

**Planning (Regulatory) Committee
Minutes of the Meeting Held on Friday 30 July 2021
at 11am in the Council Chamber, County Hall**

Present:

Cllr Brian Long (Chair)
Cllr Eric Vardy (Vice-Chair)

Cllr Stephen Askew
Cllr Graham Carpenter
Cllr Paul Neale
Cllr Matthew Reilly

Cllr William Richmond
Cllr Mike Sands
Cllr Martin Storey
Cllr Tony White

Also Present

Hollie Adams
Ralph Cox
Rachel Garwood
Alan Everard
Cllr Michael de Whalley
Jon Hanner
Cllr Geoffrey Hipperson
Nick Johnson
Andrew Sierakowski
Lewis Williams

Committee Officer
Principal Planner
Lawyer, nplaw
Tarmac
Borough Council of King's Lynn and West Norfolk
Principal Engineer (Developer Services)
Borough Council of King's Lynn and West Norfolk
Head of Planning
Consultant Planner
Sibelco

1 Apologies and Substitutions

Apologies were received from Cllr Chris Dawson. Cllr Barry Duffin and Cllr Steve Riley were absent.

2 Minutes

- 2.1 The minutes from the Planning (Regulatory) Committee meeting held on 18 June 2021 were agreed as an accurate record and signed by the Chair.

3 Declarations of Interest

No declarations of interest were made.

4 Urgent Business

There was no urgent business.

Applications referred to the Committee for determination.

5 Point of Order

- 5.1 The Committee resolved to take item 7, “FUL/2020/0021 - Land East and West of Station Road, Leziate, King's Lynn, Norfolk, PE32 1EJ” first, and then return to the running order of the agenda.

6. FUL/2020/0021 - Land East and West of Station Road, Leziate, King's Lynn, Norfolk, PE32 1EJ

- 6.1 The Committee received the report setting out an application for the extraction of industrial sand and associated works with progressive restoration to wildlife habitat, geological exposures and a lake on Land East and West of Station Road, Leziate, King's Lynn. The site has an estimated mineral resource 1.1 million tonnes of silica sand. Silica sand is white sand with a higher silica content than normal sand and is predominantly used in industrial processes, notably the production of glass, rather than construction. The planning application boundary totals 56.1 hectares of which the proposed extraction area extends across approximately 15.3 hectares on the western side of the site.

- 6.2.1 The Consultant Planner gave a presentation to the Committee:
- An issue had been raised about the development as an area on the south west of the site was owned by an adjoining farmer with a private agreement in place with sibelco.
 - The proposed development would not give rise to any additional traffic as there would be no overall change in footprint of the plant.
 - Objections raised by the parish council were related to concerns about anti-social behaviour on the site and the impact on people who lived in the area.
 - This was an allocated site in the local minerals plan.

- 6.2.2 Members asked questions about the presentation
- Natural England noted that there would be a biodiversity net gain and habitat compensation; a Committee Member asked if re-landscaping by the applicant would be covered by a section 106 agreement. The Consultant Planner confirmed that there would not be a 106 agreement in place; if the application was approved, a planning condition would cover the restoration scheme to provide habitat and a standard 5yr aftercare period. Natural England had suggested that there could be longer aftercare period but there was a legal limit on the length of aftercare period that the local authority could enforce without it being agreed by the operator; Sibelco UK were happy with the proposal in place

for 5 years of aftercare, which met the requirements.

- The Consultant Planner confirmed there was no conveyor on the site at that time, but one was proposed to be put in place on site and through a tunnel under the road. Assessments looking at noise and dust had been carried out and additional mitigations built into the design of the conveyor. Noise limits were also built into the planning conditions.
- The area on the south west of the site, owned by a farmer, was the only part of the site which was agricultural use. A third of this area was proposed to be lost to the new lake.
- The Consultant Planner confirmed that depth of extraction was set out in report; the depth of the lake would be around 10m but would vary across the year according to changing water levels.

6.3.1 The Chair read comments to the Committee from an objector, Mr Large, attached at appendix A.

6.3.2 The Committee heard from Cllr Geoffrey Hipperson of Borough Council of King's Lynn and West Norfolk;

- Cllr Hipperson was speaking to support Mr Barratt, a farmer who had bought 5 hectares of land on the site from the previous site owners with a verbal assurance it would not be needed for sand extraction and had subsequently built up a business with a herd of cattle and rare breed pigs.
- The site was a haven for wildlife and headquarters for Mr Barratt's business
- Although other pieces of land were hired for summer grazing, winter forage was stored at and animals were over-wintered at this site
- Cllr Hipperson felt was difficult to see how the site could be restored to its present condition post extraction, where animals could be accommodated and how the business could survive the disruption
- Cllr Hipperson realised that his comments were a mixture of planning, environmental and social considerations but asked for the land owned by Mr Barratt not to be excavated

6.3.3 The Committee heard from Cllr Michael de Whalley of Borough Council of King's Lynn and West Norfolk;

- Cllr de Whalley was one of 2 Borough Councillors for the ward in which this application fell. He reported that much of his time was taken responding to issues for residents living near this site related to antisocial behaviour and rubbish and planning applications for schemes.
- Cllr de Whalley felt that loss of amenity and worry for failure of aftercare outweighed the benefit of the aftercare process.
- Cllr de Whalley felt that initial restoration of depleted quarry sites was generally of high standard but once sold on they often deteriorated, and covenants put in place were ineffective. Public footpaths could make remote sites such as this open to unwanted visitors and fly-tippers.
- Cllr de Whalley knew of a former quarry landowner who had resorted to contaminating land to deter trespassing; biodiversity net-gain was lost in such circumstances.
- Cllr de Whalley commented that the applicant omitted details of the third-party

agricultural holding on the land holding form, noting that it was an offence to complete a false and misleading certificate under schedule 2 of the Town and Country Planning (Development Management Procedure)

- Once quarried, land would not be able to be restored to the quality required for wintering of high status cattle and rare breed pigs as per the agreement of sale of the land to the third party landowner and the lake could not be divided between applicant and the third party landowner. For this reason, Cllr de Whalley believed that the third-party landowner was owed compensation and consideration for the portion of his land that would be flooded.
- Cllr de Whalley felt that planning permission should not be granted.

6.3.4 The Committee heard from Mr Lewis Williams of Sibelco, the applicant:

- The silica mineral extracted at this site was exported by rail and HGV across the UK for use in the glass industry. Although sand deposits were widely found, only some had the characteristics to be silica sand, which had low impurities making it suitable for a range of industrial uses. Colourless silica sand was even rarer and only found in 6 locations in the UK
- It was proposed to extract 1.1m tonnes of silica sand and transfer this to the existing site for processing by conveyor.
- The site was allocated for extraction in the County Council's Minerals Site Specific Allocations Development Plan Document.
- The economic benefits of the development would be significant, providing raw materials to provide to the glass industry.
- The NPPF (National Planning Policy Framework) stated that weight should be given to applications for mineral extraction.
- Biodiversity enhancements would be carried out following extraction and for up to 5 years creating acid grassland, geological exposures and a new lake. This would result in a 13% net gain in biodiversity in excess of government targets for new developments
- The raw materials that would be extracted from the development were necessary in everyday life such as for container and medical glass.
- A range of mitigation measures would be put in place such as formalising restoration of the site and amenity of the surrounding area;
- The development complied with the development plan and NPPF.
- The significant benefits would outweigh the perceived impacts.

6.4 The Committee moved on to debate on the application:

- The concerns between the applicant and third-party landowner were raised and discussed. The Head of Planning clarified that conflicts between 2 parties on how land should be used were primarily a private matter and not a relevant planning consideration. However, in some cases private matters could also be matters of public interest. In this case the issue was whether the loss of agricultural land outweighed the benefit of winning the mineral. The local plan identified a need for the mineral and this site as a suitable location for its extraction. With regards to the after-use the Committee had a duty to determine the application that had been put before them.
- The Chair read out an email from Cllr Jim Moriarty stating that he had not been

aware about the application and asking that the application be deferred. The Chair explained that the Cllr could not ask for the application to be deferred and this was a decision that could only be made by the Committee. The Head of Planning explained that all Councillors were advised after the election to familiarise themselves with applications which were underway in their constituency area; this was an application which was already underway when Cllr Moriarty was elected.

- The Consultant Planner confirmed that the Conveyor tunnel ran under Station Road and some houses were located on this road. Screening would be provided around the conveyor. A formal noise assessment had been carried out and the environmental health officer was content with what had been proposed.
- The update report circulated to Committee Members had included information about the reviewed NPPF. No changes which had been made were relevant to this application.
- The Consultant Planner was not aware of any other use for the conveyor tunnel such as use by pedestrians.
- The Consultant Planner clarified that planning permission would not override any agreement already in place between the third-party landowner and the applicant.
- The restricted byway through the site would have a crossing point in place with gates to protect pedestrians from plant movements when activated.
- Cllr Mike Sands, seconded by Cllr Tony White, made a proposal to defer the application subject to re-examining the land restoration and lake restoration. With 3 votes for, 6 votes against and 1 abstention the proposal was **lost**.
- Cllr Tony White was unhappy with the restoration proposed in the application.

6.5 With 7 votes for and 3 against the Committee **RESOLVED** That the Executive Director of Community and Environmental Services be authorised to:

- I. Grant planning permission subject to the conditions outlined in section 11.
- II. Discharge conditions where those detailed above require the submission and implementation of a scheme, or further details, either before development commences, or within a specified date of planning permission being granted.
- III. Delegate powers to officers to deal with any non-material amendments to the application that may be submitted.

7 FUL/2020/0085: Stanninghall Quarry, Norwich Road, Horstead

7.1 The Committee received the report setting out an application for planning permission sought by Tarmac Limited to extend the existing Stanninghall Quarry northwards in order to extract a further 3.75 million tonnes of sand and gravel and extend the working life of the site by 17 years.

7.2.1 The Principal Planner gave a presentation to the Committee

- A third-party representation had been received related to wind shadow, however there was no evidence that there would be disturbed wind flow to the site.
- The site would be progressively restored to grassland, woodland and agricultural land and included a proposal to plant 61,500 new trees and hedgerow.
- A landscape bund and standoff of 50m would be in place between the property

on the western border of the site.

- There were 4 veteran trees on site of which three would be retained; this had been reviewed from the original proposal to retain one of the veteran trees. The tree that was proposed to be lost was suffering from ash die back and its loss was therefore considered acceptable due to health of the tree.
- There were overhead powerlines on site and UK power networks had been consulted and made no comments.

Committee Members asked questions about the presentation:

7.2.2

- The Principal Planner was asked about the types of hedgerow to be planted and if they would be chosen to encourage food for wildlife; the Principal Planner confirmed that there was a condition that the landscaping scheme would detail the trees and hedges to be planted which would be reviewed by the Council's biodiversity team.
- the Principal Planner confirmed that UK Power Network and Anglian Water had been consulted but no response had been received.
- Cllr Paul Neale thanked officers and the applicant for saving the additional veteran trees on the site.

The Committee heard from Alan Everard of Tarmac, the applicant:

7.3

- Mr Everard was pleased that the application was recommended for approval and that no objections had been received from local residents or the parish council.
- Since the quarry opened in 2014, Tarmac had endeavoured to play a full part in the local community, engage and provide support. There was a quarry liaison group which met quarterly chaired by Cllr Fran Whymark with representatives from local councils and residents. This asset allowed the community and quarry to maintain steady communication and address concerns, ensuring that Tarmac could contribute to the community and take part in community events.
- The application was prepared during the Covid-19 pandemic and Tarmac made opportunities for people to understand the proposals by setting up a virtual exhibition, allowing people to ask questions and provide feedback.
- Tarmac had liaised with council officers to resolve issues which arose, for example moving the working boundaries to retain more veteran trees.
- The proposed restoration scheme was considered an improvement on the previously approved scheme, protecting the agricultural value of the site and providing a biodiverse site.
- Approval of the application would provide security of valuable construction materials for Norfolk, securing 17 years of supply of such materials and employment for those employed directly and indirectly by the quarry.

7.4

The Committee moved on to debate the application:

- A Committee Member referred to Paragraph 3.62 on page 27 of the report, discussing that nothing had been proposed for the application to secure "at least 10% of a site's energy requirements from renewable energy created on site from micro-renewables (such as PV panels)". The Principal Planner responded that this was not grounds to withhold planning permission. Mr Everard added that electrification was part of Tarmac's sustainability policy including using suppliers with renewable contracts. It was not possible to can't generate enough energy

required to operate a quarry with renewable energy at that time.

- Cllr Paul Neale proposed that a condition for the applicant to meet adopted NMWDF policy CS13 be included in the planning permission. There was no seconder, so this proposal was not taken forward.

7.5 With 9 votes for and 1 vote against, the Committee **RESOLVED** that the Executive Director of Community and Environmental Services be authorised to:

- I. Grant planning permission subject to the conditions outlined in section 11.
- II. Discharge conditions where those detailed above require the submission and implementation of a scheme, or further details, either before development commences, or within a specified date of planning permission being granted.
- III. Delegate powers to officers to deal with any non-material amendments to the application that may be submitted.

The Committee took a break from 12:38 until 12:45. Cllr Storey left the meeting.

8 FUL/2020/0044 - Land at Mill Drove, Mill Drove, Blackborough End, PE32 1SW

8.1 The Committee received the report setting out the application for a change of use of a former quarry to an inert waste recycling facility with associated access and ancillary infrastructure including a workshop, hardstanding, car parking, storage areas, office, and weighbridge, within the area of a restored former mineral extraction site at Mill Drove, Blackborough End.

8.2 The Consultant Planner gave a presentation to the Committee

- The site was a former quarry where production had ceased in 2006 following which the site had been restored.
- The proposal was for recycling of inert waste from construction, demolition and excavation.
- It was proposed to create a new access ramp onto the site, and part of this construction had already been started by the applicant.
- An estimated 160-170 thousand tonnes of material were proposed to be processed per year on site
- A site of special scientific interest joined the south end of the site
- Key issues were that the site was policy compliant in overall terms however not readily accessible from the main road network; objection had been raised by the highway authority as the site was located 1.5 miles from East Winch and reached on substandard roads for HGV use. This proposal was for a built waste management facility and there was therefore no reason why it must be located on this site.
- comments had been received from the district council and Environmental Health Officer querying the noise assessment submitted with the application and adequacy of information provided in it.
- Ninety-four objections had been received from local residents and from the parish council.

The Committee moved on to debate about the application:

- Committee Members queried whether any action would be taken about the work by the applicant to start building the ramp. The Head of Planning confirmed that if the application was refused, officers would review whether any action would be taken with regard to this.

The Committee unanimously **RESOLVED** that the Executive Director of Community and Environmental Services be authorised to:

- I. Refuse planning permission for the reasons set out in section 11.

The meeting ended at 13.01

Chairman



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