

## Planning (Regulatory) Committee

Date: **Friday, 06 December 2013**  
Time: 10:00  
Venue: Edwards Room, County Hall  
Address:

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

Membership: Stephen Askew - Member, Colin Foulger - Member, Adrian Gunson - Member, Brian Iles - Member, Brian Long - Member, Margaret Somerville - Member, Martin Storey - Member, Bert Bremner - Chairman, Julie Brociek-Coulton - Member, Brian Hannah - Member, James Joyce - Lib Democrat Group Spokesperson, Stephen Agnew - Member, Alan Grey - Vice-Chairman, Adrian Dearnley - Green Group Spokesperson, Nigel Dixon - Conservative Group Spokesperson, Alexandra Kemp - Member

### Agenda

**121206 Planning Reg**

**3 - 82**

#### **Exclusion of the Public:**

The committee is asked to consider excluding the public from the meeting under section 100A of the Local Government Act 1972 for consideration of the item (s) below on the grounds that it/ they involve(s) the likely disclosure of exempt information as defined by Paragraph (s) **X and Y** of Part 1 of Schedule 12A to the Act, and that the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

The committee will be presented with the conclusion (s) of the public interest test carried out by the report author and is recommended to confirm the exclusion (s).

**Chris Walton**  
**Head of Democratic Services**

County Hall  
Martineau Lane  
Norwich  
NR1 2DH

Date Agenda Published: Tuesday, 13 May 2014



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# Planning Regulatory Committee

Date: **Friday 6 December 2013**

Time: **10am**

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

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

## Membership

Mr B Bremner (Chairman)

Mr S Agnew

Mr S Askew

Mr M Baker

Mrs J Brociek-Coulton

Mr A Dearnley

Mr N Dixon

Mr C Foulger

Mr A Grey (Vice-Chairman)

Mr A Gunson

Mr B Hannah

Mr B Iles

Mr J Joyce

Ms A Kemp

Mr B Long

Mrs M Somerville

Mr M Storey

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

on 01603 223055

or email [committees@norfolk.gov.uk](mailto:committees@norfolk.gov.uk)

Where the County Council have received letters of objection in respect of any application, these are summarised in the report. If you wish to read them in full, Members can do so either at the meeting itself or beforehand in the Department of Environment, Transport and Development on the 3rd Floor, County Hall, Martineau Lane, Norwich.

## **A g e n d a**

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

- 2 Minutes:**

To receive and agree the Minutes of the meeting held on 1 November 2013.

(Page **5**)

- 3 Members to Declare any Interests**

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

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

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

If you do not have a Disclosable Pecuniary Interest you may nevertheless have an **Other Interest** in a matter to be discussed if it affects

- your well being or financial position
- that of your family or close friends
- that of a club or society in which you have a management role
- that of another public body of which you are a member to a greater extent than others in your ward.

If that is the case then you must declare such an interest but can speak and vote on the matter.

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

### **Applications referred to the Committee for Determination**

Reports by the Director of Environment, Transport and Development

- 5 Applications Referred to Committee for Determination: King's Lynn & West Norfolk Borough Council Y/2/2013/2013 - Demolition of the existing school, retaining the Eco classroom, the construction of a new single storey school building adjacent, and to the South of, the Eco classroom and temporary provision of 3 mobile classrooms during the construction period. Ashwicken First School, East Winch Road, Ashwicken. King's Lynn. Norfolk. PE32 1LY, Director of Children's Services**

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- 6 **Broadland District. C/5/2013/5011: Retrospective Consent for an above ground leachate storage tank at Mayton Wood Recycling Centre, Little Hautbois, NR12 7NT: Norfolk County Council** (Page **25**)
- 7 **Borough of King's Lynn & West Norfolk - C/2/2013/2003: King's Lynn & Clenchwarton: Construction of a Sludge Transfer Scheme in the vicinity of King's Lynn Wastewater Treatment Works comprising the following components: Erection of a Sludge Cake Reception Centre at King's Lynn Wastewater Treatment Works; Construction of a Liquid Sludge Import Centre (to include new access from Clenchwarton Road); Construction of a Sludge Transfer Pipeline: Anglian Water Services Ltd** (Page **37**)
- 8 **Breckland District - C/3/2013/3018: Snetterton: Retrospective Consent for an above ground leachate storage tank at Snetterton Landfill, Heath Road, Snetterton, NR16 2JU: Norfolk County Council** (Page **68**)

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

Date Agenda Published: Thursday 28 November 2013



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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 1 November 2013 at 10am  
in the Edwards Room, County Hall**

**Present:**

Mr B Bremner, Chairman

Mr S Agnew  
Mr C Aldred  
Mr S Askew  
Mrs J Brociek-Coulton  
Mr A Dearnley  
Mr N Dixon  
Mr C Foulger

Mr A Grey  
Mr A Gunson  
Mr B Hannah  
Mr B Iles  
Mr J Ward  
Mr A White

**1 Apologies and Substitution**

Apologies for absence were received from Mr M Baker (Mr C Aldred substituted), Mrs M Somerville (Mr J Ward substituted), Mr M Storey (Mr A White substituted), Ms A Kemp, Mr J Joyce, and Mr B Long.

**2 Minutes from the meeting held on 27 September 2013.**

The minutes from the Planning (Regulatory) Committee meeting held on 27 September 2013 were agreed as a correct record by the Committee and signed by the Chairman.

**3 Declarations of Interest**

No declarations of interest were received.

**4 Urgent Business**

There were no items of urgent business.

Following a question from the Committee about the reasons for holding a meeting where only one item of business was to be heard, the Planning Services Manager explained that all applications needed to be treated equally. Therefore, when an application was ready to go before the Committee it would be unreasonable to expect the applicant to wait 5 or 6 weeks until the next Committee meeting date before their application was heard and a decision made. This process was followed for all applications, regardless of who the applicant was.

Members requested that if there were only one or two items of business scheduled on future agenda, consideration should be given to holding some training on the same day which would save Members travelling long distances for short meetings. The Planning Services Manager confirmed that this had been done on previous occasions where there had been a small agenda and that he would seek the Chairman's agreement if the situation repeated itself.

### **Applications referred to the Committee for Determination**

Reports by the Director of Environment, Transport and Development

#### **5 Broadland District: Frettenham: C/5/2013/5007: Installation of a lined filtration basin and associated pipe work for the treatment and discharge of surface water from the HWRC, erection of a 1.8 metre high security fence and safety barrier: Mayton Wood Recycling Centre, Little Hautbois, Nr Coltishall: Director of Environment Transport & Development**

5.1 The following points were noted in response to questions from Members:

- The site was an existing site, not a new site as mentioned in paragraph 6.15 of the report.
- An aquifer was an underground layer of porous rock from which water can be extracted.
- The County Ecologist had been sent a copy of the consultation and had not made any comments.

5.2 It was unanimously **RESOLVED** that the Director of Environment, Transport and Development be authorised to:

- i) Grant planning permission subject to the conditions outlined in section 12 of the report.
- ii) Discharge conditions where those detailed in the report required the submission and implementation of a scheme, or further details, either before development commenced, or within a specified date of planning permission being granted, or at any other period; and
- iii) Deal with any non-material amendments to the application that may be submitted.

The meeting ended at 10.10am

**CHAIRMAN**



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**Applications Referred to Committee for Determination:**

**King's Lynn & West Norfolk Borough Council**

**Y/2/2013/2013**

**Demolition of the existing school, retaining the Eco classroom, the construction of a new single storey school building adjacent, and to the South of, the Eco classroom and temporary provision of 3 mobile classrooms during the construction period.**

**Ashwicken First School, East Winch Road, Ashwicken. King's Lynn. Norfolk. PE32 1LY**

**Director of Children's Services**

Report by the Interim Director of Environment, Transport and Development

**Summary**

This planning application is a result of the County Council's major school reorganisation in the Grimston, King's Lynn cluster, which was determined by the School Adjudicator in March 2011. The result was two school closures and the retention of three schools, each to become an all-through primary school. One of these retained schools is Ashwicken CE VA Primary School which increased its upper age range from 8 to 11 years.

The existing school is a mixture of building ages and types, and are now considered to be not fit for present-day educational purposes. Planning permission is therefore sought for the demolition of the existing Ashwicken school buildings, retaining the modern Eco classroom, and the construction of a new single storey modern school building, with temporary provision of 3 mobile classrooms during the construction period.

The proposed development is to be built on the existing school site, within the defined settlement boundary of Ashwicken. The design of the new school building is a modern high specification 120 pupil roll school that complies with modern requirements.

It is considered that the proposed development is in accordance with the development plan and national planning policy.

The proposal is therefore considered to be acceptable and there are no other material considerations why it should not be permitted.

**Recommendation**

It is recommended that the Director of Environment, Transport and Development be authorised to:

- (i) Grant planning permission subject to the conditions outlined in section 12.
- (ii) To 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. The Proposal**

- 1.1 The application is to demolish the existing school, retaining the Eco classroom approved under planning permission Y/2/2006/2027, and build a new single storey school building.
- 1.2 Three temporary mobile classrooms will be located on the existing playing field to enable the school to continue to operate while the new school building is constructed.
- 1.3 Upon completion of the new school building, pupils and staff will move into the new buildings and the three temporary mobile classrooms will be removed from the site and the playing field restored to its former use.

## **2. Constraints**

- 2.1 The proposed development falls within the defined settlement boundary of Ashwicken, as defined in Inset 51 of the Adopted King's Lynn & West Norfolk Local Plan 1998. The land to the south of the existing and proposed school buildings is used as a school playing field and this land falls outside the defined settlement boundary.
- 2.2 There is no Conservation Area in the vicinity of the application site and none of the buildings on or near the application site are identified as listed buildings.
- 2.3 King's Lynn & West Norfolk Core Strategy (2011), Policy CS02 The Settlement Hierarchy, identifies Ashwicken as a Rural Village. Rural villages are identified as having a limited but locally important role in meeting the needs of the immediate village, and are where sustaining the existing services are a key priority. A Rural Village may also see some limited growth, which will help support the surrounding rural areas.

## **3. Planning History**

- 3.1 The following planning applications are relevant to this application:
- 3.2 Y/2/2011/2010  
Removal of existing modular classroom and provision of 6 bay modular accommodation to provide 2no classbases, toilets, access ramp, steps, paving, installation of external lighting and associated works  
Approved: 21/07/2011
- 3.3 Y/2/2008/2017  
Variation of condition 4 of planning permission Y/2/2006/2027 to include two store rooms and amended fire escape.  
Approved: 14/01/2009
- 3.4 Y/2/2006/2027  
Proposed Eco Sensitive Classroom to replace an existing mobile classroom and erection of a vertical axis wind turbine.

## 4. Planning Policy

- |     |   |   |  |  |
|-----|---|---|--|--|
| 4.1 | King's Lynn & West Norfolk Core Strategy (2011):              | : | CS01<br>CS02<br>CS06<br>CS08<br>CS12                   | Spatial Strategy<br>The Settlement Hierarchy<br>Development in Rural Areas<br>Sustainable Development<br>Environmental Assets  |
| 4.2 | King's Lynn & West Norfolk Local Plan (1998) – saved policies |   | Policy 4/21  | Settled or built-up areas  |
| 4.3 | The National Planning Policy Framework (2012)                 | : | Chapter 7<br>Chapter 8<br>Chapter 11<br><br>Chapter 12 | Requiring good design<br>Promoting healthy communities<br>Conserving and enhancing the natural environment.<br><br>Conserving and enhancing the historic environment |

## 5. Consultations

- |     |   |   |  |
|-----|---|---|--|
| 5.1 | Borough Council of King's Lynn & West Norfolk, Environment and Planning.      | : | No objection to scheme as submitted.   |
| 5.2 | Borough Council of King's Lynn & West Norfolk, Contaminated Land Coordinator. |   | The supplied ground investigation concludes that risks to human health and controlled water are low. The evidence provided supports this conclusion. Therefore we have no further comments regarding contaminated land.  |
| 5.3 | Borough Council of King's Lynn & West Norfolk, Environmental Health Officer.  |   | No objection.<br>Requests information be attached to any planning approval relating to i) Noise, dust and smoke from clearing and construction work, and ii) Soakaways   |
| 5.4 | Leziate Parish Council  | : | Leziate Parish Council support the application.  |
| 5.5 | Norfolk Historic Environment Service  | : | The Edwardian school building is an undesignated heritage asset of local significance and is worthy of recording in its current form prior to demolition. The proposed development site is also located adjacent to where earthworks have been recorded, consequently there is potential that archaeological interests may be affected by the proposal. Requests prior to commencement conditions requiring; |



- i) a programme of historic building recording and,
  - ii) an archaeological written scheme of investigation.
- 5.6 Highway Authority (NCC) No objection to the proposal.  
Requests a condition requiring car park to laid out as per approved plan and retained for that specific use.
- 5.7 Ecologist (NCC) : The ecology report is fit for purpose, and I have no conditions to add
- 5.8 Arboricultural and Woodland Officer : Accepts the submitted Arboricultural and landscape plans.
- 5.9 Sport England No response received.
- 5.10 Norfolk Constabulary : Initial comments related to potential security issues, minor amendments and clarification of details have resolved these issues and the proposal is considered to be acceptable
- 5.11 Local residents : Two letters of support for the proposed scheme. Ten letters of objection relating to various issues, including:
  - i) The principle of the proposed development;
  - ii) Design;
  - iii) Car Parking, Cycle Parking and Road Safety;
  - iv) Effect on wildlife;
  - v) Proposed Electrical Sub Station
  - vi) School Playing Field.
- 5.12 County Councillor Mr Richard Toby Coke : No comment received.

## 6. Assessment

### 6.1 The Existing School

6.2 The existing school buildings consist of an original red brick and pantile pitched roof Edwardian school building built in 1911, which has been extended and enlarged over the years with similar single storey red brick buildings, some with pitched roofs and some with flat roofs.

6.3 The school also has a modern Eco classroom (see planning permission Y/2/2006/2027) on the northern boundary facing onto East Winch Road. constructed of timber and render with a mono pitch standing seam metal roof. To the south of the existing school buildings there is a temporary mobile classroom

which provides additional teaching space (see planning permission Y/2/2011/2010).

6.4 **The Site**

6.5 The school site is located on the western side of East Winch Road with mature woodland to the north and west of the site, school playing field to the south, with woodland beyond, and residential development opposite. The nearest residential building is 46 metres from the existing school building (measured front wall to front wall) and is directly opposite the school

6.6 The proposed development falls within the defined settlement boundary of Ashwicken, as defined in Inset 51 of the Adopted King's Lynn & West Norfolk Local Plan 1998. The land to the south of the existing and proposed school buildings is used as a school playing field and this land falls outside the defined settlement boundary.

6.7 There is no Conservation Area in the vicinity of the application site and none of the buildings on or near the application site are identified as listed buildings.

6.8 King's Lynn & West Norfolk Core Strategy (2011), Policy CS02 The Settlement Hierarchy, identifies Ashwicken as a Rural Village. Rural villages are identified as having a limited but locally important role in meeting the needs of the immediate village, and are where sustaining the existing services are a key priority. A Rural Village may also see some limited growth, which will help support the surrounding rural areas.

6.9 **Principle of development**

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

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

6.11 The proposal is wholly within the existing school site and therefore the principle of the use of the site for education use is therefore established.

6.12 The National Planning Policy Framework (2012) (NPPF) Promoting healthy communities Paragraph 72 states that local planning authorities should "give great weight to the need to create, expand or alter schools" (Paragraph 72). The proposal is for the expansion of a school to better serve its pupils so, in accordance with the NPPF, great weight is given to this. Therefore in terms of the relevant policies, the development is acceptable in principle.

6.13 **Design**

6.14 Policy CS08 of the Kings Lynn and West Norfolk Core Strategy requires all new development in the borough to be of high quality design and sets out a number of design criteria that should be met. Policy 4/21 explains that development will be

permitted where it has regard for, and is in harmony with, the building characteristics of the locality by reference to the Built Environment Types defined on the Proposals Map. The school is located within Built Environment Type D, where most development usually post-dates 1914.

- 6.15 In the original design feasibility study the option to retain the existing school building, or adopt a Victorian style was considered, but this was rejected on the grounds that it would not provide the appropriate accommodation.
- 6.16 The design philosophy of the proposed new school building seeks to clearly identify the building as a school, and to address its juxtaposition with the existing modern Eco Classroom. Accordingly, the proposed design arranges each element of the school into distinct blocks namely the hall (central), teaching wing (south), administration (fronting East Winch Road), and plant and services (adjacent to hall), which are then orientated to the most advantageous location for their use. This approach minimises the amount of circulation space required and creates an efficient use of space.
- 6.17 The design of the building then follows the layout of the proposed elements. The classrooms are south facing for maximum natural light, passive solar gain and through flow ventilation. The classrooms are accessible from the external play area via a lobby space, access is then gained from the classrooms into the corridor and group space area. Central to the school is the hall space around which are located ancillary spaces for toilets changing rooms, stores kitchen and library, with an external classroom to the rear of the hall. To enhance security the main entrance, lobby, school offices and staff room are located at the front of the school, this ensures staff are able to overlook the car park area and aware of visitors as they approach the school.
- 6.18 The design of the development has been considered by the Norfolk Constabulary Architectural Liaison Officer (ALO). Issues raised by the ALO regarding security have been addressed through clarification of window details and minor amendments to the fencing and landscaping, the ALO considers these amendments acceptable.
- 6.19 The east elevation, which fronts onto East Winch Road, provides the main entrance to the school. The materials proposed to be used are white render above a gray black engineering brick plinth, for the main classroom block and office accommodation, the office accommodation has a gray flat roof, and the hall to the rear will be a mono pitch standing seam metal roof. This design approach visually links to the adjacent retained existing Eco classroom which is of a similar size and style, with cream render and standing seam metal roof.
- 6.20 The fenestration on the south elevation enables natural light as mentioned above. The materials are white render, coloured Eternit panels and dark grey aluminium windows and doors, and a mono pitch standing seam metal roof with 36 photo voltaic panels above.
- 6.21 The west elevation, which is the rear of the site which backs onto woodland again uses white render, timber cladding, and dark grey aluminium windows and doors.

- 6.22 The north elevation is the location of the kitchen plant room and store, and again uses the same palette of materials of white render, and dark grey aluminium windows and doors.
- 6.23 It is considered that the design of the proposed school is good design, appropriate to its use as a school, and location, adjacent to the existing Eco classroom. Accordingly, it is considered to be in accordance with King's Lynn & West Norfolk Local Plan (1998) Saved Policy 4/21, Kings Lynn and West Norfolk Core Strategy (2011) Policy CS08, and National Planning Policy Framework (2012) Chapter 7 Requiring good design.
- 6.24 **Landscape and Trees**
- 6.25 The application is supported by an Arboricultural Impact Assessment (AIA), which includes a tree protection plan and a method statement.
- 6.26 The survey acknowledges that 11 trees including a group of 4 ash trees (G4) will need to be removed to facilitate the proposed development as they present either a direct spatial conflict with the proposed development or will be irrevocably compromised by the proposed development.
- 6.27 The Council's Senior Arboricultural and Woodland Officer has considered the AIA and concluded that there is insufficient mitigation planting to offset the loss of these trees.
- 6.28 A revised landscape scheme has been submitted to address these concerns and has been accepted by the Council's Senior Arboricultural and Woodland Officer.
- 6.29 **Biodiversity**
- 6.30 The application is supported by a protected species ecology report. The assessment concluded that the proposed new development would be limited to developed and regularly disturbed areas with no potential to disturb such protected species as great crested newts, reptiles and badgers. However, the existing school buildings have minor bat roosting significance and the proposal will therefore have a minor negative effect on local bat populations.
- 6.31 There will therefore be a need for a European Protected Species mitigation licence to legally proceed with the proposed demolition of the existing school buildings.
- 6.32 A method statement for carrying out the proposed works will need to be drawn up and agreed with English Nature during the European Protected Species mitigation licence process.
- 6.33 The Council's Ecologist, having considered the protected species ecology report, agrees that the report is fit for purpose and agrees with the assessment, and recommends that the proposal incorporate a couple of bat bricks as a permanent and suitable enhancement. The agent has verbally agreed to this request.
- 6.34 Accordingly, it is considered that the proposed development is in accordance with

Kings Lynn and West Norfolk Core Strategy (2011) Policy CS12, and National Planning Policy Framework (2012) Chapter 11 Conserving and enhancing the natural environment.

6.35 **Appropriate Assessment**

The application site is within 10 kilometres of The Norfolk Valley Fens Special Area of Conservation and the Roydon Common and Desingham Bog Special Area of Conservation, both of which are European protected habitats. The application has been assessed in accordance with Regulation 61 of the Conservation of Habitats and Species Regulations 2010, and based on the information submitted to the County Planning Authority (CPA) it is considered that the development, as proposed, would not have a significant impact on the integrity of any protected habitats. Accordingly there is no requirement for the CPA to undertake an Appropriate Assessment of the development.

6.36 **Archaeology**

6.37 Although there is no Conservation Area in the vicinity of the application site and none of the buildings on or near the application site are identified as listed buildings Norfolk Historic Environment Service (NHES) consider that the proposed development site contains heritage assets with architectural interest and has potential to contain heritage assets with archaeological interests.

6.38 The National Planning Policy Framework (2012) (NPPF) Conserving and enhancing the historic environment, requires that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application.

6.39 The Edwardian school building is considered by NHES to be an undesignated heritage of local significance and is worthy of recording in its current form prior to demolition. The proposed development site is located where medieval earthworks have been recorded, and NHES consider that there is potential that heritage assets with archaeological interest may be present at the site.

6.40 Accordingly, if planning permission is granted NHES have requested that pre commencement conditions be applied to ensure a photographic survey is undertaken to record the original school buildings and an Architectural Written Scheme of Investigation be submitted to and approved, in writing, by the County Planning Authority.

6.41 Accordingly, it is considered that the proposed development is in accordance with Kings Lynn and West Norfolk Core Strategy (2011) Policy CS12, and National Planning Policy Framework (2012) Chapter 12 Conserving and enhancing the historic environment.

6.42 **Highways and Traffic**

6.43 The proposed development has been considered by the Council's Senior Engineer, Highways Development Manager, who concludes that the proposed plans are acceptable and requests a condition be attached to the grant of

planning permission requiring the car park to be laid out in accordance with the approved plan and retained for that specific use.

6.44 **Sustainability**

6.45 The agent states that the school has been designed with energy efficient and sustainability in mind. Accordingly, the teaching rooms face south to maximise natural daylight and allow passive solar heating in the winter months. Peak summer sun will be controlled by the use of shading strategies including built in canopies and natural and cross flow ventilation. The design also includes photovoltaic panels on the south facing roof pitches and two air source heat pumps.

6.46 Accordingly, it is considered that the proposed development is in accordance with Kings Lynn and West Norfolk Core Strategy (2011) Policy CS12, and National Planning Policy Framework (2012)

6.47 **Contaminated Land**

6.48 The application is supported by a Ground Investigation Report which concludes that risks to human health and controlled water are low. The report has been considered by KL&WNBC's Contaminated Land Coordinator, who states that the evidence provided in the report supports the conclusion, and therefore has no further comment to make regarding contaminated land.

6.49 **Impact on residential Amenity**

6.50 The existing use of the site is a Primary School, and the proposal is for a new 120 pupil capacity Primary School with associated parking, hard play areas, nature area and informal sports pitch facilities all within one inclusive site.

6.51 In terms of impact on adjacent properties, the proposal would not create unacceptable visual harm, noise or overlooking.

6.52 The proposal is therefore considered to be in accordance with King's Lynn & West Norfolk Local Plan 1998, saved policy 4/21 Settled or built-up areas, and National Planning Policy Framework (2012), Chapter 8 Promoting healthy communities.

6.53 **Responses to the representations received**

6.54 Following the display of site notices and consultations with neighbours ten letters of objection have been received, together with two letters of support.

6.55 The residents have raised issues relating to the following headings:

- The Proposed School should not be located at Ashwicken: I resident suggested that the school should have been closed in 2011 and pupils catered for at remaining schools or a new school nearer to King's Lynn. Another resident raised concern at the cost of the scheme relative to the pupil numbers and considers the proposed development unnecessary.

6.56 Some residents have raised this issue previously during the consultation on the County Council's major school reorganisation in the Grimston, King's Lynn



cluster, which was determined by the School Adjudicator in March 2011. The result was two school closures and the retention of three schools, each to become an all-through primary school in line with the County Council's policy preference of all-through 4 -11 primary education. One of these retained schools was Ashwicken CE VA Primary School which increased its upper age range from 8 to 11. The School Adjudicator's report at that time considered similar objections in respect of Ashwicken, that is, that children would be well served by being relocated to another school, but the objections were not accepted by the Adjudicator.

The Adjudicator's decision cannot be revisited, through this planning application.

- 6.57
- Design: 7 residents have expressed concern that the design of the proposed development is not in keeping with the quality traditional homes set in large gardens and woodland in the surrounding area and the proposal would be a blot on the landscape. Objectors also suggested that the existing school building be retained.  
Two residents have welcomed the new light, spacious and eco-friendly school design and consider it will have minimal impact/disruption on local properties.
- 6.58
- The existing school is a mixture of building ages and types, and are now considered to be not fit for present-day educational purposes. The older permanent classrooms are undersized, there is poor circulation around the building and inadequate facilities for staff and children alike.
- 6.59
- In accordance with the design philosophy, the proposed new school building seeks to clearly identify the building as a school, suitable for modern educational requirements. Although the original design feasibility study considered the option to retain the existing school building, or adopt a traditional 'Victorian style', this was rejected on the grounds that it would not provide the appropriate accommodation.
- 6.60
- The character of East Winch Road, in the immediate area of the school, is one of large residential properties of differing designs and ages, within large landscaped plots. Although pleasant, there is no homogeneous building design theme here for the school to comply with. The key design theme is to link the design to the adjacent retained existing Eco classroom. The existing Eco classroom provides a scale and use of materials which the new design picks up on, hence the new school design has a mono pitch standing seam metal roof and uses a light render as a facing material. Consequently the design of the new school compliments the existing school building which is to be retained, and presents a homogeneous group of modern school buildings in accordance with their location. With the removal of the existing temporary classrooms from the site, the proposed new building will stand in its own grounds as a well designed modern school building, fit for purpose, and appropriate for its location.
- 6.61
- Car Parking, Cycle Parking and Road safety: 7 residents raised the issue of inadequate car parking and associated road safety, reduction of the current speed limit to 20 mph, and provision of a safe route to school being

a problem. One resident considered that the proposed cycle parking was inadequate.

- 6.62 The application has been considered by the Council's Senior Engineer, Highways Development Manager, who concludes that the proposed plans, including car parking provision are acceptable and requests a condition be attached to the grant of planning permission requiring the car park to be laid out in accordance with the approved plan and retained for that specific use. With regard to cycle parking, the plans have been amended to increase provision of covered cycle spaces to 14. In terms of walking routes to the school, there are no readily identifiable improvements within the forward program of highway works, and at the present time there are no proposals to reduce the speed limit outside the school.
- 6.63
- Effect on wildlife: One resident has concerns that rare and protected species will be displaced by the proposed development.
- 6.64 This matter is addressed in the submitted protected species ecology report. The proposal has no potential to disturb such protected species as great crested newts, reptiles and badgers. However, it is acknowledged that the existing school buildings have minor bat roosting significance and the proposal will therefore have a minor negative effect on local bat populations. Further information is contained within the Biodiversity section of this report.
- 6.65
- Proposed Electrical Sub Station: 4 residents have expressed concern that the electrical sub station proposed at the front of the school is not in keeping with the appearance and tranquillity of the area and consider that the electrical sub station would be a significant noise pollutant for residents. One resident considers that the electricity sub station will be an extreme danger to the children, the people who work at that school and to wildlife.
- 6.66 The existing electrical supply is 'rural 2-phase' which does not have sufficient capacity for equipment at the school. The nearest electrical supply with adequate capacity is located along the B1145 and UK Power Networks propose to extend this high voltage supply network to the school site where the transformer is required to step down the voltage.
- 6.67 A small transformer of this size can be found on many housing estates, school sites and commercial premises and is not considered to be danger to health or cause excessive noise disturbance. Following consultations on the electrical sub station, KL&WNBC Environmental Health Officer (Community Safety, Neighbourhood Nuisance) have stated that they are satisfied that it is unlikely that the proposed sub station would have a significant adverse impact on neighbourhood amenity in relation to noise.
- 6.68
- School Playing Field: A resident considered that the school playing field was too small and muddy for the size of the school and that there is no room for a proper football, rugby or cricket pitch.
- 6.69 It is acknowledged that the school have increased the age range of pupils up to



age 11 years and this may change the requirement for how the playing field may be used. However, the school grounds, soft play, hard play and habitat areas have been designed to accord with Building Bulletin 99 which sets out minimum space areas for primary schools, and are considered appropriate for their purpose. No response has been received from the consultation with Sport England.

## **7. Resource Implications**

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

## **8. Other Implications**

### **8.1 Human rights**

- 8.2 The requirements of the Human Rights Act 1998 must be considered. Should permission not be granted Human Rights are not likely to apply on behalf of the applicant.
- 8.3 The human rights of the adjoining residents are engaged under Article 8, the right to respect for private and family life and Article 1 of the First Protocol, the right of enjoyment of property. A grant of planning permission may infringe those rights but they are qualified rights, that is that they can be balanced against the economic interests of the community as a whole and the human rights of other individuals. In making that balance it may also be taken into account that the amenity of local residents could be adequately safeguarded by conditions albeit with the exception of visual amenity. However, in this instance it is not considered that the human rights of adjoining residents would be infringed.
- 8.4 The human rights of the owners of the application site may be engaged under the First Protocol Article 1, that is the right to make use of their land. An approval of planning permission may infringe that right but the right is a qualified right and may be balanced against the need to protect the environment and the amenity of adjoining residents.
- 8.5 **Equality Impact Assessment (EqIA)**
- 8.6 The Council's planning functions are subject to equality impact assessments, including the process for identifying issues such as building accessibility. None have been identified in this case.
- 8.7 **Legal Implications:** There are no legal implications from the Planning

Regulatory perspective.

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

## **9. Section 17 – Crime and Disorder Act**

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

## **10. Risk Implications/Assessment**

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

## **11. Conclusion and Reasons for Grant of Planning Permission**

- 11.1 The application is to demolish the existing school, retaining the Eco classroom approved under planning permission Y/2/2006/2027, and build a new single storey school building.
- 11.2 For the reasons detailed in this report, the proposed development is considered to be in accordance with the development plan and national planning policy.
- 11.3 The proposal is therefore considered to be acceptable and there are no other material considerations why it should not be permitted.

## **12. Conditions**

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

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

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

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

- 12.3 Within six months of the date of this permission, details of the proposed photovoltaic panels shall be submitted to the County Planning Authority for its approval in writing. The panels shall thereafter be implemented as approved.

Reason: In the interests of the visual appearance of the development.

- 12.4 Prior to the first occupation of the development hereby permitted the proposed on-site car and cycle parking shall be laid out, demarcated, levelled, surfaced and drained in accordance with the approved plan and retained thereafter available for that specific use.

Reason: To ensure the permanent availability of the parking/manoeuvring area, in the interests of highway safety.

- 12.5 No demolition shall take place within the site until the applicant, or their agents or successors in title, has secured the implementation of a programme of historic building recording which has been submitted by the applicant and approved in writing by the County Planning Authority

Reason: To ensure adequate recording of historic features in accordance with paragraph 128 of the National Planning Policy Framework (2012).

- 12.6 A) No development shall take place until an archaeological written scheme of investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and 1) The programme and methodology of site investigation and recording, 2) The programme for post investigation assessment, 3) Provision to be made for analysis of the site investigation and recording, 4) Provision to be made for publication and dissemination of the analysis and records of the site investigation, 5) Provision to be made for archive deposition of the analysis and records of the site investigation and 6) Nomination of a competent person or persons/organization to undertake the works set out within the written scheme of investigation.

and,

B) No development shall take place other than in accordance with the written scheme of investigation approved under condition (A).

and,

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

Reason: To ensure adequate investigation of any features of archaeological interest, in accordance with paragraph 128 of the National Planning Policy Framework (2012).

- 12.7 The temporary classrooms and all associated development hereby permitted shall be removed and the land restored to its previous condition on the first occupation of the development hereby permitted.

Reason: The temporary classrooms by virtue of their temporary construction are

considered inappropriate for permanent retention, and to ensure the satisfactory restoration of the site in accordance with Policy CS08 of the West Norfolk & King's Lynn Core Strategy.

## Recommendation

It is recommended that the Director of Environment, Transport and Development be authorised to:

- (i) Grant planning permission subject to the conditions outlined in section 12 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.

## Background Papers

King's Lynn & West Norfolk Core Strategy (2011):

King's Lynn & West Norfolk Local Plan (1998) – saved policies

The National Planning Policy Framework and technical Guidance (NPPF) (2012)

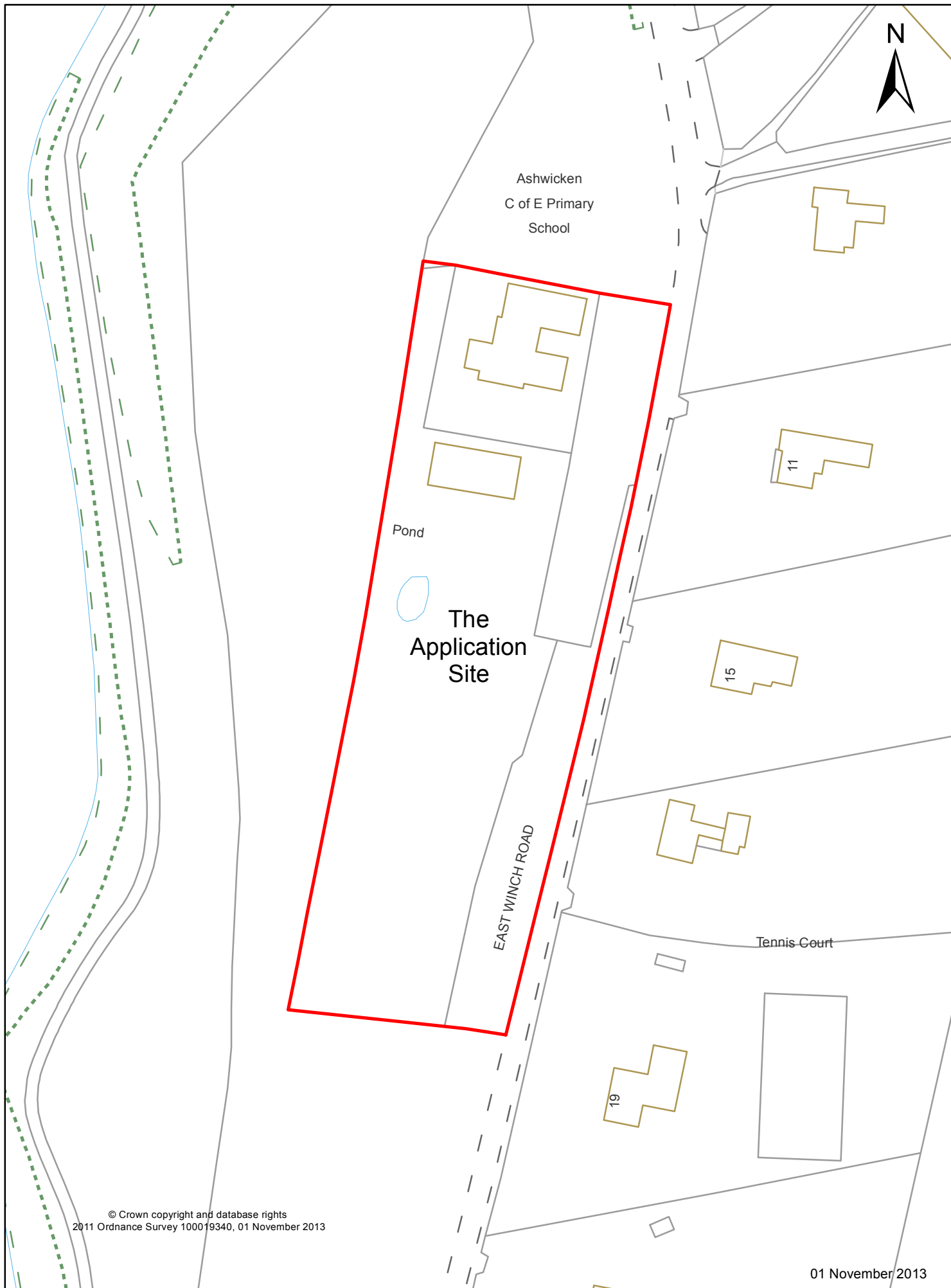
## Officer Contact

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

Name	Telephone Number	Email address
Paul Rudkin	01603 223077	paul.rudkin@norfolk.gov.uk



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Y/2/2013/2013 - Ashwicken C of E Primary School

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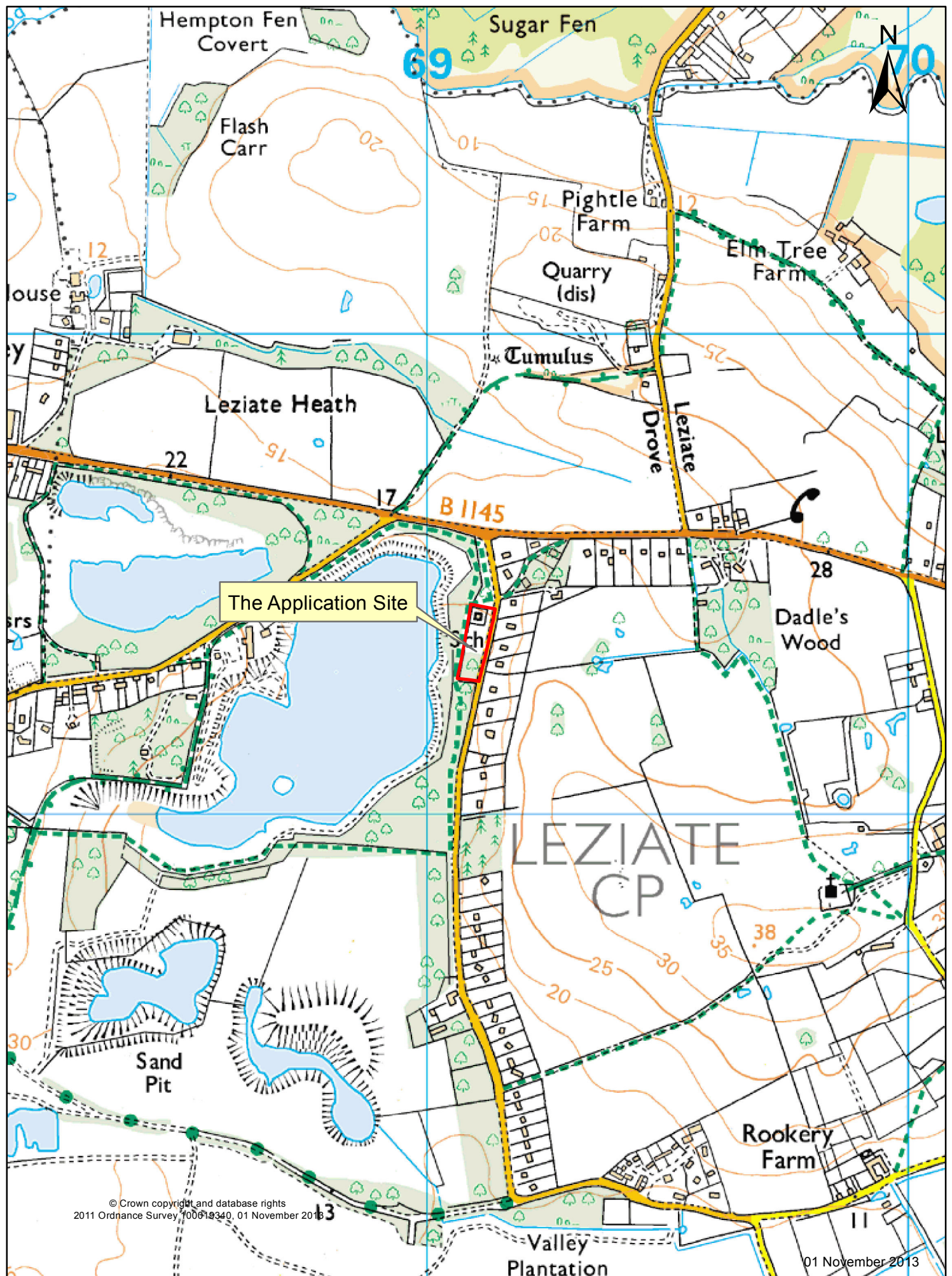


Norfolk County Council

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**Applications referred to Committee for determination**

**Broadland District**

**C/5/2013/5011: Restrospective Consent for an above  
ground leachate storage tank at**

**Mayton Wood Recycling Centre, Little Hautbois,**

**NR12 7NT:**

**Norfolk County Council**

Report by the Interim Director of Environment, Transport and  
Development

**Summary**

The application seeks retrospective consent to secure planning control over the leachate storage tank following its permanent relocation to the site compound.

The Mayton Wood Closed Landfill leachate tank is located above ground within the site compound. It is connected to the closed landfill site via a series of pipes which collect leachate from the landfill. Leachate is classified as non hazardous water that has percolated through the landfill and picked up leached contaminants through from the waste. The leachate is collected and then removed off site via a tanker where it is taken for disposal at a permitted waste water treatment facility.

In accordance with the County Council's Constitution, the application needs to be reported to this committee because the application has been made by the Director of Environment, Transport and Development.

No objections have been raised and the proposal is in accordance with planning policy. Accordingly, it is recommended that planning permission is granted.

**Recommendation**

It is recommended that the Director of Environment, Transport and Development be authorised to:

- (i.) Grant planning permission subject to conditions outlined in Section 12;
- (ii.) Discharge conditions where these 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 or at any other period; and
- (iii.) Deal with any non-material amendments to the application that may be submitted.

**1. The Proposal**

- 1.1 Location : The application site is the existing Mayton Wood Closed Landfill Site, located west of the C532 Mayton Road, to the west of Coltishall.
- 1.2 Type of Development : The landfill site has been closed for waste and this application seeks to gain retrospective permission for the on site leachate tank.
- 1.3 The site : The site is located within the Mayton Wood Closed Landfill Site and adjacent to the existing site compound. The tank is surrounded bunding to the west and north, with the access road to the fore (east) and the site compound to the south.
- 1.4 Duration : Permanent
- 1.5 Access : Vehicular and pedestrian access would be via the existing access onto Mayton Road.

## 2. **Constraints**

- 2.1 The development lies within an area covered by the Greater Norwich Development Plan Core Strategy and the Broadland Local Plan Saved Policies. There are no planning designations that would preclude this development from being considered acceptable development.
- 2.2 The A140 Trunk road is located approximately 2.5 kilometres to the west.
- 2.3 The site is located in a Source Protection Zone.

## 3. **Planning History**

- 3.1 Planning permission C/5/2002/5003 was granted on 25 July 2002 for a variation of condition 1 and 9(iv) of planning permission C/5/1988/1231 (the original mineral extraction and waste disposal, with land raising permission) to facilitate the restoration of phase 5 and to regularise the final restoration contours.
- 3.2 Planning permission reference C/5/2007/5006 was granted on 24 August 2007, for a Variation of Condition 2 of planning permission C/5/2002/5003 to amend the restoration contours of the site. This restoration had an expiry date of 31 December 2010. Due to the recent cessation of composting operations on the site in 2010 land has now become available which has to be restored as part of the overall restoration scheme. The applicant advised that this was not feasible during the spring and summer of 2010 due to ongoing composting operations, therefore there was little time available during suitable soil moving seasons, and ground conditions were unsuitable over the late autumn early winter period.



- 3.3 Planning permission reference C/5/2010/5012 was granted 22 February 2011 to extend the timescale by twelve months to allow for restoration to take place when soils are in a suitable condition for placement, for example during the period of 31 March and 31 October, thus completing full restoration of the former landfill site and composting area by 31 December 2011.
- 3.4 Planning application C/5/2011/5020 was permitted `in order to vary conditions 1 and 5 of planning permission C/5/2010/5012 in order to extend the time period permitted to restore the site to 31 December 2012 and amend the planting and landscaping scheme. Delays have been experienced in sourcing the necessary amount of suitable sub soil and alterations have been required to the landscaping scheme hence, the request for additional time to complete the restoration of the site.
- 3.5 The application has been submitted by Norfolk County Council who have responsibility for operations relating to the former landfill site, and who will continue the environmental management of the site post-closure.

#### 4. **Planning Policy**

- 4.1 Norfolk Minerals and Waste Core Strategy (2011) : CS3: Waste management capacity to be provided  
CS5: General location of waste management facilities  
CS6: General waste management considerations  
CS13: Climate change and renewable energy generation  
CS14: Environmental protection  
CS15: Transport  
DM1: Nature conservation  
DM3: Groundwater and surface water  
DM8: Design, local landscape and townscape character  
DM10: Transport  
DM11: Sustainable construction and operations  
DM12: Amenity  
DM13: Air Quality  
DM15: Cumulative impacts
- 4.2 Joint Core Strategy for Broadland, Norwich and South Norfolk (Adopted March 2011) : Policy 1: Addressing climate change and protecting environmental assets  
Policy 2: Promoting good design

- |     |  |  |
|-----|--|--|
| 4.3 | Broadland District Council<br>Saved Local Plan | GS1 - Settlement Limit<br>GS3 - General considerations<br>ENV 4 - Design<br>TRA14 - Highway Safety   |
| 4.4 | Government Planning Policy<br>Statements       | : <u>National Planning Policy Framework (2012)</u><br>1. Building a strong, competitive economy<br><br>3. Supporting a prosperous rural economy<br><br>4. Promoting sustainable transport<br><br>7. Requiring good design<br><br>10. Meeting the challenge of climate change, flooding and coastal change<br><br>11. Conserving and enhancing the natural environment<br><br><u>Technical Guidance to the National Planning Policy Framework</u><br><br><u>Planning Policy Statement 10: Planning for Sustainable Waste Management</u> |

## 5. **Consultations**

- |      |  |   |
|------|--|---|
| 5.1  | Broadland District Council<br>Planning | : No objection to the application.                  |
| 5.2  | Broadland Pollution Control<br>Officer | : No comment rec'd to date.                         |
| 5.3  | Buxton with Lamas Parish<br>Council    | : No comment rec'd to date.                         |
| 5.4  | Environment Agency                     | : No comment rec'd to date.                         |
| 5.5  | Highway Authority                      | : No highways issues associated with this proposal. |
| 5.6  | NCC Ecologist                          | : No objections with regard to ecology.             |
| 5.7  | NCC Arboriculturalist                  | No objections raised.                               |
| 5.8  | Natural England                        | No objections                                       |
| 5.9  | Local representations                  | : No representations received.                      |
| 5.10 | County Councillor Mr. Harrison         | : No comment rec'd to date.                         |

## 6. **Assessment**

### **Site :**

- 6.1 The application site is the closed Landfill Site at Mayton Wood located west of the C532 Mayton Road, to the west of Coltishall. The leachate tank has been resited adjacent to the site compound and this application seeks to regularise this.

### **Proposal and context :**

- 6.2 The proposal is for a leachate tank to be located above ground within the site compound. It is connected to the closed landfill site via a series of pipes which collect leachate from the landfill. Leachate is non hazardous water that has percolated through the landfill and picked up leached contaminants through from the waste. The leachate is collected and then removed off site via a tanker where it is taken for disposal at a permitted waste water treatment facility.
- 6.3 Vehicular and pedestrian access would be via the existing access onto Mayton Road.

### **Need**

- 6.4 The need is justified in terms of improved pollution protection measures in place on site and the safe and sustainable removal of leachate contaminants from the site.

### **Principle of Development**

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

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

- 6.6 In terms of the development plan, the County Planning Authority considers the relevant documents in relation to this application are the policies in the adopted NMWLDF: Core Strategy (2011), and the Greater Norwich Development Plan and the Broadland Local Plan Saved Policies.

### **National Planning Policy Framework (NPPF)**

- 6.7 DCLG published the National Planning Policy Framework (NPPF) on 27 March 2012. With the exception of PPS10: *Planning for Sustainable Waste Management*, every other Planning Policy Statement (PPS) and Planning Policy Guidance (PPG) has been replaced by the NPPF. The NPPF does not contain specific waste policies, as national waste planning policy will be published as part of the National Waste Management Plan for England. The NPPF is a material consideration in planning decisions.

- 6.8 The application is in respect of an existing closed landfill site. Whilst this is not a sustainable way to deal with waste it will allow for it to be managed in a sustainable way and prevent contamination of groundwater.

#### **General waste management considerations**

- 6.17 Policy CS6 of the adopted NMWLDF Core Strategy (2011) states:  
*“Waste sites...will be acceptable, provided they would not cause unacceptable environmental impacts, on the following types of land:*  
*“a) land already in waste management use;...,”*

- 6.18 Given the current use of the site a landfill site, and that the site is covered by an Environmental Permit issued by the Environment Agency who raise no objections to the proposals the Planning Department have no concerns in terms of the environmental impact of the scheme.

#### **Environmental Protection / Nature Conservation**

- 6.19 The NPPF sets out the Government’s objectives for conservation and enhancement of the natural environment, including landscapes. The NPPF also recognises the weight of protection afforded to international, national and local conservation sites, individual species and the importance of conserving and enhancing biodiversity.
- 6.20 Policy CS14 of the adopted NMWLDF: Core Strategy (2011) states:  
*“...developments must ensure that there are no unacceptable adverse impacts on, and ideally improvements to:*  
*. Natural resources, including water, air and soil;*  
*. The character and quality of the landscapes...*  
*. Biodiversity..., including nationally and internationally designated sites and species, habitats and sites identified in Biodiversity...Action Plans;...*  
*. Residential amenity...”.*
- 6.21 No objections have been received from the County Ecologist and the very minor nature of the scheme and the sites divorced position from any protected ecological assets lead the Planning Department to conclude that the scheme will be acceptable in this respect.

#### **Landscape**

- 6.22 The site is not located in a sensitive landscape setting and as such no such designation covers the land. It is considered therefore that the development due to its scale and location will not have an unacceptable adverse impact on the landscape. The development is functional in it’s design.

#### **Transport**

- 6.23 The NPPF sets out the Government’s national planning policies in relation to transport.
- 6.24 Policy CS15 of the Adopted NMWLDF: Core Strategy states:  
*“...The County Council will consider...waste development proposals to be*

*satisfactory in terms of access where anticipated HGV movements...do not generate:*

- a) Unacceptable risks to the safety of road users and pedestrians;*
- b) Unacceptable impacts on the capacity and/or efficiency of the highway network (including the trunk road network);*
- c) Unacceptable impacts on air quality...and residential and rural amenity, including from odour and noise;*
- d) Unacceptable impacts on the natural and historic environment; and*
- e) Unacceptable physical impacts on the highway network...”*

- 6.25 Policy DM10 of the Adopted NMWLDF: Core Strategy requires that, applications for new waste development must examine the access and egress arrangements, routeing proposals and consideration of other road users, including cyclists, horse riders and pedestrians.
- 6.26 The Highway Authority has been consulted on this application and has raised no objection.
- 6.27 Taking into account the above, the proposal is considered compliant with the aims of NMWLDF: Core Strategy policies CS15 and DM10, and the government objectives of the NPPF.

#### **Groundwater and surface water**

- 6.28 Policy DM3 of the adopted NMWLDF CS requires applicants to demonstrate that proposed developments would not adversely impact upon groundwater quality or resources and surface water quality or resources.
- 6.29 The protection of surface and groundwater resources is paramount in the consideration of any waste development. The function of this is to collect the leachate from the landfill thereby preventing groundwater pollution.
- 6.30 The site is subject to an Environmental Permit and as such this mode of control will form the basis of groundwater protection. It is important to note that in correspondence the Environment Agency has no objections.

### **7. Resource Implications**

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

### **8. Other Implications**

- 8.1 **Human rights**
- 8.2 The requirements of the Human Rights Act 1998 must be considered. Should

permission not be granted Human Rights are not likely to apply on behalf of the applicant.

- 8.3 The human rights of the adjoining residents are engaged under Article 8, the right to respect for private and family life and Article 1 of the First Protocol, the right of enjoyment of property. A grant of planning permission may infringe those rights but they are qualified rights, that is that they can be balanced against the economic interests of the community as a whole and the human rights of other individuals. In making that balance it may also be taken into account that the amenity of local residents could be adequately safeguarded by conditions albeit with the exception of visual amenity. However, in this instance it is not considered that the human rights of adjoining residents would be infringed.
- 8.4 The human rights of the owners of the application site may be engaged under the First Protocol Article 1, that is the right to make use of their land. An approval of planning permission may infringe that right but the right is a qualified right and may be balanced against the need to protect the environment and the amenity of adjoining residents.
- 8.5 **Equality Impact Assessment (EqIA)**
- 8.6 The Council's planning functions are subject to equality impact assessments, including the process for identifying issues such as building accessibility. None have been identified in this case.
- 8.7 **Legal Implications:** There are no legal implications from the Planning Regulatory perspective.
- 8.8 **Communications:** There are no communication issues from a planning perspective.
- 8.9 **Health and Safety Implications:** There are no health and safety implications from a planning perspective.
- 8.10 **Any other implications:** Officers have considered all the implications which members should be aware of. Apart from those listed in the report (above), there are no other implications to take into account.
- 8.11 The application site lies within approximately 4.4 km of the Crostwick Marsh Site of Special Scientific Interest, Special Protection Area, RAMSAR and Special Area of Conservation which forms a European Habitat. The County Council consider in accordance with Article 48 of the Habitat Regulations that the development will not have a significant impact on this habitat and accordingly no Appropriate Assessment of the development is required.

## **9. Section 17 – Crime and Disorder Act**

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

## **10. Risk Implications/Assessment**

10.1 There are no risk issues from a planning perspective.

10.2 There is a threat from pollution but this will be controlled by the Environment Agency through the Permit Application process and the ongoing management of the site.

## **11. Conclusion and Reasons for Grant of Planning Permission**

11.1 The scheme is to regularise an existing leachate tank to collect leachate from the closed landfill site. The application is considered to comply with the aims and objectives of National and Local Planning Policy as the scheme will have no unacceptable impacts upon visual and residential amenity, highway safety, or the ecology in the area.

## **12. Conditions**

12.1 It is recommended that planning permission shall be granted subject to conditions including:

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

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

b) The development hereby permitted shall not take place except in accordance with the application form, plans, drawings and other documents and details submitted, as detailed below:

- Mayton Wood Closed Landfill Site, Scale 1:3000, Received 23.10.2013.

- Leachate tank elevations, Drawing Description Initial Layout, Scale 1:50 received 23.10.13.

Planning Statement – Received 23.10.13.

## **Recommendation**

It is recommended that the Director of Environment, Transport and Development be authorised to :

- (i) Grant planning permission subject to the conditions outlined in Section 12 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 or at any other period; and

- (iii) Deal with any non-material amendments to the application that may be submitted.

## Background Papers

Application file reference: C/3/2013/5011

Norfolk Minerals and Waste LDF Core Strategy (2011)

Joint Core Strategy for Broadland, Norwich and South Norfolk (Adopted March 2011)

Broadland District Council Saved Local Plan Policies

National Planning Policy Framework (2012)

Technical Guidance to the National Planning Policy Framework

Planning Policy Statement 10: Planning for Sustainable Waste Management

## Officer Contact

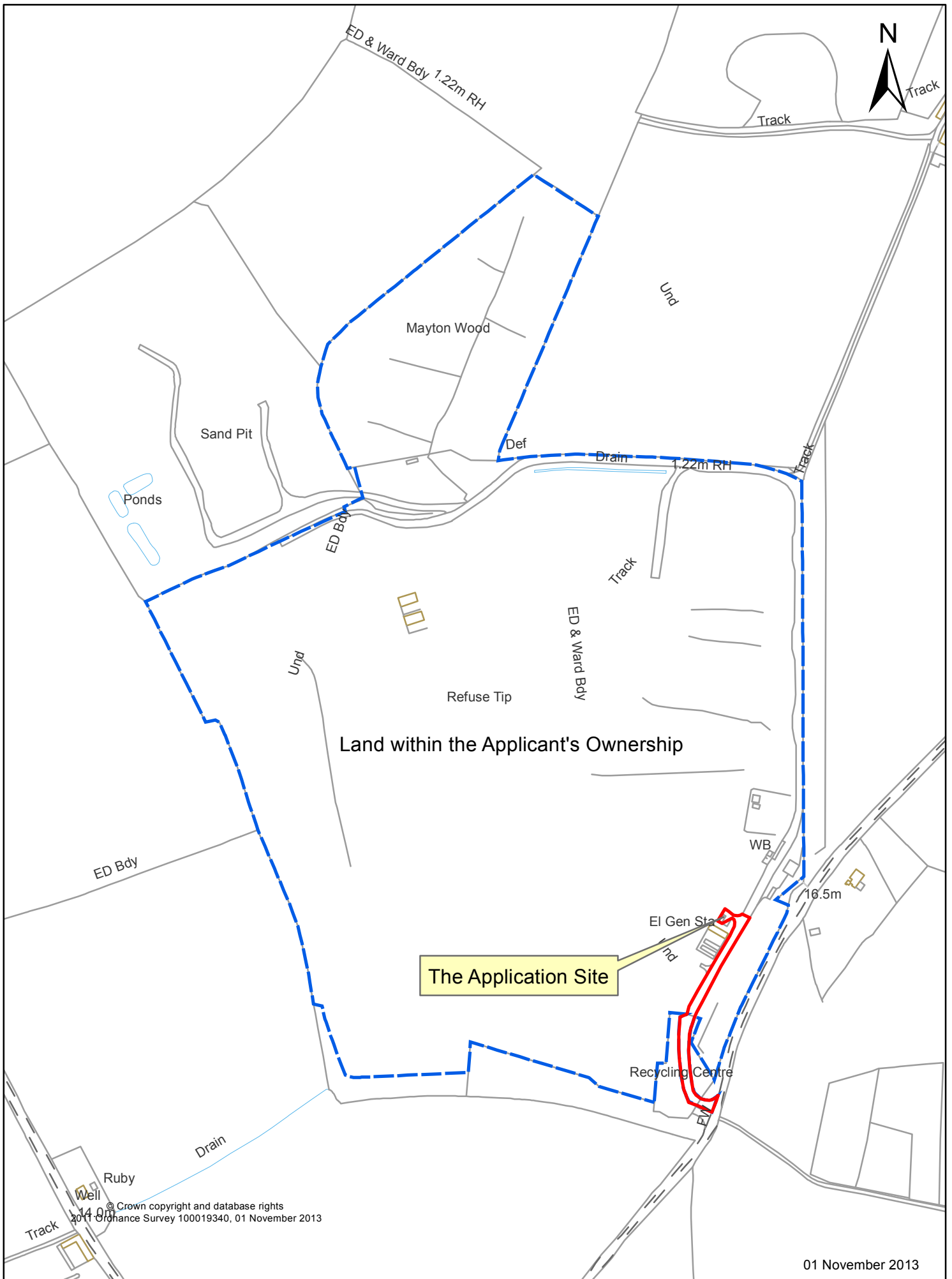
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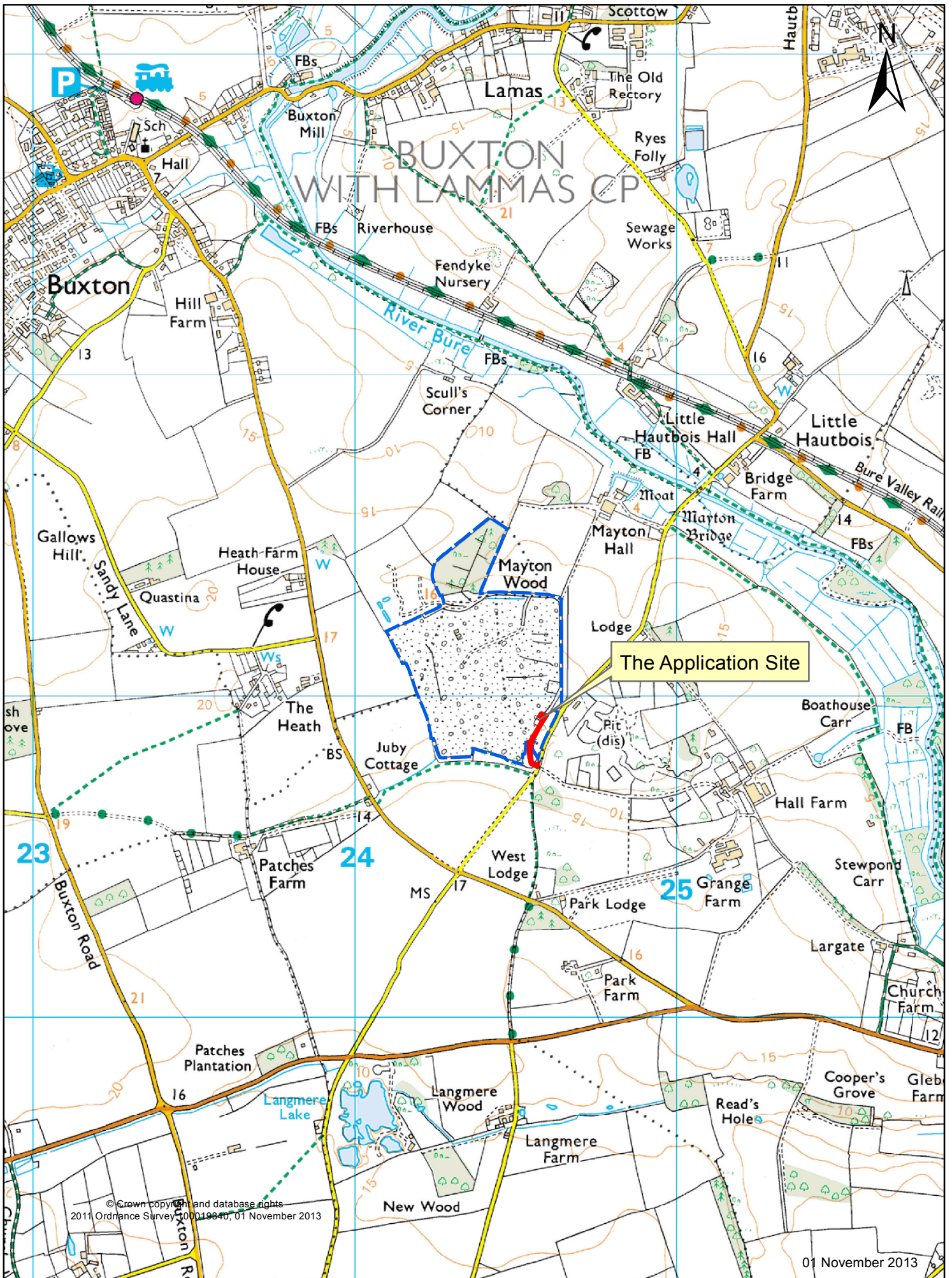
Name	Telephone Number	Email address
Simon Smith	01603 222 724	simon.smith2@norfolk.gov.uk



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**Applications Referred to Committee for Determination  
Borough of King's Lynn & West Norfolk  
C/2/2013/2003: King's Lynn & Clenchwarton:  
Construction of a Sludge Transfer Scheme in the  
vicinity of King's Lynn Wastewater Treatment Works  
comprising the following components: Erection of a  
Sludge Cake Reception Centre at King's Lynn  
Wastewater Treatment Works; Construction of a Liquid  
Sludge Import Centre (to include new access from  
Clenchwarton Road); Construction of a Sludge Transfer  
Pipeline: Anglian Water Services Ltd**

Report by the Interim Director of Environment, Transport and  
Development

**Summary**

Planning permission is sought for the development of a sludge transfer scheme in the vicinity of the existing King's Lynn Wastewater Treatment Works (WwTW). The scheme proposes two principal elements: the construction of a liquid sludge import centre some 3 kilometres to the south of the existing WwTW (as the crow flies) which would be connected to the WwTW with a 3.5 kilometre underground transfer pipeline, and a sludge cake reception centre which would be built within the confines of the existing WwTW. Whilst not intrinsically linked, the two schemes have been submitted under the cover of a single application.

In total, 79 letters in opposition to the scheme have been received from local residents largely on the basis of the adverse impact on amenity that this would have, particularly from odour and noise. However there are no objections from statutory consultees on these grounds, and these issues would in any case be controlled by an Environmental Permit issued by the Environment Agency. It is also acknowledged by Clenchwarton Parish Council and the local MP that for a number of years both local residents and the Parish Council have campaigned to alleviate the problem of Anglian Water tankers using Clockcase Lane twenty-four hours a day to access the WwTW. Whilst there are highway related benefits from the proposal, namely that a significant number of HGVs would be removed from the local highway network, it is not a necessity for them to be removed on safety grounds.

This is a finely balanced planning application particularly given that the proposal is contrary to a number of policies, and therefore represents a departure from the Development Plan. However it is not felt the benefits of the scheme, and the NPPF's presumption in favour of sustainable development, outweigh this departure from policy and justifies a recommendation for approval.

**Recommendation**

It is recommended that the Director of Environment, Transport and Development be authorised to refuse permission for the grounds outlined in section 12.

## 1. The Proposal

1.1	Location	: Land within vicinity of existing King's Lynn WwTW.
	Type of development	: Wastewater Treatment Works and associated infrastructure.
	Area of site	: Total site area is 447,997 metres <sup>2</sup> including pipeline.
	Annual tonnage	: Sludge cake: 19,000 tonnes per annum (the sludge cake reception centre would enable the existing capacity to be reached: currently it is operating at 11,000 tonnes per annum)  Liquid sludge: no figure provided (this is currently unregulated in terms of the existing WwTW).
	Market served	: <b>Sludge Cake Reception Centre:</b> Circa 30 mile radius (the applicant has identified a number of sewage treatment works within the east of England where sludge cake would be imported from); <b>Liquid sludge import Centre:</b> Local Imports (sludge from septic tanks and small works in the vicinity).
	Duration	: Permanent
	Hours of working	: <b>Operation of both the proposed sludge cake reception facility and liquid sludge import centre/pipeline:</b> 24 hour working proposed 7 days a week (including bank holidays)  <b>Construction of the proposed development:</b> 07.00 – 19.00 Monday to Friday 08.00 – 13.00 Saturdays No working Sundays or Bank Holidays
	Vehicle movements and numbers	: Following development the vehicle movements would be: <b>Sludge Cake to WwTW:</b> 52 (26 HGVs in, 26 out) This is 32 more HGV movements (16 in, 16 out) than existing for sludge cake.  <b>Liquid sludge to Import Centre:</b> 148 (74 HGVs in, 74 out) This replaces the current 126 movements (63 HGVs in, 63 out) that currently take liquid sludge

to the WwTW).

Overall, the applicant has stated that the proposal would result in a net 66% reduction in HGVs using roads between the sludge import centre and existing WwWT

- Access :
  - Existing access to WwTW from Clockcase Lane for Sludge Cake Reception Centre;
  - New access from Clenchwarton Road for Liquid Sludge import Centre;
  - Series of temporary accesses for development of underground pipeline.
- Landscaping : Landscaping scheme proposed for liquid sludge import centre utilising semi mature tree planting and native species buffer planting.

## **2. Constraints**

2.1 The following constraints apply to the application site:

- Agricultural Land grade 1.
- Public Footpath King's Lynn FP36 runs adjacent to east of existing WwTW (Sludge cake reception site).
- Site lies within Flood Zone 3.
- Site lies in King's Lynn Internal Drainage Board (IDB)
- Northern most point of site (the existing WwTW) is 1.25 kilometres south of The Wash and North Norfolk Coast Special Protection Area (SPA) and Special Area of Conservation (SAC), RAMSAR Site and Site of Special Scientific Interest (SSSI).

## **3. Planning History**

- 3.1 It is understood that the Wastewater Treatment Works has operated at its existing site on Clockcase Lane since before 1971.
- 3.2 In 2006 the County Council granted planning permission for the 'Construction of a Bio-solids Treatment Plan' at the existing WwTW under reference C/2/2006/2006 following a resolution by this committee. This is the sole previous application that the County planning Authority has permitted for this site. This is the site where the sludge cake reception centre would be located.
- 3.3 There is no planning history for the proposed liquid sludge import centre which is currently in use as agricultural land.
- 3.4 In March 2009 the County Council received a letter on behalf of a 'Residents Group' expressing concerns about the existing levels of traffic visiting the WwTW

and the damage they cause, and the pressing need for a dedicated new road for the plant.

- 3.5 In March 2013, the County Planning Authority was contacted by the Local Member expressing concerns on behalf of local residents who were unhappy about the effectiveness of the County's regulatory regime of governing 24 vehicle hour access through the village along the single track access road, Clockcase Lane.

## 4. Planning Policy

- |     |  |   |   |  |
|-----|--|---|---|--|
| 4.1 | Norfolk Minerals and Waste Local Development Framework Core Strategy and Minerals and Waste Development Management Policies Development Plan Document 2010-2016 (2011) | : | CS5<br>CS6<br>CS7<br><br>CS11<br>CS14<br>CS15<br>DM3<br>DM4<br>DM8<br><br>DM9<br>DM10<br>DM12<br>DM13<br>DM15<br>DM16 | General location of waste management facilities<br>General waste management considerations<br>Recycling, composting, anaerobic digestion and waste transfer stations<br>Wastewater/sewage infrastructure and treatment facilities<br>Environmental protection<br>Transport<br>Groundwater and surface water<br>Flood risk<br>Design, local landscape and townscape character<br>Archaeological Sites<br>Transport<br>Amenity<br>Air quality<br>Cumulative impacts<br>Soils |
| 4.2 | King's Lynn & West Norfolk Core Borough Council Local Development Framework – Core Strategy (2011)   | : | CS06  | Development in Rural Areas   |
| 4.3 | King's Lynn & West Norfolk Borough Council Local Plan (1998)   | : | No relevant saved policies.   |  |
| 4.4 | The National Planning Policy Framework (NPPF) (2012)   | : | 5<br><br>10<br><br>11<br><br>12   | Supporting high quality communications infrastructure<br>Meeting the challenge of climate change, flooding coastal change<br>Conserving and enhancing the natural environment<br>Conserving and enhancing the historic environment   |

4.5	Technical Guidance to the National Planning Policy Framework (2012)	:	Flood Risk
5.	Consultations		
5.1	Borough Council of King's Lynn & West Norfolk	:	No objection. Confirmed that the proposal would not adversely impact upon any of the proposed sites for housing development in the Detailed Policies and Site Plan (Preferred Options) consultation documents.
5.2	Clenchwarton Parish Council	:	<p>Raised a number of concerns, namely:</p> <ul style="list-style-type: none"> <li>• The location of the liquid sludge import centre is too near to the populated area of West Lynn and the Poppyfields development;</li> <li>• The location of the new access to the liquid sludge import centre near to a bend and junction where there has been a history of accidents and improvements made to eliminate them – this would create problems at this area again;</li> <li>• Odour – the processes proposed and from past experience from the existing WwTW it is anticipated that odour emissions would be a problem;</li> <li>• Whilst it is acknowledged that the Parish has, along with local residents, long campaigned to alleviate the problem of AW tankers using Clockcase Lane to access the WwTW, this option will not eliminate the volume of lorries using this route – the preferred option would be the construction of a relief road from Millenium Way as put forward as one of AW's original options.</li> </ul>
5.3	Highway Authority (NCC)	:	No objection subject to conditions. Confirm that the proposal accords with current design standards and meets Safety Audit requirements.
5.4	Highways Agency	:	No objection.
5.5	Environmental Health Officer (KL&WN)	:	No objection subject to conditions relating to the implementation of a noise management scheme, odour management scheme, foul, surface and land drainage details, lighting scheme, and the submission and approval of a construction management plan.

5.6	Contaminated Land Co-ordinator (KL&WN)	: Would expect conditions would be attached to any consent to cover the requirement for further site investigation in respect of ground-gas issues.
5.7	Contaminated Land Officer (KL&WN)	No objection subject to the submission of a construction management plan.
5.8	Norfolk Historic Environment Service (NCC)	: No Objection. The initial archaeological evaluation carried out along the route of the proposed pipeline has identified heritage assets with archaeological interest including former sea banks. Therefore, should permission be granted, recommend conditions concerning the submission of a written scheme of investigation prior to any development taking place, no development taking place except in accordance with the written scheme of investigation, and no operation of the development until the site investigation assessment has been completed in accordance with the programme set out in the above written scheme of investigation.
5.9	Environment Agency	: No objection. Confirm that the existing Environmental Permit for the sludge treatment centre would need to be varied to include the new development proposed. Satisfied that the revised Flood Risk Assessment complies with the NPPF. Recommend a number of conditions regarding land contamination and drainage details.
5.10	Natural England	: No objection. Satisfied that this application would not affect the special interests for which these sites [The Wash and North Norfolk Coast SPA/SAC/RAMSAR] were designated and has no further comments to make.
5.11	King's Lynn Drainage Board	: No objection subject to conditions concerning outstanding flood and water management issues. Advise that the Board's byelaws will need to be complied (in addition to planning permission being obtained) with reference to both working within proximity of the Board's watercourses (i.e. the necessity of the pipeline to cross drains) and if the applicant wishes to increase the rate or volume of discharge to a watercourse.
5.12	Ecologist (NCC)	: No objection.
5.13	National Grid Warwick	: No response received.



- 5.14 UK Power Networks : No objection. Advised that the WwTW is traversed by a dual circuit overhead power line – any construction work will therefore need to be carefully managed to ensure that safe working clearances are made.
- 5.15 Arboriculturist (NCC) : No objection.
- 5.16 Public Rights of Way Officer (NCC) : No objection.
- 5.17 Local residents : A total of 79 representations were received in opposition to the scheme. Initially 71 representations were received from third parties expressing objection/opposition to the original planning application consultation. Further to the application being amended (in respect of the layout of the sludge import centre), a further 8 representations were received opposing the scheme and re-affirming previous objections.
- The objections/concerns are on the following grounds (most of which relate to the development of the new liquid sludge import centre):
- Visual impact on the landscape – reference made to the height of the structures which would be prominent/intrusive in the landscape;
  - Unattractive design proposed;
  - Landscaping proposed would have little impact in initial years and existing deciduous will not screen development in winter months;
  - Not a suitable gateway to King's Lynn or Clenchwarton;
  - Development is proposed on agricultural land which is considered picturesque;
  - It would be better site on industrial land with reference made to land at Saddlebow which would be more suitable for this development;
  - Affect on the character of the area with reference made that this would encourage the industrialisation of the 'quaint countryside village';
  - The precedent this would set for development in West Lynn;
  - The proposal and specifically the choice of site on Greenfield land in the countryside is

- contrary to development plan policy;
- Noise, with reference made to the proposed 24/7 operation of the facility;
- Odour from both the sites and tankers (reference to the new site in addition to odour currently produced by existing WwTW). The prevailing wind would carry this over West Lynn;
- Air quality – reference made to existing industrial development in the area;
- Close proximity of Poppyfields housing estate (the nearest point is a communal play area). Would curtail any future plans to expand this estate;
- Potential to attract rats, seagulls (and their associated mess) and other vermin;
- Would result in property devaluation and unsalable houses;
- Impacts of road safety and increased HGV movements particularly given existing accident record on (Clenchwarton) road at nearby junction with is referred to as an accident black spot – the current infrastructure is unable to support this;
- The lack of need to relocate the existing site;
- Tankers could simply use the recently built Millennium Way;
- A new dedicated road should be built;
- The existing road should be upgraded (sufficient land either side of Clockcase Lane to create two lanes);
- Potential to pollute watercourses;
- The effect on wildlife;
- Lack of popular support - proposal isn't the favoured option of local people following the applicant's poll;
- Proposal is neither cheapest nor greenest;
- Wrong/unsuitable location of the sludge import centre given its proximity to residents, neighbouring industrial units, and nearby food outlets and hotel accommodation;
- General adverse impact on village;
- 'Impact on social aspect of community and quality of life';
- Proximity to future earmarked development site (warehouse adjacent to north of the sludge import centre site) for housing which

- is much needed in this area;
- Adverse impacts in the event of a breakdown or spillage;
- Current site for sludge import centre is prone to flooding;
- Concerns that the development could result in off-site flooding, surface water run-off or leakages;
- It would be a further development (and impacts) in addition to the Willows Incinerator which is also proposed nearby;
- The scheme would be 'passing one problem to create another';
- The scheme does not meet King's Lynn's future 'key values' and could lead to future deprivation;
- Anglian Water has a history of mismanagement with frequent recorded discharges into River Ouse;
- County Planning Authority has been lacking in its responsibility to ensure Anglian Water complies with previous planning conditions;
- Capturing methane gas for energy use should be a priority of any development to give the benefit to residents for cheap/free gas for heating/cooking/running a vehicle.

One of the above representations received was from Henry Bellingham MP acknowledge that he had worked hard over the years to find a solution to the tankering problem and the pressure put on Clockcase Lane, however he added that whilst residents do not object to the principle of a pumping station, the exact location was not suitable and a location should be found further away from the village.

- 5.18 County Councillor (Mrs A Kemp) : No comments have been received to date (at the time of writing the report it is understood that Cllr Kemp wishes to sit on Planning (Regulatory) Committee and take part in the vote).

## 6. Assessment

### Proposal

- 6.1 The application is for what the applicant has described as a Sludge Transfer Scheme in the vicinity of the existing King's Lynn WwTW and principally comprises two schemes as set out below albeit submitted as a single planning application. The application was amended after the initial round of consultation

responses that raised a number of issues/concerns from statutory consultees as addressed in the report below. In order to address these, the applicant amended the layout of the liquid sludge import centre and a further consultation period of 21 days was undertaken.

6.2 Liquid Sludge Import Centre & Sludge Transfer Pipeline

A liquid sludge import centre is proposed to be constructed some 3 kilometres to the south of the existing WwTW (as the crow flies) near to the A17, A47 and 'Pullover' roundabout in order to markedly reduce tanker movements on more 'local' roads to and from the WwTW. This would be built to receive liquid sludge imported by road tanker from WwTW facilities that do not have sludge dewatering facilities, and to screen the sludge before pumping it to the Sludge Treatment Centre (within the WwTW) where it would be treated within the existing enhanced digestion facility. The site of this part of the scheme amounts to circa 1.9 hectares (1.5 hectares plus the temporary construction compound).

6.3 In turn this would take tankers off the local highway network between the proposed site and the existing WwTW, a return journey of some 5 miles (2.5 each way). In combination with the other elements of the overall scheme the applicant has stated that the proposal would reduce existing numbers of tankers by some 66%.

6.4 In recent years, the County Planning Authority has been made aware of complaints about the existing traffic movements particularly since the bio-solids treatment plant became operational and added additional vehicles to the local highway network, both in 2009, and earlier this year with the latter complaint received by the County Councillor, on behalf of local residents. Concern over the impact of the existing tankers is also acknowledged in the responses from Clenchwarton Parish Council and the local MP in respect of this current planning application.

6.5 In terms of its physical development, the liquid sludge import centre would comprise of the following buildings/structures/plant (as mentioned above, the layout of this was amended midway through the application process to address concerns over amenity):

- 2 x glass coated steel reception tanks (green glass coated steel) (9 metres high);
- Screened sludge tank (green glass coated steel) (9 metres high)
- Odour control unit (green glass reinforced plastic or similar) (including 10 metre high exhaust stack)
- Sludge transfer pipes (above ground)
- Sludge screen feed pumps (above ground)
- Single storey welfare building (green metal cladding) (5 x 7 metres footprint)
- Single storey motor control centre (MCC) kiosk (green glass reinforced plastic) (10 x 3.5 metres footprint) and 15 metre high telemetry mast;
- Single storey transformer compound building (green glass reinforced plastic) (2.8 metre<sup>2</sup> footprint)
- Sludge screen structure (galvanised steel) mounted on 2.7 metre high platform with skip below (total height 4.7 metres) (7.8 x 6 metres footprint)

- Single storey potable water kiosk (green glass reinforced plastic) (2.5 x 1.5 metre footprint)
  - Potable water break tank (green glass reinforced plastic) (total height 1.5 metres) (3.6 x 2.2metre footprint);
  - Wheel wash unit
  - Wood panel acoustic fencing (2 metres/4 metres/6.4 metres high) (brown). This was added to proposal when the layout was amended to reduce the impact on local amenity.
- 6.6 Tankers would discharge the liquid sludge into one of two reception tanks which would then pass through screens for the removal of solids prior to transfer to the screened storage tank. The site layout has been designed so that lorries do not need to reverse on site. From here it would be pumped (along the proposed pipeline) to the existing secondary storage tank at the existing WwTW.
- 6.7 A temporary site compound for construction purposes forms part of the application site and would be located immediately to the south of this site. This would be reinstated to its previous condition upon completion of the construction works.
- 6.8 A 3.5 kilometre, 180-250 millimetre diameter, polyethylene underground pipeline would connect the import centre to the existing WwTW and enable the liquid sludge deposited at the import centre to be transported to the WwTW. The pipeline would primarily be laid using trenching although directional drilling would be used under roads and ditches. It would be laid at an average depth of circa 1.2 metres (depending on services and drainage crossings) and would be hidden once completed. It would be constructed within an easement of approximately 20 metres to allow for construction traffic etc on site while the works are carried out. A series of temporary access roads (7 no.) would provide vehicular access to the route of the proposed pipeline during construction and engineering works and covered with suitable granular material.
- 6.9 This proposal was one of three options that the applicant company considered in order to alleviate the issues of 'heavy traffic on local roads, caused by current transport methods'. The two options ruled out included the transport of sludge along waterways by barge to the WwTW, and the construction of a new road. However those options are not considered within the scope of this report and assessment. Once the applicant had resolved to pursue the pipeline scheme, three different options were also considered for the sludge import centre (i.e. the deposit point for lorries) on land in and around the area to the north of the A17/Pullover roundabout and to the south of West Lynn, with pre-application advice given on all three site/pipeline options. Again, the report and assessment only considers the option submitted as the application.
- 6.10 Sludge Cake Reception Centre  
The other element of the scheme is to construct a sludge cake reception centre within the confines of the existing WwTW which would enable the WwTW to receive sludge cake by tanker (this would not be imported through the proposed pipeline) rather than liquid sludge (which would be imported through the pipeline).

- 6.11 As detailed in the section 3, in 2006 the County Council granted planning permission for a Sludge Treatment Centre (STC) which was completed on site in 2008. This plant provides capacity to treat up to 19,000 tonnes of dry solids per annum and replaced the previous raw sludge lime treatment plant. An Anaerobic Digestion process is used to treat the dewatered sludge cake with combined heat and power engines used to generate renewable energy (electricity) from the biogas that is a by-product of the sludge digestion process. The applicant states that the facility is presently treating 11,000 tonnes per annum (tpa) and is therefore operating considerably below the 19,000 tpa originally anticipated capacity. This application would enable the STC to receive more sludge cake in turn increasing the amount of renewable energy created by this process.
- 6.12 In terms of its physical development, the sludge cake reception centre would comprise of the following buildings/structures/plant:
- Bio-solids cake reception building (light grey concrete) and ancillary mechanical equipment (12.8 metres in height) (total footprint including equipment 34.2 x 12 metres (building itself 22.3 x 7.2 metres))
  - Odour control unit (including 15 metre high exhaust stack)
  - Glass reinforced motor control centre (MCC) building (light grey) (15.7 x 5.5 metres footprint)
  - Cake silo (Green glass coated steel) (15.5 metres in height) (5 metre diameter).

#### **Site**

- 6.13 The application site can be separated into three aspects as part of the two schemes outlined above:
- Erection of a Sludge Cake Reception Centre at King's Lynn Wastewater Treatment Works;
  - Construction of a Liquid Sludge Import Centre (to include new access from Clenchwarton Road);
  - Construction of a Sludge Transfer Pipeline (to connect the liquid sludge centre to the WwTW).

The vast majority of the application site falls within the King's Lynn Town Council administrative boundary (which includes West Lynn), however a small proportion of the site, namely the temporary accesses to be used for the laying of the pipeline do cross into the Clenchwarton parish boundary.

#### **6.14 Sludge Cake Reception Centre**

This is proposed to be located within the curtilage of the existing WwTW in a central area. The WwTW works itself is located on the western bank of the River Great Ouse some 1.5 kilometres north east of Clenchwarton Village and 1.5 kilometres north east of King's Lynn town centre (1 kilometre from the outskirts of the town). Vehicular access to the WwTW is accessed via Clockcase Lane. The landscape character to the north, west and south is opened farmed fenland. Point Farm, the nearest residential property is some 275 metres from the boundary of the WwTW.

- 6.15 Liquid Sludge Import Centre (to include new access from Clenchwarton Road)  
This site, some 1.9 hectares in size, is located on (grade 1) agricultural land



directly to the south of an industrial complex and West Lynn village, and to the south and southeast of the Poppyfields housing estate. The nearest industrial unit to the site is some 25 metres away and the boundary of the nearest residential property (on the Poppyfields estate) around 150 metres from the boundary of this site. To the east of the proposed site is Clenchwarton Road and a new access would be created onto this road for vehicles accessing/egressing the site, with a number of existing trees removed. To the south and west of this site is agricultural land. Further south, circa 300 metres away, is the McDonalds restaurant which lies to the north east of the A47/A17 roundabout.

6.16 Liquid Sludge Transfer Pipeline

The proposed sludge import centre is located 3 kilometres to the south of the existing WwTW as the crow flies and a 3.5 kilometre pipeline is proposed to connect the two sites. From the proposed liquid sludge import centre, the route of this would initially go in a north westerly direction near to the boundary of the industrial complex and Poppyfields, and beyond the western end of this estate it would go in northerly direction to the WwTW travelling to the east of Clenchwarton village. The pipeline would be constructed with an easement corridor of approximately 20 metres, and the route of it would largely be over open fenland farmland and cross over Clenchwarton Road and Ferry Road. A series of temporary accesses (x7) would be created from Clenchwarton Road, Ferry Road and Clockcase Lane.

**Principle of development**

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

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

- 6.18 In terms of the development plan, the County Planning Authority considers the relevant documents in relation to this application are the Norfolk Minerals and Waste Local Development Framework Core Strategy and Minerals and Waste Development Management Policies Development Plan Document 2010-2016 (the “NMWDF Core Strategy”) and the King’s Lynn & West Norfolk Borough Council Core Strategy (2011). Whilst not part of the development plan, policies within the National Planning Policy Framework are also a further material consideration of significant weight as well as Planning Policy Statement 10: Planning for Sustainable Waste Management (2011).
- 6.19 Whilst not explicitly referred to as one in NMWDF policy CS5: *General location of waste management facilities*, King’s Lynn WwTW is regarded as a strategic or major waste management facility given the catchment it serves and its annual throughput (which exceeds 10,000 tonnes per annum). The WwTW itself has historically been located on the banks of the Ouse at its present location, and this application proposes an off site deposit point for liquid sludge, hence there is not a necessity to locate it on or adjacent to a watercourse as the policy refers to for



WwTWs. Whilst well related to King's Lynn, it is important to ensure that it is located appropriate with regard to other policies, as set out below.

- 6.20 NMWDF policy CS6: *General waste management considerations* requires waste sites to be developed on the following types of land for them to be acceptable providing they do not have cause unacceptable environmental impacts:
- a) land already in waste management use;
  - b) existing industrial/employment land of land identified for these uses in a Local Plan or DPD;
  - c) other previously developed land; and,
  - d) contaminated or derelict land.

As outlined above, the liquid sludge import centre is proposed to be built on agricultural land in open countryside and would be connected to the existing WwTW via an underground pipeline that would also run through open countryside. Whilst it is logical that the pipeline would need to travel through the open countryside, the sludge import centre needs to be located on the type of land listed above and consequently because the scheme proposed is on greenfield land, it is considered a departure from the development plan.

- 6.21 At the local level, the site falls outside the development limit for West Lynn and policy CS06: *Development in Rural Areas* of the King's Lynn and West Norfolk (KL&WN) Core Strategy states that the development of greenfield sites will be resisted (unless essential for agricultural or forestry needs) with the ethos of the policy to 'maintain local character and a high quality environment' and also 'to protect the countryside for its intrinsic character and beauty'. Again, the proposal is also considered a departure from this policy and therefore the development plan. Accordingly the application was advertised to this effect in both the statutory press and site notices posted.

- 6.23 Therefore, in accordance with Section 38(6) of the Town and Country Planning Compulsory Purchase Act 2004, it needs to be determined whether there are sufficient material considerations that would justify a grant of permission and outweigh this land use policy conflict

- 6.24 NMWDF Policy CS7: *Recycling, composting, anaerobic digestion and waste transfer stations* states that the expansion of anaerobic digestion (AD) facilities will be considered favourably so long as they would not cause unacceptable environmental amenity or highway impacts. One element of this proposal is the development of a sludge cake reception centre at the existing WwTW which would increase the capacity of the existing AD plant within the site. The impacts of the plant were considered when the bio-solids treatment centre was permitted (see 3.2) in 2006 and the sludge cake reception plant only seeks to enable the facility to accept sludge tankered in by road.

- 6.25 Wastewater treatment plants are a vital part of community infrastructure and are necessary to protect human health and water quality. NMWDF policy CS11: *Wastewater/sewage infrastructure and treatment facilities* states that new or extended wastewater/sewage infrastructure and treatment facilities will be acceptable where proposals aim to treat a greater quantity of wastewater, or reduces the environmental impact of operation. It adds that the developer will be

required to demonstrate that the proposal can be located and operated without giving rise to unacceptable environmental, amenity and highway impacts. The assessment below which discusses these factors will determine whether the proposal is consistent with this criteria.

- 6.26 The two facets of this development are to build an off site liquid sludge import centre and pipeline to transport liquid sludge to the existing WwTW, and to development of a sludge cake reception centre within the curtilage of the existing WwTW. NMWDF policy Core Strategy Policy CS16: *Safeguarded mineral and waste sites and mineral resources* seeks to safeguard existing key Wastewater and sludge treatment facilities including this site. The proposal would not undermine any future development at this site but would in fact assist in enabling a the sludge treatment centre to operate at a greater capacity hence it is in compliance with this policy.
- 6.27 Whilst the sludge cake reception centre would be built within the curtilage of the existing WwTW, the liquid sludge import centre and pipeline would be built/developed on greenfield land. The County Council has recently formally adopted its Waste Site Specific Allocations Development Plan Document (DPD) which allocates specific sites considered suitable in principle and available for development as waste management facilities. The site for the import centre and pipeline were not put forward for inclusion in this document however this does not preclude the principle of this development being assessed through a windfall planning application and approved subject to it being compliant with planning policy, and in this event, there being material considerations that justify a departure from development plan policies.

### **Amenity**

- 6.28 The protection of amenity for people living in close proximity of waste management facilities is a key consideration and NMWDF policy DM12 states that development will only be permitted where "...unacceptable impact to local amenity will not arise from the operation of the facility." This echoes policy NMWDF CS13 which also seeks to avoid unacceptable impacts on amenity.
- 6.29 Both PPS10 and the NPPF underline that planning authorities should focus on whether the development itself is an acceptable use of the land, and the impact of the use, rather than the control of processes or emissions themselves where these are subject to approval under pollution control regimes. Furthermore, the County Council should assume that these regimes will operate effectively.
- 6.30 Due to the nature of the waste dealt with, and the plant and machinery used, development of this type obviously has the potential to have an impact on local amenity with particular regard to odour but also noise and dust including during construction works. As referenced above, high number of objections were received raising concerns in regards to these issues with a large proportion received from residents of the Poppyfields housing estate that is located to the north west of the site of the liquid sludge import centre (with the nearest property some 150 metres away). An industrial development,

also a sensitive receptor, is located adjacent to the north eastern boundary of the site of the sludge import centre.

- 6.31 King's Lynn and West Norfolk Borough Council's EHO initially highlighted a number of areas within the application where insufficient detail had been provided (noise, odour, drainage, lighting and construction management) and recommended conditions in order to protect local residents from experiencing an adverse impact as a result of the proposals. Because the matters go to the heart of whether the proposal is an acceptable use of land, it was considered that these issues need to be resolved, and the required information submitted, before any decision could be made on the scheme, and accordingly the information was requested from the applicant. This consisted of a noise and odour management schemes, foul surface water and land drainage details, a lighting scheme, and a construction management plan.
- 6.32 As a consequence of endeavouring to provide this information and ensure there isn't an adverse impact on amenity, the applicant took the decision to amend the layout of the proposed liquid sludge import centre in order to address/further reduce the impact on amenity. This involved changing the location of the reception and sludge tanks and also proposing to install acoustic fencing along the northern and eastern boundaries and within the site.
- 6.33 Noise  
The noise assessment within the revised noise management plan concluded that would be no significant noise effects during the construction of the proposed development. No increase in noise is expected at sensitive receptors (that are remote from the site) from the proposed sludge reception centre which is located within the curtilage of the existing WwTW. Therefore the noise management plan principally relates to the liquid sludge import centre given its close proximity to sensitive receptors.
- 6.34 The noise assessment stated that subject to a package of control measures, noise arising from this element of the development would remain within acceptable limits. The control measures proposed would include acoustic fencing both at the site boundary and within the site (as referred to above), monitoring on site equipment and carrying out site inspections to ensure equipment remains in working order, and a series of instructions for drivers of lorries visiting the site, namely, avoiding the revving of engines, switching off engines and equipment when not in use, only one tanker unloading during night time operations, and no reversing on site (the revised site layout has been designed with this in mind). Subject to the implementation of the noise management plan, the EHO has not raised any objection with regards to noise. In the event that permission is granted, noise would be a matter controlled by the Environmental Permit issued by the Environment Agency.
- 6.35 Odour  
Both an odour modelling report and odour management plan were submitted

outlining a series of measures for monitoring odour given the location of the liquid sludge import centre in relatively close proximity of sensitive receptors. This includes measures/safeguards in the event of spillages, breakdowns etc, record keeping of complaints etc and ongoing community engagement. The 3 tanks on site (2x reception tanks and a screening tank) would be served by an odour control unit where an extraction system maintains negative pressure to minimize the risk of emissions, with the extracted air treated by a bio-filter and a dry media polishing unit. The sludge screening skip would also be enclosed and served by the odour abatement plant.

- 6.36 The discharge of sludge from tankers would be via an enclosed system whereby the tanker would pump its sludge straight into a discharge tank without exposure to the open atmosphere. During skip removal there would be brief period when odour increases due to exposure of the skip however this is not expected to emanate and cause an odour nuisance beyond the site boundary. Overall, results of odour modelling indicated a low potential for odour nuisance beyond the site boundary. This is a conclusion accepted by the EHO and subject to the implementation of the revised odour management plan, no objections have been raised by statutory consultees on the basis of odour. In the event that permission is granted, the actual control of odour would be a matter regulated by the Environmental Permit issued by the Environment Agency.

- 6.37 Dust  
A dust management plan was submitted following the initial consultation exercise that highlighted that further information was required to address this issue. The plan concluded that the primary cause of dust from the proposed activities would be from construction activities themselves. A number of mitigation measures have been proposed in this plan including communication with local residents, on-site management and inspections, site planning to avoid layouts where dust causing activities are located away from sensitive receptors, and those relating to general site activities such as using water to suppress dust, bunding and sealing of topsoil and subsoils, and the covering of stock piles to prevent wind whipping etc. Subject to the implementation of these measures, the EHO does not raise any objection in respect of dust. Although the Environment Agency has recognized that the dust management plan only relates to construction works, it has confirmed that the control of dust emissions from the site would also form part of the Environmental Permit.

- 6.38 Lighting  
No new additional lighting is proposed for the sludge cake reception centre given the existing lighting at the WwTW, and there would not be a need for lighting for the route of the pipeline once construction works have been completed. A lighting scheme was submitted showing the proposed lighting arrangements and specification for the liquid sludge import centre which would be required given the 24 hour working proposed at the site. It is proposed that all lighting would be downward focussed to reduce light pollution in the immediate and wider area. The EHO commented that the lighting layout appears to be sufficient and has recommended the proposed

scheme be a condition of any planning consent in order to protect local residents from experiencing an adverse impact.

- 6.39 In addition to the above schemes that the EHO would wish to see implemented, they have also recommended the submission of a Construction Management Plan prior to any development commencing on site. This would also be a condition of any planning consent if permission is forthcoming.
- 6.40 One element of the application is the installation of a telemetry mast at the liquid sludge import centre. The EHO has not raised any concerns in relation to this aspect of the proposal. Although the principle of the application isn't for communications infrastructure per-se, and the mast is only one element of the application, in accordance with paragraph 46 of the NPPF, the applicant has submitted a copy of the ICNIRP Certificate to demonstrate that it meets International Commission guidelines for public exposure as part of the application documentation.
- 6.41 As confirmed in the Environment Agency's (EA) consultation response, the applicant would need to vary the existing Environmental Permit for the sludge treatment centre to include the new sludge cake reception centre, transfer pipeline and liquid sludge import centre. It is understood that the applicant is awaiting the outcome of this planning application before applying to the EA to do that. Whilst the County Council needs to be satisfied that the facility can in principle operate without causing an unacceptable impact on amenity (in consultation with the Borough Council), in accordance with paragraph 122 of the NPPF, it is nonetheless the role of the Environmental Permit as issued by the Environment Agency to actually control issues emissions such as odour, noise and dust through conditions. There are no outstanding objections from the EHO or the Environment Agency with regards to matters relating to amenity. Subject to the above mentioned schemes being implemented, and the site being regulated by an Environmental Permit, it is not considered that there would be an unacceptable impact to local amenity, and accordingly the application complies with both NMWDF Policies CS14 and DM12 and Section 11 of the NPPF and Planning Policy Statement 10.
- 6.42 **Air Quality**  
NMWDF policy DM13: *Air Quality* seeks to only permit development where development would not impact negatively on Air Quality Management Areas (AQMA) or lead to the designation of new ones. It also states that development will be permitted where adequate measures can be agreed through planning conditions to mitigate potentially harmful air quality impacts to human health. Furthermore, NPPF paragraph 109 requires that new and existing development should be prevented 'from contributing to unacceptable levels of air pollution'. Paragraph 120 states that 'to prevent unacceptable risks from pollution, planning policies and decisions should ensure that development is appropriate for its location.
- 6.43 King's Lynn and West Norfolk Borough Council's Contaminated Land Co-ordinator initially commented that the application lacked detail on gaseous



emissions from the odour control stack. Further to this, the applicant provided further information on both the likely emissions and control mechanisms proposed. The Contaminated Land Officer was satisfied with this additional information which concludes that it is unlikely that the concentration of pollutants dispersed to the atmosphere would have significant impact on air quality.

- 6.44 Subject to the implementation of and approval of the construction management plan that is also requested by the Borough Council's EHO, the Contaminated Land Co-ordinator raised no objection and the proposal is considered to accord with NMWDF policy DM13 and Section 11 of the NPPF.

### **Landscape**

- 6.45 NMWDF Policies CS14 and DM8 both seek to only permit development that does not have unacceptable impacts on the character and quality of the landscape.
- 6.46 In terms of the sludge cake reception centre, this would be located within the confines of the existing WwTW in a central location. The development would include a sludge cake reception building measuring 12.8 metres to the ridge line and a sludge cake silo that would be some 15.5 metres in height. Located in the heart of the existing WwTW, this development would assimilate with current structures of a similar nature and there would not be an impact on the wider landscape. In terms of the pipeline, following the completing of construction works, there would not be a long term landscape impact given that this would be buried underground.
- 6.47 With regards to the location for the liquid sludge import centre, this would be situated within an arable field forming part of the wider fenland landscape setting. As recognized above, the location of this site here would result in development in the open countryside which as already discussed is contrary to the development plan. The location, to the west of Clenchwarton Road, is also on a visually prominent site on the approach to West Lynn and Clenchwarton heading north, and A47/A17 Pullover roundabout heading south. The site does however benefit from an existing established hedge line along the site's (eastern) boundary with Clenchwarton Road although existing trees would need to be removed in order to create the access point and achieve the required site lines for vehicles exiting the site. The site would also be visible across neighbouring land as the site is approached from the north where there is much less existing vegetation. The most prominent elements of this proposal would be 3 no. tanks that would be 9 metres high and located at the west of the site, and a 10 metre high exhaust stack for the odour control unit. This development would functional in its design and would be green in colour in order to assimilate with the environment as far as possible.
- 6.48 The site is not located within an area that has been designated to be protected for its landscape value (such as would be the case with Conservation Area), AONB) in terms of the NMWDF policies and the NPPF. Furthermore, the surrounding landscape has to a degree become characterized by large structures similar to the ones proposed at the sludge import centre such as at the existing WwTW, east of the River Ouse at King's Lynn Port, and more recently the south of the A17/A47 where the Palm Paper development has been built. However the

development proposed would be smaller in scale than those mentioned.

- 6.49 The Landscape and Visual Impact Assessment submitted referred to the Landscape Character Assessment for King's Lynn Borough published in 2007 which identified the site being in two landscape character areas, namely, The Fens: Settled Inland Marshes: D1 – Clenchwarton Marsh; and The Fens Settled Inland Marshes: D2 – Walpole, Terrington Character Area. In order to mitigate the impact of the development, a landscaping scheme has been submitted comprising of semi mature tree planting and native species buffer planting which would take place along the southern and western boundaries of the site, and would also be used to complement and 'gap up' the existing hedge line along Clenchwarton Road. According to the Landscape and Visual Impact Assessment, by year 15 of the operational phase the mitigation planting would be established and by this point there would be no significant effects on visual amenity. The LVIA also concluded that the Landscape Character Areas referred to above would not be significantly affected by the proposed scheme.
- 6.50 An Arboricultural Survey was submitted with the application assessing the implications of the proposal on trees in the application site and within its vicinity. Because of the length of the pipeline proposed there are a number of groups of trees and individual trees which are largely growing within hedgerows and next to ditches both beside the site of the liquid sludge import centre and along the route of the pipeline. However because the majority of these trees are located next to both ditches or roads, they are unlikely to be affected by the pipeline because of the nature of the directional drilling method proposed to avoid these constraints. This technique would ensure that the pipeline is below the main rooting zone.
- 6.51 Approximately 30 trees would be lost as a result of the need to achieve the correct sight lines for lorries exiting the site with 60 trees and shrubs affected in total. The applicant proposes to compensate for this with planting around the liquid sludge import centre to establish and enhance screening.
- 6.52 The County's Arboriculturist raised no objection subject to compliance with both the Landscape and Visual Impact Assessment and the Arboricultural Survey which states that all tree work would be carried out in accordance with the British Standard.
- 6.53 Notwithstanding the application site represents an intrusion into open countryside/greenfield land, which is highlighted elsewhere in the report, on balance it is considered that whilst there would be an impact on the surrounding landscape, particularly from the tanks proposed within the liquid sludge import centre which would be visible above the existing landscaping and the landscaping proposed, it would not be an unacceptable. Therefore it is considered that the scheme is broadly in accordance with NMWDF policies CS14 and DM8 and Section 11 of the NPPF.
- Biodiversity/Ecology**
- 6.54 NMWDF policy CS14 states developments must ensure there are no unacceptable adverse impacts on biodiversity including nationally and



internationally designated sites and species. The site lies some 1.25 kilometres to the south The Wash and North Norfolk Coast Special Protection Area (SPA) and Special Area of Conservation (SAC), RAMSAR Site and Site of Special Scientific Interest (SSSI).

6.55 Because of the nature of both the scheme and its extent, and the site where it would be located, there is clearly potential for the scheme to adverse upon the ecology in the vicinity of the site particularly around the ditches, hedges and other vegetation along the route of the pipeline. A preliminary ecological appraisal and water vole survey (all ditches which crossed the pipeline route were surveyed) was submitted as part of the planning application which included both a desk top study and an Extended Phase 1 Habitat Survey.

6.56 The County Council's Ecologist is satisfied with the applicant's report and their protected species surveys carried out, and it is considered that there would not be adverse impacts on ecology provided the appropriate detailed mitigation is carried out where necessary.

6.57 Appropriate Assessment

Whilst the site is located within 1.25 kilometres of The Wash and North Norfolk Coast Special Protection Area (SPA) and Special Area of Conservation (SAC), RAMSAR Site and Site of Special Scientific Interest (SSSI) an internationally protected site, in accordance with Regulation 61 of the Conservation of Habitats and Species Regulations 2010, it is considered that the development would not have a significant impact on the integrity of this site and accordingly no Appropriate Assessment of the development is required.

6.58 It is considered that the proposal complies with NMWDF policy CS14, which seeks the avoidance of unacceptable adverse impacts on geodiversity and biodiversity, including nationally designated sites and Chapter 11 of the NPPF: *Conserving and enhancing the natural environment*.

**Transport**

6.59 NMWDF Policies CS15: *Transport* and DM10: *Transport* requires that proposed new waste facilities in terms of access will be satisfactory where anticipated HGV movements, taking into account any mitigation measures proposed, do not generate, inter alia, unacceptable risks/impacts to the safety of road users and pedestrians, the capacity and efficiency of the highway network, or to air quality and residential and rural amenity, including from air and noise. Furthermore, there is a requirement for applications for new waste sites to be accompanied by a Transport Statement demonstrating suitable highway access and egress and a suitable route to the nearest major road. In addition, this should include an assessment of the potential for non-HGV transportation of materials to and from facilities principally by rail or water.

6.60 Accordingly a detailed Transport Statement was submitted with the application which stated that the scheme as proposed would result in a 66% reduction in operational traffic movements to the existing WwTW along Clockcase Lane. The applicant has confirmed this also accounts for the increased number of lorries accessing the WwTW with sludge cake to utilise the proposed increased capacity

as a result of the sludge cake reception element of the proposal. The Transport Statement did not however provide an assessment (as required by this policy) for the potential for transportation of sludge by water as originally mooted as a potential option which had since been ruled out by the applicant. The statement also makes reference to accident records in the vicinity of the site. However of the vast majority of the accident statistics quoted (67) between 2007-2012, only 6% (4) occur between the site of the liquid sludge import centre and the WwTW with the vast majority occurring before the vehicles would be removed from the highway network.

- 6.61 The County Highway Authority commented that the location of the junction to the proposed liquid sludge import centre lies to the northwest of the Clenchwarton Road/C39 junction and has been the subject of accident remedial measures and is the subject of ongoing monitoring with the possibility of the introduction of signal control. It was also pointed out that, whilst the existing option is located as far to the north west of the junction as possible, it was not the favoured option of the highway authority: their preference was another option that had been put forward initially that would have provided an option to the east of Clenchwarton Road from an existing side road.
  
- 6.62 Notwithstanding this, the Highway Authority did not object to the proposal subject to a number of conditions concerning the retention of the vehicular access and drainage arrangements, provision and maintenance of visibility splays, car parking/manoeuvring areas, provision for parking for construction workers, a construction traffic management plan, and on-site wheel cleaning facilities. Although the site does not connect directly to the A47 Trunk Road, the Highways Agency has nonetheless not raised an objection to the scheme.
  
- 6.63 Whilst the Transport Assessment did not assess why the option for transport of sludge by water had been ruled out, and this site is not the favoured option of the Highway Authority, it is however the option that has been forward and is a more sustainable option than continuing to transport the liquid sludge by road. Although not a necessity to remove vehicles from this section of highway on safety grounds, it would result in an improvement to the existing situation in terms of highway safety. It is broadly considered to comply with NMWDF Policies CS15: *Transport* and DM10: *Transport*, which considers proposals acceptable in terms of access where anticipated HGV movements do not generate unacceptable risks or impacts.

#### **Flood risk**

- 6.64 The full extent of the application site falls within Flood Zone 3, hence in accordance with NMWDF policy DM4: *Flood Risk*, a Flood Risk Assessment (FRA) was submitted with the application. Whilst the Environment Agency initially submitted a holding objection to the FRA, the applicant latterly submitted a revised version which the Environment Agency is satisfied with and have confirmed it complies with the Technical Guidance to the NPPF. King's Lynn Internal Drainage Board (IDB) had also expressed initial concerns about the impact of the development in terms of surface water and flood risk issues, however, following clarification of these issues the IDB do not object to the scheme subject to conditions requiring further

information/clarification which is considered appropriate to condition. It is therefore considered that the proposal complies with NMWDF policy DM4, which only seeks to permit waste management sites that do not increase the risk of flooding.

#### **Groundwater and surface water**

- 6.65 NMWDF policy DM3: *Groundwater and surface water* seeks to ensure that developments do not adversely impact on ground water quality or resources, or surface water quality or resources. Although the site does not lie above a source protection zone, given the scale of the application site there is obviously the potential to cause pollution to both groundwater and surface water and in particular the opportunity for the proposed pipeline to mobilise any contamination along its route.

- 6.66 In their initial response the Environment Agency raised concerns about the lack of information with regards to the managing the risk of pollution with specific reference made to foul and surface water drainage. Following this, the applicant provided a further more detailed Drainage Strategy although even with this additional information the EA remained of this view. However the EA has stated that they are happy for this to be dealt with by a condition requiring a scheme for the provision and implementation of pollution control to the water environment prior to the commencement of development. They have also recommended a number of other conditions with regards to land contamination to prevent the pollution of controlled waters, with particular reference made to nearby surface water features, which again would need to be discharged before any development takes place on site. Subject to this conditions being appended to any planning consent issued, and being full discharged, it is considered that the proposal is compliant with NMWDF policy DM3 and Section 11: *Conserving and enhancing the natural environment* of the NPPF.

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

- 6.67 The proposed location of the sludge import centre is situated on Grade 1 agricultural land (the sludge cake reception centre is on previously developed land within the existing WwTW) which is currently in use for arable farming. The Agricultural Land Classification System defines this as the 'best and most versatile agricultural land'. How this natural resource is used is an important element of sustainable development. The applicant has stated that this parcel of land amounts to 1.92 hectares including 0.42 of which would be used for the temporary construction compound. NMWDF Policy DM16 states that, development proposals affecting Grade 1 agricultural land will only be permitted in exceptional circumstances where it is demonstrated that there are no alternative locations for the development which are not on Grade 1 land.

- 6.68 Although not submitted initially, the applicant was asked to supply further justification for development on this type land i.e. what the exceptional circumstances to justify this are. The applicant referred to NPPF paragraph 112 which states:  
*"Local planning authorities should take into account the economic benefits of the best and most versatile agricultural land. Where significant development of*

*agricultural land is considered to be necessary, local planning authorities should seek to use areas of poor quality land in preference to that of a higher quality”*

The applicant argued that the loss of a small area of high grade agricultural land should be afforded significantly less weight than the provision of sustainable wastewater infrastructure. The scheme would allow sludge to be transported to the WwTW where it would be treated in a manner that produces a sustainable for of power, and provide an end product for use on agricultural land.

- 6.69 Given that the County Council has an up to date local plan in place (the NMWDF Core Strategy) this policy framework takes precedence over the NPPF which is only a further material consideration albeit one of significant weight. However in regards to the NPPF, the application site does not represent a ‘significant development’ and this was also recognized by the applicant.
- 6.70 In order to provide further justification for the proposed siting of the liquid sludge import centre on agricultural land, shortly before the publication of this report, the applicant provided a more detailed appraisal of the other options that had been ruled out (which considered two other sites and pipeline routes). Notwithstanding this, it is not considered that the applicant has justified ‘exceptional circumstances’ which this policy refers to. It appears that there were other locations for this site that were looked at which included land that is still grade 1 agricultural land but not in agricultural use, and unlikely to be so in the future. However the applicant identified other constraints as to why the sites are/were not viable options. The proposal would result in the irreversible loss of 1.5 hectares of grade 1 (best and most versatile) agricultural land, and the proposal is in conflict with policy DM16.

#### **Public Rights of Way**

- 6.71 The King's Lynn Footpath FP36 runs adjacent to the existing WwTW where the sludge cake reception centre would be sited and continues along the bank of the River Ouse away from the route of the proposed pipeline. The Public Rights of Way Officer is satisfied with the proposal and raises no objection.

#### **Archaeology**

- 6.72 NMWDF Policy DM9: *Archaeological Sites* states development will only be permitted where it would not adversely affect the significance of heritage assets (and their settings) of national and/or regional importance, whether scheduled or not. Because of the nature of the development which includes a below ground pipeline, there is obviously a high potential to affect underground archaeology. Accordingly, a Brief for Archaeological Evaluation was submitted as part of the application documentation.
- 6.73 The archaeological evaluation carried out along the route of the proposed pipeline identified heritage assets with archaeological interest including former sea banks. The significance of these heritage assets will be affected by the proposed development and there is potential that further as yet unidentified heritage assets with archaeological interest (buried archaeological remains) will be present at the site and that their significance also be affected by the proposed development.

- 6.74 Therefore, should planning permission be granted, the County's Historic Environment Service has requested that the development be subject to a programme of archaeological work: conditions would be required to secure the submission and approval of a written scheme of investigation, the requirement for the development to take place only in accordance with the said scheme of investigation, and, no operation of the development to take place until the site investigation and post investigation assessment have been completed. Subject to these conditions the proposal is in accordance with policy DM9 and chapter 12: *Conserving and enhancing the historic environment* of the NPPF.

### **Cumulative Impacts**

- 6.75 Third party comments were made in respect of the impact on of the proposal in combination with other developments with particular reference made to the Willows Incinerator. NMWDF Policy DM15: *Cumulative Impacts* seeks to consider fully the cumulative impact of a number of waste sites located closely together, and if necessary phase development or impose other controls such as the routing of vehicles. This echoes PPS10 which also identifies the cumulative effect of previous waste facilities on the well-being of the local community as a material consideration. One element of the application is to construct a pipeline to remove a significant proportion of tankers that are currently using local roads (and have been the subject of complaint in the past) from the local network and thereby reduce the impact on amenity in that respect. With regards to the proposed incinerator, the decision for this is still with the Secretary of State, however regardless of whether it is been built, the two developments in combination would not result in unacceptable cumulative impacts given its proposed location some 2 kilometres away and that both developments would require regulation by Environmental Permits. The proposal therefore does not undermine the aims of this policy.

### **Responses to the representations received**

- 6.75 The application was advertised by means of neighbour notification letters, site notices, and an advertisement in the Eastern Daily Press newspaper.
- 6.76 A large number of objections were received to the scheme raising a number of different issues. Many of these, including those that relate to amenity, have already been addressed in the report i.e. noise, odour, visual impact etc. A number of objections referred to the propensity to attract vermin which is a matter that would be dealt with under the Environment Agency's Environmental Permit.
- 6.77 With regard to adverse impact on property prices the potential the local residents would not be able to sell their properties, these are not a material consideration in the assessment of the application.
- 6.78 The impact on the area generally was raised with particular reference made to the site being at the gateway to both Clenchwarton and King's Lynn, and the impact it would have on future socio-economic aspirations of the area. The consideration here is whether the proposal would unacceptably affect amenities and the existing use of land which ought to be protected in the public interest. The impact on amenity has been assessed elsewhere in the report. In terms of the suitability of the land use, it is already acknowledged that the application is



not an allocated site in either Norfolk County Council's or King's Lynn and West Norfolk Borough Council's LDF's, and represents a departure from development plan policy. Therefore an assessment is made as to whether this site is otherwise acceptable for this nature of land use taking in the range of policies outlined in the report.

- 6.79 A number of objections misunderstood the nature of the development: it is not proposed to replace/relocate the existing WwTW, it is merely proposed to provide an off site deposit point for liquid sludge to negate the need for lorries to access the site on local roads that are less suitable for HGVs.
- 6.80 In terms of previous breaches of planning consents that are referred to, the County Planning Authority is not aware of these. Any complaint that is made is investigated and appropriate action taken if required.
- 6.81 Reference was made for this development to compromise any future residential development with particular reference made to the neighbouring industrial land potentially being allocated in King's Lynn and West Norfolk Borough Council's Local Development Framework. However on receipt of comments from the Borough Council, it was confirmed that the proposal would not adversely impact upon any of the proposed sites for housing development in the Detailed Policies and Site Plan (Preferred Options) consultation documents.

## **7. Resource Implications**

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

## **8. Other Implications**

- 8.1 **Human rights**
- 8.2 The requirements of the Human Rights Act 1998 must be considered. Should permission not be granted Human Rights are not likely to apply on behalf of the applicant.
- 8.3 The human rights of the adjoining residents are engaged under Article 8, the right to respect for private and family life and Article 1 of the First Protocol, the right of enjoyment of property. A grant of planning permission may infringe those rights but they are qualified rights, that is that they can be balanced against the economic interests of the community as a whole and the human rights of other individuals. In making that balance it may also be taken into account that the

amenity of local residents could be adequately safeguarded by conditions albeit with the exception of visual amenity. However, in this instance it is not considered that the human rights of adjoining residents would be infringed.

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

8.5 **Equality Impact Assessment (EqIA)**

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

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

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

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

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

## 9. **Section 17 – Crime and Disorder Act**

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

## 10. **Risk Implications/Assessment**

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

## 11. **Conclusion and Reasons for Grant of Planning Permission**

- 11.1 Planning permission is sought for a scheme that essentially has two elements. A sludge cake reception centre at the existing WwTW would enable the existing sludge treatment centre to receive more sludge cake thus increasing the amount of renewable energy that can be created from the AD process that creates biogas. A liquid sludge import centre and 3.5 kilometre pipeline is proposed to enable liquid sludge to be pumped to the WwTW from a new site near to the A17.
- 11.2 The proposal is a departure from the development plan in terms of NMWDF policies CS6: *General waste management considerations* and DM16: *Soils*, and also King's Lynn and West Norfolk Core Strategy Policy CS06: *Development in Rural Areas* because of the location of the sludge import centre on grade 1



agricultural land, and the use of a greenfield site that would result in West Lynn encroaching further southwards. In accordance with Section 38(6) of the Town and Country Planning Compulsory Purchase Act 2004 the determination of this application must be made in accordance with the development plan unless material considerations indicate otherwise.

- 11.3 In this instance there are a number of material considerations that also need to be taken into consideration. The NPPF, a material consideration of weight, promotes sustainable development, and as highlighted by the applicant, the development would assist in the provision of sustainable wastewater infrastructure. The scheme would allow sludge to be transported to the WwTW where it would be treated in a manner that produces sustainable electricity and provide an end product for use on agricultural land.
- 11.4 Most significantly it would remove vehicles from a section of the highway network with a reduction in some 66% of existing levels removed from a circa 2.5 mile section of road between the proposed sludge import centre and the existing WwTW thereby cutting vehicle emissions. This would therefore help to address an ongoing local issue of tankers using local roads and their associated impacts.
- 11.5 Although there would be safety benefits of removing these HGVs from the local highway network, there is not a highway safety issue per-se that the County Council has identified that requires the removal of these tankers from the highway network driven by a history of accidents along the route to the WwTW (from the proposed site of the sludge import centre). Therefore the desire to remove these lorries is largely driven by their impact on local amenity and in the interests of sustainability i.e. decreased emissions from tankers driving the 5 mile return route that they currently do.
- 11.6 However, in this instance, it is not felt that the benefits of removing a proportion of tankers from local roads justifies a grant of permission contrary to the development plan that would result in development on Grade 1 agricultural land and on greenfield land that has not been allocated for this use.
- 11.7 Therefore, although it is acknowledged that this application is very finely balanced, it is recommended that it is refused in accordance with the grounds of refusal detailed in Section 12 below.

## **12. Ground of refusal**

- 12.1 The application proposes waste development (namely the sludge import centre) in open countryside. The proposed site for this element of the development is contrary to Norfolk Minerals and Waste Development Framework Core Strategy Policy CS06: *General waste management considerations* which requires wastes sites to be developed on the following types of land:
- a) land already in waste management use;
  - b) existing industrial/employment land or land identified for these uses in a Local Plan or Development Plan document;
  - c) other previously developed land; and,
  - d) contaminated or derelict land.

The proposed site does not fulfil any of these criteria and there are not sufficient material considerations to justify a departure from this policy

- 12.2 King's Lynn and West Norfolk Core Strategy Policy CS06: *Development in Rural Areas* states that the development of greenfield sites will be resisted unless essential for agricultural or forestry needs. The proposal would represent an encroachment onto greenfield land and does not meet either of these requirements. It is therefore contrary to this policy. It is not felt that there are material considerations to justify a departure from this policy.
- 12.3 The application proposes permanent development on, and the irreversible loss of, 1.5 hectares of Grade 1 agricultural land. Norfolk Minerals and Waste Development Framework Core Strategy Policy DM16: *Soils* requires that development proposals affecting this type of land will only be permitted in exceptional circumstances where it is demonstrated that there are no alternative locations for the development. It is not considered that this is exceptional circumstances and the proposal is contrary to this policy.

## Recommendation

It is recommended that the Director of Environment, Transport and Development be authorised to refuse permission subject to the reasons above.

## Background Papers

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

King's Lynn and West Norfolk Borough Council LDF - Core Strategy (2011)

The National Planning Policy Framework and Technical Guidance (NPPF) (2012)

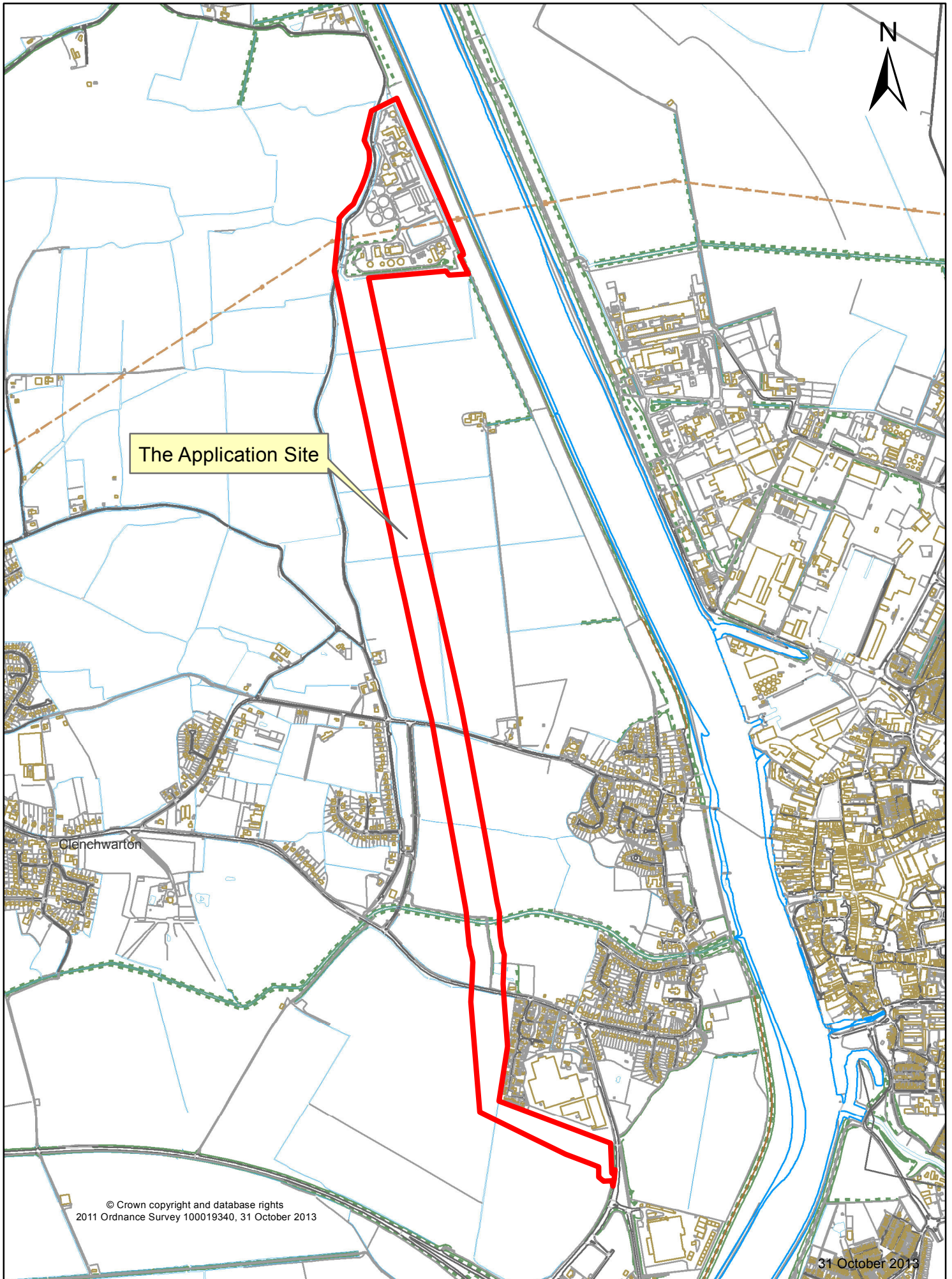
## Officer Contact

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

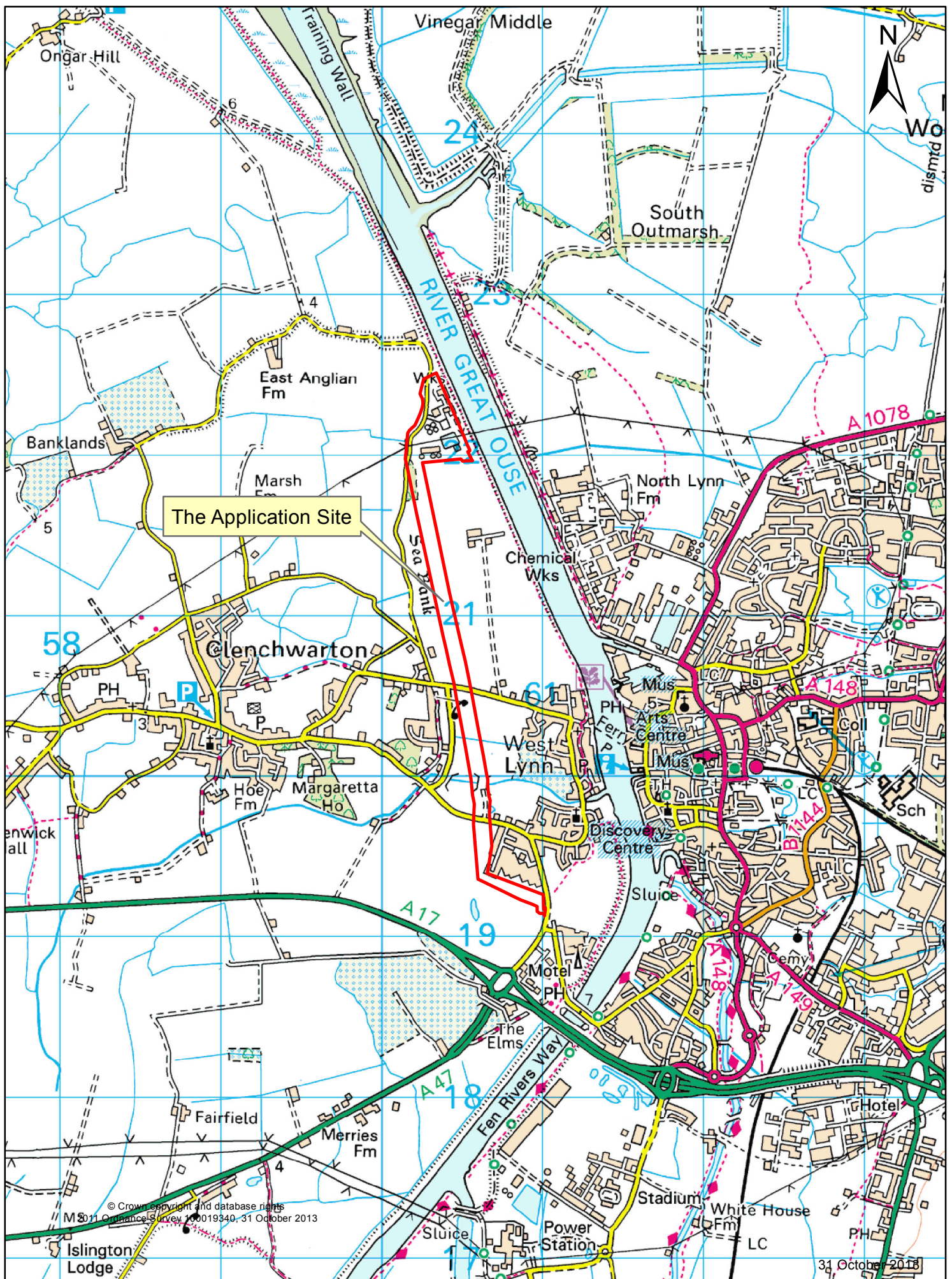
Name	Telephone Number	Email address
Ralph Cox	01603 223318	ralph.cox@norfolk.gov.uk



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 Norfolk County Council

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**Applications referred to Committee for determination  
Breckland District  
C/3/2013/3018: Snetterton: Restrospective Consent for  
an above ground leachate storage tank at  
Snetterton Landfill, Heath Road, Snetterton, NR16 2JU:  
Norfolk County Council**

Report by the Interim Director of Environment, Transport and  
Development

**Summary**

The application seeks retrospective consent to bring under planning control the leachate storage tank following its permanent relocation to the site compound.

The Snetterton leachate tank is located above ground within the site compound. It is connected to the closed landfill site via a series of pipes which collect leachate run off from the landfill. Leachate is classified as a non hazardous waste water that has percolated through the landfill and picked up leached contaminants from the waste. The leachate is collected and then removed off site via a tanker where it is taken for disposal at a permitted waste water treatment facility.

In accordance with the County Council's Constitution, the application needs to be reported to this committee because the application has been made by the Director of Environment, Transport and Development.

No objections have been raised and the proposal is in accordance with planning policy. Accordingly, it is recommended that planning permission is granted.

**Recommendation**

It is recommended that the Director of Environment, Transport and Development be authorised to:

- (i.) Grant planning permission subject to conditions outlined in Section 12;
- (ii.) Discharge conditions where these 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 or at any other period; and
- (iii.) Deal with any non-material amendments to the application that may be submitted.



## 1. **The Proposal**

- 1.1 Location : The application site is the existing Snetterton Closed Landfill Site with Heath Road to the west.
- 1.2 Type of Development : The proposal is a Minerals and Waste Development and is bought before you due to the Waste Disposal Authority who are the originators of the scheme fall under the same ETD Directorate as Planning.
- 1.3 The site : The leachate tank is located adjacent to Snetterton HWRC and surrounded by bunding to the east, north and south , with the HWRC to the west.
- 1.4 Duration : Permanent
- 1.5 Access : Vehicular and pedestrian access would be via the existing access onto Heath Road.

## 2. **Constraints**

- 2.1 The development lies within an area covered by the the Breckland Core Strategy. The site is adjacent to WAS 19 in the Waste Site Specific Allocations DPD
- 2.2 The A11 Trunk road is located approximately 2 kilometres to the north.

## 3. **Planning History**

- 3.1 A number of historic permissions have been granted since the site has become operational. The most recent of these are:  
Planning permission was granted on 14.04.2011 for a welfare facility (ref. C/5/2010/5012).

## 4. **Planning Policy**

- 4.1 Norfolk Minerals and Waste Core Strategy (2011) : CS3: Waste management capacity to be provided  
CS5: General location of waste management facilities  
CS6: General waste management considerations  
CS13: Climate change and renewable energy generation  
CS14: Environmental protection



		CS15: Transport
		DM1: Nature conservation
		DM3: Groundwater and surface water
		DM8: Design, local landscape and townscape character
		DM10: Transport
		DM11: Sustainable construction and operations
		DM12: Amenity
		DM13: Air Quality
		DM15: Cumulative impacts
4.4	Government Planning Policy Statements	: <u>National Planning Policy Framework (2012)</u> 1. Building a strong, competitive economy 3. Supporting a prosperous rural economy 4. Promoting sustainable transport 7. Requiring good design 10. Meeting the challenge of climate change, flooding and coastal change 11. Conserving and enhancing the natural environment  <u>Technical Guidance to the National Planning Policy Framework</u>  <u>Planning Policy Statement 10: Planning for Sustainable Waste Management</u>
4.5	Breckland Adopted Core Strategy and Development Control Policies	: <b>Breckland Core Strategy and Development Control Policies (2009)</b> DC 1 Protection of Amenity DC 14 Energy Generation and Efficiency DC 16 Design
5.	<b>Consultations</b>	
5.1	Breckland District Council Planning	: "No objections are raised."
5.2	Environmental Health Officer	: No comment rec'd to date.
5.3	Snetterton Parish Council	: No comment rec'd to date.

- 5.4 Environment Agency : No comment rec'd to date.
- 5.6 Highway Authority : No objection.
- 5.7 NCC Arboriculturalist : No objection.
- 5.8 Local representations : No representations received.
- 5.9 County Councillor Mr. Stephen Askew : No comment rec'd to date.

## 6. **Assessment**

### **Site :**

- 6.1 The application site is adjacent to the existing Snetterton Household Waste Recycling Centre, located east of Heath Road, to the south of the A11. The unit would be sited behind a bund and accessed off the existing site access to the HWRC with the site area being 0.003 hectares.

The site is adjacent to "WAS 19" in the Site Specific Allocations DPD for its continued use and expansion.

### **Need**

- 6.4 The need is justified in terms of more sustainable drainage and increased highway safety. improved pollution protection measures in place on site and the safe and sustainable removal of leachate contaminants from the site.

### **Principle of Development**

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

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

- 6.6 In terms of the development plan, the County Planning Authority considers the relevant documents in relation to this application are the policies in the adopted NMWLDF: Core Strategy (2011), and the Greater Norwich Development Plan and the Broadland Local Plan Saved Policies.

### **National Planning Policy Framework (NPPF)**

- 6.7 DCLG published the National Planning Policy Framework (NPPF) on 27 March 2012. With the exception of PPS10: *Planning for Sustainable Waste Management*, every other Planning Policy Statement (PPS) and Planning Policy Guidance (PPG) has been replaced by the NPPF. The NPPF does not contain specific waste policies, as national waste planning policy will be published as part of the National Waste Management Plan for England. The NPPF is a material consideration in planning decisions.
- 6.8 The application is in respect of an existing closed landfill site. Whilst this is not a sustainable way to deal with waste the proposed will allow for the previously

disposed waste to be managed in a sustainable way and prevent contamination of groundwater.

### **General location of waste management facilities**

6.9 The NPPF sets out how planning should operate to encourage sustainable economic growth. The NMWLDF Core Strategy seeks to meet the needs of the economy for waste management facilities.

6.10 The proximity principle forms part of the NMWLDF Core Strategy, which, in policy CS5 seeks to locate “strategic” or “major” sites in the areas and settlements named. The application is in respect of an existing waste recycling centre.

Whilst not located immediately adjacent to the Thetford it is in close proximity to it and also close to transport links thus enabling it to serve a wider geographical area with ease.

6.11 The site is a closed landfill site lying to the south of the A11. There is no NCC Highways objection to the proposal. As such, the site is considered to be well related to the major road network, and as such from a supply chain point of view it is a suitable location that does not affect the integrity of the highway network, and is located away from sensitive receptors.

### **General waste management considerations**

6.12 Policy CS6 of the adopted NMWLDF Core Strategy (2011) states:

*“Waste sites...will be acceptable, provided they would not cause unacceptable environmental impacts, on the following types of land:*

*“a) land already in waste management use;...,”*

6.13 Given the current use of the site a closed landfill site, and that the site is covered by an Environmental Permit issued by the Environment Agency who raise no objections to the proposals the Planning Department have no concerns in terms of the environmental impact of the scheme.

### **Environmental Protection / Nature Conservation**

6.14 The NPPF sets out the Government's objectives for conservation and enhancement of the natural environment, including landscapes. The NPPF also recognises the weight of protection afforded to international, national and local conservation sites, individual species and the importance of conserving and enhancing biodiversity.

6.15 Policy CS14 of the adopted NMWLDF: Core Strategy (2011) states:

*“...developments must ensure that there are no unacceptable adverse impacts on, and ideally improvements to:*

*. Natural resources, including water, air and soil;*

*. The character and quality of the landscapes...*

*. Biodiversity..., including nationally and internationally designated sites and species, habitats and sites identified in Biodiversity...Action Plans;...*

*. Residential amenity...”.*

- 6.16 Although no comments have been received from the County Ecologist the very minor nature of the scheme and the sites divorced position from any protected ecological assets lead the Planning Department to conclude that the scheme will be acceptable in this respect.

Landscape

- 6.17 The site is not located in a sensitive landscape setting and as such no such designation covers the land. It is considered therefore that the development due to its scale and location will not have an unacceptable adverse impact on the landscape.

**Transport**

- 6.18 The NPPF sets out the Government's national planning policies in relation to transport.

- 6.19 Policy CS15 of the Adopted NMWLDF: Core Strategy states:

*"...The County Council will consider...waste development proposals to be satisfactory in terms of access where anticipated HGV movements...do not generate:*

*a) Unacceptable risks to the safety of road users and pedestrians;*

*b) Unacceptable impacts on the capacity and/or efficiency of the highway network (including the trunk road network);*

*c) Unacceptable impacts on air quality...and residential and rural amenity, including from odour and noise;*

*d) Unacceptable impacts on the natural and historic environment; and*

*e) Unacceptable physical impacts on the highway network..."*

- 6.20 Policy DM10 of the Adopted NMWLDF: Core Strategy requires that, applications for new waste development must examine the access and egress arrangements, routeing proposals and consideration of other road users, including cyclists, horse riders and pedestrians.

- 6.21 The Highway Authority has been consulted on this application and has raised no objection and the leachate tank will be emptied once a month by a 2800l tanker.

- 6.22 Taking into account the above, the proposal is considered compliant with the aims of NMWLDF: Core Strategy policies CS15 and DM10, and the government objectives of the NPPF.

**Groundwater and surface water**

- 6.23 Policy DM3 of the adopted NMWLDF CS requires applicants to demonstrate that proposed developments would not adversely impact upon groundwater quality or resources and surface water quality or resources.

- 6.24 The protection of surface and groundwater resources is paramount in the consideration of any waste development. The application is for a leachate tank to control leachate from the landfill and prevent groundwater pollution.

- 6.25 The site is subject to an Environmental Permit and as such this mode of control will form the basis of groundwater protection. It is important to note that in correspondence the Environment Agency has no objections.

## 7. **Resource Implications**

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

## 8. **Other Implications**

### 8.1 **Human rights**

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

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

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

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

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

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

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

- 8.9 **Health and Safety Implications:** There are no health and safety implications from a planning perspective.
- 8.10 **Any other implications:** Officers have considered all the implications which members should be aware of. Apart from those listed in the report (above), there are no other implications to take into account.
- 8.11 The application site lies within approximately 200 meters from the Eccles Wood County Wildlife Site and 3 km of the Norfolk Valley Fens Special Area of Conservation which forms a European Habitat. The County Council consider in accordance with Article 48 of the Habitat Regulations that the development will not have a significant impact on this habitat and accordingly no Appropriate Assessment of the development is required.

## **9. Section 17 – Crime and Disorder Act**

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

## **10. Risk Implications/Assessment**

- 10.1 There are no risk issues from a planning perspective.
- 10.2 There is a threat from pollution but this will be controlled by the Environment Agency through the Permit Application process and the ongoing management of the site.

## **11. Conclusion and Reasons for Grant of Planning Permission**

- 11.1 The scheme is for a leachate tank to capture leachate from the closed landfill site. The application is considered to comply with the aims and objectives of National and Local Planning Policy as the scheme will have no unacceptable impacts upon visual and residential amenity, highway safety, or the ecology in the area.

## **12. Conditions**

- 12.1 It is recommended that planning permission shall be granted subject to conditions including:

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

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

- b) The development hereby permitted shall not take place except in accordance with the application form, plans, drawings and other documents and details submitted, as detailed below:



-Planning Statement, Site Layout - Site Section – Walling, Date: November 2012.

- Snetterton Closed Landfill Site, Scale 1;1250, Received 23.10.2013.

- Leachate tank elevations, Drawing description Initial Layout, Scal 1:50 received 23.10.13.

Planning Statement – Received 23.10.13.

## Recommendation

It is recommended that the Director of Environment, Transport and Development be authorised to :

- (i) Grant planning permission subject to the conditions outlined in Section 12 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 or at any other period; and
- (iii) Deal with any non-material amendments to the application that may be submitted.

## Background Papers

Application file reference: C/3/2013/5011

Norfolk Minerals and Waste LDF Core Strategy (2011)

Breckland Core Strategy and Development Control Policies (2009)

National Planning Policy Framework (2012)

Technical Guidance to the National Planning Policy Framework

Planning Policy Statement 10: Planning for Sustainable Waste Management

## Officer Contact

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

Name	Telephone Number	Email address
Simon Smith	01603 222 724	simon.smith2@norfolk.gov.uk



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