

Planning (Regulatory) Committee

Date: **Friday 31 July 2020**

Time: **11am**

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

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

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

Persons attending the meeting are requested to turn off mobile phones

Membership

Cllr C Foulger (Chairman)

Cllr B Long (Vice-Chairman)

Cllr S Askew

Cllr W Richmond

Cllr R Brame

Cllr M Sands

Cllr M Castle

Cllr E Seward

Cllr D Collis

Cllr M Storey

Cllr D Douglas

Cllr T White

Cllr B Iles

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

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

Anyone wishing to speak regarding one of the items going to the Committee must give written notice to the Committee Officer (committees@norfolk.gov.uk) at least 48 hours before the start of the meeting. The Committee Officer will ask which item you would like to speak about and in what respect you will be speaking. Further information can be found in [Appendix 28 of the Constitution](#).

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

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

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

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

A g e n d a

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

2. Minutes

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To confirm the minutes from the Planning (Regulatory) Committee meetings held on 5 June 2020

3. Declarations of Interest

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

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

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

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

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

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

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

5. FUL/2019/0056 - Land at SS Agri Power Limited, Ellingham Road, Attleborough, NR17 1AE

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Report by the Executive Director of Community and Environmental Services

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

Date Agenda Published: 23 July 2020



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STANDING DUTIES

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

Equality Act 2010

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

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

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

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

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

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

Crime and Disorder Act, 1998 (S17)

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

Human Rights Act 1998

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

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

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

**Planning Regulatory Committee
Minutes of the Meeting Held on Friday 5 June 2020
at 11am on Teams Live (virtual meeting)**

Present:

Cllr Colin Foulger (Chairman)
Cllr Brian Long (Vice Chairman)

Cllr Roy Brame
Cllr Mick Castle
Cllr Danny Douglas
Cllr Brian Iles

Cllr William Richmond
Cllr Mike Sands
Cllr Eric Seward
Cllr Martin Storey

Substitute Members Attending:

Cllr Bev Spratt for Cllr Tony White

Officers Present

Hollie Adams	Committee Officer, Democratic Services, Norfolk County Council
Ralph Cox	Principal Planner, Norfolk County Council
Jon Hanner	Engineer (Highways Development Management), Norfolk County Council
Andrew Harriss	Senior Planning Officer, Norfolk County Council
Nick Johnson	Head of Planning, Norfolk County Council
Jane Linley	Team Lead (Planning & Environment), nplaw

Also Present

Cllr Judy Oliver	Local Member for Sheringham and Beeston Regis
Mr Daniel Walker	Speaking on Behalf of the applicant, agenda item 5

1 Apologies and Substitutions

- 1.1 Before the meeting started, the Committee Officer asked each Councillor to confirm they were present and could hear proceedings.
- 1.2 Apologies were received from Cllr Stephen Askew, Cllr David Collis and Cllr Tony White (Cllr Bev Spratt substituting).
- 1.3 Cllr Douglas asked, as Cllr Collis from the Labour Group, was unable to participate due to ICT issues and it had not been possible to find a substitute in time, whether the meeting should go ahead. The Team Lead (Planning & Environment), nplaw, replied that it was possible to make substitutions up to the last minute and therefore the meeting should go ahead.

2 Minutes

- 2.1 The minutes of the Planning (Regulatory) Committee meeting held on 24 January 2020 and the Extraordinary Planning (Regulatory) Committee meeting held on 21 February 2020 were agreed as an accurate record.

3 Declarations of Interest

- 3.1 The Vice-Chairman declared a “non-pecuniary interest” as Chairman of the Management Committee of the Norfolk Coast Partnership, which had made representation on item 5, FUL/2019/0001 and FUL/2019/0002: Beeston Regis Quarry, about the Area of Outstanding Natural Beauty.

4 Urgent Business

- 4.1 There was no urgent business discussed.

Applications referred to the Committee for determination.

5 FUL/2019/0001 and FUL/2019/0002: Beeston Regis Quarry, Britons Lane, Beeston Regis, Sheringham. NR26 8TP

- 5.1.1 The Committee received the report setting out applications (1) FUL/2019/0001: Proposed extraction of 1.0 million tonnes of sand and gravel as an eastern extension to the existing Beeston Regis Quarry with off-site highways enhancements along with restoration to nature conservation habitat, and (2) FUL/2019/0002: Variation of conditions 3, 5, 6 and 7 of PP C/1/1993/1007 to facilitate enhanced scheme of restoration at the existing quarry (Carter Concrete). The applications were being considered concurrently as they were inherently linked.
- 5.1.2 The Team Lead (Planning & Environment), nplaw, introduced the procedures around consideration of the reports in a virtual meeting to the Committee and registered speakers and confirmed with the registered speakers that they could hear proceedings.
- 5.2.1 The Committee heard a presentation by The Senior Planning Officer on the two planning applications:
- Objections and concerns were raised by Beeston Regis Parish Council; concerns were raised by Sheringham Town Council and the Local Member for Sheringham; representation was made by eight third parties, three of whom made explicit objection to the proposals. They were primarily concerned that a Right-Hand Turn Lane would increase traffic along Britons Lane. The Senior Planning Officer noted that concerns about the A148 junction should be taken into account as a material concern
 - The pre-cast concrete unit at the site was no longer in operation, and the company would not be re-establishing the operation; the applicant contended that this had a material impact on the consideration of access and potential transportation

impacts at the site into the future. The applicant also contended that the concerns raised by Beeston Regis Parish Council, the local member and local resident with existing and continued use of Britons Lane as a 'rat-run' to Beeston Regis and, that provision of a Right Hand Turn Lane would further increase the attractiveness of this route, should be a material consideration in the context of this application.

- The Highway Authority recommended refusal of both applications both on policy and highway safety grounds for the following reasons: the proposed development, if permitted, would lead to right hand turning movements across the opposing traffic stream of a busy principal route which would interfere with the free and safe flow of traffic and cause danger and inconvenience to highway users, contrary to Development Plan Policies
- A late submission had been received from Cllr Sarah Butikofer; the only new issue that this raised was concerns that vibration from the site may affect pupils at St Andrews school: "St Andrew's school provides specialist teaching for students, with autism, communication difficulties and autism spectrum disorder. The school have raised significant concerns about the potential impact of the quarry moving closer to their location. Notably about the impact of potential vibrations from the site alarming some of the heightened sensory functions of some of their students". The Officer reported that comments from Environmental Health officers at North Norfolk District Council raised no objections however they did not explicitly refer to vibrations; due to the late receipt of this submission, Officers had not had time to address this issue with Environmental Health.
- Officers recommended both applications for refusal; the Senior Planning Officer advised that if members decided to take a different resolution such as approval, that the applications be deferred pending further investigation on the matter raised by Cllr Butikofer

5.2.2 Committee Members asked questions of the Officer about the presentation:

- The Officer was asked how far the woodland planting shown on slide 11 of the presentation was from St Andrew's School and if the school had been a consultee. The Senior Planning Officer confirmed that the school had been consulted by a case officer but no written response had been received in support or refusal of the application. The distance would be checked, and a response given later in the meeting.
- The Officer was asked to clarify the size of the proposed area of woodland planting to the north east of the extension. The officer responded that this matter would be checked and a response given later in the meeting.

5.3.1 Mr Daniel Walker Chartered Minerals Surveyor and agent for the applicant, the operators of the quarry, Norfolk Gravels, spoke to the Committee on behalf of the applicant:

- The company was part of the Carter Concrete business who were part of the Drayton Building Services (DBS) Group. DBS were a major supplier of goods and services to the construction and engineering industries in Norfolk and East Anglia, a long-established family run enterprise and regionally significant business.
- The first application related to land benefiting from an allocation for minerals extraction under the Norfolk Minerals Local Plan and would maintain the business by extraction of sand and gravel from a field adjacent to the quarry to be processed

and distributed using facilities on the existing site.

- The site employed 17 people from North Norfolk many of whom had been employed for over 20 years. The proposed extension would maintain local employment benefits and contributions to local business through the purchase of local goods and services. The applicant believed the economic benefit to the local area would be significant and estimated that over the proposed duration of the extension, over £12 million pounds could be contributed to the local economy.
- The company had defined sustainable schemes of working and restoration with mitigation measures to minimise environmental impact.
- The applicant had engaged with the Council's planning and highways units regarding the Britons Lane / A148 junction including reducing HGV activity and a planning condition to limit quarry outputs to secure the reduced HGV activity.
- Norfolk Gravels and its technical advisors believed there were no technical safety or capacity issues at the Britons Lane / A148 junction, and no justification for a right-hand turn lane here as no concentrations of accidents/incidents were reported. The company's position on highways matters and the applications in general had full support of the local MP and the Parish Councils.
- The applicant noted that approving the applications would safeguard the local supply of aggregates, adhering with the strategic elements of planning policy and maintain a local company and local workforce into the future.

5.3.2 The Committee asked questions of Mr Walker:

- Mr Walker confirmed that at the time of allocation of the site in the Local Plan the site was operating with 60 HGV movements in and out; some operations were no longer taking place on the site allowing HGV movements to reduce to around 15 in and out
- Mr Walker confirmed that it was proposed to remove smaller trees on the Haul Road. The Council's arboricultural officer had identified significant trees to be retained.
- Mr Walker confirmed that the statement on page 53, paragraph 7.95 stating the maximum daily activity of 25 HGVs in and out was correct as it was based on a maximum daily projection; the figure of 15 HGVs in and out was more representative of typical daily activity.

5.4 Cllr Oliver spoke to the Committee as local Member for Sheringham and Beeston Regis in support of the application:

- Beeston Regis Parish Council were concerned about the proposal for a right-hand turn lane, which they felt was not needed and would lead to more non-HGV traffic using Britons Lane. They had no issue with HGV traffic accessing the quarry.
- Sheringham Town Council did not oppose the applications but also opposed the proposal for a right-hand turn lane as they felt it would increase traffic on Britons Lane.
- Cllr Oliver noted that that in the summer at the A148/Holway Road junction, people travelled through Upper Sheringham or along Britons Lane to avoid queues, causing a significant increase in traffic on Britons Lane but this was not caused by the quarry works.
- Cllr Oliver disagreed with Highways England that a right-hand turn lane was required to mitigate HGV traffic and danger and inconvenience to oncoming traffic,

noting that the applicant had committed to reduce HGV traffic from the site. As a local resident, Cllr Oliver felt that the current level of quarry traffic was not an issue. As former North Norfolk District Councillor and as current Norfolk County Councillor, Cllr Oliver had not received complaints about traffic being impeded by quarry vehicles.

- Cllr Oliver noted that no traffic measurements or surveys had been produced to show traffic had been impeded
- Cllr Oliver believed that, given the lack of evidence that the current/future level of quarry traffic caused problems, concerns that a right-hand turn would encourage more traffic onto Britons Lane, and the potential of the application to benefit North Norfolk's economy and Norfolk County Council's commitment to increasing economic growth post Covid-19 pandemic, the applications should be approved.
- Cllr Oliver noted that around 29% of North Norfolk's workforce was in tourism and the huge impact of the pandemic on that sector and it was important to strengthen other sectors, pointing out North Norfolk's comparatively low salaries, with median annual pay for male workers in North Norfolk at £24,918 compared to over £28,000 for Norfolk as a whole and £30,661 in England.
- Cllr Oliver was concerned about the cost of the right-hand turn lane to the applicant

5.4.2 The Committee had no questions for Cllr Oliver.

5.5 The Committee moved on to debate and asked further questions:

- The Senior Planning Officer clarified that it was anticipated that extraction of remaining reserves within the existing quarry will be completed by the end of 2020; the proposed extension had reserves which could be worked within 10-12 years
- A Member queried whether the Highways Authority had taken into account the reduced input and output of HGVs on the site; the Engineer (Highways Development Management) replied that the new development, which would lead to an additional 1 million tonnes of aggregate being transported onto the highway network, needed to be considered against current policy and in line with the allocation for the site. There were existing issues with scrubbing caused by vehicles turning onto Britons Lane and there was an accident history, including one at the Britons Lane junction involving a right turning vehicle, on this section of the A148. The right-hand turn lane would mitigate the impact of the increase in HGV movements associated with the application on the A148 and potential impact on other road users.
- The Engineer (Highways Development Management) confirmed that based on other, local examples, the proposed right-hand turn lane would cost in the region of £250,000. The Engineer (Highways Development Management) confirmed that the compromised undertaking lane scheme put forward by the applicant would not be supported as it was typically used in slow speed & lightly trafficked areas and raised more safety concerns when used in these environments.
- A Member drew comparisons with a right-hand turn lane on Sandy Lane near Cromer, which had not raised concerns with the Highway Authority, citing this as evidence that the proposed right-hand turn may not cause serious problems
- Mr Walker confirmed that two rights of way would be affected by the proposal, footpaths Aylmerton 2 and 3, which would be subject to diversions but maintain the north-south transit. As part of the restoration, further permitted routes were

proposed to be given across the restored landforms. Bridleway BR10 would not be affected except for the crossing by the haul road. The original proposed alignment of footpath 2 would have caused accessibility problems due to the gradient but it was now proposed to put the route around the quarry so it would not have a prohibitive gradient.

- Mr Walker confirmed, in response to the question about tree planting raised in paragraph 5.2.2 of the minutes, that the buffer zone of tree planting to the north of the extension covered approximately half a hectare and it was proposed to plant between 61 and 100 woodland fringe plantings.
- The Senior Planning Officer confirmed that the existing approved restoration scheme for the existing quarry provided for natural colonisation of the slopes and floor together with a five-year aftercare period. The proposed applications provided for an enhanced scheme of restoration to include acid grassland seeding and woodland planting, together with a 25-year aftercare period.
- Cllr Brian Long in the Chair due to the Chairman temporarily losing connectivity
- A discussion was held around the protocol if Members chose to go against Officers' recommendation to refuse the application; Officers clarified that they recommended, if Members were minded to approve the applications, that the applications be deferred, to allow the issue of vibrations possibly affecting pupils of St Andrews School to be investigated.

5.6.1 Cllr Martin Storey, seconded by Cllr Roy Brame, proposed deferring determination of the application, so that the issue related to the possibility of vibrations on the site affecting pupils of St Andrews School could be investigated before the Committee determined the applications.

5.6.2 The Committee voted on the proposal and each member also confirmed whether they were present for the full item (where Cllrs were not present for the whole debate and therefore unable to vote, or were not able to declare their vote due to IT technical issues, a null vote is recorded):

For	Against	Null vote
Cllr Roy Brame	Cllr Mick Castle	Cllr Colin Foulger
Cllr Danny Douglas	Cllr Brian Iles	Cllr Bev Spratt
Cllr Eric Seward	Cllr Brian Long	
Cllr Martin Storey	Cllr William Richmond	
	Cllr Mike Sands	

5.6.3 With 4 votes for and 5 against, the proposal was **lost**.

5.6.4 Cllr Foulger in the Chair

5.6.5 Cllr Mick Castle, seconded by Cllr Mike Sands, proposed approving the applications.

5.6.6 Councillors voted on the proposal to approve the applications and each member also confirmed whether they were present for the full item (where Cllrs were not present for the whole debate and therefore unable to vote, or were not able to declare their vote due to IT technical issues, a null vote is recorded):

For	Against	Null vote
Cllr Roy Brame	Cllr Danny Douglas	Cllr Colin Foulger
Cllr Mick Castle	Cllr Brian Long	
Cllr Brian Iles	Cllr Eric Seward	
Cllr William Richmond	Cllr Martin Storey	
Cllr Mike Sands		
Cllr Bev Spratt		

5.6.7 With 6 votes for and 4 against, the Committee **AGREED** that the applications be **APPROVED** subject to conditions and a s106 agreement to be determined by the Head of Planning exercising his delegated powers after consultation with the Chair and Vice Chair of the Committee:

- Further the Committee notes:
 1. That the planning officer report recommends refusing planning permission for both applications because the proposal would lead to right turn movements across opposing traffic on the A148 at its junction with Britons Lane, but
 2. Members are not of the view that highway impacts of the development will be significant, unacceptable or severe in terms of paragraphs 108 or 109 NPPF such that refusal of planning permission is justified especially when weighed against the benefits of granting the planning permissions which include
 3. The proposals are predicted by the applicants to contribute £12M to the local economy and
 4. The number of local residents who would continue to be employed by the application and
 5. The improved aftercare proposed as part of the applications for the sites after extraction has ceased
 6. The committee concludes that the highway impacts of the proposals are not likely to be, significant, unacceptable or severe and therefore the proposal accords with the development plan and the material considerations weighing against the proposal are not sufficient to outweigh the development plan.

5.7 The Committee took a break from 12:46 to 12:52.

6. **FUL/2020/0005: Land off A140/A1270 northern junction, Cromer Road, Norwich**

6.1.1 The Committee received the report setting out the application for creation of a new recycling centre to deal with household waste and small amounts of trade waste, and construction of a new access road from the A140/A1270 northern junction to the site with associated attenuation and infiltration basin for surface water drainage, including installation of a surface and foul water drainage system, hardstanding, staff welfare office and reuse shop (with photovoltaic panels) for onsite sale of waste items suitable for reuse, and ancillary small-scale sale of non-recycled items (Christmas trees, logs, compost bins and green waste sacks).

6.2.1 The Committee heard a presentation by the Principal Planner:

- This application was being brought forward as a recycling centre to replace the centre at Mile Cross Road which was closing in 2021

- 6 letters had been received from the public of which 3 were objections; since publication of the report, 1 additional letter of concern had been received which had been detailed in an update report circulated to Members prior to the meeting. Since that Member update, a further response from the Environmental Health Officer from Broadland District Council had been received regarding the noise impact on the closest properties. The Principal Planner read their comments in full which concluded that there would be a mix of noise sources at the site which would be sporadic through the day, and that the location was also affected by noise from the Broadland Northway and airport. The Environmental Health Officer stated that they were not in a position to object to the application but recommended that a bund with a fence be considered. The Principal Planner advised that these comments did not affect the recommendation to Members to grant planning permission, or mean that the application could not be determined that day
- The proposal was not a departure from the Development Plan; it would deliver drainage infrastructure and the drainage scheme was given significant weight on balance due to the benefit in bringing forward the whole HNF2 allocation

6.2.2 The Committee asked questions of The Principal Planner:

- A Member asked for details of the nearest bus stop and provision for visitors without access to a car; Officers confirmed that there was proposed provision on site for cycle racks, and proposed footway and cycle path links to the site via continuation of footway links between Broadland Northway and the recycling centre. The nearest bus stop was on the Norwich side of the southern roundabout.
- The Head of Planning clarified that provision of waste recycling centres was a statutory duty of the Council as a waste authority; waste collection services provided by District Councils could provide make provision for collection of bulky items for people who did not have access to transport.
- Officers confirmed that the road on slide 15 of the presentation was New Home Lane which was now closed to motorised vehicles providing a cycle link to / from Horsham St Faith. The new access road proposed would be a cul-de-sac serving the recycling centre; there was no intention from the Highway Authority to adopt the road which would remain private. The dedicated cycle and footway to Horsham St Faith would be maintained
- A Member asked whether the proposal included an audit of additional carbon generated by the site which he felt would increase carbon emissions in the area, and whether the audit paid attention to the Norfolk County Council environmental policy and Government's zero carbon targets, noting the increased travel of Norwich residents to access the site. The Principal Planner replied that the applicant had produced a sustainability statement outlining operations of the centre and as part of this they planned to provide PV panels to reuse electricity and provide a proportion of the site's energy use.
- Officers confirmed that the site was forecast to have a throughput of 20,000 tonnes per annum; for context, the replacement site on Willow Road in King's Lynn had a throughput of 8000 tonnes per annum and other smaller sites were available to the north and east of Norwich such as Strumpshaw and Mayton Wood that would deal with around 5-6000 tonnes of waste per annum. The proposed site was planned to service Norwich and the area to the north east of the City.
- A Member asked about modelling done to look at traffic flow around the

roundabout and in and out of the site using the proposed new access road; the Principal Planner confirmed that the Recycling Centre's internal road could cater for up to 38 queuing vehicles as well as those in the site at peak times; the new estate road would be 450m in length and could accommodate a large number of vehicles before the roundabout, hence it would be very unlikely to cause issues at the roundabout itself.

- Officers confirmed that the applicant had lodged an extensive site assessment search, but this did not include rail connections.
- The Principal Planner confirmed that the NCC environmental policy was not referenced in the audit
- Officer confirmed in response to a query about a possible incorrect km/h speed shown on the map on slide 3 of the presentation that the intended Traffic Regulation Order (TRO) process would determine speed on the road separate to the planning process.
- A Member asked about the possibility of a bund and acoustic fencing; the Principal Planner confirmed that due to restraints of the site a bund would not be possible. Noise would be controlled through an environmental permit and the Environment Agency were satisfied that current permits on the application were suitable to mitigate environmental control

6.3 The Committee moved on to debate of the application:

- A Member was concerned that the Norfolk Environmental Policy and Governmental zero-carbon target had not been referenced in the application or audit and that this could open the Council up to possible legal challenges or judicial review. The Team Lead (Planning & Environment), nplaw, replied that the application should be determined on its merits
- It was noted that the Council had a duty to provide recycling centres, and that the centre at Mile Cross was being closed.

6.4 Cllr Roy Brame **PROPOSED** that the Committee move to the vote.

6.5 The Team Lead (Planning & Environment), nplaw, clarified that the recommendation on the report would be changed from "*the Director of Highways be authorised to...*" to "*the Executive Director of Community and Environmental Services be authorised to...*", and that condition 13.6 would be changed as raised during the Principal Planner's presentation: Replace: "*Prior to commencement of development...*" to "*Prior to any development above slab level...*"

6.6.1 The Committee voted on the proposal to approve the application and each member confirmed whether they were present for the full item (where Cllrs were not present for the whole debate and therefore unable to vote, or were not able to declare their vote due to IT technical issues, a null vote is recorded):

For

Cllr Roy Brame
Cllr Mick Castle
Cllr Colin Foulger
Cllr Brian Iles

Against

Cllr Danny Douglas

Cllr Brian Long
Cllr William Richmond
Cllr Mike Sands
Cllr Eric Seward
Cllr Martin Storey
Cllr Bev Spratt

- 6.6.2 With 10 votes for and 1 vote against, 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 13 of the report and the amended condition 13.6 (as discussed in paragraph 6.5 above)
 - 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.
- 6.7 Cllr Danny Douglas raised concerns about a possible legal challenge due to the lack of comment in the transport statement to the Norfolk County Council Environmental Policy

The meeting ended at 13:41

Chairman



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Planning (Regulatory) Committee

Item No: 5

Decision making report title:	FUL/2019/0056 - Land at SS Agri Power Limited, Ellingham Road, Attleborough, NR17 1AE
Date of meeting:	31 July 2020
Responsible Cabinet Member:	N/A
Responsible Director:	Tom McCabe, Executive Director of Community and Environmental Services
Is this a key decision?	No
If this is a key decision, date added to the Forward Plan of Key Decisions.	N/A
<p>Executive Summary</p> <p>Executive Summary</p> <p>Planning permission is sought for the extension of an existing anaerobic digestion plant at the SS Agripower Limited site, Ellingham Road, Attleborough. It seeks to extend the plant within the existing site to allow the processing of Category 3 food waste (as defined in the Animal By-Products Regulations), from within Norfolk, as well as agricultural waste and increase the tonnage of organic matter processed from 23,900 tonnes per annum (tpa) to 129,000 tpa.</p> <p>Whilst no objections have been raised by statutory consultees subject to conditions, three third party representations have been received objecting to the development in addition to comments from Attleborough Town Council (which although not objecting) raising concerns about the traffic impact, highway safety, amenity impacts including odours, flies and noise and disturbance of vehicle movements at night.</p> <p>In accordance with the Council's Constitution, the application is being reported to the Planning (Regulatory) Committee because of the number of objections received. The key issues to be assessed in the determination of the application include; the principle of the development; traffic and access, the amenity impacts; and ecology. Design and landscaping, drainage and flooding, contamination, sustainability and cumulative impacts are also relevant considerations. 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. Conditional full planning permission is therefore recommended.</p> <p>Recommendation:</p> <p>That the Executive Director of Community and Environmental Services be authorised to:</p>	

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

1. Background

- 1.1. Planning Permission Ref: 3PL/2009/1143/F for the development of the existing anaerobic digestion plant at Ellingham Road, Attleborough, was approved by Breckland District Council in April 2010. The approved plant has been constructed and currently utilises agricultural waste as a feedstock to produce a biogas which is then used to power a Combined Heat and Power (CHP) unit.
- 1.2. This application is for the extension of the existing plant which is operated by Attleborough AD Plant Limited, to allow the processing of Category 3 food waste as well as agricultural waste and increase the tonnage of organic matter processed to 129,000 tpa. Category 3 food waste is defined in the Animal By-Products Regulations as material that is fit for human consumption, and includes meat related waste from food manufacturers, retailers and kitchens etc.

2. Proposal

2.1. SITE

- 2.2. The site, extends to 7.24 ha, the main part of which includes the land at SS Agripower Limited, on the Ellingham Road, approximately 1.7km north west of Attleborough town centre.
- 2.3. It is located in a predominantly rural area and is surrounded on all sides by hedgerows or woodland, which in turn is surrounded by arable fields with intermittent woodland, farms and residential properties. Stoney Lane/Crowshall Lane are located to the east of the site leading to Crowshall Veterinary Services approximately 100m to the north east. To the south east is a small stream which runs along the A11, Attleborough bypass, beyond which is the built-up area of Attleborough.
- 2.4. The main part of the site is located within an irregular shaped boundary on land that has historically been in use as arable farmland under the ownership of Crowsall Farm. Now owned by SS Agripower Limited, the majority of the site comprises hardstanding and mown grassland with its operations split into two halves. The northern half of the consists of the existing AD facility, incorporating existing 3 digester tanks, two covered plastic reservoirs and associated infrastructure, while the southern half, consists of four large agricultural sheds and associated out buildings. To the north of the sheds there is area of scrub, rough grassland soil mounds.

- 2.5. The southern boundary of the site is marked by a track and is well vegetated with tall, approximately 5-10m high dense mixed deciduous hedgerow and tree growth. The eastern boundary of the site is marked by Stoney Lane which is well vegetated by hedgerows and hedgerow trees along its length. The northern boundary has an established hedgerow to its eastern side but is open to the west and gives way to open arable fields to the north. Land to the west also consists of arable fields separated from the site by hedgerow and tree lined boundaries.
- 2.6. The existing AD plant has been operational since 2010, utilising agricultural feedstock, including green crops, spent brewers grains, turkey manure, and cattle slurry, to generate a methane-rich biogas which is used to power a Combined Heat and Power (CHP) unit. Once produced, the biogas is stored in a membrane lined biogas store which ensures continuous operation of the CHP unit. The CHP unit produces approximately 1 megawatt (MW) of electricity per hour or 9,000MW per annum, which typically serves 2000 homes. Heat produced by the CHP unit is also used in the AD process.
- 2.7. After going through the digestion process the end substrate is passed through a separator to produce a liquid and solid portion. The solid material is a rich organic fertiliser which is applied to agricultural land. The liquid is pumped from the tanks into the existing lagoon, prior to being applied to agricultural land by irrigation.
- 2.8. The brewers' grains are transported to the site by HGV and stored in a silage clamp while the cow slurry is delivered in a sealed farm tanker and discharged via an airtight valve into sealed, underground storage vessel. The turkey manure is taken from the existing turkey sheds on the site and mixed with material with the silage clamp.
- 2.9. Transport movements associated with the existing AD facility are generated over a 6 day week, 52 weeks a year. Daily movements to the site are currently nine 20-tonne HGVs associated with waste collection, eight 18-tonne HGVs associated with digestate collection and three vehicles associated with the site maintenance and visitors. Additionally, the existing turkey farm business generates around five daily movements. The equates to an annual total of around 15,850 vehicle movements or approximately 50 vehicles (two-way movements) a day on the network.
- 2.10. **Proposal**
- 2.11. This application is for the extension of the existing anaerobic digestion (AD) plant operated by Attleborough AD Plant Limited at the SS Agripower Limited site, Ellingham Road, Attleborough. It seeks to extend the plant within the existing site to allow the processing of Category 3 food waste, from within Norfolk, as well as agricultural waste and increase the tonnage of organic matter processed from 23,900 tpa to 129,000 tpa.

Tanks, Buildings and Equipment

- 2.12. The tanks, buildings and equipment to be installed include the following:

- Two Fermenter Tanks (26m diameter, 16m height);
- Post Fermenter Tank (26m diameter, 16m height);
- Digestate Storage Tank (26m diameter, 16m height);
- Four Pre-Storage Tanks (comprising one 10m diameter tank and three 3.5m diameter);
- Three Pasteurisation Tanks (2.9m diameter);
- Water Tank (3.5m diameter);
- Reception/De-packaging Building (45m length, 31m width and 12m height);
- Emergency Generator;
- Propane Storage Facility (Six Tanks);
- Emergency gas Flare (9.51m high);
- Gas Upgrading Unit (12m length, 6m width with an 11m stack);
- Gas Boiler (6m length, 2.8m width with a 12m stack);
- Activated Carbon/VOC Filter;
- Network Entry Facility (8m length, 3m wide);
- LV Switch Board;
- Separation Unit;
- Gas Cooling and Washing System;
- Two Storey Modular Site Office (8m length, 3m width);
- Vehicle Turning Are (30m diameter); and
- Weighbridge and four parking spaces.

- 2.13. Due to the siting of the equipment, the development would necessitate the removal of a 2740m² turkey shed, although with the construction of the new reception/de-packaging Building there be a net gain of 1225.5m² of floor space.
- 2.14. The layout of the site is designed to optimise the operational use of the site and ensure that the bulkiest structures are located adjacent to the existing tanks and away from sensitive receptors with the ancillary structures sited adjacent to the tanks.
- 2.15. The overall scale of the development would increase, with the four new storage tanks at a height of 16m in comparison with the existing three tanks at 12m. In addition, the reception building at 45m long, 32 wide and 12m high would be smaller in its footprint than the existing poultry sheds but taller in height. The other new infrastructure is generally smaller in scale and would integrate with the existing plant.

The Use and Process

- 2.16. The facility would receive feedstock delivered by HGVs to the reception building, which would be fitted with fast shuttering roller doors to minimise odour emissions. Packaged food waste would be deposited on a push floor where it would be transferred to a dedicated macerating machine for de-packaging. Following de-packaging, it would be pumped either into the pre-storage tanks via a receiving pit, where it would be liquified and mixed with fresh water or additional liquid input materials. After the mixing pit, the materials are pumped into a pre-storage tank or directly into the fermenter tanks. Fermentation tanks allow the biological anaerobic digestion of the feedstock to take place in a controlled environment, generating biogas.
- 2.17. A solid feeding unit would also feed in agricultural waste and crops such as farmyard manure and whole crop rye. The input materials would be pumped into the fermentation tanks through a liquid feeding pump with recirculated material.
- 2.18. In addition, liquid input materials can be received in the reception hall. The input materials are pumped into a pre-storage tank and from there, into the fermenters.
- 2.19. After the fermentation of feedstock in the fermenters and post fermenter, the digestate is pumped to the pasteurisation unit where it would be maintained at a heat of 70 degrees for one hour. A Biogas Boiler would provide heat to the fermentation process and pasteurisation process.
- 2.20. A high temperature pump would then transfer the pasteurised material to the separation unit where liquid fractions would be pumped into the digestate storage tank or an existing digestate lagoon and solids would be collected and transported off-site. The digestate storage tanks store the liquid fraction after pasteurisation and separation prior to being collected for spreading on land as an organic fertiliser.
- 2.21. The fermenters, post fermenter and digestate storage tank are equipped with a double Polyethylene (PE)-membrane-roofs (gas accumulators) working as buffer storage for the produced biogas.
- 2.22. A ferric chloride tank and an oxygen generator would be installed to provide desulphurisation facilities. Active carbon filters would remove the majority of the hydrogen sulphide from the biogas.
- 2.23. A compressor would transfer biogas from the gas accumulator through connection infrastructure to a condensate system where gas condensate is captured in a condensate pit and recirculated into the fermenter or the digestate storage tanks.
- 2.24. The biogas is then either consumed by the existing CHP unit or upgraded to biomethane in a membrane upgrading unit. This gas upgrader removes unwanted gases from the biogas to leave biomethane which can be injected into the grid. Gas coolers and carbon filters remove impurities from the biogas/biomethane which could damage major components (e.g. CHP and Gas Upgrader) and reduce their working life. Rejected biomethane would be fed to the emergency dual fuel flare.

- 2.25. Heat produced by the CHP and the dual fuel boiler would be transported to a heating manifold. The fermenters and pasteurisation system are connected to the manifold to heat the input material up to approx. 40°C (mesophilic) in the digester tanks or 70°C (pasteurisation).
- 2.26. The purpose of a Grid Entry Unit is to analyse the biomethane to ensure it meets the Gas Safety Management Regulations for gas entering the gas grid. This includes adding the odorant and ensuring the biomethane meets the gas quality parameters.

Access and Vehicle Movements

- 2.27. The site is currently accessed via the Ellingham Road. This is a single 7.5m carriageway road, running to the north of the A11, connecting Attleborough to Great Ellingham, and is subject to the national speed limit of 60mph. To the east of the site, Ellingham Road serves residential properties and is provided with street lighting and a continuous footway along the eastern side of the carriageway. Beyond the residential properties the road becomes more rural passing through open fields and flanked by grass verges on both sides of the carriageway and having no street lighting provision. The Ellingham Road eventually becomes Attleborough Road before reaching Great Ellingham.
- 2.28. The site itself is served from an upgraded field access, located to the west of the main part of the site, that links it indirectly to the Ellingham Road via a bypass, created when the B1077 was realigned and improved. The access was consented as part of a previous District Council Planning Permission (Ref: 3PL/2009/1143/F) approved in 2010 and has been operating since then with large HGVs accessing the site. The consented access includes the provision of a visibility splay to the east, on the north side of the B1077, which has also been incorporated in the current proposal, with the existing site access remaining unchanged. It is constructed with large kerbed radii suitable for HGVs turning in and out from either direction.
- 2.29. Vehicle movements would continue to be based on a 6-day week, for 52-weeks of the year. However, there would be a payload increase, from 20 a tonne load capacity, to a 28-tonne load capacity on the HGVs associated with waste collection. The digestate collection would continue to operate with 18-tonne HGVs.
- 2.30. Daily movements to the site would be around 30 x 28-tonne HGVs associated with waste collection and around 20 x 18-tonne HGVs associated with digestate collection. Additionally, around 10 vehicles each day associated with site maintenance and visitors are expected to travel to the site. This equates to an annual total of around 37,440 vehicle movements or approximately 120 vehicles (two-way movements) a day on the network, compared with 15,850 vehicle movements or approximately 50 two-way vehicles currently.
- 2.31. The primary route to the site is expected to be taken from the A11, to the south of the site, connecting to the B1077 Ellingham Road. It is anticipated that both construction and operational vehicles would use this route and the existing access.

Parking

- 2.32. Four parking spaces would be provided adjacent to the proposed site office.

Waste Storage

- 2.33. General waste storage would be located adjacent to the site office.

Lighting

- 2.34. The proposed development would introduce additional lighting to the periphery of the existing site. The application states that additional light sources would be kept to a safe minimum and would be minimised from the more open northern areas.

Landscaping

- 2.35. The application states that most long-term visual effects would be experienced by receptors within 500m to the north of the site. It is therefore proposed that a hedgerow with scattered hedgerow trees be planted following the line of the field boundary to the north of the proposed infrastructure. This would help screen views of the proposed AD facility and improve views of the existing facility. Proposed plant species would be native trees already present in the local area.
- 2.36. The layout seeks to ensure that the new tanks, reception buildings and equipment are set back from site boundaries in order that the existing tree and shrub vegetation can be retained and managed to create a strong landscape feature with new planting that would consist of native and evergreen species designed to enhance local biodiversity and connectivity.

Drainage

- 2.37. Foul drainage would be to the existing on-site septic tank and surface water drainage to a soakaway.

Employment

- 2.38. The current facility is staffed by two full-time employees. The proposed development would require an additional four full-time equivalent employees and also support local goods and services during both the development's construction and operational phases.

Construction Phase

- 2.39. The construction process would require the movement of large equipment and materials to the site as well as staff movements.
- 2.40. An initial estimate of the number and types of vehicles that could be generated by the construction phase is expected to be up to 20 HGVs per day at peak with construction expected to last 12 months.
- 2.41. Construction traffic would be routed from the A11 junction and onto B1077 Ellingham Road and the existing service road and access. Vehicles egressing would follow the reverse journey back to the A11.

- 2.42. Construction traffic approaching or departing from the site would be prohibited from using Crows Hall Lane/ Stony Lane to the east of the site.
- 2.43. A Traffic Management Plan (TMP) has been prepared to support the application and provides for the management and control strategy of vehicular movements, to ensure the safety of any person at all times throughout the construction work period.
- 2.44. Due to the scale of the development and the use of prefabricated materials, significant quantities of construction waste are not anticipated. All construction generated spoil would be re-used to ensure the site is appropriately levelled for construction purposes.
- 2.45. As construction works would be limited in scale and of temporary duration, it is anticipated that any noise impacts can be controlled through standard good practice measures.
- 2.46. Although there is potential risk of pollution accidents during construction, due to the scale of the works, significant risks are not anticipated and again it is anticipated that this risk can be managed by standard good practice measures.

3. Impact of the Proposal

3.1. DEVELOPMENT PLAN POLICIES

- 3.2. The following policies of the Norfolk Minerals and Waste Development Framework, Core Strategy and Minerals and Waste Development Management Policies Development Plan Document 2010-2026 (Adopted September 2011), the Norfolk Minerals and Waste Development Framework Waste Site Specific Allocations Development Plan Document (Adopted October 2013), the Breckland Local Plan (Adopted November 2019) and the Attleborough Neighbourhood Plan (2018) provide the applicable development plan framework. The following policies are of relevance to the application:

Norfolk Minerals and Waste Development Framework

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 DM9: Archaeological Sites

Policy DM10: Transport

Policy DM11: Sustainable Construction and Operations

Policy DM12: Amenity

Policy DM13: Air Quality

Policy DM15: Cumulative Impacts

Policy DM16: Soils

Breckland Local Plan

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 ENV06: Trees, Hedgerows and Development

Policy ENV09: Flood Risk & Surface Water Drainage

Policy ENV10: Renewable Energy Development

Policy EC01: Economic Development

Policy COM01: Design

Policy COM03: Protection of Amenity

Attleborough Neighbourhood Plan

Policy ESD.P3: Environment, Sustainability and Design

3.3. **OTHER MATERIAL CONSIDERATIONS**

- 3.4. National Planning Policy: The National Planning Policy Framework (NPPF) 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 material consideration of significant weight. The NPPF highlights that the purpose of the planning system is to contribute to the achievement of sustainable development. The NPPF places a presumption in favour of sustainable development. However, paragraph 47 recognises that planning law requires applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. Relevant Chapters of the NPPF include the following:

Chapter 2. Achieving Sustainable Development

Chapter 6. Building a strong, competitive economy

Chapter 9. Promoting sustainable transport

Chapter 12. Achieving well-designed places

Chapter 14. Meeting the challenge of climate change, flooding and coastal change

Chapter 15. Conserving and enhancing the natural environment

Chapter 16. Conserving and enhancing the historic environment

- 3.5. Planning policy with respect to waste is set out in the National Planning Policy for Waste (NPPW published on 16 October 2014). The relevant sections of the NPPW include the following:

Paragraphs 1, 5 and 7

Appendix A: The Waste Hierarchy

Appendix B: Locational Criteria

- 3.6. 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.

- 3.7. Emerging Development Plan Policy: Paragraph 48 of the NPPF states that Local Planning Authorities may give weight to relevant policies in certain circumstances.

- 3.8. The Norfolk Minerals and Waste Local Plan Review is currently on-going. A Preferred Options Consultation took place in September and October 2019. The Pre-submission Draft of the Plan is due for publication and consultation towards the end of 2020. At this stage only limited weight can be given to the policies in the emerging plan. Draft policies relevant to this application are:

MW2: Development management criteria

MW3: Transport

MW4: Climate change mitigation and adaption

WP1: Waste management capacity to be provided

WP2: Spatial strategy for waste management facilities

WP3: Land potentially suitable for waste management facilities

WP9: Anaerobic digestion

WP16: Design of waste management facilities

3.9. Constraints: There are a number of constraints affecting the site including the following:

- The nearest Listed Buildings are West Farmhouse, which is Grade II Listed and lies approximately 530m south of the site, a Barn 25m south east of West Farmhouse, which is Grade II Listed and lies approximately 535m south of the site, The Old Queens Head, which is Grade II Listed and lies approximately 560m north west of the site access on the south side of the B1077, Attleborough Lodge, which is Grade II Listed and lies approximately 800m north east of the site, and a Dovecote 30m east of Attleborough Lodge, which is Grade II Listed and lies approximately 830m north east of the site;
- The nearest designated sites are the Swangey Fen, Attleborough Site of Special Scientific Interest (SSSI) and the Norfolk Valley Fens Special Area of Conservation (SAC), which are both located approximately 2.7km south west of the site; and
- It lies in Flood Zone 1 on the Environment Agency's (EA) Flood Map for Planning.

3.10. **CONSULTATIONS**

BRECKLAND LAND DISTRICT COUNCIL PLANNING – Have not commented on the application.

BRECKLAND DISTRICT COUNCIL ENVIRONMENTAL HEALTH – Advise that they have no comments on the grounds of Environmental Protection as the site is regulated by the Environment Agency through an Environmental Permit, including noise, odour and other environmental issues.

ENVIRONMENT AGENCY – Advises that it has no objection to the development subject to the inclusion of conditions relating to the submission for approval and implementation of; a site investigation, risk assessment, and a remediation strategy to deal with any contamination (with a particular concern being ammonia concentrations present in the groundwater), a subsequent verification report to demonstrate that the works set out in remediation strategy have been completed; a long term monitoring and maintenance plan for the site, for ensuring that there is no infiltration of surface water drainage; and the prevention of piling or any other foundation designs using penetrative methods. It also requests the inclusion of a number of related informatives.

It comments that the site holds an Environmental Permit (Standard rules 2012 No.9). The activities proposed would require a variation to the existing permit, as currently the input is limited to 100,000 tpa, whereas the proposal is to increase this to 129,000 tpa.

It advises that it has received approximately 75 complaints about the plant during 2015 and 2016 of which three were substantiated, but that none have been received in the past three years.

It further comments that the additional feedstock will be about 105,000 tpa more than is currently received. It advises that an increased volume of waste input, and the inclusion of new waste types poses a higher risk of odorous emissions. It also advises that appropriate standards of infrastructure, good management, and a robust odour management plan (OMP) will be required to effectively manage these risks. Even with these in place, it advises that there may still be some residual odour from the proposed activities, and this should be taken into account when considering whether approval should be given to the application.

HIGHWAY AUTHORITY – Advises that it has no objection subject to the inclusion, for safety reasons, to ensure that there is sufficient inter-visibility when vehicles are turning right across the path of on-coming traffic flow on the B1077, of a condition requiring the provision and maintenance of the visibility splay at the junction of the access road on to the B1077. It also advises the inclusion of a routing condition for both operational and construction vehicles to ensure they only access the site directly to and from the A11 as detailed in the Highway Statement submitted with the application.

LEAD LOCAL FLOOD AUTHORITY – Advise that the Flood Risk Assessment and drainage strategy submitted with the application is acceptable but that a maintenance and management plan for the surface water system for the site needs to be submitted.

COUNTY COUNCIL'S ECOLOGIST – Initially commented that the application is supported by a 'Bat Survey Report' which is fit for purpose and reports the results of bat surveys undertaken in August and mid-late September 2019. They commented that the surveys indicate that the number of bats decreased during the surveys suggesting that more bats may use the site and that the roost at the site is breaking up. They further commented that although the report suggests a larger roost was present, no assessment of whether the roost was a maternity roost, was proposed and that this had important implications for the level of mitigation required and that consideration had also not been given to its use during the hibernation period. They therefore advised that there was insufficient information available to determine the impacts of the proposals on the soprano and common pipistrelle, and brown long-eared bats. They accordingly recommended that activity surveys were undertaken during the maternity period to assess the status of the soprano and common pipistrelle roost at the site.

A further survey was therefore undertaken. The County Ecologist now advises that the updated Bat Survey Report and updated Bat Mitigation and Enhancement Plan

that have been submitted are fit for purpose. They advise that surveys have now been completed in accordance with best practice guidelines, that they show that the site supports a low number of common bats and that there is no evidence of bat maternity roost(s). They advise that the updated Bat Mitigation and Enhancement Plan, submitted following the further survey provides mitigation for the loss of the roosts and enhances the site and is commensurate with Bat Mitigation Guidelines. They advise that a European Protected Species (EPS) licence will need to be obtained from Natural England before works can start.

The County ecologist accordingly has no objections, to the development on ecological grounds, and recommends the inclusion of conditions requiring the submission of the a copy of the EPS licence before development commences, the undertaking of all ecological mitigation works in accordance with the submitted details, and the submission and approval of the details of any external lighting prior to its installation.

COUNTY COUNCIL'S ARBORICULTURIST – Advise that the submitted Arboricultural Planning Statement provides the methodology required to ensure the retained trees are protected for the duration of the development and that they therefore have no objection to it, subject to the inclusion of a condition to ensure the implementation of the Tree Protection Plan.

COUNTY COUNCIL'S LANDSCAPE & GREEN INFRASTRUCTURE OFFICER – Advise that that there are no major concerns from a landscape perspective regarding the proposals as visibility from publicly accessible locations is limited and suitable mitigation is proposed within the submitted Landscape and Visual Appraisal.

They also advise that the proposed Landscape Mitigation and Enhancement Plan broadly matches the proposals from the LVA. They therefore have no objections from a landscape perspective and that implementation of the landscaping scheme should be conditioned.

COUNTY COUNCIL'S PUBLIC RIGHTS OF WAY OFFICER – Advise that they have no objection on Public Rights of Way grounds as there are none in the vicinity of the site.

COUNTY COUNCIL'S HISTORIC ENVIRONMENT OFFICER – Advise that the development would have no known archaeological implications.

NORFOLK FIRE AND RESCUE – Advise that they have no objections subject to the proposal meeting the requirements of the current Building Regulations 2010 – Approved Document B (volume 2 – 2019 edition) as administered by the Building Control Authority.

NETWORK RAIL – Advise that they have no objection to the development.

ATTLEBOROUGH TOWN COUNCIL – The Town Council advise that they have concerns about the increase in vehicle movements arising from the development and the potential for the emission of offensive odours.

LOCAL MEMBER (COUNTY ELECTORAL DIVISION) (COUNTY COUNCILLOR RHODRI OLIVER) – No comments received at the time of writing this report.

3.11. REPRESENTATIONS

3.12. The application was advertised by means of neighbour notification letters, site notices, and an advertisement in the Eastern Daily Press newspaper. In response, there have been 3 third-party representations, all of which state an objection or raise concerns about the development. The representations in summary make the following points:

- That the B1077 road has become significantly more busy because of multiple housing developments and the increased tractor traffic serving the existing AD plant. The section of the B1077 between Baconsthorpe Farm and Ellingham Hospital is particularly narrow and dangerous, and there have been multiple accidents, including one fatality in the last thirty years;
- That the Planning (Regulatory) Committee needs to consider not only the current vehicle use, but also the increase in the next few years. A daily increase of 20 HGVs movements per day during the construction phase and 70 HGV movements per day thereafter once the expended plant is operational will increase the danger from traffic including that resulting from slow moving vehicles entering and leaving the site into and from traffic moving at speeds of up to 60mph or more;
- That the site access is dangerous with poor visibility and other nearby development proposals have been refused permission on the grounds of highway safety as result of extra traffic;
- Express concern about the amenity impacts, with the plant being located too close to housing. There are particular concerns that odours and the incidence of flies will increase with the expansion of the plant, especially when the doors are open and that there will be an increase in noise levels;
- That at present vehicle movements take place late into the evening despite the fact that the hours are supposed to be limited; and
- That the proposed increase in diesel-powered traffic, carrying waste material from many miles away will more than offset the sustainability related benefits of the expansion of the plant.

3.13. APPRAISAL

3.14. The key issues for consideration are:

- A. Principle of the Development
- B. Traffic and Access
- C. Amenity Impacts
- D. Ecology
- E. Design, Landscaping and Heritage
- F. Drainage and Flooding

- G. Contamination
- H. Sustainability
- I. Cumulative Impacts

3.15. A. PRINCIPLE OF THE DEVELOPMENT

- 3.16. The 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”.

- 3.17. The key consideration is that development plan policy contained in the Norfolk Minerals and Waste Development Framework, Core Strategy and Minerals and Waste Development Management Policies Development Plan Document sets out a policy presumption in favour of new and additional anaerobic digestion capacity. This also needs to be considered in the context of the application being for an extension of the existing anaerobic digestion plant already operated on the site.
- 3.18. In summary Core Strategy Policy CS3 which is concerned with the amount of waste management capacity to be provided over the plan period states that it seeks to provide sufficient waste management capacity to meet the expected arisings of municipal and commercial and industrial waste streams (which are set out in Appendix A of the Core Strategy). In support of Policy CS3, Policy CS4 sets out details of the amount and type of new waste management capacity to be provided to manage the expected waste arisings. By the end of 2026, this is identified as including 163,000 tonnes of new recycling, composting and source-segregated-anaerobic digestion capacity. Norfolk County Council’s Annual Monitoring Reports state that this additional capacity requirement has now been met through planning permissions granted since the adoption of the Core Strategy. However, the proposed expansion of the plant would provide a facility for treating food waste within Norfolk, whereas currently this has to be transported to other counties for treatment. Emerging Government Policy is advocating the segregation of food waste at source from residual household waste, and that it is therefore also likely that at the point when separate food waste collections are put in place nationally, there will be an increase in the need for treatment facilities such as Anaerobic Digestion. As such the proposed development would provide additional waste treatment capacity and can be considered to be compliant with Policy CS4.
- 3.19. Policy CS5, which is concerned with the general location of waste management facilities, states that “strategic” or “major” waste management facilities should be well-related to the Norwich Policy Area, the Great Yarmouth urban area, King’s Lynn or Thetford. The application site is not within the Norwich Policy Area, but the boundary of the Norwich Policy area is under 4.5km (3 miles) northeast of the site, along the A11. Therefore, the site can be considered to be well related to the Norwich

Policy Area, the strategic highway network, and Attleborough; and can therefore be considered to be in general compliance with Policy CS5.

- 3.20. In addition, Policy CS6 makes clear that waste sites developed in accordance with Policy CS3 will be acceptable, provided they would not cause unacceptable environmental impacts, where they are to be located on previously developed land, which is the case in this instance. Finally, Policy CS7, which is concerned with recycling, composting, anaerobic digestion and waste transfer stations, makes clear that the expansion of existing, or the development of new, anaerobic digestion facilities, will be considered favourably, so long as they would not cause unacceptable environmental, amenity and/or highways impacts.
- 3.21. As such there is need for the proposed anaerobic digestion capacity that the extended plant would provide and its siting can be considered to be consistent the locational framework set out in Policies CS5-CS7 but in any event there is a presumption in favour of the extension of existing sites for additional and extended anaerobic digestion capacity.
- 3.22. It is therefore clear that in terms of the principle of the development that the expansion of the existing plant to also handle Category 3 food waste, is acceptable in terms of development plan policy. The main qualification to this is that it must not cause unacceptable environmental, amenity and/or highways impacts. Whether the development is acceptable therefore depends on the environmental, amenity and/or highways impacts, which are considered in more detail in the following sections. This is consistent with the advice set out in the NPPW Paragraphs 5 and 7 and Appendix B, which sets out the key environmental considerations that are relevant in the location of new and extended waste management facilities and to be taken into consideration when determining planning applications.
- 3.23. B. TRAFFIC AND ACCESS
- 3.24. As set out above the primary concerns raised by Attleborough Town Council and objectors, relate to traffic and access. The Highway Authority, although not objecting has also raised some concerns.
- 3.25. In relation to traffic the key issue is the increase in the volume of HGV movements compared with the operation at the existing plant. Details are set out in the Highways Statement submitted with the application. This identifies that current feedstocks include green crops, spent brewer's grains, turkey manure and cattle slurry. The site has been operating since 2010 with a permit to process around 24,000 tpa of organic matter. The proposed development seeks to extend the existing AD facility to enable the processing of Category 3 food waste as well as agricultural waste. This would increase the annual tonnage of organic matter to 129,000tpa.
- 3.26. Existing vehicle movements are currently based on a 6-day week, for 52-weeks of the year. Daily movements to the site are currently around 9 x 20-tonne HGVs associated with waste collection, around 8 x 18-tonne HGVs associated with digestate collection and around three vehicles associated with site maintenance and visitors. Additionally, the existing turkey business generates around five daily

movements. This equates to an annual total of around 15,850 vehicle movements or approximately 50 vehicles (two-way movements) a day on the network.

- 3.27. The proposed expansion of the plant would increase the annual tonnage from 23,900 to 129,000 tonnes of organic matter, although this would involve a cessation of the existing turkey business operations. Vehicle movements would continue to be based on a 6-day week, for 52-weeks of the year. The existing access to the site would remain unchanged. The primary route to the site would still be taken from the A11, which bypasses the south of the site, via the B1077 Ellingham Road. It is anticipated that both construction and operational vehicles associated with the proposed development would use this route and continue to use the existing access.
- 3.28. The proposals would therefore increase the plant tonnage capacity by around 5 times. It is however also proposed to increase the payload on the HGVs associated with waste collection using 28-tonne load capacity HGVs, compared the use of 20-tonne load capacity HGVs currently, with digestate collection continuing to operate with 18-tonne HGVs.
- 3.29. As a result, the submitted Highways Statement identifies that this would increase HGV movements to about 30 x 28-tonne HGVs associated with waste collection and to about 20 x 18-tonne HGVs associated with digestate collection. Additionally, about 10 vehicles associated with site maintenance and visitors are expected to travel daily to the site. This equates to an annual total of around 37,440 vehicle movements or approximately 120 vehicles (two-way movements) a day on the network.
- 3.30. The overall net difference between the consented and the proposed development is therefore around 35 HGVs a day on the local highway network, equivalent to 70 two-way movements, which the Highways Statement concludes, would maintain the volume of traffic associated with the proposed development at a low level, in the context of existing traffic conditions.
- 3.31. As detailed above the Highway Authority have not expressed any direct concern about the increase in the volume of HGV traffic, but are concerned, for safety reasons, with the existing level of forward visibility at the junction of the B1077/Ellingham Road. The forward visibility is vital to ensure that there is sufficient inter-visibility when vehicles are turning across the path of opposing traffic flow on the B1077. Without improvement to the visibility, the increase of HGV movements proposed, on a section of the B1077 subject to a 60mph speed limit would not be acceptable. The visibility splay should have been provided when the existing plant was developed with all vegetation being removed but has not been provided on the ground to date.
- 3.32. The applicant has in response to this indicated that they would be willing to undertaken hedge trimming and maintenance to provide the required visibility splay. The Highway Authority have advised that this would be acceptable subject to a condition requiring the provision and maintenance of the visibility splay.
- 3.33. One additional issue that has been raise by objectors concerns the number of road traffic accidents on the B1077. Accident data is included in the Highways Statement submitted with the application. This shows that for the five-year period from 2014-

2018 that there have been only two accidents, both of which were both categorised as “slight” in severity with no evidence to link these to the operation of the plant. These occurred in November 2015 and took place on the Ellingham Road, approximately 450m west from the junction with Crowshall Lane, and only involved a single vehicle, and the other occurred in July 2015 and took place at the intersection of the Ellingham Road and the A11. There is therefore no evidence of an increased accident risk as result of the current operations at the site. The Highway Authority have not raised any objection related to the accident data in the vicinity of the site.

- 3.34. On this basis, if the application is approved subject to a condition to secure the provision and maintenance in perpetuity of the visibility splay to the north of the B1077, then it can be considered to be acceptable in terms of traffic and access, and therefore compliant with relevant development plan policy. This includes the Norfolk Minerals and Waste Development Framework, Core Strategy and Minerals and Waste Development Management Policies Development Plan Document, Policies CS7, CS15 and DM10, the Breckland Local Plan, Policies TR1 and TR2, and also with the NPPF and the NPPW.

3.35. C. AMENITY IMPACTS

- 3.36. Objectors have raised concerns about the amenity impacts of the expansion of the plant, and in particular the increased risk of odours, flies and higher noise levels. They have also stated that vehicle movements have taken place outside permitted hours causing disturbance. The amenity impacts are a key policy test, although the fundamental issue in the determination of the application is whether the amenity impacts would be such as to make the development and use of the site unacceptable in land use terms, rather with the regulation of the amenity impacts, once the site is operational. The latter is a matter for the Environmental Permit, which includes standard conditions relating to odours, pests and noise, which are for the Environment Agency to enforce if necessary. The planning application has to be determined on the basis the Environmental Permitting regime will work effectively, and that there will be enforcement of any conditions attached to the Environmental Permit.

- 3.37. The application is supported by an Odour Assessment and a Noise Impact Assessment, although neither identifies that any significant adverse impacts would result, which would justify refusal of the application. As set out in the consultation responses above, the Environment Agency, has advised that there were approximately 75 complaints about odours at the plant in the period 2015 and 2016 of which three were substantiated, but that there have been none since then. They advise that with the proposed increase in the tonnage of waste through the plant and the inclusion of new waste types, there will be a higher risk of odorous emissions. However, they also advise that with appropriate standards of infrastructure, good management, and a robust Odour Management Plan (OMP), which will be a requirement of the Environmental Permit, that the odour risk can be effectively managed, although they also advise that there may still be some residual odour from the activities, and this should be taken into account when considering whether

approval should be given to this application. The Breckland District Council Environmental Health Officer has not offered any objections to the application on the basis that the site will be regulated through the Environmental Permit.

- 3.38. Whilst there can be no absolute certainty that there may not be some fugitive emissions from the site, there is no basis, for considering that the enlarged plant would be so incompatible a land use in terms of the amenity impacts, that planning permission should be refused. As set out above, the application has to be determined on the basis that the Environmental Permitting regime will work effectively to ensure that there are not any undue odorous emission, noise or pest problems.
- 3.39. In relation to the night-time movement of vehicles, these are already regulated through the existing planning permission. Condition No. 4 of Planning Permission Ref. 3PL/2015/0733/F states that no deliveries shall be made or dispatched from the site, or materials loaded or unloaded, outside the hours from 07.30am to 7.30pm during the period December to September and that no deliveries shall be made or dispatched from the site, or materials loaded or unloaded, outside hours from 06.00am to 10.00pm Monday to Friday and 7.00am to 8.00pm Saturday and Sunday during October and November. There is no change proposed to the hours for deliveries or dispatch. This condition can also be included in the new consent to safeguard the amenity of nearby properties.
- 3.40. One additional point that should be noted is that no details of the lighting of the plant or a lighting assessment has been submitted with the application, other than to state that additional lighting would be introduced around the periphery of the site, and that would be kept to a minimum. In order to ensure that the development does not give rise to any unacceptable amenity impacts from lighting, the details will need to be reserved by condition.
- 3.41. In response to the question of whether planning permission should be granted, there are therefore no overriding reasons to consider that the proposed expansion of the plant would be unacceptable in terms of the amenity impacts, such that planning permission should not be granted. It can therefore be considered to be acceptable in terms of relevant development plan policy and the policy set out in the NPPF and the NPPW.
- 3.42. D. ECOLOGY
- 3.43. In relation to ecology the only significant issue that has been identified by the Ecology Officer is that, whilst the application is supported by a Bat Survey Report, to definitively determine whether the roost within the vacant turkey shed that is to be demolished is a maternity roost required further survey work to assess the impacts of the proposals on three bat species; the soprano and common pipistrelle, and brown long-eared bats.
- 3.44. The further survey has now been undertaken and the County Ecologist as a result advises that the updated Bat Survey Report and updated Bat Mitigation and Enhancement Plan are fit for purpose. Subject to conditions, as detailed in the County Ecologist's comments set out above, they therefore advise that the proposal is acceptable. It can accordingly be considered that the proposal is acceptable in

terms of the relevant development plan policy relating to ecology and national planning policy set out in the NPPF and NPPW.

3.45. Appropriate Assessment

The site is situated within 2.7 kilometres of Swangey Fen Site of Special Scientific Interest (SSSI) which forms part of the Norfolk Valley Fens Special Area of Conservation (SAC) and is to the south west of the application site. The application site is outside the 2km Impact Risk Zone for the SSSI. The application has been assessed in accordance with Regulation 63 of The Conservation of Habitats and Species Regulations 2017, and based on the information submitted to the County Planning Authority (CPA), it is considered that, due to both the nature of the development and the distance from the European Sites, the proposal would not have a significant impact on these or any other protected habitat. Accordingly, no Appropriate Assessment of the development is required/or an Appropriate Assessment has been undertaken.

3.46. E. DESIGN, LANDSCAPING AND HERITAGE

3.47. There are no significant issues raised by the application relating to the design of the buildings and landscaping. The new plant is functional in its design and the proposed fermenter tanks and a digestate storage tank would be substantial size. They are however to be sited to ensure the bulkiest structures are located adjacent to the existing tanks and away from sensitive receptors. The application identifies that most long-term visual effects would be experienced by receptors within 500m to the north of the site. It therefore proposes that a hedgerow with scattered hedgerow trees would be planted following the line of the field boundary and north of the proposed infrastructure. This will help to screen views of the extended plant and improve views of the existing facility. Proposed plant species would be native trees already present in the local area.

3.48. The Council's Green Infrastructure and Landscape Officer has advised that there are no major concerns regarding the proposals as visibility from publicly accessible locations is limited and suitable mitigation is proposed.

3.49. The development does will not affect the setting of Listed Buildings or other heritage assets and there does not raise any issues in relation to the statutory obligations under s.66 and s.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

3.50. The development can therefore be considered to be acceptable in terms of relevant development plan policy and the policy set out in the NPPF and the NPPW, relating the design and landscaping.

3.51. F. DRAINAGE AND FLOODING

3.52. There are no significant issues relating to drainage or flooding. Foul drainage would be to an existing septic tank located adjacent to the western boundary of the site whilst surface water drainage from the plant would be to an existing covered reservoir

to provide storage and attenuate flows, and the access track would discharge to the ditches adjacent to it.

3.53. The Flood Risk Assessment submitted with the application confirms that the site lies in an area designated by the Environment Agency as Flood Zone 1 and is identified as having a chance of flooding of less than 1 in 1000 (0.1%) in any year. The proposed site drainage which would use the existing drainage infrastructure is intended to ensure that it is attenuated and that any surface water runoff from the development is managed, ensuring flood risk is not increased elsewhere.

3.54. The Local Lead Flood Authority have requested the submission of a maintenance and management plan for the surface water system for the site. This is matter that can be conditioned.

3.55. There are otherwise no significant issues in terms of relevant development plan policy or policy set out in the NPPF.

3.56. G. CONTAMINATION

3.57. The application includes a Ground Investigation Report and Preliminary Risk Assessment. These identify that there are a number of potential contamination risks on the site. The Environment Agency has raised concerns about ammonia concentrations present in the groundwater, but has advised that this can be addressed through the submission of updated site investigation and detailed risk assessment reports which can be dealt with by conditions, as detail above. It therefore has no objection to the approval of the application.

3.58. H. SUSTAINABILITY

3.59. The existing plant currently produces up to 1.5 megawatts of renewable energy per annum. The proposed development would produce biomethane from food waste which would be injected into the national gas transmission network, as a renewable energy source, and the digestate, and liquor from the process would be used as a soil conditioner and fertiliser, aiding in the production of crops. Therefore, the application is considered to be in compliance with this aspect of Policy CS13.

3.60. I. CUMULATIVE IMPACTS

3.61. No separate or discreet assessment of the cumulative impacts of the development has been submitted with the application. This should take into account the existing anaerobic digestion operations at the plant and other nearby development, including an Anglian Water Services Waste Water Treatment Works 500m to the south west of the site. Nevertheless, the key impacts are those set out above, with the highways and amenity impacts being the key concerns. None the statutory consultees have raised any cumulative impact issues in relation to either the highway network and traffic or the amenity impacts and as such there no obvious cumulative impacts that raise any significant issues in relation to compliance with Core Strategy Policy DM15, or paragraph 5 of the NPPW which also refers to the need to consider cumulative impacts.

3.62. ENVIRONMENTAL IMPACT ASSESSMENT

3.63. The application was subject to a formal request for Screening Opinion prior to submission of the application and it was determined in November 2019 the development would not have significant impacts on the environment. No Environmental Impact Assessment is therefore required.

3.64. Having assessed the application and taken into account the consultation responses received throughout determination of the planning application, the Planning Authority remain of the view that the development is not EIA development.

3.65. RESPONSES TO REPRESENTATIONS RECEIVED

3.66. 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.

3.67. The responses to the representations from objectors are set out under each of the relevant headings in Paragraphs 3.15 to 3.61 above.

3.68. 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.

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

4. Conclusion & Reasons for Decision

4.1. This application is for the extension of the existing anaerobic digestion plant operated by Attleborough AD Plant Limited at the SS Agripower Limited site, Ellingham Road, Attleborough. It seeks to extend the plant within the existing site to allow the processing of Category 3 food waste as well as agricultural waste and increase the tonnage of organic matter processed to 129,000 tpa. Category 3 food waste is material that is fit for human consumption, and includes meat related waste from food manufacturers, retailers and kitchens etc. It would include four 26m diameter, 16m high fermenter tanks and a digestate storage tank, a number of other smaller pre-storage tanks pasteurisation tanks, and a water tank, a 45m x 31m, 12m high reception/de-packaging building and associated equipment.

4.2. There have been three third party representations objecting to the development and comments from Attleborough Town Council (which although not objecting) raising concerns about the traffic impact, highway safety, amenity impacts including odours, flies and noise and disturbance of vehicle movements at night.

- 4.3. No objections have been raised by statutory consultees subject to suitably worded conditions being imposed on any grant of planning permission.
- 4.4. The application accords with the development plan and can be considered to be a sustainable form of development in line with the advice set out in the NPPF. The concerns raised by objectors can be addressed by condition, in order to make the development acceptable and there are no other material considerations that indicate that planning permission should not be permitted. Accordingly, conditional planning permission is recommended subject to the conditions set out below and s.106 agreement to secure the provision and maintenance in perpetuity of the visibility splay to the north of the B1077.

5. Alternative Options

- 5.1. Members of the Planning (Regulatory) Committee can only resolve to decide 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 considered 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. Health and Safety implications

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

8.5. Sustainability implications

There are no sustainability implications from a planning perspective.

8.6. Any other implications

There are no other implications from a planning perspective.

9. Risk Implications/Assessment

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

10. Select Committee comments

10.1. Not applicable.

11. Recommendations

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

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

CONDITIONS

1. The development hereby permitted shall commence not later than three years from the date of this permission.

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

2. The development must be carried out in strict accordance with the application form and the following plans and documents:

- Attleborough AD Plant Ltd. SS Agri Power AD Facility Extension Ellingham Road, Attleborough, Norfolk, NR17 1AE, Figure 1 Revision 1 - Site Location, dated 6th March 2020;
- Attleborough AD Plant Ltd. SS Agri Power AD Facility Extension Ellingham Road, Attleborough, Norfolk, NR17 1AE, Figure 2 Revision 1 - Existing Site Plan, dated 6th March 2020;
- SS Agri Power Extension Attleborough, Norfolk, NR17 1AE - (PDC Ref. 24727), Figure 3 Rev. F, Proposed Site Layout, dated 23rd March 2020,
- SS Agri Power Extension Attleborough, Norfolk, NR17 1AE - (PDC Ref. 24727), Figure 4 Rev A - Reception Building & Tanks Floor Plans & Elevations, dated 18th March 2020;
- SS Agri Power Extension Attleborough, Norfolk, NR17 1AE - (PDC Ref. 24727), Figure 5 Rev B - Proposed Site Equipment Floor Plans & Elevations, dated 24th March 2020;
- SS Agri Power Extension Attleborough, Norfolk, NR17 1AE - (PDC Ref. 24727), Figure 6 Rev B - Proposed Site Sections, dated 24th March 2020;
- SS Agri Power Extension Attleborough, Norfolk, NR17 1AE - (PDC Ref. 24727), Figure 7 Rev G - Proposed Drainage Layout, dated 24th March 2020;
- Attleborough AD Plant Limited, SS Agri Power Ltd AD Facility Extension, Drawing No. 662522/01/01 Rev. 01 - Landscape Mitigation and Enhancement Plan, dated 1st April 2020;
- Attleborough AD Plant Limited, SS Agri Power AD Facility Extension, Planning, Design and Access Statement (including Statement of Community Involvement) (Updated Version), Rev 1, ADAS, dated 30th March 2020;
- Arboricultural Planning Statement, SS Agri Power AD Facility Extension, Attleborough, RSK ADAS Ltd, Version B dated January 2020;
- Attleborough AD Plant Limited, SS Agri Power AD Facility Extension, Attleborough, Preliminary Ecological Appraisal and Emergence Report–Rev. 1, RSK, dated 21st August 2019;
- Attleborough AD Plant Limited, SS Agri Power AD Facility Extension, Attleborough, Bat Survey Report, Rev.01, RSK Biocensus, dated 22nd June 2020;

- SS Agri Power Anaerobic Digestion Facility Extension, Attleborough, Norfolk, SS Agri Power AD - PRA and Emergence Report, RSK, Ref. 858505, dated 12th September 2019;
- Attleborough AD Plant Limited, SS Agri Power AD Facility Extension, Attleborough, Reptile Survey Report - Rev 0, RSK, dated October 2019;
- Attleborough AD Plant Limited, SS Agri Power AD Facility Extension, Attleborough, Great Crested Newt Method Statement, Rev 00, RSK, Ref. 858505, dated 10th October 2019;
- Attleborough AD Plant Limited, SS Agri Power AD Facility Extension, Attleborough, Bat Mitigation and Enhancement Plan, Rev.02 RSK Biocensus, dated 22nd June 2020;
- Attleborough AD Plant Limited, SS Agri Power AD Facility Extension, Attleborough, Flood Risk Assessment, Issue No. 06, RSK, Ref. 881835-R1(06)-FRA, dated 31st March 2020;
- A Report on a Ground Investigation for a Proposed Anaerobic Digestion Plant at SS Agri, Ellingham Road, Attleborough, Norfolk, NR17 1AE, AF Howland Associates, Ref. JAH/19.287, dated 7th October 2019;
- Phase 2 Contamination Assessment for the Proposed Extension of the Anaerobic Digestion Plant at Ellingham Road, Attleborough, Norfolk, NR17 1AE, AF Howland Associates, Ref. JAH/19.287/Phase II/Rev01, dated 5th May 2020;
- Attleborough AD Plant Limited, SS Agri Power AD Facility Extension, Attleborough, Preliminary Risk Assessment, Rev.02 Ref. 340150 R01 (02), RSK, dated 31st March 2020;
- Attleborough AD Plant Limited, SS Agri Power AD Facility Extension, Attleborough, Highway Statement, RSK, Ref. 662553-HS (02) dated 1st April 2020;
- Attleborough AD Plant Limited, SS Agri Power AD Facility Extension, Attleborough, Landscape and Visual Appraisal, RSK, Ref. RSK/MLs/P662522/03/01 Rev 01, dated 25th March 2020;
- Attleborough AD Plant Limited, SS Agri Power AD Facility Extension, Attleborough, Noise Impact Assessment, RSK, Ref. 297703-RSK-RP-001-(05) dated 30th March 2020;
- Attleborough AD Plant Limited, SS Agri Power AD Facility Extension, Attleborough, Odour Assessment, Revision No. 3, RSK, Ref. 443602/AQ 01 (03), dated 30th March 2020;
- Technical description: Odour Removal System - Biogas Plant with Reception Building and Feedstock Conversion, Centriair, undated;
- Surface Water Storage Requirements for Sites - AD Plant Attleborough, HR Wallingford, 14th April 2020;
- Greenfield Runoff Rate Estimation for Sites - AD Plant Attleborough, HR Wallingford, 14th April 2020;

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

3. Prior to the commencement of development on site, the proposed forward visibility splay to the north of the B1077 (as shown on the approved Figure 2 Revision 1 - Existing Site Plan) shall be laid out in accordance with detailed proposals to be submitted to and agreed in writing with the County Planning Authority (CPA). The splay shall be cleared of any obstruction in excess of 0.3 metre above the height of the adjacent carriageway and maintained in that condition in perpetuity.

Reason: In the interests of highway safety and to comply with the Norfolk Minerals and Waste Development Framework, Core Strategy and Minerals and Waste Development Management Policies Development Plan Document, Policies CS7, CS15 and DM10 and the Breckland Local Plan, Policies TR1 and TR2.

4. Prior to the commencement of development, a schedule of the exterior material finishes and colours, including samples of the Tanks, Buildings and Equipment and all exterior surfaces, shall be submitted to and approved in writing by the CPA. The development shall be carried out in complete accordance with the approved details.

Reason: To ensure the satisfactory appearance of the development, in accordance with the Norfolk Minerals and Waste Development Framework, Core Strategy and Minerals and Waste Development Management Policies Development Plan Document 2010-2026, Policy DM8, the Breckland Local Plan, Policy COM01, and the Attleborough Neighbourhood Plan (2018), Policy ESD.P3.

5. The landscaping scheme hereby permitted, as set out on the approved Landscape Mitigation and Enhancement Plan, shall be implemented within the first planting season (October to March), following completion of the development. Any plants which, within a period of five years from the completion of the planting, die, are removed or become seriously damaged or diseased, shall be replaced with others of a similar size and species. All planting shall be retained for a period of five years after initial planting has been completed and any trees and shrubs which are substantially damaged, seriously diseased or die, shall be replaced within twelve months of removal or death, with plants of a similar species and size.

Reason: To ensure the satisfactory appearance of the development, in accordance with the Norfolk Minerals and Waste Development Framework, Core Strategy and Minerals and Waste Development Management Policies Development Plan Document 2010-2026, Policy DM8, the Breckland Local Plan, Policies ENV05 and ENV06, and the Attleborough Neighbourhood Plan (2018), Policy ESD.P3.

6. No deliveries shall be made or dispatched from the site, or materials loaded or unloaded, outside the following times: 07.30-19.30 hours during the period December to September. During the period October/ November only no deliveries shall be made or dispatched from the site, or materials loaded or unloaded, outside the following times: 06.00-22.00 Monday to Friday and 07.00 to 20.00 Saturday and Sunday.

Reason: In order to protect the amenities of nearby properties in accordance with the Norfolk Minerals and Waste Development Framework, Core Strategy and Minerals and Waste Development Management Policies Development Plan Document 2010-2026, Policies CS6, CS7, CS14 and DM12, and the Breckland Local Plan, Policy COM03.

7. Prior to commencement of development, in accordance with the approved Flood Risk Assessment, detailed designs of a surface water drainage system, including a maintenance and management plan shall be submitted to and agreed with the CPA in consultation with the Lead Local Flood Authority. The approved scheme will be implemented prior to the first occupation of the development.

Reason: To prevent flooding in accordance with the Norfolk Minerals and Waste Development Framework, Core Strategy and Minerals and Waste Development Management Policies Development Plan Document 2010-2026, Policy DM4.

8. No development approved by this planning permission shall take place until a scheme that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the CPA:
 - i. A site investigation scheme, based on the approved Preliminary Risk Assessment, to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site;
 - ii. The results of the site investigation and detailed risk assessment referred to in (i) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken; and
 - iii. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (ii) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

The scheme shall be implemented as approved.

Reason: To protect and prevent the pollution of groundwater in accordance with the Norfolk Minerals and Waste Development Framework, Core Strategy and Minerals and Waste Development Management Policies Development Plan Document 2010-2026, Policy DM3.

9. No occupation of any part of the development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the CPA. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a “long-term monitoring and maintenance plan”) for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

Reason: To protect and prevent the pollution of groundwater in accordance with the Norfolk Minerals and Waste Development Framework, Core Strategy and Minerals and Waste Development Management Policies Development Plan Document 2010-2026, Policy DM3.

10. No development should take place until a long-term monitoring and maintenance plan in respect of contamination including a timetable of monitoring and submission of reports to the CPA, shall be submitted to and approved in writing by the CPA. Reports as specified in the approved plan, including details of any necessary contingency action arising from the monitoring, shall be submitted to and approved in writing by the CPA. Any necessary contingency measures shall be carried out in accordance with the details in the approved reports. On completion of the monitoring specified in the plan, a final report demonstrating that all long-term remediation works have been carried out and confirming that remedial targets have been achieved shall be submitted to and approved in writing by the CPA.

Reason: To protect and prevent the pollution of groundwater in accordance with the Norfolk Minerals and Waste Development Framework, Core Strategy and Minerals and Waste Development Management Policies Development Plan Document 2010-2026, Policy DM3.

11. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the CPA) shall be carried out until the developer has submitted a remediation strategy to the CPA detailing how this unsuspected contamination shall be dealt with and obtained written approval from the CPA. The remediation strategy shall be implemented as approved.

Reason: To protect and prevent the pollution of groundwater in accordance with the Norfolk Minerals and Waste Development Framework, Core Strategy and Minerals and Waste Development Management Policies Development Plan Document 2010-2026, Policy DM3.

12. No drainage systems for the infiltration of surface water drainage into the ground is permitted other than with the express written consent of the CPA, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approved details.

Reason: To protect and prevent the pollution of groundwater in accordance with the Norfolk Minerals and Waste Development Framework, Core Strategy and Minerals and Waste Development Management Policies Development Plan Document 2010-2026, Policy DM3.

13. Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the CPA, 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.

Reason: To protect and prevent the pollution of groundwater in accordance with the Norfolk Minerals and Waste Development Framework, Core Strategy and Minerals and Waste Development Management Policies Development Plan Document 2010-2026, Policy DM3.

14. Development shall not commence until the CPA has been provided with a licence issued by Natural England pursuant to Regulation 53 of the Conservation of Habitat and Species Regulations 2017 authorising the specified activity/development to go ahead.

Reason: To ensure compliance Conservation of Habitat and Species Regulations 2017 and the Norfolk Minerals and Waste Development Framework, Core Strategy and Minerals and Waste Development Management Policies Development Plan Document 2010-2026, Policy DM1.

15. All ecological measures and/or works shall be carried out in accordance with the details contained in the approved Bat Mitigation and Enhancement Plan.

Reason: To secure enhancement of the site and to ensure with compliance with the Norfolk Minerals and Waste Development Framework, Core Strategy and Minerals and Waste Development Management Policies Development Plan Document 2010-2026, Policy DM1.

16. Prior to the installation of external lighting, a 'lighting design strategy for biodiversity' shall be submitted to and approved in writing by the County Planning Authority. The strategy shall:

- Identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example foraging; and
- Show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to breeding sites, resting places or feeding areas.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy.

Reason: To minimise disturbance to bats, a European Protected Species, in accordance with compliance with the Norfolk Minerals and Waste Development Framework, Core Strategy and Minerals and Waste Development Management Policies Development Plan Document 2010-2026, Policy DM1.

17. Prior to any operations commencing on the site the Applicant shall submit to the CPA an HGV Management Plan for the routing of HGVs to and from the site (directly via the A11 as outlined within the approved Highway Statement Section 3.2). The Plan shall thereafter be implemented as approved and make provision for: -

- Monitoring of the approved arrangements during the life of the site;
- Ensuring that all drivers of vehicles under the control of the Applicant are made aware of the approved arrangements;
- The disciplinary steps that will be exercised in the event of a default;
- Appropriate signage, details to be approved by the Local Highway Authority and erected advising drivers of the vehicle routes agreed with the Local Highway Authority; and
- Wheel cleaning facilities and their use/retention.

Reason: In the interests of maintaining highway efficiency and safety in accordance with the Norfolk Minerals and Waste Development Framework, Core Strategy and Minerals and Waste Development Management Policies Development Plan Document 2010-2026, Policies CS15 and DM10.

18. The development shall be carried out in accordance with the approved Arboricultural Planning Statement. All tree protection measures detailed in

Section 9 and Appendix 10 Tree Protection Plan shall be fully implemented as approved before any equipment, machinery or materials are brought onto the site for the purposes of the development. All approved tree protection measures must be maintained throughout the development until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered nor any excavation be made, without the prior written consent of the CPA.

Reason: To safeguard the amenities of the local area and to protect the natural features that contribute towards this and that are important to the appearance of the development and to comply with the Norfolk Minerals and Waste Development Framework, Core Strategy and Minerals and Waste Development Management Policies Development Plan Document 2010-2026, Policies CS14 and DM8, and the Breckland Local Plan, Policy ENV06.

12. Background Papers

- 12.1. Norfolk Minerals and Waste Development Framework, Core Strategy and Minerals and Waste Development Management Policies Development Plan Document 2010-2026 (Adopted September 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>

- 12.2. Norfolk Minerals and Waste Development Framework Waste Site Specific Allocations Development Plan Document (Adopted October 2013)

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

- 12.3. Breckland Local Plan (Adopted November 2019)

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

- 12.4. The National Planning Policy Framework (NPPF) (2019)

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/810197/NPPF_Feb_2019_revised.pdf?_ga=2.81687703.1498971390.166921834-1965140127.1559835065

- 12.5. National Planning Policy for Waste (NPPW) (2014)

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

- 12.6. Planning Practice Guidance (2014)

<https://www.gov.uk/government/collections/planning-practice-guidance>

12.7. Attleborough Neighbourhood Plan

<https://www.breckland.gov.uk/article/4287/Attleborough-Neighbourhood-Plan->

Officer Contact

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

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