue through this proposed development.
- 3.146 In summary, the proposal would not pose a risk to surface or ground water resources and the proposal accords with NMWDF policy DM3.

### **3.147 J - Cumulative Impacts**

- 3.148 There are not any other waste sites operating or permitted in the immediate area. The existing operation does not have a history of complaints lodged to the County Planning Authority. 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.

### **3.149 ENVIRONMENTAL IMPACT ASSESSMENT**

In accordance with the Town and Country Planning Environmental (Impact Assessment) Regulations 2017 an Environmental Statement has been submitted. The assessment of the matters in the statement is set out above under the headings A – J above.

3.150 In summary, the Environmental Impact Assessment finds that, with the proposed mitigation measures in place there are no identified overriding, significant or adverse environmental effects arising from the proposed development at Larkshall Mill, Wretham.

### **3.151 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.

3.152 One representation was received but this relates to a proposed Development Consent Order (DCO) application which the applicant is preparing for planning permission to further expand the capacity of the site.

3.153 A public exhibition setting out the information for this DCO proposal was held in July 2022 and an application to the Planning Inspectorate is expected to be submitted on this site in the near future. The representation received refers to the increased traffic generation expected by this DCO proposal and quotes traffic figures relating to the DCO proposal and not this current planning application.

3.154 During the initial consultation Wretham Parish Council raised several concerns relating to possible impacts of the proposal on the nearby pingos (the ice-age ponds), the potential number of lorry movements and the resultant impact on the village and its residents and the continuous noise of the conveyor belt.

3.155 However, these have been addressed during the course of the planning application and the PC has since confirmed they have no outstanding issues with this current proposal.

### **3.156 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.

3.157 In this instance however, no unauthorised development is known to have occurred.

## **4. Conclusion, Reasons for Decision and Planning Balance**

4.1 As an existing waste management site, Larkshall Mill is considered to be a suitable location for this proposed development, which represents a sustainable use for the site, utilising the latest technology to capture carbon in the manufacturing of aggregates for the construction industry.

4.2 The application is accompanied by an Environmental Statement (ES) following an Environmental Impact Assessment (EIA) of the potentially significant environmental impacts of the proposed development. The ES presents the findings, with a full assessment of the potential impacts, the significance of the impacts, and mitigation proposals for the development

proposal, based on technical work covering a wide range of issues. In conclusion no significant adverse environmental impacts are predicted during the life of the development.

- 4.3 In terms of policy the proposed physical works required to enable the change of use are of appropriate design and scale for this existing industrial site. Any public views of the site are screened by existing landscaping, or the new structures will be visible against a backdrop of existing buildings.
- 4.4 The applicant has demonstrated that the proposal can be implemented with no significant impact on amenity in terms of noise or air quality. An Environmental Permit will need to be secured for a development of this scale.
- 4.5 The only protected species likely to be affected by the proposal is a brown long eared bat which was found to be roosting in a building beyond the site boundary. It is recommended that any additional lighting on the site is controlled by planning condition to ensure minimum harm to habitats.
- 4.6 The submitted HRA shows that overall these proposals will not have an adverse effect on the integrity of the designated nature conservation sites in the vicinity, either alone or in combination with other plans and projects.
- 4.7 The proposal will retain the existing drainage arrangements and it has been shown that there are no flood risk issues as a result of the proposed use.
- 4.8 The proposal contributes to the achievement of sustainable development in accordance with the NPPF on the basis that an existing site will be re-used with limited physical development required to implement the change of use. In terms of socio-economic benefits, it would also maintain a workforce in the area.
- 4.9 The applicant has demonstrated there are no highway safety implications as a result of the proposal. Similarly, the proposed works will have no implications for any trees and will not have any significant impact on the historic environment.
- 4.10 The proposed development is considered acceptable and there are no material considerations why it should not be permitted. Accordingly, full conditional planning permission is recommended.

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

8.3 **Equality Impact Assessment (EqIA):**

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 **Data Protection Impact Assessments (DPIA):**

It is not considered that there are any data protection implications in regard to the above report.

8.5 **Health and Safety implications:**

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

8.6 **Sustainability implications:**

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

8.7 **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:

1. **Grant planning permission subject to the conditions outlined below.**
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.**

### 11.2 CONDITIONS:

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

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

2. The development must be carried out in strict accordance with the application form and plans detailed below and the Environmental Statement (including its recommendations):

- Drawing No. 2843-4-1-DR-0001-S4-P1, Site Location Plan
- Drawing No. 2843-4-1-DR-0004-S4-P3, Proposed Site Layout.pdf
- Drawing No. 2843-4-1-DR-0005-S4-P3 Proposed Curing Bay Building Elevations
- Drawing No. 2843-4-1-DR-0006-S4-P3 Proposed Site Elevations
- Drawing No. 2843-4-1-DR-0008-S4-P1 Silo & CO2 Tank Layout and Elevations

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

3. The total quantity of Air Pollution Control residues (APCr) waste throughput between 1 January and 31 December of any year at the site shall not exceed 30,000 tonnes. Records shall be maintained for the lifetime of the development and made available for inspection.

Reason: In the interests of highway safety and to accord with the waste strategy objectives of Norfolk Minerals and Waste Core Strategy DPD 2010-2026.

4. No operation authorised or required under this permission shall take place on Sundays or public holidays, or other than during the following periods: 06.00 - 22.00 Mondays to 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.

5. The development shall operate at all times using the dust mitigation measures detailed within the accompanying dust assessment dated 1 December 2021 prepared by Dustscan AQ in paragraphs 6.1, 6.2 and 6.3.

Reason: In the interests of the amenities of the nearby residents, in accordance with Policy DM12 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.

6. All external lighting should be hooded and angled down and installed and maintained in accordance with the manufacturers design. Lighting should be sensor activated with LED warm lights used. No other external lighting shall be installed on the site without the prior written approval of the local Planning Authority.

Reason: To protect the amenities of the surrounding area in accordance with Policies GEN02, COM01 and COM03 of the Breckland Council Local Plan (2019), Policy DM12 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026, and sections 2 and 15 of the National Planning Policy Framework (2021).

7. Notwithstanding the details provided, prior to the commencement of the development hereby permitted a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the County Planning Authority. The CEMP shall provide details of how demolition and construction works are to be undertaken and include:

- i) The identification of stages of works;

- ii) Details of working hours, which unless otherwise agreed with the County Planning Authority shall be limited to 08.00 to 18.00 Monday to Friday and 08.00 to 13.00 on Saturdays);

- iii) Details of all plant and machinery to be used during demolition and construction stage;

- iv) Details of community engagement arrangements;

- v) Details of storage of materials,

- vi) Details of access routes for machinery;

- vii) Details of disposal of rubbish and hazardous materials such as oil;

- viii) Details of consideration for reducing impact on protected species such as bats, birds and invertebrates.

Reason: To safeguard residential amenity, protect areas of nature conservation interest in accordance with Policies GEN02, COM01 and

COM03 of the Breckland Council Local Plan (2019), Policy DM12 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026, and sections 2 and 15 of the National Planning Policy Framework (2021).

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

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

9. Prior to the commencement of the use hereby permitted the road markings at the existing vehicular access onto the A1075 as outlined on drawing 1460-CAL-DR-ZZ-DR-D-SK002 shall be provided in accordance with details to be agreed in writing by the Local Planning Authority.

Reason: To ensure satisfactory access onto the highway in the interests of highway safety and traffic movement in accordance with Policy DM12 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.

10. Prior to the first use of the development hereby permitted visibility splays shall be provided in full accordance with the details indicated on the approved plan. 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 the principles of the NPPF and Policy DM12 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.

11. Prior to the first use of the development hereby permitted the proposed access/on-site car parking/servicing/loading/unloading/turning/waiting area shall be laid out, demarcated, levelled, surfaced and drained in accordance with the approved plan (1460-CAL-DR-ZZ-DR-D-SK002) and retained thereafter available for that specific use.

Reason: To ensure the permanent availability of the parking/manoeuvring areas, in the interests of satisfactory development and highway safety.

## 12. Background Papers

- 12.1 Planning Application reference: FUL/2021/0072 available here:  
<http://eplanning.norfolk.gov.uk/Planning/Display/FUL/2021/0072#undefined>

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 National Planning Policy Framework (NPPF) (2021):

National Planning Policy Framework - Guidance - GOV.UK ([www.gov.uk](http://www.gov.uk))

Planning Practice Guidance (2014):

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

Breckland Local Plan 2019

[https://www.breckland.gov.uk/media/16659/Adopted-Breckland-Local-Plan/pdf/Appendix\\_4\\_-\\_Breckland\\_District\\_Council\\_Local\\_Plan\\_text\\_final-optimized.pdf?m=637818113682070000](https://www.breckland.gov.uk/media/16659/Adopted-Breckland-Local-Plan/pdf/Appendix_4_-_Breckland_District_Council_Local_Plan_text_final-optimized.pdf?m=637818113682070000)

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

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

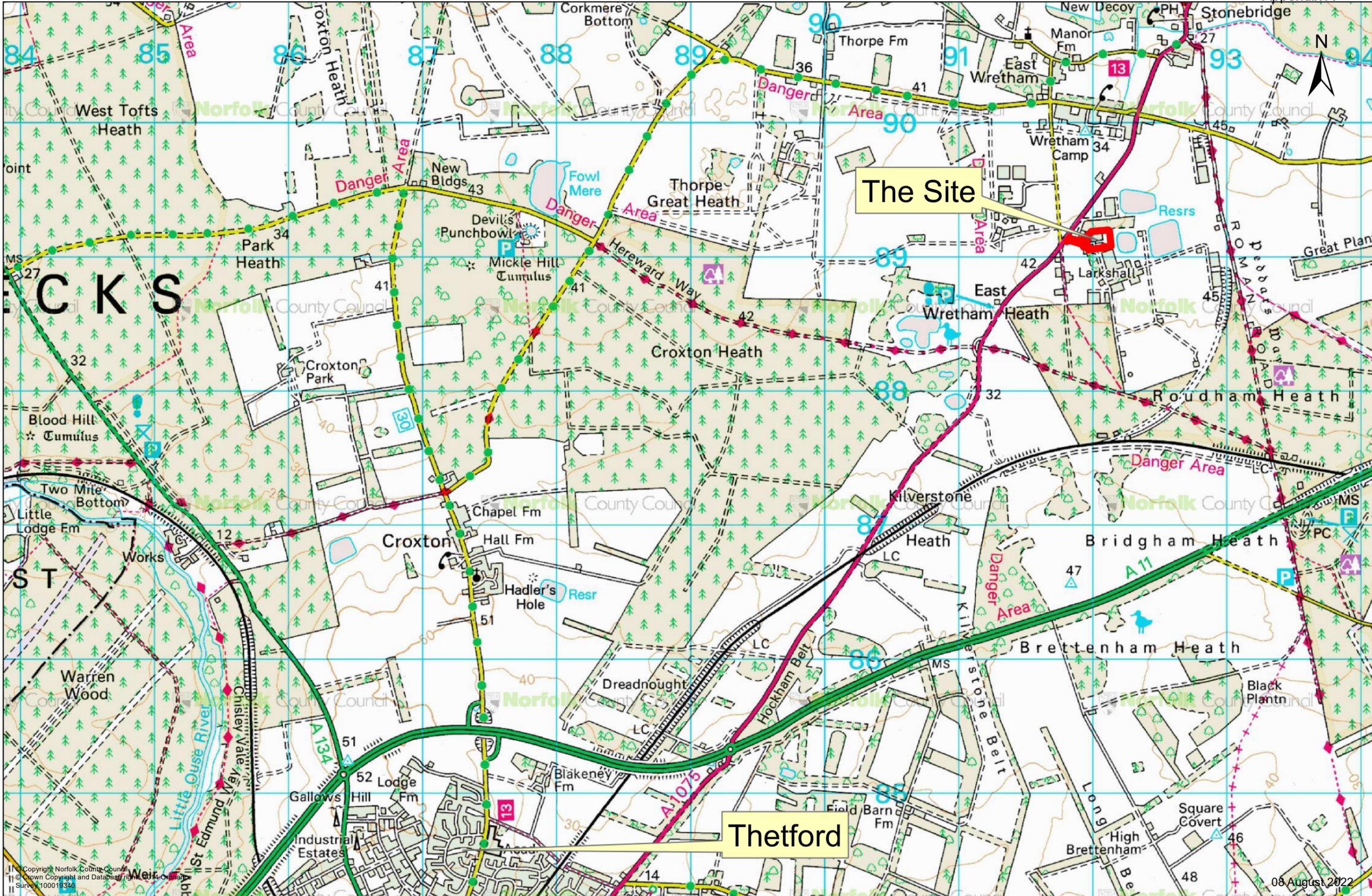
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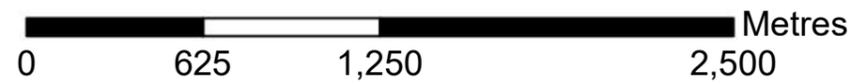
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**East Wretham  
Location Plan**



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Norfolk County Council

A1075  
Thetford Road

40.5m



THETFORD ROAD

Pond

2  
1

Recycling  
Business

WB

WB

Larkshall

Tank

Playing Field

Norfolk County Council

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Survey 100019340

08 August 2022

# East Wretham Site Plan



Norfolk County Council

1:700

## Planning (Regulatory) Committee

Item No: 7

**Report Title:** FUL/2020/0079 & FUL/2020/0080: Spixworth Quarry, Church Lane, Spixworth; FUL/2022/0018: Land at former Quaker Lane, Spixworth

**Date of Meeting:** 23 September 2022

**Responsible Cabinet Member:** N/A

**Responsible Director:** Tom McCabe, Executive Director of Community and Environmental Services

**Is this a Key Decision?** No

**Proposal & Applicant:**

Continued sand & gravel extraction and restoration by infilling to agricultural use by 31 October 2024 without compliance with condition 1 of permission ref. C/5/2014/5008 (Tarmac Trading Ltd)

Continued extraction of sand and gravel without compliance with condition 1 of permission ref. C/5/2014/5007 to enable mineral extraction to take place until 30 April 2023 and the site restored by 31 October 2024 (Tarmac Trading Ltd)

Change of use to enable the establishment and operation of a new means of access into Spixworth Quarry using existing bellmouth onto the Broadland Northway (A1270) from the former Quaker Lane and the route of Bridleway Horsham St Faith and Newton St Faith BW7 for a temporary period until 31 October 2024 to enable the restoration of the quarry. Erection of site office, and 1.2m post and wire fence (to segregate HGV traffic from other users), installation of splitter island (on bellmouth) and passing place, and upgrade/renewal of existing surfaces (Tarmac Trading Ltd)

## **Executive Summary**

Permission is sought through two planning applications to prolong the life of Spixworth Quarry for a further two years until October 2024, to allow all remaining mineral to be extracted, and both the quarry and separate plant site to be restored. Because of the number of objections received relating to the impact on the current quarrying activities on the local highway network, a third application has been submitted to create a new access to the quarry from the 'Petans roundabout' onto the Broadland Northway.

Therefore the report relates to three planning applications which are being reported to this committee in accordance with the constitution on the basis of the number of objections (from 87 households/individuals) to the initial two applications.

The three applications are considered to accord with the development plan and there are not considered to be material considerations to dictate otherwise.

## **Recommendations:**

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

- I. Grant planning permission subject to the conditions outlined in section 12 and the signing of a Section 106 Agreement relating to the management of Spixworth Park.**
- II. Discharge conditions where those detailed below 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.**

## **Background**

- 1.1 Mineral extraction has been authorised to take place at Spixworth Quarry since the mid-1990's following a grant of permission in 1994. However although the permission was implemented, extraction itself did not immediately commence. In 2003 permission was then granted for the processing plant site to the north. A series of temporary permissions have since been granted for both the quarry and plant site extending the duration of both sites.
- 1.2 The most recent permissions for the two sites expired in October 2020 without either the remaining mineral having been worked, or the two sites restored. Two planning applications (the subject of this report) were however lodged before expiry dates to prolong the operations and allow the two sites to be restored.
- 1.3 A third application was also lodged to provide a new access to the two sites from the A1270 Broadland Northway. The original two applications have

therefore been delayed in their determination whilst the County Planning Authority awaited this third application (for the access).

- 1.4 Whilst the proposed new access route falls within the parish of Horsham St Faith and Newton St Faith, the quarry and plant site partly also fall within Spixworth parish.

## **Proposal**

### **SITE**

- 2.1 The three planning applications relate to three separate sites. FUL/2020/0080 relates to the main quarry itself which was originally some 32 hectares in size (at least 50% has now been restored back to agricultural land). It lies adjacent to Spixworth Park to the east of the quarry, and is otherwise surrounded by agricultural land save for the western boundary which is adjacent to the Broadland Northway and Horsham St Faith and Newton St Faith BR7 Public Right of Way (formerly Quaker Lane). Quaker Hall Farm and Quaker Hall Cottages are the closest residential properties some 100 metres to the south.
- 2.2 Four Grade II listed buildings lie within 250 metres of the north-eastern corner of the quarry at Spixworth Hall:
- Barn at site of Spixworth Hall;
  - Granary to west of barn;
  - Garden Wall and Gatepiers south of Barn and Gaffers Cottage;
  - Gaffers Cottage.
- 2.3 FUL/2020/0079 relates to the current plant site which is 600 metres to the north. Mineral won within the main quarry has historically been transported to the plant site for processing crossing Church Lane via an approved haul road. The plant site is around 9 hectares in size and located immediately to the south of Coltishall Lane/Hog Bog Lane. The land is bordered to the south, east and west by agricultural land with the nearest residences around 250 metres to the south on Church Lane.
- 2.4 The Grade 1 listed Church of St Peter is 275 metres to south east of the plant site on Buxton Road as well as two grade II listed buildings at Grange Farm:
- Barn at Grange Farm;
  - Grange Farm House.
- 2.5 A separate haul road links the plant site to Buxton Road where HGVs are required to travel northwards on leaving the site. Application reference FUL/2022/0018 would replace this access with a new one from the Broadland Northway on land to the west of the quarry. The site comprises an existing arm on the 'Petans' roundabout on the A1270, and a 200-metre section of the

Horsham St Faith and Newton St Faith BR7 Public Right of Way. The arm is not open to the public but used for private farm traffic. It also includes an existing private track on the northern boundary of the existing quarry lined with a number of mature trees.

## **PROPOSAL**

- 2.6 Permission is sought, through two applications (FUL/2020/0079 & 0080) made under section 73 of the Town and Country Planning Act 1990, to extend the life of Spixworth Quarry and plant site for a further two years until 31 October 2024. This is to allow any remaining sand and gravel to be won (by 30 April 2023) and the land to be restored back to a landform suitable for agricultural use. In order to do this, the applicant has applied to amend condition 1 of permission references C/5/2014/5007 and C/5/2014/5008 respectively which both relate to the date mineral extraction shall cease and the two sites shall be restored.
- 2.7 The application anticipates inert waste would need to continue to be imported at a rate of some 85,000-100,000 tonnes per year to reinstate the land. However since the previous consents lapsed (on the 31 October 2020) the operator, Tarmac Ltd, has ceased extraction and importation of material on the basis of the level of objection received in relation to the impacts on the local highway network.
- 2.8 The application has since lodged a third application (FUL/2022/0018) to develop a new access onto the Broadland Northway (A1270) from the former Quaker Lane. After leaving the A1270 at the 'Petans' roundabout (via an existing spur), HGVs would use part of the Bridleway Horsham St Faith and Newton St Faith BW7 for around 200 metres before turning left in a north easterly direction towards the quarry. A new single-storey site office would be installed and a compound for parking etc created along this new part of the haul road some 25 metres away from the PROW.
- 2.9 It is proposed the PROW would be extended in width with an additional 2 metres of surfacing laid. Although the applicant initially also proposed to erect a 1.2 metre post and wire fence in order to segregate HGV traffic from other users (such as cyclists and horse riders etc), it has since amended the application to remove this on the basis that the developer would need to ensure that the PROW remains a minimum width of 4.5 metres and the proposed fence would be likely to obstruct some of this required width. Instead appropriate signage would be installed to warn both HGV drivers and recreational users of the PROW of the shared use.

## **Impact of the Proposal**

### **3.1 DEVELOPMENT PLAN POLICIES**

The following policies of the Norfolk Minerals and Waste Development Framework (adopted 2011) (NMWDF), the Joint Core Strategy for Broadland

Norwich and South Norfolk (adopted 2014) (JCS) and the Broadland Development Management Plan Document (DPD) (2015) provide the framework for this planning application. The following policies are of relevance to this application:

Norfolk Minerals and Waste Development Framework

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

DM8: Design, Local landscape and townscape character

DM10: Transport

DM12: Amenity

DM14: Progressive working, restoration and afteruse

Norfolk Mineral Site Specific Allocations DPD

SD1: Presumption in Favour of sustainable development

3.1 Joint Core Strategy for Broadland Norwich & South Norfolk

Policy 1: Addressing climate change and protecting environmental issues

Policy 2: Promoting Good Design

3.2 Broadland Development Management Plan

GC1: Presumption in favour of sustainable development

GC4: Design

EN1: Biodiversity and Habitats

EN2: Landscape

EN4: Pollution

3.3 Spixworth Neighbourhood Plan

Whilst there is not an adopted or emerging Neighbourhood Plan in force for Horsham St Faith and Newton St Faith parish, there is one in force for Spixworth parish which both the plant site and quarry are partly within.

3.4 **OTHER MATERIAL CONSIDERATIONS**

The Revised National Planning Policy Framework (NPPF) was published in July 2021 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. The following sections are of relevance to this application:

2. Achieving sustainable development;

- 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

- 3.5 Planning policy with respect to waste is set out in the National Planning Policy for Waste (NPPW published on 16 October 2014). Additionally, both the National Waste Management Plan for England (2021) (NWMPE), which is the overarching National Plan for Waste Management, and the Government's Waste Strategy, Our Waste, our resources: a strategy for England (2018), are both further material consideration in planning decisions.
- 3.6 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 policies below are material to the application:
- 3.7 Norfolk Minerals and Waste Local Plan: Preferred Options (2019)  
 Policy MW2: Development Management Criteria  
 Policy MW3: Transport  
 Policy MP1: Provisions for mineral extraction  
 Policy MP2: Spatial Strategy for mineral extraction  
 Policy MP6: Cumulative impacts and phasing of workings  
 Policy MP7: Progressive working, restoration and afteruse  
 Policy MP8: Aftercare
- 3.7 Greater Norwich Local Plan (Regulation 19 Publication – currently undergoing examination)  
 Policy 2: Sustainable Communities  
 Policy 3: Environmental Protections and Enhancement
- 3.8 Furthermore, whilst not itself a planning policy, Norfolk County Council's Environmental Policy adopted in November 2019 is also material to the application.
- 3.9 CONSULTATIONS

**Broadland District Council:**

**FUL/2020/0079:** Is aware of comments made in relation to the impact of the development on residents of Buxton Road and trust these will be taken into account.

**FUL/2020/0080:** No response received.

**FUL/2022/0018:** No observations or comments to make.

**District Council Environmental Health Officer:**

**FUL/2020/0079:** No comments.

**FUL/2020/0080:** No comments.

**FUL/2022/0018:** No response received.

**Environment Agency:**

**FUL/2020/0079:** No comments or objections.

**FUL/2020/0080:** No comments or objections.

**FUL/2022/0018:** No response received.

**Highway Authority:**

**FUL/2020/0079:** No objection - given that the extraction rates have been lower than anticipated, and subsequently the associated restoration of the site delayed, the previously permitted volume of traffic generated been dispersed over a longer period of time. Appreciate that there is local concern with regard to the application, and in particular the continued use of the current HGV route to the site from the A140 and B1354 to the north via the C246 Buxton Road / Spixworth Road. Therefore should the applicant wish to access the site via the nearby roundabout on the A1270, this is something that would be welcomed.

**FUL/2020/0080:** Same comments as for FUL/2020/0079.

**FUL/2022/0018:** No objection in principle to the use of the existing arm of the Broadland Northway. There is a clear benefit when compared to the existing historic routing arrangement to the site, which is along the more rural minor road network. The proposal to segregate HGVs and vulnerable road users through the provision of a fence would not be acceptable for legal or maintenance reasons given the highway status of this route. It is however considered this could be achieved through contrasting surface treatments or carriageway lining which again is something which could be agreed at a later date.

**Lead Local Flood Authority (NCC):**

**FUL/2020/0079:** No comments.

**FUL/2020/0080:** No comments.

**FUL/2022/0018:** No comments.

**Public Rights of Way (NCC)**

**FUL/2020/0079:** Not consulted.

**FUL/2020/0080:** Not consulted.

**FUL/2022/0018:** The recorded width of the bridleway is 4.5m, so the proposal to fence the bridleway off at minimum 3m is inadequate as it will obstruct part of the highway (no further response to amended plans).

**County Council Ecologist:**

**FUL/2020/0079:** No objection.

**FUL/2020/0080:** No objection.

**FUL/2022/0018:** Supports request for further details to be provided regarding root protection areas of trees to ensure no damage occurs.

**County Council Green Infrastructure & Landscape Officer:**

**FUL/2020/0079:** No objection.

**FUL/2020/0080:** No objection.

**FUL/2022/0018:** Highlights the need for a tree protection plan but otherwise satisfied that the proposals will benefit from measures already in place such as planting and bunding.

**County Council Arboriculturist:**

**FUL/2020/0079:** Not consulted.

**FUL/2020/0080:** Not consulted.

**FUL/2022/0018:** A Tree protection plan and Arboricultural Method Statement will ensure the existing trees and hedges are retained without damage. Content that this is requested by condition.

**Norwich International Airport**

**FUL/2020/0079:** No objection.

**FUL/2020/0080:** No objection.

**FUL/2022/0018:** No objection subject to a condition concerning wildfowl being attracted to the site.

**Ministry of Defence: Defence Infrastructure Organization**

**FUL/2020/0079:** No response received.

**FUL/2020/0080:** No objection.

**FUL/2022/0018:** No consulted.

**The Ramblers Association**

**FUL/2020/0079:** Not consulted.

**FUL/2020/0080:** Not consulted.

**FUL/2022/0018:** No response received.

**The Open Spaces Society**

**FUL/2020/0079:** Not consulted.

**FUL/2020/0080:** Not consulted.

**FUL/2022/0018:** No response received.

**Norwich Cycling Campaign**

**FUL/2020/0079:** Not consulted.

**FUL/2020/0080:** Not consulted.

**FUL/2022/0018:** No response received.

**Spixworth Parish Council**

**FUL/2020/0079:** No response received.

**FUL/2020/0080:** No response received.

**FUL/2022/0018:** No response received.

**Horsham & Newton St Faith Parish Council**

FUL/2020/0079: No response received.  
FUL/2020/0080: No response received.  
FUL/2022/0018: No objection.

#### **Hainford Parish Council**

**FUL/2020/0079:** has no objection in principle to the extension but suggests that this is an opportunity to create an access/egress road to the Airport (Petans) roundabout on the NDR to alleviate heavy lorries passing through the narrow roads in Hainford.

**FUL/2020/0080:** No response received.

**FUL/2022/0018:** Not consulted.

#### **Frettenham Parish Council**

FUL/2020/0079: Received a number of concerns regarding this application and the amount of lorries that travel along the Buxton Road through Frettenham. The residents of Buxton Road, Frettenham have suffered for many years with the amount of heavy goods vehicles travelling to and from the Spixworth quarry. The Parish Council have no objections to this application but would request Norfolk County Council consider changing the route of the vehicles so they use the spur which is in place from the NDR.

**FUL/2020/0080:** No response received.

**FUL/2022/0018:** Not consulted.

#### **Local Member (Daniel Roper)**

**FUL/2020/0079:** I have received a number of resident's representations on this matter that primarily relate to the suitability of highways access. The concern is that use of Buxton Road in Frettenham/Spixworth was considered as acceptable only while there was a limited lifespan for the quarry. The road is narrow and unsuitable for heavy vehicle movements. In various places it is difficult for other vehicles to pass HGVs and the use of this road by HGVs is of concern to local residents. The issue has been raised at various times of development of an alternative access via the Broadland Northway. If the use of the quarry is to be extended this option needs to be pursued further.

**FUL/2020/0080:** No response received.

**FUL/2022/0018:** No response received.

### **3.10 REPRESENTATIONS**

The applications were advertised by means of neighbour notification letters, site notices, and an advertisement in the Eastern Daily Press newspaper. Eighty-one individuals or households objected to application reference FUL/2020/0079 relating to the plant site and six objected to application FUL/2020/0080 relating to the quarry itself. A number of correspondents commented multiple times reaffirming initial comments or with new issues. The objections/concerns raised were on the following grounds primarily relating to the impacts of HGV's:

- Unacceptable impact of HGV's on the quiet enjoyment of the village
- The noise pollution and dust and air pollution caused by HGV's
- Damage caused to roads

- Spreading of soil and mud on the road
- HGVs mounting paths to pass one another
- HGVs posing a risk to children walking to play area at village Hall
- The speed of HGVs' travelling through the village
- Volume of HGV's using Buxton Road and Waterloo Road
- Buxton Road is narrow with a number of junctions with poor visibility
- Buxton Road is used by cyclists and pedestrians and has no path
- Backfilling of quarry has been left to the last minute and not carried out in a more planned way as the mineral in the quarry was exhausted
- The spur on the NDR roundabout should be used to create a new access to the quarry
- The HGV movements set out in the application exceed what is happening on the ground.

A representation was also received from the Office of Jerome Mayhew MP for Broadland stating that a constituent had contacted him to voice their concerns about Buxton Road being used by HGVs.

Following submission of the third application FUL/2022/0018 for the new access, two representations were received supporting the proposal.

### 3.11 APPRAISAL

The key issues for consideration are:

- Principle of Development
- Landscape & Visual Impact / Design
- Amenity
- Ecology
- Impact of Heritage Assets
- Transport
- Sustainability
- Flood Risk
- Groundwater/surface water
- Progressive, working, restoration and afteruse

### 3.12 A – Principle of Development

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

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

### 3.13 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.

- 3.14 As of September 2022, Norfolk's landbank will stand at 12.47 years' supply based on the sales figures for 2021. The remaining reserves at Spixworth Quarry and plant site form part of this landbank albeit there is very limited mineral left to be extracted now. Therefore, permitting applications FUL/2020/0079 and 0080 would not add any additional mineral to the landbank, but it would allow the remaining mineral that is already part of the landbank to be secured. Therefore, although the County's landbank would continue to be above the 10 year ceiling referred to in CS1, the proposal is considered consistent with this policy particularly given that the NPPF now refers only to maintaining a minimum landbank (there is no upper limit).
- 3.15 With regards to CS2, neither the existing quarry and plant site that are the subject of FUL/2020/0080 and 0079 respectively are proposed to increase in size, but only in duration in terms of their working and restoration. Along with application FUL/2022/0018 which only seeks to provide a new access to the sites, the applications considered to accord with this policy.
- 3.16 The Minerals Site Specific Allocations Development Plan Document (DPD) adopted in 2013 is also part of the development plan. However given that the quarry and associated plant site have been operational since the mid 1990's, the two sites precede both this document and the current review of the Minerals and Waste Local Plan (MWLPR), to extend the Plan Period to the end of 2038. However, the applicant Tarmac, does have a site proposed to be allocated under Policy MIN96 of the draft Minerals and Waste Local Plan, and the proposed new access the subject of FUL/2022/0018 could serve that application site should the allocation be granted permission. However the use of the new access to serve that site would need to be determined on its own merits if and when an application is lodged.
- 3.17 With regards to the principle of inert waste disposal in both the quarry and plant site to achieve the desired restoration levels and profile, this has already been established through the original planning permissions. Although disposal falls at the bottom of the waste hierarchy, it is considered acceptable as a means of restoring the sites so they can be returned to agriculture. Applications FUL/2020/0079 and 80 are both therefore compliant with both policies in the NMWDF relating to the location of waste disposal facilities and the National Planning Policy for Waste (2014).
- 3.18 The three applications would not undermine the aims of the Spixworth Neighbourhood Plan.
- 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, 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 and Policy EN2 of the Broadland Development Management DPD seeks to protect the landscape character of the area.

- 3.20 The sites are not within any statutory designations with regards to landscape nor is it within one of the County's core river valleys which are afforded a higher level of protection within the development plan.
- 3.21 No changes are proposed to the approved restoration schemes for the existing quarry and plant site that will see the land returned to agriculture once sufficient waste has been imported to achieve the appropriate level and profile. The two applications relating to these sites will result in the approved restoration being achieved four years later than currently authorised (by the end of October 2024 rather than 2020). Although the policy framework has changed since the original grant of permission in the 1990's, the approved restoration schemes are acceptable and consistent with NMWDF policy DM8 and Policy 2 of the Joint Core Strategy.
- 3.22 In terms of the new access, as well as the change of use of the PROW it also necessitates operational development in the form of the installation of a single-storey site office some 25 metres away from the PROW. This would be functional in its appearance but only installed on a temporary basis and removed at the end of the life of the quarry and associated haul route.
- 3.23 In response to a query from the County Arboriculturist concerning whether any trees would be removed to facilitate the new access, the applicant confirmed that none would be removed and the existing trees would be protected by post and wire fencing. Although the plans also detail that the track would be increased to accommodate two-way traffic at either end of the section that is not part of the PROW, at this stage the applicant cannot confirm the extent of this widening. As a result, in the event permission is granted, it would be subject to a condition that no widening would take place until a scheme has been submitted including a tree protection plan if necessary.
- 3.24 Subject to this condition, and that the infrastructure is removed at the end of the life of the quarry and reinstated to its current (pre-development) condition the proposed new access is considered to accord with development plan policy. Whilst the further delay in achieving the restoration for the plant site and quarry is regrettable, these two applications also accord with the development plan.
- 3.25 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.

- 3.26 Broadland Development Management DPD policies GC4 and EN4 also give regard to the protection of existing residential amenity and permitting development that would not have significant impact on human health.
- 3.27 The quarry and plant site have operated for approximately 25 years without complaint with regards to the extraction and processing of mineral. However in recent years concerns have been raised by local people living on the approved HGV haul route from vehicles exporting mineral and importing waste for restoration (as illustrated by the level of objection to application references FUL/2020/0079 and 0080).
- 3.28 Approval of application FUL/2022/0018 would alleviate these concerns by providing a new access onto the Broadland Northway via a short section of the Horsham St Faith and Newton St Faith BR7 Public Right of Way. The proposed replacement access/haul road is not in close proximity of residential dwellings with the closest properties over 700 metres away.
- 3.29 Although the quarry and plant site have both historically been permitted to operate on Saturday mornings as it is conventional at mineral sites, the applicant only proposes to operate the new access between the hours of 07.00 – 19.00 Monday to Friday to protect local amenity of members of the public who are using the PROW recreationally. Given the quarry and plant site have only been authorised to operate until 18.00 hours, in effect there would be minimal traffic in the final hour.
- 3.30 On this basis, it is not considered that there would be unacceptable impacts on amenity as a result of this proposal to extend the life of the quarry and plant site and permit a new haul road. The three applications therefore accord with the above development plan policy.
- 3.31 D – Ecology  
NMWDF Core Strategy policies CS14 and DM1 both seek to protect adverse impacts on biodiversity including nationally and internationally designated sites and species. None of the three sites are the subject of any statutory designations.
- 3.32 There are no ecological implications concerning the extension to the timeframe to the working and restoration of the quarry and plant site, only that any ecological benefits borne out of the restoration scheme will be delayed for a further period.

3.33 Similarly no concerns have been raised to the proposed new access – the County Ecologist did however echo the Arboriculturist’s concerns to ensure that no damage is caused to the root protection area of the existing trees, or the trees themselves.

3.34 Appropriate Assessment

The site is situated within 2.8 kilometres of the Crostwick Marsh Site of Special Scientific Interest (SSSI) that form part of the Broadland Special Protection Area (SPA) and the Broads Special Area of Conservation (SAC), a European protected habitat. Based on the information submitted to the County Planning Authority (CPA), the proposal would not have a significant impact on this or any other protected habitat. Accordingly, no Appropriate Assessment of the development is required.

3.35 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*.

3.36 Listed Buildings

As set out above, a number of listed buildings lie within 250 – 275 metres of both the plant site and quarry itself. However it is not considered that either the proposal to prolong timeframes for working and restoring the two sites, or the creation of the new access would harm the setting of any of the listed buildings.

3.37 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 desk based assessment.

3.38 Both of the most recent permissions for both the quarry and plant site were subject to a condition requiring the extraction is carried out in accordance with a programme of archaeological work approved with the original consents. Should permission be granted, both consents would again be subject to this condition.

3.39 With regards to the proposed access route, this is largely an application for a change of use with a small amount of surfacing proposed beside the existing PROW and no proposals to significantly break ground. Therefore there are

not any additional archaeological implications and the proposal complies with this policy and the NPPF.

3.40 F – Transport

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

3.41 Although the remaining extraction and restoration of the quarry has been suspended (since October 2021) pending the outcome of the three applications, the applicant advises that the quarries typical output of mineral is/will be 80,000 tonnes per annum (tpa) which equates to 30 daily HGV movements (15 in and 15 out). The applicant advised importation of inert waste is more variable but is typically 85,000 tpa, equating to 34 movements (17 in and out).

3.42 The permissions for both the plant site and quarry have historically been subject to a legal agreement under section 106 of the Town and County Planning Act 1990 requiring, inter alia, vehicles to leave the site northwards from the plant site via Buxton Road and Waterloo Road (B1354) before reaching the A140.

3.43 Whilst the Highway Authority raised no objection to the continuation of this routing arrangement, it did appreciate the local concern with regards to the current arrangements and moreover welcomed the provision of a new access from the A1270 / Broadland Northway.

3.44 As stated above, 87 objections were received across the initial two planning applications for the quarry and plant site on the basis of the impact on the public highway. As a result the developer submitted third application in May 2022 for the new access from the Broadland Northway.

3.45 The Highway Authority in their consultation response recognised the clear benefit of the new route when compared to the existing historic routing arrangement to the site, which is along the more rural minor road network. It did however advise that the provision of a fence within the middle of the PROW to segregate HGVs and vulnerable road users would not be acceptable for legal or maintenance reasons given the highway status of this route. This segregation could however be achieved through contrasting surface treatments or carriageway lining which again is something which could be agreed at a later date.

3.46 This position was reinforced by the County Council's PROW Officer, as it would not allow the recorded width of 4.5 metre to be accessible to users of the PROW. As a result the applicant amended the proposal to remove the

proposed fence and would rely on signage etc to inform/warn users of the shared highway.

- 3.47 Although recreational users of the PROW would be impacted by sharing the PROW for around 200 metres with HGVs, this would only be during working hours from Monday to Friday. It would however remove the HGVs from Buxton Road Waterloo Road. In addition, the proposed new access would also negate the need for HGVs to cross Church Lane as they do currently when traveling northwards/southwards between the quarry and the plant site.
- 3.48 In raising no objection to the proposal, The Highway Authority did however request conditions requiring submission of detailed drawings for the off-site highway improvement works (including advanced warning signs & modifications to the Broadland Northway Roundabout and widening / surfacing works on the existing shared surface) and completion of the works before first use of the access. Subject to these conditions the proposal accords with the development plan policy set out above and paragraph 111 of the NPPF given that the impact wouldn't be unacceptable.
- 3.49 G – Sustainability  
Policy CS13 of the NMWDF seeks to promote the use of on-site renewable energy at existing minerals and waste sites, however in this instance it would not be viable to install PV panels on the new site office for example for such a short period of time.
- 3.50 The applicant advises that by providing a direct access to the A1270 there would be approximately 9km (5.6 miles) of road miles saved delivering restoration materials to the site, with the attendant carbon and energy saving benefits
- 3.51 Whilst not part of the development plan or even a planning policy per se, 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.
- 3.52 The Policy refers to both conserving and enhancing natural beauty and the approval of these applications would not undermine this objective.
- 3.53 H – Flood Risk  
NMWDF policies CS13: *Environmental Protection* and DM4: *Flood Risk* requires developers to demonstrate waste 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 development.

- 3.54 The site of the new access is not within flood zones 2 or 3 nor does it exceed 1 hectare in size. Therefore a Flood Risk Assessment was not required to be submitted with the planning application. Part of the application for the new access proposes to add a 2-metre section of surfacing to the southern side of the existing PROW, adjacent to an existing drainage swale. The Lead Local Flood Authority had no comments to make on the application and it is not considered that this additional small area of surfacing would pose an unacceptable flood risk.
- 3.55 No changes are proposed to the approved restoration plans for the plant site and quarry which are being infilled and reinstated to agriculture. The three applications are therefore compliant with development plan policy set out above and the NPPF.
- 3.56 I – Groundwater/surface water  
NMWDF policy DM3: *Groundwater and surface water* seeks to ensure that developments do not adversely impact on ground water quality or resources, or surface water quality or resources. This policy underlines NMWDF policy CS13: *Environmental Protection* which to ensure there are no unacceptable impacts on natural resources, including water.
- 3.57 The approved restoration for both the plant site and quarry requires the importation of inert waste to reinstate ground levels back to a level suitable for agriculture. This also requires an Environmental Permit which is regulated by the Environment Agency who had no comments or objections to any of the three applications.
- 3.58 On this basis it is not considered there would be a risk to groundwater or surface water resources and the proposal accords with development plan policy set out above.
- 3.59 J – Progressive working, restoration and afteruse  
There are no changes approved to the proposed restoration of either the quarry or the plant site with both required to be returned to agriculture once the sites have been filled with inert waste – it is only the timescale for achieving this that is being delayed. The applicant entered into a planning obligation under section 106 of the Town and Country Planning Act 1990 when permission was originally granted relating to the management of the adjacent Spixworth Park (to the east of the quarry) for planning gain. This required the submission of a management scheme with the objective of maintaining and enhancing the character of the historic parkland. The legal agreement also required the management of the footpaths within the vicinity of the quarry.
- 3.60 Should permission be granted, the permissions for the quarry would therefore once again need to be subject to this legal agreement. Although it also had a

clause relating to vehicle routeing, because of the proposed new access arrangements that would result in HGVs exiting the site directly onto the Broadland Northway, there would be no further routeing requirements.

- 3.61 On cessation of quarrying activities (currently proposed to be October 2024) the privately owned section of new access route would need to be reinstated to its previous condition with all infrastructure (site office) removed. Subject to this and the above legal agreement the applications are in accordance with NMWDF policy DM14: *Progressive, working, restoration and afteruse*.

### 3.62 **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.

- 3.72 The issues raised relate to the impact of HGVs on the environment, amenity and safety etc, and the delay in restoration of the quarry, and have been addressed in the report above.

## **Conclusion, Reasons for Decision and Planning Balance**

- 4.1 Permission is sought for three applications at Spixworth quarry: to prolong the life of the quarry and plant site until October 2024 in order to allow both to be restored, and to provide a new access to both sites from an existing arm on the 'Petans' roundabout on the Broadland Northway.
- 4.2 Extending the permissions for both the quarry and plant site would allow both sites to be restored and returned to agriculture, as initially envisaged when permission was first granted in the 1990's.
- 4.3 Approval of FUL/2022/0018 would also allow a new access to be created and address the objections to FUL/2020/0079 and 0080 relating to the impact of HGVs associated with the quarry using local roads and passing residential dwellings. Whilst the proposed new route would use a small section of an existing PROW and cause a degree of disamenity to its current users (cyclists, walkers and horse riders etc), no objections or representations have been received to this proposal on this basis including from either the Norwich Cycling Campaign or the Ramblers Association. Greater weight is given in the planning balance to the clear benefit of the removal of these vehicles from the historic routing arrangement along the more rural minor road network.
- 4.4 It is considered that both the extension of time for existing quarry and plant site, and the proposed new access, is acceptable with regards to the impacts on amenity, the landscape, the local highway network, ecology, flood risk and in all other respects.
- 4.5 The three applications are considered to accord with the development plan and there are not sufficient material considerations or harm caused that warrant

determining the application otherwise than in accordance with the development plan. Therefore the three applications are recommended for approval subject to conditions set out in section 12 below.

## **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 planning permission, or defer the decision.

## **Financial Implications**

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

## **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.

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

**8.3 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 Data Protection Impact Assessments (DPIA):** There are no data protection implications.

**8.5 Health and Safety implications (where appropriate):**

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

**8.6 Sustainability implications (where appropriate):**

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

**8.7 Any Other Implications:**

## **Risk Implications / Assessment**

9.1 There are no risk issues from a planning perspective.

## **Select Committee Comments**

10.1 Not applicable.

## **Recommendations**

11.1 That the Executive Director of Community and Environmental Services be authorised to grant permission for application reference FUL/2020/0079, FUL/2020/0080 and FUL/2022/0018 on the following grounds:

- I. **Grant planning permission subject to the conditions outlined in section 12 and the signing of a Section 106 Agreement relating to the management of Spixworth Park.**
- 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.**

12.1 Conditions (FUL/2020/0079)

1. This permission shall expire on the 31 October 2024 and unless on or before that date permission is granted for its retention:
  - (a) the use of the processing plant hereby permitted shall be discontinued;
  - (b) the buildings, plant, machinery and stockpiles shall be removed;
  - (c) the said land shall be restored in accordance with condition 13 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).

2. The development hereby permitted shall be carried out in accordance with the following approved plans held on file reference C/5/2009/5011:
  - F7/PL05/01: Location Plan dated 06/09 and received on 29 June 2009;
  - F7/PL09/03a: Site Layout Plan dated 11/09 and received on 1 July 2011;
  - F7/PL04/04: Elevations of Revised Processing Plant dated 06/09 and received on 29 June 2009;
  - F7/PL09/05: Portacabin Elevations (Middle Office) dated 06/09 and received on the 2 December 2009;
  - F7/PL09/05N: Portacabin Elevations (North Office) dated 11/09 and received on 14 September 2010;
  - F7/PL09/06: Silt Plant Layout and Elevations dated 06/09 and received on the 29 June 2009;
  - F7/PL09/07: Water Tank and Container Elevations dated 06/09 and received on 29 June 2009.

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

3. The plant hereby permitted shall be used solely for processing mineral derived from the Grange Farm mineral extraction site as permitted under reference FUL/2020/0080, and for no other purpose.

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

4. No operation authorised or required under this permission or under the Town and Country Planning (General Permitted Development) Order 2015, including the movement of vehicles and operation of any plant, shall take

place on Sundays or public holidays, or other than during the following periods:

07.00 - 18.00 Mondays to Fridays

07.00 - 13.00 Saturdays.

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

5. Noise emitted from the site shall not exceed 50 dB LAeq (1 hour) at a distance of 3.5 metres from the facade of any noise sensitive property.

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

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

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

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

8. There shall be no HGV access to or from the site except via the new access from A1270 Broadland Northway permitted under application reference FUL/2022/0018.

Reason: In the interests of highway safety and amenity in accordance with policies DM10 and DM12 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.

9. 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.

10. Only inert waste (as defined within Schedule 1 of the Landfill Regulations 2002) shall be brought onto and deposited on the site.

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

11. The landscaping scheme, as approved in accordance with condition 17 of planning permission reference C/5/1999/5008 shall be maintained for the lifetime of this permission and any damaged or dead trees shall be replaced with trees of similar size and species at the next appropriate season.

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

13. Details of the phasing of the restoration of the site shall be submitted to the County Planning Authority within three months of the date of this permission for its approval in writing. Subject to the adoption of phasing as may be agreed, the restoration of the site shall be in accordance with the submitted scheme shown on Plan No. F7/PL4/5 dated 12/99 and as described in the original statement submitted, both held on file reference C/5/1999/5008.

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.

14. Handling, movement and re-spreading of topsoil and subsoil shall be carried in accordance with the methods described in Appendix 4 of the statement submitted with application reference C/5/1999/5008 and shall not take place except when the soils are in a suitably dry and friable condition and in such a way and with such equipment as to ensure minimum compaction. (No handling of topsoil and subsoil shall take place except between 1st April and 31st October unless otherwise agreed in writing by the County Planning Authority).

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

15. An aftercare scheme specifying such steps as may be necessary to bring the land to the required standard for use for agriculture shall be submitted for the approval of the County Planning Authority within three months of the date of this permission. The approved aftercare scheme shall be implemented over a period of five years following the completion of restoration, or in the case of phased restoration, in stages each of five years duration dating from each completed restoration phase.

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

## 12.2 Conditions (FUL/2020/0080)

1. Mineral extraction at the site shall cease by April 2023 and the site shall be restored by 31 October 2024 in accordance with conditions 17-22 of this permission.

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).

2. No more than 125,000 tonnes of mineral shall be removed from the site per annum.

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.

3. No operation authorised or required under this permission shall take place on Sundays or public holidays, or other than during the following periods:  
07.00 - 18.00 Mondays to Fridays  
07.00 - 13.00 Saturdays.

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

4. No operations shall take place except in accordance with the scheme of working shown on Plan Nos. F7/11B and F7/12A dated 10/02/93 and held on file reference C/92/5009.

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

5. No development shall take place except in accordance with the programme of archaeological work agreed pursuant to condition 7 of planning permission reference C/92/5009.

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

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

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

7. Screens, chutes and hoppers shall not be used unless they are lined with rubber or similar material.

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

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

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

9. No external lighting shall be installed, placed or used on the site unless it is designed and maintained to the satisfaction of the County Planning Authority to ensure horizontal cut-off to avoid the direction of light towards pilots using Norwich Airport.

Reason: To avoid hazards to aircraft using Norwich Airport in accordance with Policy DM12 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.

10. No extraction or filling shall take place except in accordance with the bird management scheme approved pursuant to condition 13 of planning permission reference C/92/5009 and held on that file.

Reason: To avoid hazards to aircraft using Norwich Airport in accordance with Policy DM12 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026

11. There shall be no HGV access to or from the site except via the new access from A1270 Broadland Northway permitted under application reference FUL/2022/0018.

Reason: In the interests of highway safety and amenity in accordance with policies DM10 and DM12 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.

12. 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.

13. The base of the excavation shall be levelled prior to the tipping of any waste.

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

14. Only inert waste (as defined within Schedule 1 of the Landfill Regulations 2002) shall be brought onto and deposited on the site.

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

15. No discharge shall be made into any watercourse without the prior consent in writing of the County Planning Authority.

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

16. An unsaturated zone of at least two metres in thickness shall be maintained beneath the base of the infill material.

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

17. 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. The criteria agricultural soils are to be based on measurement of their Lower Plastic Limit (LPL) unless otherwise agreed in writing with the County Planning Authority, and the following requirements shall be met:
  - (a) a Speedy Moisture Meter, in good working order, shall be available on site for use by the County Planning Authority at all times when soils are being moved
  - (b) the LPL for both topsoil and subsoil on each major soil type is to be determined and agreed with the County Planning Authority in consultation with DEFRA;
  - (c) agricultural soils may not be moved by dump truck or backacter unless they are drier than their LPL;

(d) soils may not be moved by other machinery unless they are at least 5% drier than their LPL.

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.

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

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

19. Topsoils, upper and lower subsoils as shown in the submitted (MAFF/ADAS) Soil Characteristics Report, held on file reference C/92/5009, shall be separately stripped to a total depth of 1.2 metres and be separately replaced/restored to recreate the original profiles to the same settled depths. This includes the area in the south-east of the site which is only subject to re-grading. The exception to this procedure is where the lower subsoils from below 1.2 metres in Soil Types II and IV are used as lower subsoil substitute for Soil Type III.

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.

20. Where soils are being reinstated by backacter and dumptruck, the machines shall only traffic on the overburden layer.

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.

21. The final metre of backfill shall be free from stones and any extraneous material damaging to cultivations, and shall be ripped with a winged subsoiler to relieve compaction.

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

22. The restoration of the site shall be in accordance with the submitted scheme shown on Plan No. F7/13B dated 10/2/93 held on file reference C/92/5009

and as described in the submitted document `Amendments to Planning Application` dated February 1993, also held on that file.

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

23. In any part of the site where differential settlement occurs during the restoration and aftercare period, the applicant, where required by the County Planning Authority, shall fill the depression to the final settlement contours specified with suitable imported soils, to a specification to be agreed with the County Planning Authority.

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

24. Aftercare of the site shall be carried out in accordance with the 'Programme of Aftercare' dated 20 September 2001 and received on the 24 September 2001 submitted pursuant to condition 31 of planning permission reference C/92/5009, and held on file reference C/96/5007. The aftercare scheme shall be implemented 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.

25. The highway works for the Church Lane crossing, approved and implemented in accordance with conditions 28 and 29 of permission reference C/5/2011/5012, shall be maintained for the duration of operations.

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

26. The highway works for Church Lane referred to in condition 25 shall be removed and the land reinstated to its previous condition by 31 October 2024

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

### 12.3 Conditions (FUL/2022/0018)

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

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

2. The development must be carried out in strict accordance with the application form and the following drawings and documents:
  - i) Proposed New Access Locations Plan; F307/00017/01; dated 30 March 2020;
  - ii) Proposed New Access Layout Plan; F307/00017/03D; dated 25 August 2022;
  - iii) Elevations of Site Cabin and Site Fencing; F307/00017/04; dated 22 March 2022
  - iv) Planning Statement and Appendices 1-4 dated March 2022.

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

3. Prior to commencement of development, a scheme illustrating the proposed haul road widening to take place, as illustrated on drawing number F307/00017/03D dated 25 August 2022, and tree protection plan shall be submitted to the County Planning Authority for its approval in writing to detail how the trees and their root protection areas will be safeguarded.

Reason: To protect the amenities of the surrounding area and safeguard existing trees, in accordance with Policies DM12 and DM14 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.

4. Use of the haul route shall cease on or before the 31 October 2024, the site office and all other infrastructure removed and the land shall be reinstated to its previous (pre-development) condition.

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.

5. Notwithstanding the details indicated on the submitted drawings, no works shall commence on site until detailed drawings for the off-site highway improvement works (including advanced warning signs & modifications to the Broadland Northway Roundabout and widening / surfacing works on the existing shared surface) have been submitted to and approved in writing by the County Planning Authority.

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

6. Prior to the first occupation/use of the development hereby permitted the off-site highway improvement works (including Public Rights of Way works)

referred to in condition 5 shall be completed to the written satisfaction of the County Planning Authority.

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

7. No lighting shall be used on site outside the construction period without prior written approval of the County Planning Authority.

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

8. Use of the approved means of access shall not take place on Saturdays, Sundays or public holidays, or other than during the following periods:

07.00 - 18.00 hours Mondays to Fridays.

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.

## Background Papers

- 12.1 Planning Application reference: FUL/2020/0079:

<http://eplanning.norfolk.gov.uk/Planning/Display/FUL/2020/0079#>

Planning Application reference: FUL/2020/0080:

<http://eplanning.norfolk.gov.uk/Planning/Display/FUL/2020/0080#>

Planning Application reference: FUL/2022/0018:

<http://eplanning.norfolk.gov.uk/Planning/Display/FUL/2022/0018#undefined>

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/>

Broadland Development Management Policies Document (2015):

<https://www.southnorfolkandbroadland.gov.uk/downloads/file/134/development-management-dpd-adopted>

Great Norwich Local Plan Regulation 19 Publication (2021):

<https://www.gnlp.org.uk/regulation-19-publication>

The National Planning Policy Framework (NPPF) (2021):

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

National Planning Practice Guidance:

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

National Planning Policy for Waste (2014):

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

Norfolk County Council's Environment Policy (2018):

<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**

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

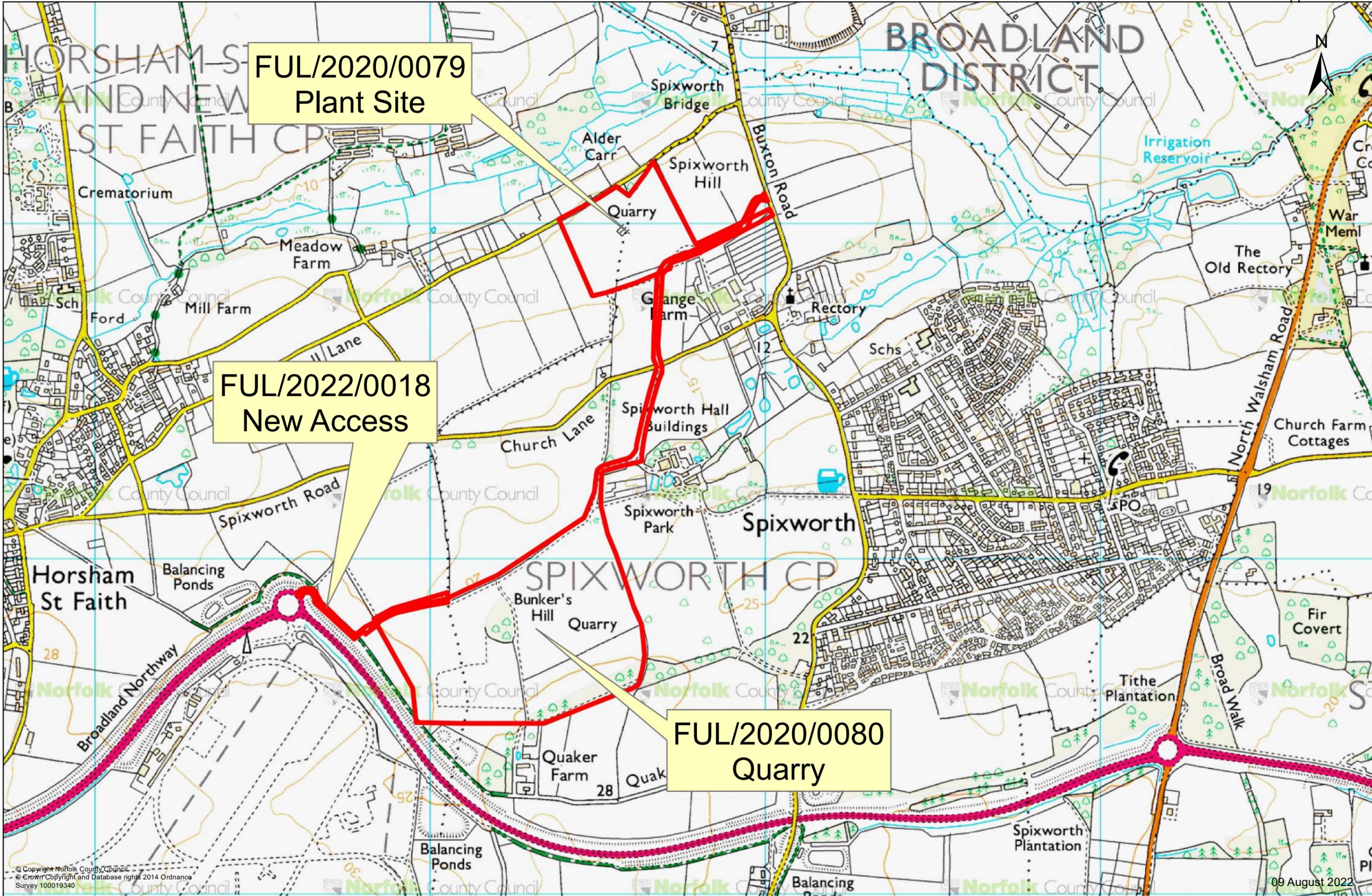
**Officer name:** Ralph Cox

**Telephone no.:** 01603 223318

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



**Spixworth Quarry and New Access  
Location Plan**

