

Planning (Regulatory) Committee

Date: **Friday 26 July 2019**

Time: **11am**

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

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

Membership

Cllr C Foulger (Chairman)

Cllr S Askew

Cllr R Brame

Cllr M Castle

Cllr D Collis

Cllr D Douglas

Cllr B Iles

Cllr B Long

Cllr W Richmond

Cllr M Sands

Cllr E Seward

Cllr M Storey

Cllr T White

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

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

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

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

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

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

When the County Council have received letters of objection in respect of any application, these are summarised in the report. If you wish to read them in full, Members can do so either at the meeting itself or beforehand in the Community and Environmental Services Department, County Hall, Martineau Lane, Norwich.

A g e n d a

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

2. Minutes

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To confirm the minutes from the Planning (Regulatory) Committee meeting held on 6 June 2019

3. Declarations of Interest

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

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

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

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

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

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

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

5. C/1/2018/1016, Pinkney's Field, Breck Farm, Stody Estate, Melton Constable; C/1/2018/1017, Breck Farm Reservoir, Stody Estate, Melton Constable; and C/1/2018/1018, Breck Farm Reservoir, Stody Estate, Melton Constable

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Report by the Executive Director of Community and Environmental Services.

Report by the Executive Director of Community and Environmental Services.

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

Date Agenda Published:



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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 7 June
at 11am in the Edwards Room, County Hall**

Present:

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

Cllr Stephen Askew
Cllr Roy Brame
Cllr Mick Castle
Cllr D Douglas
Cllr Brian Iles

Cllr William Richmond
Cllr Eric Seward
Cllr Martin Storey
Cllr Tony White

Officers Present:

Neil Campbell
Ralph Cox
Nick Johnson
Jane Linley

Senior Planning Officer
Principal Planning Officer
Head of Planning
Team Lead (Planning & Environmental Law), nplaw

1 Apologies and Substitutions

Apologies were received from Cllr David Collis and Cllr Mike Sands

2 Minutes

- 2.1 The minutes from the Planning (Regulatory) Committee meeting held on 15 March 2019 were agreed as an accurate record and signed by the Chairman.

3 Declarations of Interest

- 3.1 Cllr Eric Seward declared a non-pecuniary interest about item 5, application C/1/2017/1010, as he was a North Walsham Resident and knew people who worked for Drury's. Cllr Seward's wife was a Member of the Town Council Committee who considered the original planning application; Cllr Seward clarified that he had no involvement in this application.
- 3.2 Cllr Stephen Askew declared a non-pecuniary interest in Item 6, application C/3/2018/3010, as his business had used the company in the past.

4 Urgent Business

There was no urgent business discussed.

Applications referred to the Committee for determination.

5 C/1/2017/1010: Cornish Way Business Park, Lyngate Ind Est, North Walsham, Norfolk, NR28 OFE

- 5.1.1 The Committee considered the application for inert waste storage and processing, lagoons, plant storage area and installation of a porta-cabin and to increase throughput from 20,000 tonnes per annum to 75,000 tonnes per annum.
- 5.1.2 The following proposed changes to the conditions to be attached to the permission should the application for permission be granted were presented:
- **Paragraph 13.8:** All plant and machinery shall only be operated at original ground level and not at an elevated position on bunds or stockpiles, with the exception of the front-end loader, feeding the processing plant which will be permitted to operate up to 2 metres above the original ground level. Reason: To protect the amenities of the surrounding area, in accordance with Policy DM12 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.
 - **Paragraph 13.9:** Within 60 days of the date of this permission the permanent bunding and the acoustic fencing as shown on Drwg No. 22209/004 Rev L, dated 19.04.19, 2209/020 Rev E, dated 25.06.2018 & 06 J7/01042 shall be constructed. Reason: To protect the amenities of neighbouring properties, in accordance with Policy DM12 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026
 - **Paragraph 13.15:** No waste material (both incoming and processed stock) stored on site shall exceed 4 metres above original ground level. Reason: To protect the amenities of the surrounding area, in accordance with Policy DM12 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.
- 5.1.3 The Senior Planner gave background to the application and presented photographs of the site:
- Two late representations had been received. One objection from a local resident had been received on the grounds of amenity on the basis of noise, hours of opening, Saturday working, and highways impact on Lyngate Road; and a letter of support had been received from a neighbouring business who said they had not experienced noise or dust issues from the business and thought operations on the site were appropriate
 - The nearest local residents lived approximately 200m away
 - The application was part retrospective; part of the site had an allocation for an unspecified employment use from North Norfolk District Council since 2011; part of the site had also been allocated for a waste use, for composting and anaerobic digestion in the Norfolk Minerals and Waste Development Framework 2013
 - The environmental permit for the site issued by the Environment Agency which regulated activities on site such as noise, pests and litter would need to be varied if the application was approved

- The landscaping officer had not raised concerns about extending the height of the perimeter bunding at the site and conditions were in place around removal of portacabins and changing the height of stockpiled material, which would be kept lower than the bund
- Proposals in the application to increase the height of the bunds and have lower level working would mitigate concerns raised by residents about noise; the noise impact assessment identified the jackhammer on the crusher would lead to unacceptable levels of noise and this had been removed from the application by the applicant.

5.1.4 Members asked questions about the presentation:

- Timescale for consultees to provide comments was queried; the Head of Planning confirmed that all parties were advised they had until 48 hours prior to the meeting to make representations and that it could not be guaranteed that information sent after this time would be considered
- The Team Lead (Planning & Environmental Law), nplaw advised that if a cut-off point was given to consultees before the report was finalised, to enable all consultee comments to be covered by the report, the Council may be in breach of the law because its decision may not take into consideration all the material considerations Cllr White felt it would be helpful for Members to see the late information contained in a written presentation immediately prior to the meeting
- Cllr Castle noted that there were few objectors to the application
- The Vice-Chairman asked about the new bund and whether new planting would be in addition to existing trees; it was confirmed that it would. The Vice-Chairman felt that retaining existing trees should be a condition of the planning permission (if granted) as they would provide effective noise screening.

5.2.1 Mr Stephen Hayward spoke in objection: Mr Hayward was a resident of Lyngate Road near to the proposed site. He felt that the planning application did not provide proportionate employment as it would create two new jobs in addition to the existing 24. Mr Hayward felt that Drury's had not operated within the existing planning permissions and operated outside controls put in place by previous planning permissions; he gave various examples, including the company: not repairing damage caused by a fire; operating in the open causing noise and dust; recycling tyres outside the area covered by the planning permission; not deploying appropriate dust control methods; storing scrap machinery, vehicles and portacabins; and operating outside their permitted hours and area. Mr Hayward also felt that the activities on the existing site impacted residents on Lyngate Road due to 'rat running' by lorries and noise of machinery.

5.2.2 Members asked questions of Mr Hayward:

- It was noted that no comments had been received from the District Council Planning Department but that the Environment Agency, Highways Authority, or other statutory bodies had responded; the Member asking the question to Mr Hayward also noted that 14 movements in and out of the site seemed a usual amount of movements for an industrial estate. Mr Hayward replied that residents living on Lyngate Road, and walkers using the area agreed with his objection. The Senior Planning Officer confirmed that one other resident objection had been received and that there had previously been monitoring issues at the site; the

purpose of the planning application was to in part to regularise the current activities on the site and mitigate issues related to the applicant operating outside of the permitted site and the noise issues which arose from this, and to support the applicant to regularise its activities

- The Head of Planning confirmed that the Environment Agency had raised no objections
- Cllr Eric Seward spoke as Member for North Walsham; he was familiar with the site; he asked Mr Hayward if he had ever carried out a monitoring exercise to record how many vehicles travelled on Lyngate Road each day. Mr Hayward acknowledged that the rat-running on the road was not caused by the Applicant but by the industrial estate as a whole. The Chairman clarified that making changes to access to roads was outside of the remit of the Committee.

5.3.1 Mr Alistair Wait spoke as the Applicant: Drury's is one of the largest employers in North Walsham with 67 employees on 3 units; the application to extend the site would require 2 additional members of staff; more staff would be employed as the team grew. The site was detailed in the 2013 waste minerals and waste development framework. The intention was to link it to the main waste services offered by the business. Mr Wait had invited neighbours to visit the site and voice their concerns; he had listened to their concerns and reviewed operations in line with this; for example reversing beepers had been changed to white noise style; dust blowing off site was now dampened down and swept 3 times a day; noise mitigation had been addressed through removing the jackhammer from operation, and including further noise mitigations in the planning application. Mr Wait discussed how work on the site on weekends and holidays was carried out by the land owner; Mr Wait had asked the landowner to be more compassionate to neighbours when working on his land at weekends.

5.3.2 Members asked questions of Mr Wait:

- It was suggested that local residents meet regularly with the Applicant to raise concerns, so they could be rectified
- A Member raised with Mr Wait that conditions of previous planning applications had not been adhered to, with regards to working outside of the site. Mr Wait replied that this related to the company importing soil ready to build the bunds as they thought the planning application process would conclude more quickly, and due to the impact of a fire on the site which had affected the running of the business
- Local Member, Cllr Eric Seward, noted that the application site was located on an industrial estate and there were other companies in the vicinity creating noise and dust and consultees had said that the application complied with planning policies related to noise and dust. The main issues raised by residents were related to vehicle access on Lyngate Road which was a single lane road; Cllr Seward felt a sign here would be helpful and would discuss this with the Highways Authority, however there was a wider issue related to access to the estate caused by the issue of low bridges in North Walsham. A new access, to avoid large vehicles using residential streets to access the site, would have to be considered as part of the Local Plan.

5.4 The Vice Chairman **PROPOSED**, seconded by Cllr Tony White, to include a condition to retain the existing tree line, and for extra planting to be in addition to existing trees.

- 5.5.1 The Committee **RESOLVED** that the Executive Director of Community and Environmental Services be **AUTHORISED** to:
- I. Grant planning permission subject to the conditions outlined in section 13 of the report as amended by paragraph 5.1.2 of these minutes and a further condition to ensure retention of the tree line and extra tree planting.
 - II. Discharge conditions where those detailed above require the submission and implementation of a scheme, or further details, either before development commences, or within a specified date of planning permission being granted.
 - III. Delegate powers to officers to deal with any non-material amendments to the application that may be submitted.

6 C/3/2018/3010: Walnut Tree Farm, Silver Street, Besthorpe, Norfolk, NR17 2LF

- 6.1.1 The Committee considered the application to extend the existing waste transfer station, provision of processing plant, infrastructure improvements and associated works (part retrospective); Change of use of agricultural land so as to provide screen bunding; Demolition of existing waste recycling building and erection of new waste recycling building; reconfiguration of bunding and landscaping; increased waste throughputs; extended hours of operation; off-site highway improvements
- 6.1.2 One update to the report as published was that an additional condition was proposed by officers requiring the reprofiling of the landscaping bunds to be undertaken within 6 months of the date of the permission, with all surplus waste and redundant plant and machinery removed.
- 6.1.3 In addition, two amendments to the proposed conditions had also been requested by the applicant:
- **Paragraph 13.3:** allow 9 months to implement the scheme of highway works once they are approved rather than 9 months from the date of the permission;
 - **Paragraph 13.13:** to allow 4 metre stockpiles of waste in line with restrictions imposed on skip storage
 - Officers were confident that these changes could be implemented without significant or unacceptable impacts.
 - Since publication of the report, one further representation had been received from the public. The resident had raised concerns relating to the suitability of the highway network with reference to the narrow carriageways, and the speed restrictions in place given the speed some heavy vehicles travel along it.
- 6.1.4 The Principal Planning Officer gave background to the application and presented photographs of the site:
- The application was not in accordance with the Norfolk Minerals and Waste plan and was a departure from the development plan
 - The nearest residential properties were located adjacent to this site access
 - The proposal included a new building - PV panels would be required to be mounted to its roof prior to its first use in accordance with condition 13.5
 - Bunds would be reprofiled and fully seeded
 - Photos of the site and access to the site were shown

- Historic England did not raise any issues about the application
 - Offsite highway improvements had been requested by the Highway Authority which were required to be in place before an increase in throughput on the site could occur
 - The material considerations that indicated planning permission should be granted included that the intrusion onto greenfield land was not significant and would provide additional landscape screening, and;
 - Changes to the site would create 7 further full-time jobs
- 6.1.5 A Member asked whether any residents had raised objections; the Principal Planning Officer confirmed that the residents of the semi-detached cottages adjacent to the site had not raised objections.
- 6.2.1 Mr Stephen Daw spoke as planning agent for Baldwin Skip Hire Ltd: the application would provide greater sustainability for the applicant through expansion of the area, less cramped and improved working environments, increased throughputs and greater degree of mechanisation. The application would provide increased rates of recycling and diverting waste from landfill and better environmental controls. Open boundaries would be enclosed by bunding and screening to increase amenity for residents. Mr Daw appreciated the alterations to the proposed conditions presented during the meeting.
- 6.2.1 Cllr Tony White asked Mr Daw about mitigations for the noise caused by chains; Mr Daw had discussion mitigations with the environmental health officer and chains would be secured and strapped down; Cllr White suggested chain covers could provide further mitigation.
- 6.3 Cllr Danny Douglas left the room for part of the discussion, and therefore did not vote on this item
- 6.4 The Committee **RESOLVED** that the Executive Director of Community and Environmental Services be **AUTHORISED** to:
- I. Grant planning permission subject to the conditions outlined in section 13 as amended by paragraph 6.1.2 of these minutes.
 - II. Discharge conditions where those detailed above require the submission and implementation of a scheme, or further details, either before development commences, or within a specified date of planning permission being granted.
 - III. Delegate powers to officers to deal with any non-material amendments to the application that may be submitted.

7. Any Other Business

- 7.1 Enforcement of conditions leading to retrospective applications was raised as a concern. The Head of Planning suggested a training session on retrospective applications would be helpful for Committee members. The Team Lead (Planning & Environmental Law), nplaw clarified that before enforcement action could be taken Members must consider if it was expedient to take enforcement action; if works to address the issues were likely to get planning permission then it would be unlikely to be expedient to take enforcement action. She clarified that retrospective

planning applications being received showed that officers were proactively identifying noncompliance with conditions and were identifying actions to address the issues.

The meeting ended at 12.15

Chairman



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Planning (Regulatory) Committee

Item No. 5

Report title:	C/1/2018/1016 – Pinkney’s Field, Breck Farm, Stody Estate, Melton Constable; C/1/2018/1017 – Breck Farm Reservoir, Stody Estate, Melton Constable; and, C/1/2018/1018 – Breck Farm Reservoir, Stody Estate, Melton Constable
Date of meeting:	26 July 2019
Responsible Chief Officer:	Tom McCabe, Executive Director of Community and Environmental Services
Proposal and Applicant:	
<ol style="list-style-type: none"> 1. Excavation and processing of minerals (on adjoining area) arising from the construction of a second (relocated) agricultural reservoir (G C & F C Knight Ltd); 2. Variation of Conditions No. 1 (Details of Development), Condition No. 3 (Timescale) and Condition No. 24 (Importation of Material) of Planning Permission C/1/2016/1022 (G C & F C Knight Ltd); and, 3. Variation of Condition 3 (Timescale) of Planning Permission C/1/2016/1020 (G C & F C Knight Ltd) 	

Executive summary

This report relates to three interrelated planning applications that seek to facilitate the construction of a new agricultural reservoir with excavation and processing of the extracted minerals, at Breck Farm on the Stody Estate. The applications amend the previously consented scheme by replacing and relocating one of two agricultural reservoirs originally approved by this Committee in October 2010, into the adjacent field.

Of the two consented reservoirs, the more northerly or northern reservoir, which is located to the west of the main current application site at Pinkney’s Field, is due to be completed in 2019. The mineral extracted from the excavation of the reservoir has been processed on the adjacent land to the south east where the second or “southern reservoir” was due to be constructed.

The excavated material is used to produce construction aggregates (sand and gravel). As the project has progressed, it has become apparent that there is much greater variation in the quality of the excavated material than had originally been anticipated. As a result, changes to the scheme are required and it has become necessary to relocate the second, southern reservoir, into Pinkney’s Field.

The three applications are accompanied by a single Environmental Statement (and an Addendum), which relates to the development for which all three applications have been submitted, and in accordance with the council’s constitution, the applications are being reported for determination by this Committee because they are EIA development.

There have been no objections from the three Parish Councils, whose areas the three application sites straddle, these being Briston, Stody and Edgefield. There have also been no third-party representations or objections, and the applications are considered to be in accordance with the development plan and national planning policy.

Recommendation:

It is recommended that the Executive Director of Community and Environmental Services be authorised to:

- I. Approve all three applications and grant Planning Permission for each subject to the conditions set out in section 13.**
- II. Discharge conditions where the permissions detailed above requires 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 applications that may be submitted.**

1. The Proposal

- | | | | |
|------|---|---|---|
| 1.1 | Type of development | : | Extraction of Sand and Gravel |
| 1.2 | Site / extraction area | : | 10.9 hectares + 20.0 hectares |
| 1.3 | Total tonnage | : | 880,000 tonnes (of which approximately 250,000 tonnes has already been extracted) |
| 1.4 | Annual tonnage | : | 110,000 tonnes |
| 1.5 | Market served | : | North Norwich and North East Norfolk |
| 1.6 | Duration | : | 8/9 Years |
| 1.7 | Hours of working / operation | : | 07.00-18.00 Monday to Friday (with no mineral processing before 07.30) & 08.00 to 13.00 Saturday and no working on Sundays or Bank Holidays |
| 1.8 | Vehicle movements and numbers | : | 20 x 20/27 tonne loads out per day |
| 1.9 | Access | : | Existing access to the B1354 to the east of Briston. |
| 1.10 | Restoration and after-use | : | Agricultural Reservoirs with surrounding areas restored to agricultural grassland and acid grassland for conservation. |
| 1.11 | As summarised above the three applications, seek to amend the previously consented scheme to construct two agricultural reservoirs, including the excavation and processing of the extracted minerals, at Breck Farm on the Stody Estate. | | |

- 1.12 The background to the current applications is that Planning Permission Ref. C/1/2010/1004) was approved on 25 October 2010 for the processing and removal of surplus sand and gravel and soils arising from the construction of two linked agricultural reservoirs on land at Breck Farm.
- 1.13 Of these reservoirs, the northern reservoir, located to the west of the main current application site at Pinkney's Field is nearing completion and is due to be finished in 2019. The mineral extracted from the excavation of the reservoir has been processed on the adjacent land to the south east where the second or southern reservoir was due to be constructed.
- 1.14 The excavated material is used to produce construction aggregates (sand and gravel) that is exported from the site via an internal access road on to the B1354, east of Briston. Traffic routeing requires the majority of the lorries to turn left (east) on exiting, thereby avoiding Briston village and Melton Constable.
- 1.15 As the project has progressed, it has become apparent that changes to the scheme are required necessitating the relocation of the second, southern reservoir into Pinkney's Field which is adjacent, and to the east, of the nearly completed northern reservoir. The reason for this is a consequence of finding a much greater variation in the quality of the excavated material than had originally been anticipated.
- 1.16 The current applications state that this has impacted on the materials balance in terms of how much can and cannot be processed, the latter being a greater proportion than was originally envisaged. Additional field evaluation has been undertaken in the remaining part of the originally permitted area, i.e. the area where the southern reservoir was to be constructed, and where the processing plant is currently located, as well as in Pinkney's Field. Because of this further information (and the experience of difficulties encountered during the excavation of the northern reservoir) the project has had to be re-designed with the second reservoir relocated into Pinkney's Field.
- 1.17 Excavation of the area of the original southern reservoir site is still required as the revised design has to accommodate an increased amount of waste material. It is therefore still proposed that the excavation and extraction of the mineral is undertaken, so that this can be processed leaving a void into which the additional waste can be placed enabling the southern area to be restored to agricultural use. This will result in an increase in the total amount of processed mineral from approximately 750,000 tonnes to 880,000 tonnes.
- 1.18 Accordingly, three applications have been submitted to facilitate this change in the design of the project.
- 1.19 The first application (Application 1 – Ref. C/1/2018/1016) is for the substantive excavation and processing of the mineral arising from the construction of the second, relocated, agricultural reservoir in Pinkney's Field. The excavated material from Pinkney's Field will be taken to the existing processing plant located in the southern area, as well as being used in its restoration. To enable this a second, Section 73 application, has been submitted to vary Planning Permission C/1/2016/1022 for the retention of the processing plant

(Application 2 – C/1/2018/1017) and in particular, variation of Condition No. 1 relating to the details of the development, Condition No. 3. which sets the end date for extraction and restoration and, Condition No. 24 relating to importation of material. A third Section 73 application is required to amend Condition No. 3 of Planning Permission Ref. C/1/2016/1020 also amending the end date on that consent.

- 1.20 The first application (Application 1 – Ref. C/1/2018/1016) states that the principle of creating two linked agricultural reservoirs has not changed, with the amendment addressing the location of the second reservoir being located immediately to the north east of the area originally proposed.
- 1.21 The application states that the development of the reservoir will be undertaken in two stages; the first stage being to excavate the reservoir void, with the mineral extraction operation taking place over several years, the timescale for which being dependent on the market demand for the mineral; the second stage will involve the engineering of the reservoir void to ensure stability and to create the final 'internal' shape suitable for the installation of a waterproof liner. The engineering works will take place in stages as the excavation progresses across the site. The installation of the liner will take place during the final stage of works, with the disturbed area being restored to grassland around the reservoir banks.
- 1.22 Initial site preparation will involve the removal and storage of the existing topsoil and subsoil. The stripped soils will be separately and progressively stored in perimeter bunds close to where it has been stripped. These stored soils will be used to restore the existing southern area as well as the soil storage areas in Pinkney's Field. It is anticipated that there will be an excess of topsoil from Pinkney's Field. Some of this surplus will be used in the landscaping of the reservoir, and some will be used in the southern area to ensure a full thickness of topsoil once this is restored. If there is any remaining surplus, it will be used elsewhere on the farm.
- 1.23 Excavation will continue as it has been undertaken on the northern reservoir, by using hydraulic excavators which load material into articulated dump trucks to transport it to stockpiles adjacent to the plant and operations area, located in the southern area. This method allows selective excavation so that the unsuitable material does not get mixed with the usable material.
- 1.24 A revised phasing programme has accordingly been prepared with excavation alternating between the southern area and Pinkney's Field as the reservoir void is created. In addition, there will be an ongoing need to safely manage a significant amount of silt from the processing plant. The relocated reservoir design requires a total void capacity of 310,000 cubic metres. This will be achieved by creating an embankment on the north side of the reservoir to create the required depth. Based on the experience to date, it is anticipated that there will be wastage rate of approximately 27%, resulting in 84,000 cubic metres of material that would be used to restore the southern area of the existing site (i.e. the formerly proposed location of the southern reservoir).

- 1.25 The proposed depth of extraction will be down to 50m AoD compared with an existing ground level across the area of the reservoir of about 58-66m AoD. The natural level of the groundwater has been identified as being below this, so that the base of the excavation will be 'dry'. The only water visible within the adjacent existing northern reservoir excavation is very short-term ponding as a result of rainfall, which very quickly drains into the underlying strata.
- 1.26 The trees and hedges that border the site will be protected by a 10 metre undisturbed margin. This undisturbed margin will ensure that there is no encroachment into the Root Protection Zones of the adjacent trees.
- 1.27 Whilst the exact timescale for the development will be dependent upon the requirements of the construction market, it is anticipated that the removal of the mineral, which is being processed by Frimstone, will require up to eight years, based on current output levels. Should the market weaken then the timescale may be extended to nine years. The application has been submitted on the basis of an eight-year period for extraction, with the final construction of the reservoir being completed by 31 December 2026. This represents a 4-year extension beyond the permitted timescale in the existing consent, which has an end date of 25 October 2022. It is intended that progress will be reviewed mid-way through this period to determine whether any extension of time will be required.
- 1.28 The excavated material will be taken by articulated dump truck to the southern area. A temporary internal haul road will be established linking the active excavation phase in Pinkney's Field to the southern area. This road will utilise an existing gap in the boundary hedge between Pinkney's Field and the southern area, which may need to be widened. As all of the excavated material will be delivered to the southern area for stockpiling, processing or use in restoration, the development of Pinkney's Field reservoir will not directly generate any road traffic.
- 1.29 Restoration of the Pinkney's Field reservoir will utilise part of the stored soils, to return the re-shaped reservoir margins to grassland. The area used for temporary soil storage to the east of the reservoir will be de-compacted and topsoils replaced and the area returned to agricultural grassland. Any surplus soils will be used in the restoration of the southern area or to supplement soil thicknesses elsewhere on the Estate. All bunds/stockpiles of soil or other material will be removed, and the land reinstated by the completion of the works.
- 1.30 On completion of the restoration works, the area of the Pinkney's Field reservoir and adjacent land to the east will be subject to an aftercare scheme. For the reservoir and surrounding grassland, the aftercare will seek to establish acidic grassland suitable for a range of species (amphibians, reptiles, ground nesting birds and invertebrates). The seed mix will be sown at a recommended density, with any 'bare' patches being re-sown as required. Weed control will be by sprayed and/or mechanical means at least twice in Year 1 and then annually as required. The grass will be cut once in the first year and thereafter left unmanaged and/or cut occasionally.

- 1.31 For the area that is to be restored to agriculture to the east of the Pinkney's Field reservoir, the aftercare objective will be to establish the area as suitable for arable cropping (or be used as part of an environmental scheme). The area will be inspected for any compaction and if required, will be broken up by mechanical methods (subsoiling, excavation and re-spreading etc.). Soil samples will be taken and analyzed with the surface being cultivated and fertiliser/nutrients applied as required, and then the area sown to either grass or arable if appropriate. If sown to grass, appropriate weed control will be implemented.
- 1.32 The formal aftercare period will be for 5 years with meetings with the Minerals Planning Authority as requested. After the 5-year period the grassland areas will continue to be managed by the Stody Estate with the farmland being consolidated into its cropping rotation.
- 1.33 It is proposed that the existing hours of working will continue to apply, i.e. 07.00 – 18.00 hours Monday to Friday and 08.00 - 1300 hours on Saturdays with no working on Sundays or Public Holidays except in emergencies.
- 1.34 The second application, Application 2, Ref. C/1/2018/1017 seeks to vary Condition Nos. 1, 3 and 24 of Planning Permissions Ref. C/1/2016/1022 which is the principal permission for the construction of the already approved northern and southern reservoirs.
- 1.35 Condition No. 1 identifies the approved details of the consents comprising the drawings and supporting documents including those carried over from the preceding planning permissions. It needs to be varied to refer to the documents submitted with the current application, the amended construction plan and the updated restoration and landscaping proposals;
- 1.36 Condition No. 3 states that the extraction operations shall cease by 25 October 2022 and that all buildings etc shall be removed and all planting completed. This needs to be amended to extend the completion date to 31 December 2026; and
- 1.37 Condition No. 24 states that no waste or other material shall be brought onto or deposited on the site and that no mineral shall be imported into the site for processing or sale. This needs to be amended to allow the import of material from Pinkney's Field for processing and restoration of the southern area.
- 1.38 In relation to the amended scheme, the application identifies that the site has the benefit of permission for extraction and processing of the material excavated in the construction of the agricultural reservoirs. This principle does not change other than now including the excavated material from the relocated second reservoir in Pinkney's Field. No changes to the processing plant, the access road, the levels of throughput or traffic movements are proposed. Excavation will still take place in the southern area, but this is now to be restored to agriculture, with the need to relocate the second reservoir to Pinkney's Field changing the quantities of material that need to be handled to

achieve an acceptable materials balance, resulting in the revised restoration design.

- 1.39 Soil stripping and exaction operations would be the same as the existing approved operations and the hours of operation would also be the same. In overall terms there would, as set out above, be an overall increase in the tonnage of saleable mineral from approximately 750,000 tonnes to 880,000 tonnes.
- 1.40 The revised phasing programme would apply, which as detailed above would involve excavation alternating between the southern area and Pinkney's Field as the Pinkney's Field reservoir void is excavated.
- 1.41 The processing plant and associated stockpiling area is already located in the southern area. This will be retained for the full period of the operations and will be removed once all the usable material has been processed and exported from the site. The existing permission includes the excavation of minerals within, and under the majority of this area.
- 1.42 Once all the excavated material has been processed there would be no continued need for the plant, and it will be removed from the site along with all ancillary infrastructure and buildings etc.
- 1.43 There are no changes proposed to the existing purpose-built access on to the B1354, with virtually all of the traffic continuing to turn left on leaving. Any traffic turning right will be to supply the local market only, as is currently consented, with the number of movements controlled by the existing s.106 agreement. It is proposed that this would now be achieved through a Lorry Management Plan and regulated through the conditions attached to Planning Permissions arising from Application 1 and Application 2, if approved.
- 1.44 The level of extraction in the southern area would be reduced to create a void of 141,000cu.m to accommodate the amount of waste material that will be produced, comprising the remaining waste from the extraction of the northern reservoir, Pinkney's Field and that from the extraction of the southern area itself.
- 1.45 The water from the processing plant will be recirculated through the existing settlement ponds located to the west of the plant area. These are regularly cleared of silt, which is returned to the excavated area as part of the restoration. This will continue. The processing plant incorporates a silt thickener which helps to reduce water loss in the process. There is a water loss through the stockpiles (c. 5% - 8%) which is made up through an abstraction license.
- 1.46 There is also, a small amount of water used for dust management by regular dampening of the internal road and operating areas.
- 1.47 In terms of restoration, the area of the original southern reservoir will be fully reinstated close to the original ground level using the excavated waste

material and silt. This area, which includes the plant and operations area will have the material in the southern bund re-spread across the reclaimed surface to create an evenly graded field which gently slopes to a natural low point on its west side. The subsoil and topsoil will be replaced to return the area to agricultural use.

- 1.48 The objective of the aftercare scheme will be to establish the area as suitable for arable cropping (or to be used as part of an environmental scheme). The area will be inspected for any compaction and if required will be broken up by mechanical methods (subsoiling, excavation and re-spreading etc.). Soil samples will be taken and analysed, with the surface being cultivated and fertiliser/nutrients applied as required. These will then be sown to either grass or arable cultivated if appropriate. If sown to grass appropriate weed control will be implemented. The silt and water management area will be restored to acid grassland for conservation.
- 1.49 As detailed above, the formal aftercare period will be for 5 years with meetings with the Mineral Planning Authority as requested. After the 5-year period the grassland areas will continue to be managed by the Stody Estate with the farmland consolidated into its cropping rotation.
- 1.50 The third application seeks to vary Planning Permission Ref. C/1/2016/1020, which granted approval for the revised details of the processing plant complex, the site office and an extension to the southern screening bund. The application seeks to vary Condition No. 3 by extending the end date of the permission to 31 December 2026, so that the processing plant, site office and bund extension can be retained beyond on the currently consented end date of 25 October 2022, to allow processing to continue to end of the additional period of time required to complete the amended schemes for which Application 1 and Application 2 have been submitted.

2. Site

- 2.1 The Site includes the area of Application 1 – Ref. C/1/2018/1016, comprising the western side of Pinkney’s Field, and the area of Applications 2 (Ref. C/1/2018/1017) and 3 (Ref. C/1/2018/1018), which is the area covered by the two existing permissions (Planning Permission Refs. C/1/2016/1020 and C/1/2016/1022) including the area of the nearly completed northern reservoir, the southern area, including the processing plant, the silt and water management ponds, and the access to the site from the B1354 to the east of Briston.
- 2.2 The main part of the extraction site is located just over 1km north east of the edge of Briston, although the main access off the B1354 is located only 60m east of the edge of the village and is shared with the access into Lawn Farm.
- 2.3 The area of Application 1, covering Pinkney’s Field, extends to 10.9 hectares and is the western half of a large open arable field that lies to the east of the existing northern reservoir construction site. The field slopes

gently down in a westerly/north westerly direction with a very shallow valley in the centre of the site.

- 2.4 The southern boundary comprises a mixed thorn hedge approximately 2.0 - 4.0 metres in height with a 10.0 metre wide gap used by farm vehicles. There is one tree close to the western end of this.
- 2.5 Along the western boundary, the southern two-thirds is marked by a further hedge which stops approximately 160 metres short of the northern boundary. Pinkney's Lane runs parallel to this boundary and comprises an unmade farm track that is not a Public Right of Way. Beyond Pinkney's Lane to the west is the northern reservoir.
- 2.6 To the north of the site there is an area of commercial woodland on land that slopes with increasing steepness to the north. There are deciduous trees along the edge of the wood adjacent to Pinkney's Field. Further east along this northern boundary there is a field boundary hedge.
- 2.7 The eastern boundary is unmarked, being within the arable field, and so is open.
- 2.8 The area of Applications 2 and 3, which lies to the immediate west and south west of Pinkney's Field, extends to approximately 20.0 hectares.
- 2.9 The site is currently an active construction site very similar in appearance to a sand and gravel quarry due to the nature of the development. The northern reservoir is fully excavated in preparation for the HDPE liner being installed. There are some temporary soil bunds around the perimeter which will be utilised in the final restoration and landscaping works.
- 2.10 The mineral processing plant and associated stockpiles of materials are located in the southern part of the site. To the immediate west of the plant complex is a triangular area containing the silt and water management ponds. The plant/operating area is screened by a 3-5 metre high grassed bund along its southern boundary. Access is via the B1354 shared entrance with Lawn Farm to the south of the reservoir site. The internal road is hidden within a woodland plantation before crossing Edgefield Road to reach the site.
- 2.11 The central part of the southern area north of the plant complex is currently undisturbed agricultural land as is Pinkney's Field which lies to the east of the existing consented site. No rights of way cross the application site.
- 2.12 The closest residential properties to the proposed extraction area of the relocated reservoir are Breck Farm 610m south west of the western boundary of Pinkney's Field, although this is part of the Stody Estate, the properties at Mount Farm and the Mount 710-875m north east of Pinkney's Field, on the Hunworth Road, between Hunworth and Edgefield, and the Mill House which is an isolated dwelling on the Hunworth Road, 800m east of the eastern boundary of Pinkney's Field. The nearest occupied houses in Briston lie approximately 70m west of the access on to the B1354 along West End and

the Norwich Road, and there is also a property at the Lawn 100m west of the access track adjacent to Lawn Farm, to the south of the Edgefield Road, approximately 270m north east of Briston.

- 2.13 The location of the new relocated reservoir works will not be readily visible within the surrounding area due to the local landform, topography and the blocks of woodland and hedgerows. The top of the chimney at the Mill House and the upper part of the tower of the redundant church at Mount Farm is visible from Pinkney's Field, but otherwise there are no other visible properties.
- 2.14 The site straddles the boundaries of three Parishes, Briston, Stody and Edgefield.

3. Constraints

- 3.1 The following constraints apply to the application site:
- The site is located approximated 2.6km south of the Holt Lowes Site of Special Scientific Interest (SSSI) and the Norfolk Valley Fens Special Area of Conservation (SAC);
 - There are a number of Listed Buildings in the surrounding area of which the nearest are the remains of former Parish Church of St Peter and St Paul adjacent to Mount Farm, approximately 800m north east of Pinkney's Field which is Grade II* listed and the Mount, approximately 875m north east of Pinkney's Field, which is Grade II listed;
 - Most of the site, including the consented northern reservoir, the plant area and Pinkney's Field are located within the Glaven Valley Conservation Area; and
 - Part of the site is located within the area of a facility, south of the Edgefield Road at Lawn Farm, notified as a Lower Tier establishment under The Control of Major Accident Hazards Regulations 2015 (COMAH).

4. Planning History

- 4.1 The planning history relating to the existing consented reservoir scheme extends back to 2008 and the submission of Planning Application Ref. C/1/2008/1014, which was refused consent. There was then a subsequent resubmission application Ref. C/1/2010/1004 that was approved in December 2009, and which has been subject to a number of subsequent s.73 applications to vary the original permission. There was also an additional application in 2016 to install the upgraded plant, an additional office and extend the screening mound in southern extraction area. The full application history is as follows:
- 4.2 Planning Application C/1/2008/1014 was the original application for the two reservoirs, which was refused consent on 1 December 2009, because it was considered that the adverse impacts on amenity from the traffic movements associated with the development, outweighed the environmental benefits.

- 4.3 The application for Planning Permission Ref. C/1/2010/1004 was a subsequent resubmission application for the processing and removal of surplus sand and gravel and soils arising from the construction of two linked agricultural reservoirs, (following the refusal of Planning Application Ref. C/1/2008/1014 in December 2009) to include reduced lorry movements and traffic routing restrictions westwards. The application was approved on 25 October 2010.
- 4.4 Condition No. 2 of Planning Permission Ref. C/1/2010/1004 was then varied by Planning Permission Ref. C/1/2012/1002, to allow for the importation of hardcore for the construction of the access track and for the retrospective removal or coppice of an additional 146 trees. Planning Permission Ref. C/1/2012/1002 was approved on the 13 August 2012.
- 4.5 Planning Permission Ref. C/1/2012/1002 was in turn subsequently varied by Planning Permission Ref. C/1/2014/1006 to enable the relocation and change in specification of the processing plant, which was approved on the 2 September 2014.
- 4.6 The currently consented position is the result of Planning Permission Ref. C/1/2016/1020 and Planning Permission Ref. C/1/2016/1022.
- 4.7 Planning Permission Ref. C/1/2016/1020 was a retrospective application for the installation of upgraded sand & gravel processing plant, an additional site office, and an extension of the screening mound in southern area. Condition No. 3 requires the removal of the additional plant, cabin and screen mound from the site by 25 October 2022.
- 4.8 The application was retrospective and was submitted to regularize what was prior to the consent, unauthorized development. The upgraded processing plant provided increased processing capacity to adequately cope with the quantity and quality of material being processed and the production of a wider range of products. It also included a silt thickener unit and flocculent system to improve the efficiency of silt removal and help with the silt drying process, which assists in site restoration. The application was in part required because under Condition No. 14 of Planning Permission Ref. C/1/2014/1006, permitted development rights for the installation of any new buildings, plant and machinery or structures on the site were withdrawn.
- 4.9 Planning Permission Ref. C/1/2016/1022 was (also) for the retrospective variation of Condition Nos. 1 and 4 of Planning Permission Ref. C/1/2014/1006 to permit temporary silt storage above original ground levels in the northern reservoir area, and the extension of the start time and hours for operation to 07.00 to 18.00 Monday to Friday and 08.00 -13.00 on Saturdays with no processing permitted before 07.30 Monday to Friday. This was approved on 27 April 2017 and is currently the main operational consent for the existing approved scheme for the two reservoirs.
- 4.10 Condition No. 1 of Planning Permission Ref. C/1/2016/1022 identifies the approved details of the consents comprising the approved drawings and

supporting documents. These include those carried over from the preceding Planning Permissions; Condition No. 3 states that the extraction operations shall cease by 25 October 2022 and that all buildings etc shall be removed and all planting completed; and, Condition No. 24 states that no waste or other material shall be brought onto or deposited on the site and no mineral. shall-be imported into the site for processing or sale.

5. Planning Policy

Development Plan Policy

5.1 Norfolk Minerals and Waste Development Framework (NM&WDF) Core Strategy and Minerals and Waste Development Management Policies Development Plan Document 2010-2026 (2011)

- Policy CS1 - Minerals extraction
- Policy CS2 - General locations for mineral extraction and associated facilities
- Policy CS14 - Environmental protection
- Policy CS15 - Transport
- Policy DM1 - Nature conservation
- Policy DM3 - Groundwater and surface water
- Policy DM4 - Flood risk
- Policy DM5 - Borrow pits and agricultural or potable water reservoirs
- Policy DM8 - Design, local landscape and townscape character
- Policy DM9 - Archaeological sites
- Policy DM10 - Transport
- Policy DM11 - Sustainable construction and operations
- Policy DM12 - Amenity
- Policy DM13 - Air quality
- Policy DM14 - Progressive working, restoration and after-use
- Policy DM15 - Cumulative impacts
- Policy DM16 - Soils

5.2 Norfolk Minerals and Waste Development Framework Mineral Site Specific Allocations Development Plan Document (Adopted October 2013, amendments adopted December 2017)

- Policy SD1 - The Presumption in Favour of Sustainable Development

5.3 North Norfolk Local Development Framework Core Strategy Incorporating Development Control Policies (September 2008)

- Policy SS2 - Development in the Countryside
- Policy SS4 - Environment
- Policy SS5 - Economy
- Policy SS6 - Access and Infrastructure
- Policy EN2 - Protection and Enhancement of Landscape and Settlement Character

- Policy EN8 - Protecting and Enhancing the Historic Environment
- Policy EN9 - Biodiversity & Geology
- Policy EN10 - Development and Flood Risk
- Policy EN13 - Pollution and Hazard Prevention and Minimisation
- Policy EC1 - Farm Diversification
- Policy EC3 - Extensions to Existing Businesses in the Countryside

5.4 **Adopted Neighbourhood Plan**

As set out above the site straddles the boundaries of three Parishes, Edgefield, Stody and Briston, none of which have applied to designate a Neighbourhood Area so that there are currently no Adopted Neighbourhood Plans in any of the three Parishes.

Emerging Development Plan Policy

Norfolk Minerals and Waste Local Plan (NM&WLP) Initial Consultation (May 2018)

- Policy MW1 - Presumption in favour of Sustainable Development
- Policy MW2 - Development Management Criteria
- Policy MW3 - Transport
- Policy MW4 - Climate change adaption and mitigation
- Policy MW6 - Agricultural soils
- Policy MP1 - Minerals extraction
- Policy MP2 - Spatial strategy for minerals extraction
- Policy MP4 - Agricultural or potable water reservoirs
- Policy MP6 - Cumulative impacts and phasing of workings
- Policy MP7 - Progressive working, restoration and after-use
- Policy MP8 - Aftercare
- Policy MIN 207 - Land at Pinkney Field, Briston

North Norfolk Local Plan 2016-2036 First Draft Local Plan Part 1 (May 2019)

- Policy SD 1 - Presumption in Favour of Sustainable Development
- Policy SD 4 - Development in the Countryside
- Policy SD 10 - Flood Risk & Surface Water Drainage
- Policy SD 13 - Pollution & Hazard Prevention and Minimisation
- Policy SD 14 - Transport Impact of New Development
- Policy ENV 2 - Protection & Enhancement of Landscape & Settlement Character
- Policy ENV 4 - Biodiversity & Geology
- Policy ENV 6 - Trees & Hedgerows
- Policy ENV 8 - Public Rights of Way
- Policy ENV 10 - Protection of Amenity
- Policy ENV 11 - Protecting and Enhancing the Historic Environment

5.5 The National Planning Policy Framework (2019)

- Chapter 2 - Achieving sustainable development
- Chapter 6 - Building a strong competitive economy
- Chapter 14 - Meeting the challenge of climate change, flooding and coastal change
- Chapter 15 - Conserving and enhancing the natural environment
- Chapter 16 - Conserving and enhancing the historic environment
- Chapter 17 - Facilitating the sustainable use of minerals

6. Consultations

Application Ref. C/1/2018/1016

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| 6.1 | North Norfolk District Council | : | <p>Advise that the Council's Landscape Officer raises no objection subject to the submission of a revised landscaping plan for the planting around the new reservoir to maintain landscape amenity.</p> <p>Subject to the comments of the Environmental Protection Officer (see below) and Landscape Officer being taken into account, North Norfolk District Council has no objection to the application.</p> |
| 6.2 | Edgefield Parish Council | : | No response received. |
| 6.3 | Stody Parish Council | : | Stody Parish Council has no objection to the application. |
| 6.4 | Briston Parish Council | : | No response received. |
| 6.5 | Environmental Health Officer (North Norfolk District Council) | : | <p>The Council's Environmental Protection Officer (EPO) comments that the noise assessment submitted with the application includes noise measurements from the current operations and of predicted levels for the proposed extraction and processing activities. Measurements of the operation of the existing processing plant during July 2018 are reported as being within the noise limits set in Condition Nos. 18 and 19 of the existing Planning Permission. The noise assessment has calculated the predicted noise levels from the new</p> |

operations at 7 locations and predicts that the noise levels will be within existing limits.

The EPO also comments that the Non-Technical Summary document states that there will be no increase in vehicle numbers and that no change in traffic routing arrangements are proposed. They confirm that no complaints to NNDC Environmental Health Department regarding operational noise appear to have been received.

The EPO recommends that a number of conditions to protect amenity are attached to the grant of Planning Permission to mirror the previous consent, including a condition relating to noise and vehicle reversing warnings. The EPO also identifies that the submitted acoustic report states that “alternative nontonal reversing signals are used on site”, and therefore that the condition should be worded to state that “No reversing beepers or other means of audible warning of reversing vehicles shall be fixed to, or used on, any site vehicles, other than those which use white noise, or other agreed warning measures”.

The EPO recommends conditions from Planning Permission Ref. C/1/2016/1022 to be carried over to the new permission.

6.6	Natural England	:	No response received.
6.7	Historic England	:	No objection.
6.8	Environment Agency	:	Has no objections, but offers the following detailed comments: <u>Groundwater Protection</u> Section 5.8.1 of the Planning & Environmental Statement states that the excavation will take place above the water table and therefore no dewatering of groundwater will take place. The natural groundwater level will therefore not be affected, and the local

groundwater flow path will not be altered or interrupted by construction and extraction activity. For this reason, the Environment Agency has no concern regarding impact to local hydrogeology. Best practice pollution prevention measures should be adhered to, particularly in locations where sands and gravels have been excavated, as the risk of pollution to groundwater is higher where the unsaturated deposits, which would naturally hold up and attenuate pollution, have been removed.

Environmental Permitting

The area of the proposed reservoir is outside the current boundary of the existing Environmental Permit for the mining waste operation that permits the management of inert waste and unpolluted soil at mines and quarries, Ref. EPR/EB3804XM. As this activity will be undertaken in a new area, a Permit variation is required to extend the current boundary to cover this.

Control of Major Accident Hazards Regulations 2015 (COMAH)

Part of the application area (as outlined in red on Drawing Ref. 0612/L/2) is located on a facility notified as a Lower Tier establishment under The Control of Major Accident Hazards Regulations 2015 (COMAH).

COMAH establishments are regulated by the COMAH Competent Authority (the Health & Safety Executive and Environment Agency acting jointly).

The COMAH Regulations require operators of Lower Tier establishments to prepare and retain a Major Accident Prevention Policy (MAPP) which addresses the potential impact of major accident hazards on people and the environment, including arrangements to deal with emergencies, and implement

this policy through a Safety Management System (SMS).

The applicant should discuss the proposal with the COMAH operator to ensure that any modifications to the establishment which could have significant consequences with respect to the prevention of major accidents are considered in the MAPP and SMS, and so that the operator's notification requirements in the COMAH Regulations are met.

Water Abstraction

The Stody Estate currently has three Water Abstraction Licences. The Environment Agency may be unable to allow an increase in the Licence volumes.

6.9	Lead Local Flood Authority (NCC)	:	Has no comments to make.
6.10	Highway Authority (NCC)	:	<p>The Highway Authority has no objection to the application subject to the inclusion of all the existing highway related conditions in the decision notice, in the event that the application is approved.</p> <p>If the routing agreement is used in place of the existing s.106 agreement, then the Highways Officer recommends the inclusion of an appropriate condition to implement and enforce this.</p>
6.11	Health and Safety Executive	:	No response received.
6.12	Norfolk Historic Environment Service (NCC)	:	No response received.
6.13	Ecologist (NCC)	:	The County Ecologist has no objection to the relocation of the proposed reservoir (or the associated variations of original conditions as a result).
6.14	Arboriculture (NCC)	:	The Tree Officer comments that the submitted Arboricultural Impact Assessment (AIA) and Tree and Hedge survey plan are fit for purpose and that

they are satisfied that if the recommendations are followed for a 10m standoff when the excavation for the reservoir takes place, that adequate protection for the retained trees will be achieved.

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| 6.15 | Landscape (NCC) | : | <p>Comment that the submitted Landscape and Visual Impact Assessment is fit for purpose and that they broadly agree with the conclusions drawn.</p> <p>They advise that a suitable landscaping plan and specification will be required in relation to the proposed planting, especially for the banks of the reservoir and woodland planting within South Field.</p> |
| 6.16 | Public Rights of Way Officer (NCC) | : | <p>Has no objection in principle to the application but comments that the internal haulage road crosses a Public Right of Way, known as Stody Bridleway 3. They therefore recommend appropriate signage on the haul road approaches to warn drivers of PROW users and of signage on the Bridleway to warn users of heavy vehicles crossing. The Bridleway users should take precedence over the haul road crossing it.</p> <p>The full legal extent of the bridleway should remain open and accessible for the duration of the development and subsequent occupation.</p> |
| 6.17 | MHCLG Planning Casework Unit | : | Have no comments to make on the environmental statement. |
| 6.18 | County Councillor Steffan Aquarone (Melton Constable ED) | : | To be reported. |
| 6.19 | County Councillor Dr Marie Strong (Wells ED) | : | To be reported. |

Representations

- 6.20 The application was advertised by means of neighbour notification letters, site notices, and an advertisement in the Eastern Daily Press newspaper.
- No third-party representations of objections have been received.

Application Ref. C/1/2018/1017

6.21	North Norfolk District Council	:	See comments on Application Ref. C/1/2018/1016 above.
6.22	Stody Parish Council:	:	No response received.
6.23	Edgefield Parish Council	:	Has concerns that the water for the proposed reservoir will be extracted from the River Glaven, which they state is already well below the level it should be at this time of year. They ask if any measures will put in place to prevent the recurrence of such low levels?
6.24	Briston Parish Council	:	No response received.
6.25	Environmental Health Officer (North Norfolk District Council)	:	See comments on Application Ref. C/1/2018/1016 above.
6.26	Natural England	:	<p>Has not offered any objections but advise that the application has triggered one or more Impact Risk Zones, indicating that impacts to statutory designated nature conservation sites (European sites or Sites of Special Scientific Interest) are likely. Natural England's consultation response to this planning application is therefore provided in the form of a standard advice note.</p> <p>It has not assessed the application for impacts on protected species. It states that it publishes Standing Advice which can be used to assess impacts on protected species or that County Council may wish to consult its own ecology services for advice.</p>
6.27	Historic England	:	Has no comments to make.
6.28	Environment Agency	:	See comments on Application Ref. C/1/2018/1016 above.
6.29	Highway Authority (NCC)	:	See comments on Application Ref. C/1/2018/1016 above.
6.30	Health and Safety Executive	:	Advise that the site lies within the

Consultation Distance of a Major Hazard Site, H0772 - Hook 2 Hook Sisters Ltd.

6.31	Norfolk Historic Environment Service (NCC)	:	No response received.
6.32	Ecologist (NCC)	:	Has no objections to the proposed variation of Condition Nos 1,3 and 24 of Planning Permission Ref. C/1/2016/1022.
6.33	Arboriculture (NCC)	:	Have no objection in principal to the variation of conditions 1, 3 and 24 of planning permission C/1/2016/1022.
6.34	Landscape (NCC)	:	Advise that from a landscape perspective there are no objections to the variations of conditions 1,3 and 24.
6.35	Public Rights of Way Officer (NCC)	:	See comments on Application Ref. C/1/2018/1016 above.
6.36	MHCLG Planning Casework Unit	:	Have no comments to make on the environmental statement.
6.37	County Councillor Dr Marie Strong (Wells ED)	:	To be reported.
6.38	County Councillor Stefan Aquarone (Melton Constable ED)	:	To be reported.

Representations

6.39	The application was advertised by means of neighbour notification letters, site notices, and an advertisement in the Eastern Daily Press newspaper.		
6.40	No third-party representations of objections have been received.		

Application Ref. C/1/2018/1018

6.41	North Norfolk District Council	:	See comments on Application Ref. C/1/2018/1016 above.
6.42	Stody Parish Council	:	No response received.
6.43	Edgefield Parish Council	:	See comments on Application Ref. C/1/2018/1016 above.
6.44	Briston Parish Council	:	No response received.

6.45	Environmental Health Officer (North Norfolk District Council)	:	See comments on Application Ref. C/1/2018/1016 above.
6.46	Natural England	:	No response received.
6.47	Historic England	:	Has no comments to make.
6.48	Environment Agency	:	See comments on Application Ref. C/1/2018/1016 above.
6.49	Lead Local Flood Authority (NCC)	:	Has no comments to make.
6.50	Highway Authority (NCC)	:	See comments on Application Ref. C/1/2018/1016 above.
6.51	Health and Safety Executive	:	No response received.
6.52	Norfolk Historic Environment Service (NCC)	:	No response received.
6.53	Ecologist (NCC)	:	Has no objection to the proposed variation of Condition No. 3 of Planning Permission Ref. C/1/2016/1020.
6.54	Arboriculture (NCC)	:	Have no objections to the variation of Condition No. 3 of Planning Permission Ref. C/1/2016/1020 from an Arboricultural perspective.
6.55	Landscape (NCC)	:	Have no objections from a landscape perspective.
6.56	Public Rights of Way Officer (NCC)	:	Has no objections relating to Public Rights of Way to the variation of Condition No. 3 of Planning Permission Ref. C/1/2016/1020.
6.57	MHCLG Planning Casework Unit	:	Have no comments to make on the environmental statement.
6.58	County Councillor Dr Marie Strong (Wells ED)	:	To be reported.
6.59	County Councillor Stefan Aquarone (Melton Constable ED)	:	To be reported.

Representations

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

6.61 No third-party representations of objections have been received.

7.0 Assessment

7.1 The underlying 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”.

7.2 Relevant development plan policy is, as detailed above, set out in the Norfolk Minerals and Waste Development Framework Core Strategy and Minerals and Waste Development Management Policies Development Plan Document 2010-2026 NM&WDF (2011), the Norfolk Minerals and Waste Development Framework Mineral Site Specific Allocations Development Plan Document (2017) and the North Norfolk Local Development Framework Core Strategy Incorporating Development Control Policies (2018). There is no relevant Neighbourhood Plan and the National Planning Policy Framework (2019) is a material consideration. In addition, as emerging development plan documents the Norfolk Minerals and Waste Local Plan Initial Consultation (May 2018) and the North Norfolk Local Plan 2016-2036 First Draft Local Plan Part 1 (May 2019) are also material considerations, albeit that as early draft documents these can only be given very limited weight.

7.3 In this context the key issues to be assessed in the determination of the three applications that are the subject of this report are: the principle of the development, the impacts on landscape, amenity, highways, ecology, heritage assets, groundwater, surface water and flood risk, Public Rights of Way, and other issues.

7.4 Principle of the Development

7.5 In terms of the principle of the development, key policies include the NPPF, the NM&WDF Core Strategy Policy CS1 – Minerals extraction, Policy CS2 – General locations for mineral extraction and associated facilities and Policy DM5 – Borrow pits and agricultural or potable water reservoirs. Also relevant are the North Norfolk LDF Core Strategy Policy SS2 Development in the Countryside, and the emerging policies Norfolk Minerals and Waste Local Plan Initial Consultation (May 2018), including; Policy MP1: Minerals extraction; Policy MP2: Spatial strategy for minerals extraction; Policy MP4: Agricultural or potable water reservoirs; Policy MIN 207: Land at Pinkney Field, Briston and from the North Norfolk Local Plan 2016-2036 First Draft Local Plan Part 1 (May 2019) Policy SD 4 Development in the Countryside.

7.6 The NPPF Paragraph 203 states that it is essential that there is a sufficient supply of minerals to provide the infrastructure, buildings, energy and goods

that the country needs, whilst paragraph 204 makes clear that planning policies should provide for the extraction of mineral resources of local and national importance and paragraph 205 makes clear that as far as is practical, minerals planning authorities should provide for the maintenance of landbanks of non-energy minerals.

- 7.7 Paragraph 207 goes on to state that minerals planning authorities should plan for a steady and adequate supply of aggregates by preparing an annual Local Aggregate Assessment, to forecast future demand, based on a rolling average of 10 years' sales data and other relevant local information, and an assessment of all supply options (including marine dredged, secondary and recycled sources); they should use landbanks of aggregate minerals reserves principally as an indicator of the security of aggregate minerals supply, and to indicate the additional provision that needs to be made for new aggregate extraction and alternative supplies in mineral plans; and they should maintain landbanks of at least 7 years for sand and gravel whilst ensuring that the capacity of operations to supply a wide range of materials is not compromised; and they should ensure that large landbanks bound up in very few sites do not stifle competition.
- 7.8 As at the end of June 2019 the sand and gravel landbank for Norfolk, calculated in accordance with the National Planning Practice Guidance (based on the past 10 years average sales) was 13.4 million tonnes which equates to 9.81 years. This is more than the minimum 7-year landbank for sand and gravel advised by the NPPF, but the National Planning Practice Guidance advises that "There is no maximum landbank level and each application for mineral extraction must be considered on its own merits regardless of the length of the landbank".
- 7.9 The impact on the landbank of the amended scheme is slightly complicated because the yield from the consented scheme has been lower than was originally anticipated because of the higher level of wastage. The extraction from Pinkney's Field is estimated to produce approximately 400,000 tonnes of processed mineral, and the amended scheme as a whole would increase the estimated available reserve on the site from 750,000 tonnes to 880,000 tonnes, adding approximately 130,000 tonnes to the landbank.
- 7.10 In terms of the location, whilst the Mineral Site Specific Allocations DPD does not identify Breck Farm or Pinkney's Field as either a Site Specific Allocation or an Area of Search (because it was not submitted into the site allocations process for consideration), the Minerals and Waste Local Plan Initial Consultation does identify Pinkney's Field in Policy MIN 207 as a Proposed Mineral Extraction Site, albeit that only limited weight can be attached to the designation at this stage. More generally there would be no inconsistency with the North Norfolk LDF Core Strategy Policy SS2 Development in the Countryside, and the emerging policy in the North Norfolk Local Plan 2016-2036 First Draft Local Plan Part 1 (May 2019) Policy SD 4 Development in the Countryside, which both identify mineral extraction is appropriate development in the countryside.

- 7.11 The application also needs to be considered in the context of Core Strategy Policy DM5 Borrow pits and agricultural or potable water reservoirs, which is explicitly concerned with agricultural reservoirs. This states that proposals for agricultural reservoirs, potable water reservoirs and incidental mineral extraction involving off-site removal of minerals will be permitted, subject to applicants demonstrating that there is a proven need for the proposal and that it complies with the other policies of the Core Strategy. The need in this case has already been established in the determination of the existing consented scheme, so that the principle of the development of the reservoir in Pinkney's field is supported by the presumption set out in the Policy, subject to it being compliant other policies. In this case the latter is essentially concerned with its acceptability in terms of its environmental impacts and the related relevant policies, which are considered below.
- 7.12 Therefore, in terms of the principle of the development and the overall strategy for mineral extraction, including the landbank and the location of the site, the development is compliant with the adopted development plan policy and the NPPF and is consistent with emerging development policy to the extent that any weight can be attached to this as yet.
- 7.13 **Landscape and Visual Impact, Trees, Restoration, Afteruse and Aftercare**
- The key issues in terms of the landscape, trees, afteruse and aftercare, are the landscape impact and impact on the adjacent trees and whether the development proposed in the three applications meets the requirements for phased restoration and ensuring an appropriate level of restoration, and will result in an afteruse and aftercare that protects and enhances the landscape.
- 7.14 Relevant policy includes NM&WDF Core Strategy Policies; Policy CS14 'Environmental Protection' which seeks to ensure that development does not have unacceptable adverse impacts and ideally provides for improvements to the character and quality of the landscape; Policy DM8 'Design, Local Landscape and Townscape Character' which seeks to ensure that development will not harm the conservation of the landscape, or prevent the enhancement of, key characteristics of its surroundings taking into account any appropriate mitigation measures and; Policy DM14 'Progressive Working, Restoration and After-Use', which seeks not only to ensure phased and progressive working and restoration but also restoration to enhance the landscape.
- 7.15 Other relevant policy relating the landscape protection and enhancement includes the North Norfolk LDF Core Strategy Policies SS4 Environment and EN2 Protection and the NPPF, Chapter 15 on Conserving and Enhancing the Natural Environment and Chapter 17 Facilitating the Sustainable Use of Minerals and particularly Paragraph 205 which seeks to ensure that there are no unacceptable adverse impacts on the natural environment and that restoration and aftercare is undertaken at the earliest opportunity and carried out to high environmental standards. Relevant emerging policy set out in the Norfolk Minerals and Waste Local Plan Initial Consultation, includes Policy MW2 Development Management Criteria; Policy MP7 Progressive Working, Restoration and After-Use; Policy MP8 Aftercare; and, in relation to

development at Pinkneys Field, Policy MIN 207: Land at Pinkney's Field, Briston. Also relevant as emerging policy are the North Norfolk Local Plan 2016-2036 First Draft Local Plan Policies, Policy SD 4 Development in the Countryside, Policy ENV 2 Protection & Enhancement of Landscape & Settlement Character and Policy ENV 6 Trees & Hedgerows.

- 7.16 As set out above there will be a phased programme of excavation and restoration with excavation alternating between the southern area and Pinkney's Field, essentially to manage the waste material from the reservoir void as this is excavated. The principle of creating two linked agricultural reservoirs has not changed, the amendment being only to the location of the second reservoir. The site will be restored with the area surrounding the reservoir being restored to grassland to be managed for conservation, whilst the southern area and a strip to the east of the reservoir will be restored to agricultural grassland.
- 7.17 The area of the original southern reservoir will be fully reinstated to close to original ground level using the silt and the unsuitable excavated waste material. This area, which includes the plant and operations area will have the material in the southern bund re-spread across the reclaimed surface to create an evenly graded field which gently slopes to a natural low point on its west side. The subsoil and topsoil will be replaced to return the area to agricultural use. In line with the existing planning permission, the area currently used for silt and water management, to the west of the plant area, will be allowed to dry out and will then be consolidated and reinstated using material sourced from the southern screening bund. This material is a mixture of sand with some subsoil and will be used to create an area of acidic grassland, that will be managed as an environmental conservation area. There will also be a number of areas of woodland planting, retention of three wet areas and gapping up and new planting of the existing hedgerows along Pinkney's Lane and the hedgerow along the southern boundary with Edgefield Road.
- 7.18 The existing aftercare scheme (detailed above) is considered to remain appropriate for the agricultural reservoirs, whilst additional aftercare to bring the southern area and the strip to the east of the new Pinkney's Field Reservoir back into agricultural use, will be implemented.
- 7.19 The Environmental Statement submitted with the Application includes a Landscape and Visual Impact Assessment (included in Volume 2) the conclusions of which are reported in Volume 1. The assessment identifies that with the gently sloping landform in the area that is typical of the locality, Pinkney's Field cannot be seen from any local road or footpath. Apart from the agricultural property at Breck Farm to the west, from which the site cannot be seen, the only other property in the vicinity is Mill House (also owned by the Estate), 900 metres to the east. The assessment identifies that because of the intervening vegetation and landform there is also no intervisibility between Mill House and the site. The Landscape and Visual Assessment does not specifically refer to the very limited view to (and from) the upper part of the redundant Church Tower at Mount Farm. This can however only be seen from a small area in the south east of the site so that, in terms of visibility, this will

be very limited. The view will be screened by the soil bunds so any potential impacts on the setting of the church tower will be mitigated. It is also identified that when visiting the Church and its setting, that there is no visibility of Pinkney's Field. This can only be achieved from the top of the tower although this too will be screened by the soil bund to be constructed along the east side of the site. A similar conclusion is reached for visibility from any of the nearby Public Rights of Way, i.e. that the site cannot be seen. In view of these conclusions and there being no assessed impacts, no specific mitigation is proposed.

- 7.20 The Assessment notes that Pinkney's Field is within the Glaven Valley Conservation Area which is widely drawn to cover the entire catchment of the River Glaven. It identifies that there are no public viewpoints either within or outside this area from which the completed reservoirs will be visible. Because the completed reservoirs will be 'below ground' level, the water bodies will not be visible, either from the Glaven Valley Conservation Area or within the wider landscape. The conclusion of the assessment is therefore that there will be no adverse landscape or visual impact to the Glaven Valley Conservation Area beyond the site itself.
- 7.21 In relation to the protection of the trees and hedgerows that border the site an Arboricultural Assessment has been carried out for the Pinkney's Field application, which confirms that the Root Protection Zones are all within the 10-metre undisturbed margin so there will be no adverse impacts.
- 7.22 The overall conclusions of the Landscape and Visual Assessment are that there will be no adverse impacts with a significant benefit at completion.
- 7.23 There have been no objections from either the landscape officer or the arboricultural officers, who have confirmed that the Landscape and Visual Impact Assessment is acceptable. The landscape officer has recommended the inclusion of a condition (in relation to the Permissions arising from Applications 1 and 2) requiring the submission of a landscaping plan and specification for the proposed planting, especially for the banks of the reservoir and woodland planting. There was also an initial concern expressed by the arboricultural officer that the 10m stand-off around the reservoir appeared to be infringed by the proposed excavation works required to construct the reservoir. This has been raised with the applicant who has confirmed that this will not be the case, and a condition (Condition No. 30.) is the draft conditions for Application 1, preventing any excavation works being undertaken within the stand-off.
- 7.24 With these conditions included on the Permissions arising from Applications 1 and 2, the development can in terms of the impacts on the landscape, trees, afteruse and aftercare be considered to be acceptable in terms of the relevant development plan policies, the NPPF and the emerging development plan policies detailed above.
- 7.25 **Amenity (Noise and Dust)**

- 7.26 In terms of the amenity impacts the two key issues relate to noise and dust.
- 7.27 Relevant policy includes NM&WDF Core Strategy Policy, Policy CS14 – Environmental protection, which seeks to ensure that new mineral development does not give rise to any unacceptable adverse impacts in relation to residential amenity as a result noise, vibration, dust lighting and visual intrusion, Policy CS15 Transport which is concerned to ensure that there are no unacceptable impacts on air quality as result of traffic; Policy DM12 – Amenity which is concerned with amenity generally but includes reference to noise and hours of working and Policy DM13 – Air quality which is concerned with harmful air quality impacts to human health; and the North Norfolk LDF Core Strategy Policy SS4 Environment which is concerned with impacts on amenity and air quality and Policy EN 13 Pollution and Hazard Prevention and Minimisation which seeks to ensure that new development proposals minimise, and where possible reduce, all emissions and other forms of pollution, including light and noise pollution. Also relevant is the NPPF Chapter 17 Facilitating the Sustainable Use of Minerals, and in particular Paragraph 205 which is concerned with the impacts of mineral extraction on human health and with ensuring that any unavoidable noise, dust and particle emissions are controlled. Relevant emerging policy includes the Norfolk Minerals and Waste Local Plan Initial Consultation, Policy MW2 Development Management Criteria and the North Norfolk Local Plan 2016-2036 First Draft Local Plan, Policy SD 13 Pollution & Hazard Prevention and Minimisation and Policy ENV 10 Protection of Amenity.
- 7.28 In relation to noise, the Environmental Assessment identifies that the existing activities on the site, from the construction of the northern reservoir and mineral processing already generate noise and, to determine whether the changes proposed by the new applications would materially alter the existing noise climate, a Noise Assessment has been undertaken which is included in Volume 2 of the Environmental Statement.
- 7.29 The nearest noise sensitive properties are identified as being:
- The Lawn, located approximately 750 metres from the existing southern site boundary;
 - Thatched Cottages located approximately 500 metres from the western boundary of the existing northern reservoir site;
 - Dwellings in Hunworth, located 700 metres to the north of the Pinkney's Lane reservoir;
 - The Patch, located approximately 280 metres to the north of the Pinkney's Lane reservoir site;
 - Mill House and Mount Farm located 850 metres to the east of the Pinkney's Lane reservoir site; and
 - White Ollands, located 450 metres to the south of the current operational areas.
- 7.30 The assessment identifies that the measured levels at these properties all showed that the background noise levels without any operations taking place, are generally low, as would be expected in rural location. They also

reflected the results of the previous assessment that was carried out for the original application.

- 7.31 The assessment identifies that when the existing site is operational, it generates very low levels of noise at the nearest noise sensitive properties, with the operations either generally not audible or just audible. It concludes that the proposed changes to the development will not alter these findings as the additional area is broadly equidistant to the nearest noise sensitive properties, when compared with the existing consented development.
- 7.32 The Noise Assessment concludes that it would be appropriate for the noise limits applicable to the current permitted operations at the surrounding properties, to be maintained. The calculations of the likely worst-case noise levels for the development (including construction of the relocated reservoir in Pinkney's Field) indicate that the noise levels at the surrounding properties would remain very low and substantially below the existing proposed limits. It is also identified that the operation of the reservoirs, once completed is unlikely to give rise to any noise issues.
- 7.33 In relation to air quality and dust, although there is no supporting air quality or dust assessment, the Environmental Assessment, identifies that the main potential issue relates to the generation of dust. However, it also identifies that because the majority of the construction works involve handling damp/wet materials, the risk of dust, is in practice, negligible.
- 7.34 Furthermore, it identifies that visible dust is the coarser particulate matter which generally blows away to settle within a short distance (i.e. less than 100 metres). The finer particles (PM10 and PM2.5) it states are not visible and being lighter travel greater distances. The assessment states that the activities on the site will not create these finer particles which in 'quarrying' is generally the result of dry crushing, whereas the processing operation at Breck Farm is a wet processing operation.
- 7.35 The primary dust risk is therefore identified as arising from the movement of vehicles and plant on dry unbound surfaces. This risk, the assessment states, can be dealt with through good practice and appropriate mitigation measures. Accepted good practice is identified as including regular dampening of any potentially 'dusty' operating areas and internal roads when conditions are likely to generate dust. This mitigation is already practiced at the existing reservoir site and includes the dampening of the internal road using a mobile water bowser.
- 7.36 The assessment also identifies that the prevailing wind is from the south-west and is therefore blowing away from the nearest neighbouring properties, whilst the internal road around the edge of the adjacent turkey farm is set within a young woodland plantation, which it states, acts as a filter should any dust be generated. The road is regularly graded to ensure there is an even running surface with any build-up of fine material being removed.
- 7.37 Finer particles are also generated by engine exhausts, and in particular the HGVs used to remove the processed mineral. However, the assessment identifies that the baseline is the existing operation and that the current

applications will not change the level or intensity of activity i.e. the number of machines or the level of traffic movements (see below). Therefore, the assessment concludes, that the development to which the three applications relate, will not result in a significant impact in terms of air quality or dust, for which mitigation measures for the existing, have already been put in place.

7.38 As set out above, the North Norfolk District Council Environmental Protection Officer has confirmed that no complaints have been received in relation to the existing operational noise and that there are no objections on amenity grounds to any of the three applications subject to the inclusion of the previously included conditions relating to; hours of working; dust; plant and machinery to be silenced; noise limits; noise limits for temporary operations; details of any temporary works; complaints and a condition preventing the import of other materials from outside of the site. They have also requested an additional condition relating to noise from vehicle reversing warnings.

7.39 There are no other significant amenity considerations and therefore, with the inclusion of the conditions requested by the Environmental Protection Officer in relation to Applications 1 and 2, the development can with regards to the impacts on the amenity, be considered acceptable in terms of the relevant development plan policies, the NPPF and the emerging development plan policies detailed above.

7.40 Traffic

7.41 As set above, traffic was the key issue when the first Planning Application Ref. C/1/2008/1014, was initially refused consent in 2009. At the time there was local concern about the potential impact of the lorries removing the processed sand and gravel from the site. Considerable analysis was undertaken on the capacity and suitability of the local (and wider) road network. The concern was principally focused on the use of the B1354 to the west of the site access, which passes through the edge of Briston village, including the local school, as well as being the main road through to Melton Constable. In order to mitigate these impacts, there is a legal agreement that restricts the movements to the west to local deliveries only (i.e. within 6 miles), which are limited to an average of 6 movements per day with a maximum of 32 per week. It also excludes local deliveries for half an hour at the beginning and the end of the school day, Mondays to Fridays.

7.42 Relevant policy includes Core Strategy Policy CS15 – Transport, which requires that all proposals for minerals extraction sites must assess and consider positively the potential for non-HGV transportation (i.e. the use of rail and water) and that if they use road transport that they are satisfactory in terms of access, taking into account any mitigation measures proposed and consider whether there are any unacceptable risks to the safety of road users and pedestrians and unacceptable impacts on the capacity and/or efficiency of the highway network. This is supported by Policy DM10 – Transport which requires the submission of a Transport Statement assessing the impacts of the development.

7.43 Policy SS6 Access and Infrastructure in the North Norfolk LDF Core Strategy sets out similar requirements, whilst Chapter 9 of the NPPF (2019) which is

concerned with Promoting Sustainable Transport, makes clear that any significant impacts from new development on the transport network (in terms of capacity and congestion), or on highway safety, should be considered and effectively mitigated where possible to an acceptable degree. There is also additional relevant policy in the two emerging development plan documents a set out above.

- 7.44 In terms of the current applications, these make clear that there are no changes proposed to the existing purpose built access onto the B1354 which is a Main Distributor Road and virtually all of the traffic will continue to turn left on leaving the site, as the principal markets are to the east. Any traffic turning right will continue to be for supplying the local market only.
- 7.45 The applications anticipate vehicle movements based over an 8-year period with an annual output of up to 110,000 tonnes per annum. This is most likely a cautious overestimate. They state that the current sales are delivered by a mixture of rigid 20 tonne payload vehicles and articulated vehicles with a 27 tonne payload, with the split being roughly 50/50 for the delivered tonnage. This, the applications state, breaks down the average daily lorry movements of 11 x 20 tonne loads (22 movements) over 250 days per year and 8 x 27 tonne loads (16 movements) over 250 days per year. The HGV movements would therefore remain unchanged, as would the level of output, so that there will be no additional impacts in terms of the volumes of traffic or the impacts on the road network of the highway safety.
- 7.46 In compliance with Core Strategy Policy DM10, a Transport Statement has been included as part of the EIA submitted with the planning applications. This includes a review of the traffic generated by the site. This has reviewed the lorry movements generated since the start of the current reservoir works which the Environmental Statement states, confirms that the existing Routing Agreement is working successfully with the average local deliveries per day to the west being generally less than one.
- 7.47 This finding is supported in practice, with the operator and the Estate not having been aware there have been any concerns raised about lorries using the B1354 west of the entrance.
- 7.48 The Transport Statement notes that the previous Transport Statement for the construction of the reservoirs was based on the average of 20 loads per day (40 movements) with the limitation on movements to the west. This number of movements was based on an average annual output of 70,000 tonnes with all the vehicles having a 20 tonne payload. In practice, it states that the use of articulated vehicles with the higher payload has reduced the number of daily movements.
- 7.49 In view of the above the Transport Statement submitted with the current applications notes that present and future levels of movements are very similar to those that were assessed and found previously. There have been no traffic issues from the current operations indicating that the development would have

a significant impact on the local highway network.

- 7.50 The Transport Statement has also reviewed highway safety over the last 5 years, 3 of which have been when the reservoir works have been active. The analysis indicates that there was only one incident involving an HGV (which was in Melton Constable) and which the investigation showed was caused by a car failing to stop at the stop sign.
- 7.51 In light of the accident analysis, the Transport Statement concludes that as there have been no incidents near the access and that the HGV accident was due to the failure of the car driver, that the revisions to the reservoir proposals are anticipated not to have a detrimental effect on local highway safety.
- 7.52 At completion the use of the agricultural reservoirs will not generate any HGV traffic movements so there are no assessed residual impacts on traffic or highway safety.
- 7.53 The Transport Statement as set out in the consultation responses from the County Highways Officer includes a Lorry Management Plan, with identical provisions to the existing s.106 agreement. It is proposed that this will replace the s.106 agreement.
- 7.54 As set out above the County Highways Officer has no objections to any of the three applications, subject to inclusion of the existing highways conditions in the new consents and either the retention of the existing s.106 agreement, which will require a Deed of Variation to link it to the new permissions, or the inclusion of a condition to ensure the implementation and enforceability of the Lorry Management Plan.
- 7.55 Given that it would be simpler and more straightforward to include the condition, it is recommended that the Lorry Management Plan is accepted and that this is incorporated by condition in the consents as advised by the County Highways Officer. This is included in the list of draft conditions for Applications 1 and 2. With this and the other conditions recommended by the County Highways Officer, the development can be considered to be acceptable and compliant in terms of the relevant development plan policies and the NPPF.
- 7.56 Biodiversity**
- 7.57 The potential impacts in relation to biodiversity are mainly concerned with transient species.
- 7.58 Relevant policy includes NM&WDF Core Strategy Policy CS14 – Environmental Protection, which seeks to ensure that new mineral development does not give rise to any unacceptable adverse impacts, and ideally results in improvements to biodiversity and geodiversity, Policy DM1 – Nature Conservation which makes clear that development that would harm locally designated nature conservation and geodiversity sites; and/or habitats, species or features identified in UK and Norfolk biodiversity and geodiversity action plans will only be permitted if it can be demonstrated that sufficient measures to mitigate harm to the site, habitat(s) and/or species can be put in

place or in cases where permission is granted on the basis that restoration will provide enhancement to local nature conservation efforts in the longer-term; and the North Norfolk LDF Core Strategy Policy EN9 Biodiversity & Geology which seeks to ensure that all development proposals protect the biodiversity value of land and buildings and minimise fragmentation of habitats, maximise opportunities for restoration, enhancement and connection of natural habitats, and incorporate beneficial biodiversity conservation features where appropriate.

- 7.59 Also relevant is the NPPF Chapter 19 Conserving and Enhancing the Natural Environment, Paragraph 170 of which states that decisions should contribute to and enhance the natural and local environment by protecting and enhancing sites biodiversity. In addition, Paragraph 205 in Chapter 17 also makes clear that in considering proposals for mineral extraction, minerals planning authorities should ensure that there are no unacceptable adverse impacts on the natural environment.
- 7.60 Relevant emerging policy includes the Norfolk Minerals and Waste Local Plan Initial Consultation, Policy MW2 Development Management Criteria and the North Norfolk Local Plan 2016-2036 First Draft Local Plan, Policy ENV 4 Biodiversity & Geology.
- 7.61 The Environmental Statement submitted with the applications includes an Ecology Report. This identifies that the habitats on site comprise native hedgerows, bare ground, scattered scrub and unworked agricultural land. It also identifies semi-improved grassland on the earth bunds and areas of eutrophic standing water. The report also notes that in the surrounding areas there is woodland, further areas of eutrophic water and both cultivated and bare ground. In addition, the access road is identified as passing through a young plantation area.
- 7.62 The additional development area in Pinkney's Field is identified as cultivated land with some native hedgerows on the margins but that it is otherwise of low ecological interest.
- 7.63 In terms of impacts, the development on the existing site is identified as having no impact on any designated sites as they are too distant and that the additional development in Pinkney's Field would not alter this conclusion. In relation to the River Glaven, the assessment identifies that the positive benefits of switching water abstraction to periods of 'high' flow were acknowledged when the abstraction licence was issued (as well as the original reservoir permission) and these it states, remain equally applicable.
- 7.64 The amended scheme, the assessment identifies, will result in the loss of the currently unworked area in the southern reservoir area as well as construction activity near a pond (Pond 1) in the north east corner of the southern area. These losses are identified as being of low ecological significance. It is identified that the retained vegetation could potentially be adversely impacted by dust as well as activities encroaching into root protection zones. These impacts will however be mitigated by the inclusion of the proposed 10 metre

stand-off (5 metres around the pond) and by dust management, and it is noted that dust has not been an issue to date from the development.

- 7.65 In terms of the impact on the hedges in the north east corner of the southern area, there is already a 10 metre wide gap which will be needed to get access to Pinkney's Field, that may need widening. This loss is deemed to have ecological significance and may result in a net loss to biodiversity, which will be mitigated by being replaced on completion.
- 7.66 In terms of the impact on species the Ecology Report notes that the presence of water bodies may mean Great Crested Newts are present. A Habitat Suitability Index (HSI) Assessment has been made of the nearby ponds, all of which were considered to be 'poor' apart from Pond I which was below average. An eDNA test on the pond proved to be negative with the overall conclusion being that there will be no impacts on Great Crested Newts.
- 7.67 In relation to reptiles it is identified that there may be an impact when preparing the unworked land in the Southern Area, the clearance of the bunds as part of the final works and removal of the section of the hedgerow between the Southern Area and Pinkney's Field. This will however be mitigated by replanting on completion of the reservoir construction works. It is proposed that the western hedgerow of Pinkney's Field will also be strengthened with gaps planted thereby generally improving the hedgerow habitat of the site.
- 7.68 The Ecology Report identifies that there will be a temporary loss of potential skylark breeding habitat caused by the development of the Pinkney's Field reservoir, but that this impact needs to be seen in the wider context of the surrounding arable land, as well as the mitigation of restoring the Southern Area back to grassland/arable. The additional water areas are however considered to be a positive benefit to over-wintering birds.
- 7.69 In terms of other species there is an identified potential loss of foraging area for badgers, although the assessed impact is considered to be low.
- 7.70 In relation to bats, although the site is already operational, the additional development of the area in Pinkney's Field is identified as having the potential to cause some impacts if bats are roosting in the trees to the north. However, the activity time for bats is identified as being mostly outside the operational hours, so that any impacts will be low to negligible.
- 7.71 The Report also identifies the presence of Brown Hare but states that site clearance or operations can be acceptably completed if undertaken with sensitivity to their presence.
- 7.72 The Report does not find there to be any 'significant' ecological impacts as a result of including Pinkney's Field in the area of development or the change in design with there being some benefits at completion.
- 7.73 In response the findings of the Ecology Report the County Ecologist advises that they have no objection to the relocation of proposed reservoir (or the

associated variations of the conditions on the existing consents). They advise that the ecological survey is satisfactory, and that the Ecology Report identifies that even though no individual protected species have been identified, there is a high potential for any transient species including protected species to arrive at the site before or during the excavation and aftercare. They therefore advise that it is important that the recommendations made in the Ecology Report are followed to prevent a breach of protected species legislation arising from the injury to or death of any protected species.

7.74 Overall, the County Ecologist advises that the recommendations will help to conserve priority species for conservation in the UK, such as hedgehog, brown hare, common toad and song thrush. They are satisfied that the proposed excavation will not go beyond the water table, and that there should therefore be no adverse effects on hydrology of nearby sites designated for nature conservation. They also advise that the proposal to create rough grassland as part of the restoration of the site is likely to result in a net gain for biodiversity, as the existing arable field will be replaced by acid grassland and a waterbody that will benefit birds, mammals and invertebrates including bees.

7.75 On this basis the development can be considered to be acceptable and compliant in terms of the relevant development plan policies and the NPPF.

7.76 Appropriate Assessment

7.77 It should be noted that the site is situated within 10 kilometres of an internationally protected site, the Norfolk Valley Fens Special Area of Conservation (SAC) and part of the application site is located within the 3km Impact Risk Zone for the site. The application has therefore been assessed in accordance with Regulation 63 of The Conservation of Habitats and Species Regulations 2017, based on the information submitted to the County Planning Authority (CPA). The proposed extraction would be worked dry (above the water table), and the site is located up gradient of the SSSI, and it is therefore considered that the proposal would not adversely affect the integrity of the interest features for which the SAC has been designated. Accordingly, it has been concluded that Appropriate Assessment of the development is not required.

7.78 **Impact on Heritage Assets**

7.79 In relation to the impact on heritage assets there are two main issues, whether the development has an impact on the designated heritage assets in the immediate surrounding area, including the Glaven Valley Conservation Area and the nearby Listed Buildings, and whether it has any impacts in relation to archaeology. In relation to impacts on heritage assets the County Council must in accordance with s.66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, in considering whether to grant planning permission for development which affects a listed building or its setting, have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses and under s.72 must ensure that special attention is paid to the desirability of preserving or

enhancing the character or appearance of the Conservation Area.

- 7.80 Relevant policy includes NM&WDF Core Strategy Policy CS14 – Environmental Protection, which seeks to ensure that new mineral development does not give rise to any unacceptable adverse impacts, and ideally results in improvements to heritage assets and their setting, Policy DM9 – Archaeological Sites which where appropriate, requires applicants to prepare and submit an appropriate desk-based assessment and, where necessary field evaluation and advises on how to determine applications depending on the importance of any affected heritage assets; and the North Norfolk LDF Core Strategy Policy EN8 Protecting and Enhancing the Historic Environment that includes similar requirements.
- 7.81 Also relevant is the NPPF Chapter 16 Conserving and Enhancing the Historic Environment, Paragraph 190, which advises that local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal. The NPPF advises that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.
- 7.82 There is also relevant emerging policy, as set out above.
- 7.83 In terms of the applications, a Heritage Statement has been submitted as part of the Environmental Statement, which includes assessment of the impact on the nearby Listed Buildings and the Glaven Valley Conservation Area. This confirms that there are no significant impacts on either the character or appearance of the Conservation Area, and none on the setting of any of the nearby Listed Buildings.
- 7.84 In relation to the impacts on archaeology, the Environmental Statement states that as the existing permitted area has previously been the subject of archaeological investigation no further work is proposed, particularly as much of the area has now been excavated. These investigations have shown the area to be of low archaeological interest.
- 7.85 Mineral extraction in the additional area in Pinkney's Field, the assessment states, will nevertheless have an impact on any archaeological features through the excavation and construction of the reservoir. The assessment includes analysis of historic maps which show that it has a long history of agricultural use. It states that there is a lack of contemporary finds nearby suggesting a very low probability of finding any prehistoric remains. There are similar conclusions in relation to finding remains of Roman and Anglo-Saxon age, whilst there is a low/moderate probability for medieval or post-medieval activity at the site.
- 7.86 In terms of the value of the archaeological resource, this is considered to be 'low', with any development impacts being classed as 'minor'. The assessment

therefore concludes that the significance of the development effects as being 'slight'.

- 7.87 Despite the 'slight' effect the Assessment recognises that there will be an effect on any archaeological remains and recommends a programme of archaeological works in Pinkney's Field. It is suggested that it is appropriate for this to be secured by an appropriate condition requiring the submission of Written Scheme of Investigation (WSI). The assessment comments that completed reservoir will destroy any features that may be present but that the WSI will ensure there is a record made of any finds.
- 7.88 There have been no objections from either Historic England or the Norfolk Historic Environment Service. However, given the location of the site in the Glaven Valley Conservation Area and the 'slight' assessed archaeological impact, the development of the site as a whole, can be assessed as having less than substantial harm, albeit it at the lower end of the scale. This should, in accordance with the advice set out in the NPPF be weighed against the public benefits of the proposal, which in this case include the improvements to water management in the area for agriculture, the additional mineral the scheme adds to the landbank, and the biodiversity benefits that the restoration scheme would result in. As such the applications can, subject to a condition in relation to Application 1 requiring the submission of a Written Scheme of Investigation, be considered to be compliant in terms of relevant development and national planning policy, and they do not therefore raise any significant issues in relation to the statutory obligations under ss. 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 7.89 Groundwater, Surface Water and Flood Risk**
- 7.90 The key issues relating to groundwater and surface water are the potential for flood risk and the impact on the River Glaven.
- 7.91 Relevant policy includes NM&WDF Core Strategy Policy CS14 – Environmental Protection, which seeks to ensure that new mineral development does not give rise to any adverse impacts on natural resources including the water environment, Policy DM3 – Groundwater and surface water, which seeks to ensure that new developments will not adversely impact upon groundwater quality or resources and surface water quality or resources, and Policy DM4 – Flood Risk which seeks to ensure flood risk is not increased as a result of new mineral extraction sites; and the North Norfolk LDF Core Strategy Policy EN10 Development and Flood Risk which requires that appropriate surface water drainage arrangements for dealing with surface water run-off in new development.
- 7.92 In addition the NPPF Chapter 14 which is concerned with Meeting the Challenge of Climate Change, Flooding and Coastal Change, seeks in paragraph 155 to ensure that inappropriate development in areas at risk of flooding is avoided and paragraph 163 states that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere and that where appropriate, applications should be

supported by a site-specific flood-risk assessment including all applications for proposals involving sites of 1 hectare or more.

- 7.93 Relevant emerging policy includes the Norfolk Minerals and Waste Local Plan Initial Consultation, Policy MW2 Development Management Criteria and, Policy MW4: Climate change adaption and mitigation and the North Norfolk Local Plan 2016-2036 First Draft Local Plan, Policy SD 10 Flood Risk & Surface Water Drainage.
- 7.94 The site is located in Flood Zone 1 on the Environment Agency's Flood Map, so is in an area of very low risk for flooding. The requirement for a Flood Risk Assessment arises as result of the area of the site exceeding one hectare.
- 7.95 The Environmental Statement identifies that the geological ground conditions on the site are known as a result of the extraction works for the adjacent northern reservoir, together with the ground investigation in Pinkney's Field. This data has confirmed that the superficial fluvioglacial deposits comprising a mixture of sands, silty clays and loams are dry with no evidence of groundwater. These materials rest on an eroded surface of the underlying chalk. The excavated base of the northern reservoir is at 48m.AoD which is some 2m lower than the proposed base of Pinkney' s Field reservoir.
- 7.96 There are no surface drains or ditches on the site due to the permeable nature of the soils and substrata. The field has a gentle gradient to the north-west with a change in slope along the northern boundary where the land falls more steeply towards the Glaven Valley.
- 7.97 The Flood Risk Assessment has considered the proposed development and its geological/hydrogeological setting against the five potential sources of flooding; fluvial and/or tidal flooding, ground water, overloading of the existing drainage network, artificial sources, i.e. reservoirs, surface water flow paths and ponding and has identified that these sources present either no risk or a negligible risk of flooding.
- 7.98 The Flood Risk Assessment also addresses the risk of the reservoir overtopping as a result of rainfall increasing the water level when full. The calculations show that the 1 metre of freeboard that is part of the design is more than adequate to accommodate extreme rainfall events.
- 7.99 The Assessment includes flood risk management measures including management and maintenance. The Estate have a certified Panel Engineer who regularly visits the current reservoir and is actively involved in the design of both the northern and Pinkney's reservoirs and will continue to advise the Estate on their future and management.
- 7.100 The assessment states that in the unlikely event that a failure of the bunded area of the reservoir should occur, the topography of the land would direct water along Pinkney's Lane and then head northwards to a ditch system that leads to the River Glaven and not directly impact any dwellings or principle infrastructure along the flow path.

- 7.101 In relation to the impacts on the River Glaven, the application states, that the Stody Estate obtained the original planning permission in October 2010 (Ref. C/1/2010/1004) to construct two linked agricultural reservoirs on the basis that it will be filled with water from the River Glaven when there are high flows. The abstraction of water from the River Glaven is regulated by the Environment Agency which granted a winter abstraction licence in 2000 and which was updated in 2017 to allow abstraction during periods of high flow, with different seasonal restrictions. The approved abstraction licence is for 370,000 cubic metres of water each year when flows in the River Glaven are above a specified level.
- 7.102 Despite the concerns of Edgefield Parish Council about the impact of abstraction, as set out above there are no objections from either the Lead Local Flood Authority or from the Environment Agency. There are no concerns regarding pollution to either groundwater or surface water.
- 7.103 The development can therefore be considered to be acceptable and compliant in terms of the relevant development plan policies and the NPPF in relation to the impacts of the development on ground water, surface water and flood risk.
- 7.104 **Public Rights of Way**
- 7.105 There are no significant issues in relation to Public Rights of Way. There no directly affected Public Rights of Way, although as the Public Rights of Way Officer advises the internal haulage road crosses Stody Bridleway 3. Subject to the provision of appropriate signage on the haul road approaches to the bridleway an on the bridleway itself. There are therefore no objections to the development and there are no issues in relation to relevant development plan policy include the NM&WDF Core Strategy Policy DM14 – Progressive working, restoration and after-use and the North Norfolk LDF Core Strategy Incorporating Development Control Policies, Policy SS4 Environment, emerging policy set out in the North Norfolk Local Plan, First Draft Local Plan Part 1 (May 2019) and specifically Policy ENV 8 Public Rights of Way, and the NPPF.
- 7.106 **Other Issues**
- 7.107 Protection of Agricultural Land and Soils
- 7.108 The NPPF, paragraph 170 and the NM&WDF Core Strategy Policy DM14 – Progressive working, restoration and after-use refer to the protection of best and most versatile agricultural land and Policy DM14 and Policy DM16 – Soils refer to the protection, restoration and/or improvement of agricultural soil quality.
- 7.109 This is not a significant issue in the case of current applications, as the development of the reservoirs whilst taking place on Grade 3 agricultural land (according to Natural England's Agricultural Land Use for the east Region), is itself intended for the benefit of the management of Breck Farm on the Stody Estate and other adjoining and nearby farms. As detailed above the soils on the site are to be retained and to be used in the restoration works, with part of

the restored area as detailed above returned to agricultural use. The applications do not therefore give rise to any significant issues in terms of either development plan policy or the NPPF in relation to the protection of agricultural land or soils or the protection, restoration and improvement of agricultural soils quality.

7.110 Cumulative Impacts

7.111 The NPPF, Chapter 17 on Facilitating the Sustainable Use of Minerals and particularly paragraph 205, and NM&WDF Core Strategy, Policy DM15 – Cumulative impacts require consideration of the ‘cumulative impacts’ of proposals in conjunction with other existing, permitted or allocated mineral extraction sites.

7.112 The applications identify that in this case there are no other nearby mineral extractions sites that give rise to the need to consider the cumulative impacts arising from the operation of more than one mineral extraction operation. The current applications have been submitted to amend the existing consented scheme for the construction two agricultural reservoirs with excavation and processing of the extracted minerals, at Breck Farm. The Environmental Statement includes assessment of the amended scheme including the continuing extraction from, and restoration of, the consented southern area, and the concurrently proposed mineral extraction in Pinkney’s field and the processing of the extracted mineral from both areas. The assessments undertaken as part of the Environmental Impact Assessment, are based upon the full amended scheme and take into account the cumulative impacts, which are reported in the submitted Environmental Statement. The conclusions of the assessment in relation to each of the key issues is set out above, and no other or additional cumulative impacts have been identified that need to be considered in the context of either the NPPF or the NM&WDF Core Strategy, Policy DM15.

7.113 Sustainable Development

7.114 The overarching question is whether the development for which the three applications have been submitted, is sustainable development. Relevant policy includes the NPPF, paragraph 11 which states that in determining decisions on planning applications local planning authorities should apply the presumption in favour of sustainable development and in doing so should approve development proposals that accord with an up-to-date development plan without delay.

7.115 This is carried through into the Norfolk Minerals and Waste Development Framework Mineral Site Specific Allocations Development Plan Document (2017), Policy SD1 – The Presumption in Favour of Sustainable Development, the Norfolk Minerals and Waste Local Plan Initial Consultation (May 2018), Policy MW1: Presumption in favour of Sustainable Development, and the North Norfolk Local Plan 2016-2036 First Draft Local Plan Part 1 (May 2019) Policy SD 1 Presumption in Favour of Sustainable Development.

7.116 For the reasons set out in the preceding paragraphs the applications are considered to be in accord with the development plan, and the NPPF, and can

therefore be considered to be sustainable development in line with the advice set out in the NPPF paragraph 11.

7.117 Environmental Impact Assessment

In accordance with the Town and Country Planning Environmental (Impact Assessment) Regulations 2017 an Environmental Statement has been submitted. The assessment of the matters in the statement is set out above under the headings of: Landscape and Visual Impact; Trees; Ecology; Flood Risk; Traffic, Noise; Archaeology and Heritage.

7.118 Responses to the representations received

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

7.120 No representations or objections have been received in response to the application.

7.121 The Community Infrastructure Levy

7.122 The development is not CIL liable.

7.123 Local Finance Considerations

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

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

8. Resource Implications

8.1 **Finance:** The development has no financial implications from the Planning Regulatory perspective.

8.2 **Staff:** The development has no staffing implications from the Planning Regulatory perspective.

8.3 **Property:** The development has no property implication from the Planning Regulatory perspective.

8.4 **IT:** The development has no IT implications from the Planning Regulatory perspective.

9. Other Implications

9.1 Human rights

9.2 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.

- 9.3 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.
- 9.4 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.
- 9.5 **Equality Impact Assessment (EIA)**
- 9.6 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.
- 9.7 **Legal Implications:** There are no legal implications from the Planning Regulatory perspective.
- 9.8 **Communications:** There are no communication issues from a planning perspective.
- 9.9 **Health and Safety Implications:** There are no health and safety implications from a planning perspective.
- 9.10 **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.
- 10. Section 17 – Crime and Disorder Act**
- 10.1 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.
- 11. Risk Implications/Assessment**
- 11.1 There are no risk issues from a planning perspective.
- 12. Conclusion and Reasons for Granting of Planning Permission**
- 12.1 This report relates to three simultaneous planning applications for different aspects of the same development, which is the construction of a new agricultural reservoir with excavation and processing of the extracted minerals, at Breck Farm on the Stody Estate, about 1km north east of Briston. The applications amend the previously consent scheme.
- 12.2 The Pinkney's Field additional area of extraction is located within the Glaven Valley Conservation area (along with the existing permitted scheme). Whilst paragraph 205 of the NPPF presumes against mineral extraction in

Conservation Areas, the harm caused to the heritage asset would be less than substantial and at the lower end of the scale. As stated in the report, it is considered that there are sufficient public benefits to the scheme that outweigh this less than substantial harm, and therefore the site's location in the Conservation Area is not considered to be a reason to withhold planning permission.

- 12.3 All three applications are considered to be in accordance with the development plan, and other material considerations and can therefore be considered meet the criteria for sustainable development in line with the advice set out in the NPPF. There have been no objections to the development, and it is in all other respects considered acceptable and there are no other material considerations why it should not be permitted. Accordingly, all three full conditional planning permissions are recommended for approval subject to the conditions set out below in relation to each application.

13. Conditions

Application Ref. C/1/2018/1016

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

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

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

- Application 1 Supporting Statement dated February 2019;
- Location Plan (Application 1) Plan - Plan No. 0612/L/2 v1 dated 1 February 2019;
- Application 1 Plan (Pinkney's Field) - Plan No. 0612/A/2 v4 dated 1 February 2019;
- Site Plan (as existing) - Plan No. 0612/S/1 v6 dated 13 November 2018;
- Progressive Operations - Stages 1-3 - Plan No. 0612/PO/1 v4 dated 13 November 2018;
- Progressive Operations - Stages 4-6 - Plan No. 0612/PO/2 v4 dated 13 November 2018; and
- Composite Operations Plan - Plan No. 0612/CO/1 v1 dated 30 January 2019;
- Non-Technical Summary dated February 2019 including the following plans:
 - Application Areas Plan No. 0612/A/4 v1 dated 1 February 2019;
 - Progressive Operations - Stages 1-3 Plan No. 0612/PO/1 v4 dated 19 November 2018; and

- Progressive Operations - Stages 4-6 Plan No. 0612/PO/2 v4 dated 13 November 2018;
- Planning and Environmental Statement Volume 1 dated February 2019 including the following plans:
 - Location Plan - Plan No. 0612/L/1 v2 dated 13 November 2018;
 - Site Context - Plan No. 0612/SC/1 v2 dated 13 November 2018;
 - Application Areas Plan No. 0612/A/4 v1 dated 1 February 2019;
 - Site Plan (as existing) - Plan No. 0612/S/1 v6 dated 13 November 2018;
 - Progressive Operations - Stages 1-3 - Plan No. 0612/PO/1 v4 dated 13 November 2018;
 - Progressive Operations - Stages 4-6 - Plan No. 0612/PO/2 v4 dated 13 November 2018; and
 - Composite Operations Plan - Plan No. 0612/CO/1 v1 dated 30 January 2019;
- Planning and Environmental Statement Volume 2 dated February 2019 including the following documents:
 - Landscape and Visual Impact Assessment (Christine Fisher, B.Sc., Dip. L.A., C.M.L.I., Landscape Architect), undated including the following plans:
 - Landscape Proposals - Drawing No. 428/01A Rev A, dated 16 November 2018;
 - Location and Landscape Context - Drawing No. 428/02A Rev A, dated November 2018;
 - Sections 1-1 and 2-2 - Drawing No. 428/03, dated September 2018; and
 - Proposed Revised After-Use of South Field After Mineral Extraction - Drawing No. 428/04A, dated June 2018.
 - Arboricultural Impact Assessment (Christine Fisher, B.Sc., Dip. L.A., C.M.L.I., Landscape Architect), undated including the following plan:
 - Tree and Hedge Survey - Drawing No. 428/04B, dated January 2019.
 - Ecological Report/Preliminary Ecological Appraisal (Norfolk Wildlife Services), Report Ref. 2017/165, dated 24 January 2019;
 - Site Specific Flood Risk Assessment (Richard Jackson Engineering Consultants), Project No. 48982, dated January 2019;
 - Transport Statement (Richard Jackson Engineering Consultants), Project No. 48982 Rev A, dated January 2019 (including the Lorry Management Plan Framework included in Appendix D);
 - Noise Assessment (LF Acoustics Ltd), dated January 2019;

- Archaeological Desk-Based Assessment (Broadland Archaeology), dated January 2019;
- Heritage Statement, (Broadland Archaeology), dated (Revised) 4 February 2019;
- Business Plan for Reservoir Scheme (Wilson Wraight), dated November 2018;
- Addendum Statement to Volume 1 of the Planning and Environmental Statement dated March 2019 including the following plans:
 - Application Plan No. 0612/BF/A dated 18th November 2008;
 - Application 2 Plan (Section 73) Plan No.0612/A/1 v5 dated 13^h March 2019; and
- Completed Works - Plan No. 0612/CW/1 v5 dated 10 May 2019;

The later version of any Plan will be taken as the approved working version.

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

- 13.3 Notwithstanding Condition 2 above, all vehicles accessing and egressing the site shall do so direct from the B1354.

Reason: To protect the amenities of the surrounding area in accordance with Policies CS14 and OM12 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.

- 13.4 The extraction operations hereby permitted shall cease by 31 December 2026 with all buildings, plant, machinery, stockpiles, haul roads/internal roads/crossings and bunds removed, haul route de-compacted and replanting of any removed trees along the haul route within three months after this date.

Reason: To protect the amenities of the surrounding area in accordance with Policies CS14 and DM12 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.

- 13.5 No operation authorised or required under this permission or under The Town and Country Planning (General Permitted Development) (England) Order 2015 shall take place on Sundays or Bank/Public holidays, or other than during the following periods:

07:00 -18:00 hours Monday to Friday

08:00 -13:00 hours Saturdays

No processing of material shall take place before 07:30 hours Monday to Fridays.

Reason: To protect the amenities of the surrounding area in accordance with Policies CS14 and DM12 of the Norfolk Minerals and Waste Core Strategy

DPD 2010-2026.

- 13.6 The development shall be carried out and constructed in accordance with the approved Site Specific Flood Risk Assessment (Richard Jackson Engineering Consultants), Project No. 48982, dated January 2019.
- Reason: In the interests of protecting the water environment and flood prevention in accordance with Policy DM4 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.
- 13.7 The visibility splay measuring 2.4m x 160m provided under application C/1/2010/1004 to each side of the access point on to the B1354, shall be retained free from any obstruction exceeding 0.6m above the level of the adjacent highway carriageway.
- Reason; In the interests of highway safety in accordance with Policies CS15 and DM10 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.
- 13.8 Measures shall be taken to minimise dust nuisance and sand blow caused by the operations, including spraying of road surfaces, plant area and stockpiles as necessary.
- Reason: To protect the amenities of the surrounding area in accordance with Policies CS14 and DM12 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.
- 13.9 Handling, movement and re-spreading of topsoil and subsoil shall not take place except when the soils are in a dry and friable condition and in such a way and with such equipment as to ensure minimum compaction. No handling of soil shall take place except between 1st April and 31st October.
- Reason: To protect the amenities of the surrounding area in accordance with Policies CS14 and DM12 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.
- 13.10 No plant or machinery shall be used on the site unless it is maintained in a condition whereby it is efficiently silenced in accordance with the manufacturer's specification.
- Reason: To protect the amenities of the surrounding area in accordance with Policies CS14 and DM12 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.
- 13.11 No external lighting shall be installed on the site unless it is retained such that it will not cause glare beyond the site boundaries.
- Reason: To protect the amenities of the surrounding area in accordance with Policies CS14 and DM12 of the Norfolk Minerals and Waste Core Strategy

DPD 2010-2026.

- 13.12 Any fuel storage and refuelling facilities on the site shall be constructed on an impermeable base with an independent sealed drainage system with no direct discharge to any watercourse or underground strata.

Reason: To safeguard hydrological interests, in accordance with Policies in accordance with Policies CS14 and DM6 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.

- 13.13 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order), no buildings, plant or machinery, nor structures of the nature of plant or machinery other than that permitted under this planning permission shall be erected on the site, except with permission granted on an application under Part III of the Town and Country Planning Act 1990, as amended.

Reason: To protect the amenities of the surrounding area in accordance with Policies CS14 and DM12 of the Norfolk Minerals and Waste Core Strategy DPD 20.10-2026.

- 13.14 Except for temporary operations, noise caused by operations at the site shall not exceed the noise limits specified below at the locations shown on Plan A attached to the notice issued with application C/1/2010/1004.

The Lawn	-	44 dB LAeq (1 hour) free field;
Hunworth	-	40 dB LAeq (1 hour) free field;
Thatched Cottages	-	45 dB LAeq (1 hour) free field;
The Patch	-	40 dB LAeq (1 hour) free field;
Mill House/Mount Farm	-	44 dB LAeq (1 hour) free field;
White Ollands	-	46 dB LAeq (1 hour) free field.

Reason: To protect the amenities of the surrounding area in accordance with Policies CS14 and DM12 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.

- 13.15 Noise for temporary operations such as site preparation, soil stripping, construction and removal of baffle mounds, soil storage mounds and spoil heaps, construction of new permanent landforms and aspects of site road construction/maintenance at each of the locations shown on Plan A attached to the notice issued with application C/1/2010/1004 shall not exceed:-

The Lawn	-	49 dB LAeq (1 hour) free field;
Hunworth	-	45 dB LAeq (1 hour) free field;
Thatched Cottages	-	50 dB LAeq (1 hour) free field;
The Patch	-	45 dB LAeq (1 hour) free field;
Mill House/Mount Farm	-	49 dB LAeq (1 hour) free field;
White Ollands	-	51 dB LAeq (1 hour) free field.

Temporary operations shall not exceed a total of 8 weeks in any calendar year.

Reason: To protect the amenities of the surrounding area in accordance with Policies CS14 and DM12 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.

- 13.16 Prior to the commencement of any temporary operations on site, as referred to in condition 15 above, a scheme of works to include contact details, the precise nature of works to be undertaken and equipment to be used, timescale, including date of commencement and completion, and the exact location of the works shall be submitted to, and approved in writing by, the County Planning Authority. The development shall be undertaken only in accordance with the approved scheme.

Reason: To protect the amenities of the surrounding area in accordance with Policies CS14 and DM12 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.

- 13.17 From the date of this permission the operator/s shall maintain records of any noise complaints/concerns notified to them regarding activities undertaken as part of the development and a record of all vehicles entering and leaving the site and shall make them available to the County Planning Authority at any time upon request. All records shall be kept and made available for inspection for the duration of the extractions works.

Reason: To protect the amenities of the surrounding area in accordance with Policies CS14 and DM12 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.

- 13.18 Soil bunds which are in situ for one or more growing seasons shall be seeded with grass and retained in accordance with the submitted and hereby approved details.

Reason: To protect the amenities of the surrounding area in accordance with Policies CS14 and DM12 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.

- 13.19 The development shall only be undertaken in accordance with the recommendations and details set out in Ecological Report/Preliminary Ecological Appraisal (Norfolk Wildlife Services), Report Ref. 2017/165, dated 24 January 2019.

Reason: In the interests of preserving the ecological interest in the area in accordance with Policy DM1 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.

- 13.20 Within 3 months of the date of this permission, a revised landscaping plan for the planting around the new reservoirs and including details of any new areas

of woodland shall be submitted to, and approved in writing by, the County Planning Authority. The development shall thereafter be undertaken in accordance with the submitted and approved Landscape and Visual Impact Assessment (Christine Fisher, B.Sc., Dip. L.A., C.M.L.I., Landscape Architect), undated including the following plans (as amended by the updated landscaping plan);

- Landscape Proposals - Drawing No. 428/01A Rev A, dated 16 November 2018;
- Location and Landscape Context - Drawing No. 428/02A Rev A, dated November 2018;
- Sections 1-1 and 2-2 - Drawing No. 428/03, dated September 2018; and
- Proposed Revised After-Use of South Field After Mineral Extraction - Drawing No. 428/04A, dated June 2018.

Any landscaping/planting which fails or damage occurs within a period of five years from the date of the initial planting shall be replaced with trees/landscaping of a similar size and species at the next appropriate planting season.

Reason: To protect the amenities of the surrounding area in accordance with Policies CS14 and DM12 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.

- 13.21 Stockpiled material within the site shall not exceed 6 metres in height as measured from base to peak.

Reason: To protect the amenities of the surrounding area in accordance with Policies CS14 and DM12 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.

- 13.22 Any storage of topsoil, whether short or long term shall not exceed 3 metres in height measured from base to peak.

Reason: To protect the amenities of the surrounding area in accordance with Policies CS14 and DM12 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.

- 13.23 No waste or other material shall be brought onto or deposited on site and no mineral shall be imported into the site for processing or sale.

Reason: To protect the amenities of the surrounding area in accordance with Policies CS14 and DM12 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.

- 13.24 Within 3 months of the date of this permission, an aftercare scheme specifying such steps as may be necessary to bring the land to the required standard for use for agriculture/grassland shall be submitted to, and approved in writing by,

the County Planning Authority. The approved aftercare scheme shall be implemented over a period of five years following the completion of restoration or in the case of phased restoration in stages each of five years duration dating from each completed restoration phase.

Reason: in the interests of the appearance of the development and surrounding area in accordance with Policy DM14 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.

- 13.25 No reversing beepers or other means of audible warning of reversing vehicles shall be fixed to, or used on, any site vehicles, other than those which use white noise, or other warning measures, the use of which shall first be approved in writing to County Planning Authority.

Reason: To protect the amenities of the surrounding area in accordance with Policies CS14 and DM12 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.

- 13.26 For the duration of the permission hereby permitted, all HGV traffic associated with the development will comply with the Lorry Management Plan Framework included in Appendix D of the Transport Statement (Richard Jackson Engineering Consultants), Project No. 48982 Rev A, dated January 2019, for the routing of HGVs to and from the site. The Lorry Management Plan Framework shall thereafter be implemented as approved and make provision for:

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

Reason: In the interests of maintaining highway efficiency and safety.

- 13.27 Within 3 months of the date of this permission, details of signage on the haul road approaches to the bridleway (if not already in place) to warn drivers of PROW users and of signage on the Bridleway to warn users of heavy vehicles crossing shall be submitted to, and approved in writing by, the County Planning Authority.

The Bridleway users should take precedence over the haul road crossing and all signs shall be maintained for the lifetime of the operations on site.

Reason: To ensure the safety of Bridleway users.

- 13.28 Prior to the commencement of development, a Written Scheme of Investigation (WSI) setting out a programme of archaeological work in Pinkney's Field shall be submitted to and approved in writing by the Local Planning Authority. The program of archaeological work shall thereafter be carried on in complete accordance with the approved specification.

Reason: To ensure that any archaeology is recorded and taken into account in the development of the site.

- 13.29 No excavation work shall be undertaken within the 10m stand-off around the reservoir or otherwise within 10m of Pinkney's Lane.

Reason: To protect the amenities of the surrounding area in accordance with Policies CS14 and DM12 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.

- 13.30 Note: This permission shall be read in conjunction with Planning Permission Refs. C/1/2018/1017 and C/1/2018/1018, which together with this Planning Permission, grant consent for the associated works on the wider extended site including Pinkney's Field.

Note: Attention is drawn to the requirements of the Environment Agency in their attached letter of 25 April 2019.

Application Ref. C/1/2018/1017

- 13.31 The development must be carried out in strict accordance with the application form and the following plans and documents submitted with Application Ref. C/1/2010/1004 comprising the following:

- Environmental Statement Volume 1, dated April 2010, which includes the following:
 - Application Plan, drawing number 0612/BF/A, dated 30-04-2010;
 - Site context (showing flood plain), drawing number 0612/BF/SC/2, dated 08-01-2009;
 - Proposed Route of Internal Road from 81354, drawing number 0612/BF/IR/1a, dated 12-04-2010;
 - Illustrative Reservoir Plan, drawing number 0612/BF/R/1c, dated 29-09-2008;
 - Construction of South Reservoir, drawing number 0612/BF/O/2d, dated 18-11-2008;
 - Proposed road crossing points, drawing number 370/03A, dated November 2008;
 - Landscape proposals, drawing number 370/06, dated July 2008;
- Environmental Statement Volume 2, dated April 2010, which includes the following:

- Agricultural Need Justification for Reservoir Development, dated May 2008;
- Protected Species Survey, dated December 2007;
- Ecological Survey - New Access Track, dated March 2008;
- Visual Impact Assessment, dated October 2008;
- Access Statement, dated June 2008;
- Brief for Archaeological Evaluation by Geophysical Survey, dated 25 March 2008;
- ANV Noise Assessment, dated November 2008;
- Drilling Survey for Sand and Gravel, dated October 2006;
- Environmental Statement Volume 3, dated April 2010, which includes the following:
 - Arboricultural Assessment of Trees located at Lawn Farm, Briston, dated January 2009, which includes drawing numbers:-
 - Existing trees north of farm sheds affected by crossing point, drawing number 370/04, dated January 2009;
 - Detail of proposed access route through plantation, drawing number 370/07, dated January 2009;
 - Flood Risk Assessment, dated January 2009 and supplemental email correspondence from Prime Irrigation dated 4 June 2009;
 - Assessment of work required to plantation and proposed mitigating planting, dated February 2010, which includes the following drawing numbers:-
 - Additional planting south of Edgefield Road, drawing number 370/05A, dated February 2010;
 - Detail of proposed access route through plantation, drawing number 37_0/07A, dated January 2009;
 - Great Crested Newt Survey, dated June 2009;
 - Bat Activity Surveys -Proposed Access Track, dated September 2009;
 - Impact report, dated February 2010;
 - Report on archaeological fieldwalking and metal-detecting survey, Norfolk Museums Site Code: ENF124468, dated April 2010;
 - Non-technical survey, dated April 2010;
 - HGV Access Arrangements- General Arrangement, drawing number 60045408/01 Rev C, dated 9 Apr 09;
 - Illustrative Detail of Offices & Weighbridge, drawing number Gen./OW/1, dated 05-05-2010;
 - Study Estate Breck Farm reservoirs, drawing number 11199, dated February 2009;

- Method statement for archaeological monitoring and excavation, Norfolk Museums Site Code: ENF124510, dated April 2010; and
- Construction traffic management and routing and wheel cleaning details, received 18 August 2010;

As subsequently amended by plans and documents submitted with each of the following applications in order:

Application Ref. C/1/2012/1002:

- Tree Removal/Coppicing Plan, FRIM/STODY/2012/02, dated Feb-12;
- Site Location Plan 0612/BF/A, dated 18-11-2008;
- Planning Statement received 22-5-12.

Application Refs. C/1/2014/1006, and C/1/2016/1022:

- PWD140321 Application Statement Breck Farm Reservoirs Study Plant Relocation (ref. C/1/2014/1006);
- Detail of Processing Plant, Terex: Aggwash 60-01/60-2 (ref. C/1/2014/1006);
- Breck Farm Reservoirs Study Estate, drawing number STO/2016/03, dated 03-06-2016 (ref. C/1/2016/1022);
- Planning Statement, dated December 2016 (ref. C/1/2016/1022); and

Application Ref. C/1/2018/1017

- Application 2 Supporting Statement dated February 2019;
- Location Plan (Application 2) Plan - Plan No. 0612/L/3 v1 dated 1 February 2019;
- Site Plan (as existing) - Plan No. 0612/S/1 v6 dated 13 November 2018;
- Progressive Operations - Stages 1-3 - Plan No. 0612/PO/1 v4 dated 13 November 2018;
- Progressive Operations - Stages 4-6 - Plan No. 0612/PO/2 v4 dated 13 November 2018;
- Composite Operations Plan - Plan No. 0612/CO/1 v1 dated 30 January 2019;
- Non-Technical Summary dated February 2019 including the following plans:
 - Application Areas Plan No. 0612/A/4 v1 dated 1 February 2019;
 - Progressive Operations - Stages 1-3 Plan No. 0612/PO/1 v4 dated 19 November 2018; and
 - Progressive Operations - Stages 4-6 Plan No. 0612/PO/2 v4 dated 13 November 2018;
- Planning and Environmental Statement Volume 1 dated February 2019 including the following plans:

- Location Plan - Plan No. 0612/L/1 v2 dated 13 November 2018;
- Site Context - Plan No. 0612/SC/1 v2 dated 13 November 2018;
- Application Areas Plan No. 0612/A/4 v1 dated 1 February 2019;
- Site Plan (as existing) - Plan No. 0612/S/1 v6 dated 13 November 2018;
- Progressive Operations - Stages 1-3 - Plan No. 0612/PO/1 v4 dated 13 November 2018;
- Progressive Operations - Stages 4-6 - Plan No. 0612/PO/2 v4 dated 13 November 2018; and
- Composite Operations Plan - Plan No. 0612/CO/1 v1 dated 30 January 2019;
- Planning and Environmental Statement Volume 2 dated February 2019 including the following documents:
- Landscape and Visual Impact Assessment (Christine Fisher, B.Sc., Dip. L.A., C.M.L.I., Landscape Architect), undated including the following plans:
 - Landscape Proposals - Drawing No. 428/01A Rev A, dated 16 November 2018;
 - Location and Landscape Context - Drawing No. 428/02A Rev A, dated November 2018;
 - Sections 1-1 and 2-2 - Drawing No. 428/03, dated September 2018; and
 - Proposed Revised After-Use of South Field After Mineral Extraction - Drawing No. 428/04A, dated June 2018.
- Arboricultural Impact Assessment (Christine Fisher, B.Sc., Dip. L.A., C.M.L.I., Landscape Architect), undated including the following plan:
- Tree and Hedge Survey - Drawing No. 428/04B, dated January 2019.
- Ecological Report/Preliminary Ecological Appraisal (Norfolk Wildlife Services), Report Ref. 2017/165, dated 24 January 2019;
- Site Specific Flood Risk Assessment (Richard Jackson Engineering Consultants), Project No. 48982, dated January 2019;
- Transport Statement (Richard Jackson Engineering Consultants), Project No. 48982 Rev A, dated January 2019 (including the Lorry Management Plan Framework included in Appendix D);
- Noise Assessment (LF Acoustics Ltd), dated January 2019;
- Archaeological Desk-Based Assessment (Broadland Archaeology), dated January 2019;
- Heritage Statement, (Broadland Archaeology), dated (Revised) 4 February 2019; and

- Business Plan for Reservoir Scheme (Wilson Wraight), dated November 2018;
- Addendum Statement to Volume 1 of the Planning and Environmental Statement dated March 2019 including the following plans:
 - Application Plan No. 0612/BF/A dated 18th November 2008;
 - Application 2 Plan (Section 73) Plan No.0612/A/1 v5 dated 13^h March 2019; and
 - Completed Works - Plan No. 0612/CW/1 v5 dated 10 May 2019;

The later version of any Plan will be taken as the approved working version.

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

- 13.32 Notwithstanding Condition 1 above, all vehicles accessing and egressing the site shall do so direct from the B1354.

Reason: To protect the amenities of the surrounding area in accordance with Policies CS14 and OM12 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.

- 13.33 The extraction operations hereby permitted shall cease by 31 December 2026 with all buildings, plant, machinery, stockpiles, haul roads/internal roads/crossings and bunds removed, haul route de-compacted and replanting of any removed trees along the haul route within three months after this date.

Reason: To protect the amenities of the surrounding area in accordance with Policies CS14 and DM12 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.

- 13.34 No operation authorised or required under this permission or under The Town and Country Planning (General Permitted Development) (England) Order 2015 shall take place on Sundays or Bank/Public holidays, or other than during the following periods:

07:00 -18:00 hours Monday to Friday

08:00 -13:00 hours Saturdays

No processing of material shall take place before 07:30 hours Monday to Fridays.

Reason: To protect the amenities of the surrounding area in accordance with Policies CS14 and DM12 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.

- 13.35 The development shall be carried out in accordance with the submitted Method Statement for Archaeological Monitoring and Excavation dated April

2010 as approved by Norfolk Landscape Archaeology.

Reason: To safeguard archaeological interests in accordance with Policies CS14 and DM9 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.

- 13.36 The development shall be carried out and constructed in accordance with the approved Flood Risk Assessment dated January 2009 and the further information from Prime Irrigation dated 3 June 2009 and accompanying drawing number 11199, as updated by the Site Specific Flood Risk Assessment (Richard Jackson Engineering Consultants), Project No. 48982, dated January 2019.

Reason: In the interests of protecting the water environment and flood prevention in accordance with Policy DM4 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.

- 13.37 The visibility splay measuring 2.4m x 160m provided under application C/1/2010/1004 to each side of the access point on to the B1354, shall be retained free from any obstruction exceeding 0.6m above the level of the adjacent highway carriageway.

Reason; In the interests of highway safety in accordance with Policies CS15 and DM10 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.

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

Reason: To protect the amenities of the surrounding area in accordance with Policies CS14 and DM12 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.

- 13.39 Handling, movement and re-spreading of topsoil and subsoil shall not take place except when the soils are in a dry and friable condition and in such a way and with such equipment as to ensure minimum compaction. No handling of soil shall take place except between 1st April and 31st October.

Reason: To protect the amenities of the surrounding area in accordance with Policies CS14 and DM12 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.

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

Reason: To protect the amenities of the surrounding area in accordance with Policies CS14 and DM12 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.

- 13.41 No external lighting shall be installed on the site unless it is retained such that it will not cause glare beyond the site boundaries.
- Reason: To protect the amenities of the surrounding area in accordance with Policies CS14 and DM12 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.
- 13.42 Any drums and small containers used for oil and other chemicals on the site shall be stored in bunded areas which do not drain to any watercourse, surface water sewer or soakaways and all oil or chemical storage tanks, ancillary handling facilities and equipment including pumps and valves shall be contained within an impervious bunded area of at least 110% of the total stored capacity.
- Reason: To safeguard hydrological interests, in accordance with Policies in accordance with Policies CS14 and DM6 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.
- 13.43 Any fuel storage and refuelling facilities on the site shall be constructed on an impermeable base with an independent sealed drainage system with no direct discharge to any watercourse or underground strata.
- Reason: To safeguard hydrological interests, in accordance with Policies in accordance with Policies CS14 and DM6 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.
- 13.44 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order), no buildings, plant or machinery, nor structures of the nature of plant or machinery other than that permitted under this planning permission shall be erected on the site, except with permission granted on an application under Part III of the Town and Country Planning Act 1990, as amended.
- Reason: To protect the amenities of the surrounding area in accordance with Policies CS14 and DM12 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.
- 13.45 Except for temporary operations, noise caused by operations at the site shall not exceed the noise limits specified below at the locations shown on Plan A attached to the notice issued with application C/1/2010/1004.
- | | | |
|-----------------------|---|---------------------------------|
| The Lawn | - | 44 dB LAeq (1 hour) free field; |
| Hunworth | - | 40 dB LAeq (1 hour) free field; |
| Thatched Cottages | - | 45 dB LAeq (1 hour) free field; |
| The Patch | - | 40 dB LAeq (1 hour) free field; |
| Mill House/Mount Farm | - | 44 dB LAeq (1 hour) free field; |
| White Ollands | - | 46 dB LAeq (1 hour) free field. |

Reason: To protect the amenities of the surrounding area in accordance with Policies CS14 and DM12 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.

- 13.46 Noise for temporary operations such as site preparation, soil stripping, construction and removal of baffle mounds, soil storage mounds and spoil heaps, construction of new permanent landforms and aspects of site road construction/maintenance at each of the locations shown on Plan A attached to the notice issued with application C/1/2010/1004 shall not exceed:-

The Lawn	-	49 dB LAeq (1 hour) free field;
Hunworth	-	45 dB LAeq (1 hour) free field;
Thatched Cottages	-	50 dB LAeq (1 hour) free field;
The Patch	-	45 dB LAeq (1 hour) free field;
Mill House/Mount Farm	-	49 dB LAeq (1 hour) free field;
White Ollands	-	51 dB LAeq (1 hour) free field.

Temporary operations shall not exceed a total of 8 weeks in any calendar year.

Reason: To protect the amenities of the surrounding area in accordance with Policies CS14 and DM12 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.

- 13.47 Prior to the commencement of any temporary operations on site, as referred to in condition 16 above, a scheme of works to include contact details, the precise nature of works to be undertaken and equipment to be used, timescale, including date of commencement and completion, and the exact location of the works shall be submitted to, and approved in writing by, the County Planning Authority. The development shall be undertaken only in accordance with the approved scheme.

Reason: To protect the amenities of the surrounding area in accordance with Policies CS14 and DM12 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.

- 13.48 From the date of this permission the operator/s shall maintain records of any noise complaints/concerns notified to them regarding activities undertaken as part of the development and a record of all vehicles entering and leaving the site and shall make them available to the County Planning Authority at any time upon request. All records shall be kept and made available for inspection for the duration of the extractions works.

Reason: To protect the amenities of the surrounding area in accordance with Policies CS14 and DM12 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.

- 13.49 Soil bunds which are in situ for one or more growing seasons shall be seeded with grass and retained in accordance with the submitted and hereby approved details.

Reason: To protect the amenities of the surrounding area in accordance with Policies CS14 and DM12 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.

- 13.50 The development shall only be undertaken in accordance with the submitted and approved Norfolk Wildlife Services Ecological Survey - New Access Track dated March 2008 proposed mitigation works, as updated by the recommendations and details set out in Ecological Report/Preliminary Ecological Appraisal (Norfolk Wildlife Services), Report Ref. 2017/165, dated 24 January 2019.

Reason: In the interests of preserving the ecological interest in the area in accordance with Policy DM1 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.

- 13.51 Within 3 months of the date of this permission, a revised landscaping plan for the planting around the new reservoirs and including details of any new areas of woodland shall be submitted to, and approved in writing by, the County Planning Authority. The development shall thereafter be undertaken in accordance with the submitted and approved Landscape and Visual Impact Assessment (Christine Fisher, B.Sc., Dip. L.A., C.M.L.I., Landscape Architect), undated including the following plans (as amended by the updated landscaping plan);

- Landscape Proposals - Drawing No. 428/01A Rev A, dated 16 November 2018;
- Location and Landscape Context - Drawing No. 428/02A Rev A, dated November 2018;
- Sections 1-1 and 2-2 - Drawing No. 428/03, dated September 2018; and
- Proposed Revised After-Use of South Field After Mineral Extraction - Drawing No. 428/04A, dated June 2018.

Any landscaping/planting which fails or damage occurs within a period of five years from the date of the initial planting shall be replaced with trees/landscaping of a similar size and species at the next appropriate planting season.

Reason: To protect the amenities of the surrounding area in accordance with Policies CS14 and DM12 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.

- 13.52 Stockpiled material within the site shall not exceed 6 metres in height as measured from base to peak.

Reason: To protect the amenities of the surrounding area in accordance with Policies CS14 and DM12 of the Norfolk Minerals and Waste Core Strategy

DPD 2010-2026.

- 13.53 Any storage of topsoil, whether short or long term shall not exceed 3 metres in height measured from base to peak.
- Reason: To protect the amenities of the surrounding area in accordance with Policies CS14 and DM12 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.
- 13.54 No waste or other material shall be brought onto or deposited on site and no mineral shall be imported into the site for processing or sale, other than from the immediately adjacent area of extraction within Pinkney's Field approved under Planning Permission Ref. C/1/2018/1016. Any such materials shall only be brought into the site via the internal haul road from Pinkney's Field to Plant and Operations Area shown on the Composite Operations Plan – Plan No. 0612/CO/1 (version/amendment: 0612/CO/1 v1) dated 30 January 2019.
- Reason: To protect the amenities of the surrounding area in accordance with Policies CS14 and DM12 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.
- 13.55 Within 3 months of the date of this permission, an aftercare scheme specifying such steps as may be necessary to bring the land to the required standard for use for agriculture/grassland shall be submitted to, and approved in writing by, the County Planning Authority. The approved aftercare scheme shall be implemented over a period of five years following the completion of restoration or in the case of phased restoration in stages each of five years duration dating from each completed restoration phase.
- Reason: in the interests of the appearance of the development and surrounding area in accordance with Policy DM14 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.
- 13.66 No reversing beepers or other means of audible warning of reversing vehicles shall be fixed to, or used on, any site vehicles, other than those which use white noise, or other warning measures, the use of which shall first be approved in writing to County Planning Authority.
- Reason: To protect the amenities of the surrounding area in accordance with Policies CS14 and DM12 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.
- 13.57 For the duration of the permission hereby permitted, all HGV traffic associated with the development will comply with the Lorry Management Plan Framework included in Appendix D of the Transport Statement (Richard Jackson Engineering Consultants), Project No. 48982 Rev A, dated January 2019, for the routing of HGVs to and from the site. The Lorry Management Plan Framework shall thereafter be implemented as approved and make provision

for:

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

Reason: In the interests of maintaining highway efficiency and safety.

- 13.58 Within 3 months of the date of this permission, details of signage on the haul road approaches to the bridleway (if not already in place) to warn drivers of PROW users and of signage on the Bridleway to warn users of heavy vehicles crossing shall be submitted to, and approved in writing by, the County Planning Authority.

The Bridleway users should take precedence over the haul road crossing and all signs shall be maintained for the lifetime of the operations on site.

Reason: To ensure the safety of Bridleway users.

- 13.59 Note: This permission shall be read in conjunction with Planning Permission Refs. C/1/2018/1016 and C/1/2018/1018, which together with this Planning Permission, grant consent for the associated works on the wider extended site including Pinkney's Field.

Note: Attention is drawn to the requirements of the Environment Agency in their attached letter of 25 April 2019.

Application Ref. C/1/2018/1018

- 13.60 The development must be carried out in strict accordance with the application form and the following plans and documents submitted with application reference C/1/2016/1020:

- Planning Statement; dated January 2017;
- Breck Farm Reservoirs Application Plan; STO/2017/01; dated 21 July 2017;
- Breck Farm Reservoirs Site Plan; STO/2017/02; dated 27 January 2017;
- Breck Farm Reservoirs Location Plan; STO/2016/04; dated 3 June 2016;
- Breck Farm Revised Office Layout; STO/2017/07; dated 13 December 2016;
- Plant Layout; DUO15-032-01; dated 10 September 2015;
- Project: Washing Plant for Stody; Q1585 Issue1; dated 16 July 2015;

- Simplified General Arrangement of 9m Thickener Cell; 13625 dated 9 August 2008.

And as subsequently amended by the documents submitted with application reference C/1/2018/1018, namely:

- Application 3 Supporting Statement dated February 2019;
- Non-Technical Summary dated February 2019 including the following plans:
 - Application Areas Plan No. 0612/A/4 v1 dated 1 February 2019;
 - Progressive Operations - Stages 1-3 Plan No. 0612/PO/1 v4 dated 19 November 2018; and
 - Progressive Operations - Stages 4-6 Plan No. 0612/PO/2 v4 dated 13 November 2018;
- Planning and Environmental Statement Volume 1 dated February 2019 including the following plans:
 - Location Plan - Plan No. 0612/L/1 v2 dated 13 November 2018;
 - Site Context - Plan No. 0612/SC/1 v2 dated 13 November 2018;
 - Application Areas Plan No. 0612/A/4 v1 dated 1 February 2019;
 - Site Plan (as existing) - Plan No. 0612/S/1 v6 dated 13 November 2018;
 - Progressive Operations - Stages 1-3 - Plan No. 0612/PO/1 v4 dated 13 November 2018;
 - Progressive Operations - Stages 4-6 - Plan No. 0612/PO/2 v4 dated 13 November 2018; and
 - Composite Operations Plan - Plan No. 0612/CO/1 v1 dated 30 January 2019;
- Planning and Environmental Statement Volume 2 dated February 2019 including the following documents:
 - Landscape and Visual Impact Assessment (Christine Fisher, B.Sc., Dip. L.A., C.M.L.I., Landscape Architect), undated including the following plans;
 - Landscape Proposals - Drawing No. 428/01A Rev A, dated 16 November 2018;
 - Location and Landscape Context - Drawing No. 428/02A Rev A, dated November 2018;
 - Sections 1-1 and 2-2 - Drawing No. 428/03, dated September 2018; and
 - Proposed Revised After-Use of South Field After Mineral Extraction - Drawing No. 428/04A, dated June 2018.
 - Arboricultural Impact Assessment (Christine Fisher, B.Sc., Dip. L.A.,

C.M.L.I., Landscape Architect), undated including the following plan:

- Tree and Hedge Survey - Drawing No. 428/04B, dated January 2019.
- Ecological Report/Preliminary Ecological Appraisal (Norfolk Wildlife Services), Report Ref. 2017/165, dated 24 January 2019;
- Site Specific Flood Risk Assessment (Richard Jackson Engineering Consultants), Project No. 48982, dated January 2019;
- Transport Statement (Richard Jackson Engineering Consultants), Project No. 48982 Rev A, dated January 2019 (including the Lorry Management Plan Framework included in Appendix D);
- Noise Assessment (LF Acoustics Ltd), dated January 2019;
- Archaeological Desk-Based Assessment (Broadland Archaeology), dated January 2019;
- Heritage Statement, (Broadland Archaeology), dated (Revised) 4 February 2019;
- Business Plan for Reservoir Scheme (Wilson Wraight), dated November 2018;
- Addendum Statement to Volume 1 of the Planning and Environmental Statement dated March 2019 including the following plans:
 - Application Plan No. 0612/BF/A dated 18th November 2008;
 - Application 3 Plan (Section 73) Plan No.0612/A/5 v2 dated 7th March 2019; and
 - Completed Works - Plan No. 0612/CW/1 v5 dated 10 May 2019.

The later version of any Plan will be taken as the approved working version.

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

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

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

- 13.62 The additional plant, cabin and screen mound, the subject of this application, shall be removed from the site by 31 December 2026.

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

- 13.63 Measures shall be taken to minimise dust nuisance and sand blow caused by the operations, including spraying of road surfaces, plant area and stockpiles as necessary.
Reason: To protect the amenities of the surrounding area in accordance with Policies CS14 and OM12 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.
- 13.64 The additional soil bund, the subject of this application, shall not exceed 5 metres in height from base level and shall be seeded in the next available planting season with a seed mix to match existing bunds on site.
Reason: To protect the amenities of the surrounding area in accordance with Policies CS14 and DM12 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.
- 13.65 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any Order revoking, re-enacting or modifying this Order, no further buildings, plant or machinery, nor structures of the nature of plant or machinery shall be erected on the site, except with permission granted on an application under Part III of the Town and Country Planning Act 1990.
Reason: To control possible future development which would otherwise be permitted but which may have a detrimental effect on amenity or the landscape, in accordance with Policy DM12 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.
- 13.66 No operation authorised or required under this permission shall take place on Sundays or Bank/Public holidays, or other than during the following periods:
07:00 - 18:00 hours Monday to Friday
08:00 - 13:00 hours Saturdays.
No processing of material shall take place before 07.30 hours Monday to Fridays.
Reason: To protect the amenities of the surrounding area in accordance with Policies CS14 and DM12 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026
- 13.67 Note: This permission shall be read in conjunction with Planning Permission Refs. C/1/2018/1016 and C/1/2018/1017, which together with this Planning Permission, grant consent for the associated works on the wider extended site including Pinkney's Field.
- 13.68 Note: Attention is drawn to the requirements of the Environment Agency in their attached letter of 25 April 2019.

Background Papers

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

<https://www.norfolk.gov.uk/-/media/norfolk/downloads/what-we-do-and-how-we-work/policy-performance-and-partnerships/policies-and-strategies/minerals-and-waste-planning/core-strategy-and-minerals-and-waste-development-management-policies-development-20102026.pdf?la=en&hash=2B9DE42FADAE96E23E1105DE7EE570C51431DCDC>

Norfolk Minerals and Waste Development Framework Mineral Site Specific Allocations Development Plan Document (Adopted October 2013, amendments adopted December 2017)

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

Norfolk Minerals and Waste Local Plan (NM&WLP) Initial Consultation (May 2018)

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

North Norfolk Local Development Framework Core Strategy Incorporating Development Control Policies (September 2008)

https://www.norfolk.gov.uk/media/1370/3_core_strategy_incorporating_development_control_policies-adopted_2008-updated_2012.pdf#page=2

North Norfolk Local Plan 2016-2036 First Draft Local Plan Part 1 (May 2019)

<https://www.norfolk.gov.uk/tasks/planning-policy/local-plan-consultation/>

The National Planning Policy Framework (NPPF) (2019)

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

Planning Practice Guidance (2014)

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

Officer Contact

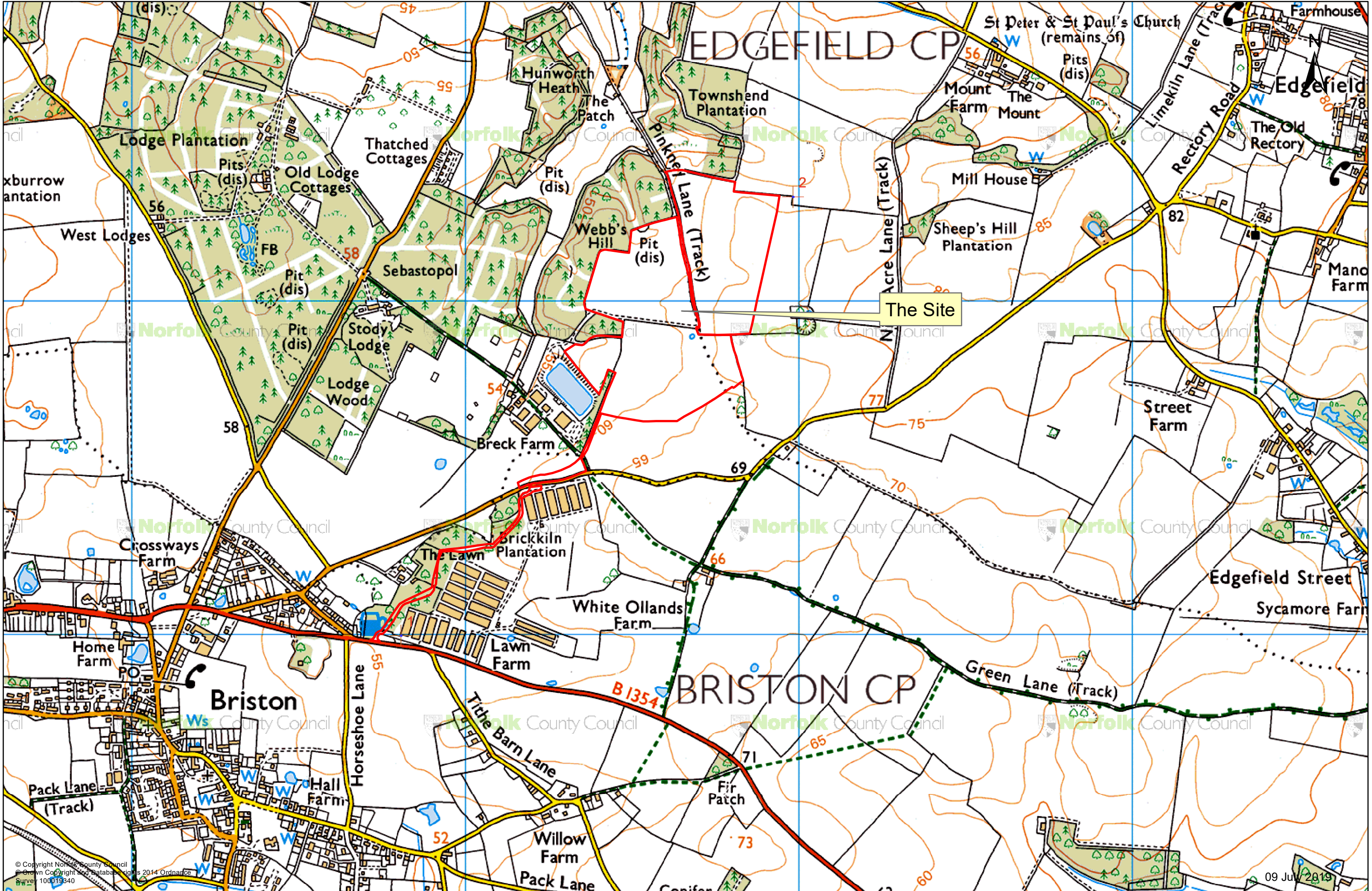
If you have any questions about matters contained in this paper or want to see copies of any assessments, eg equality impact assessment, please get in touch with:

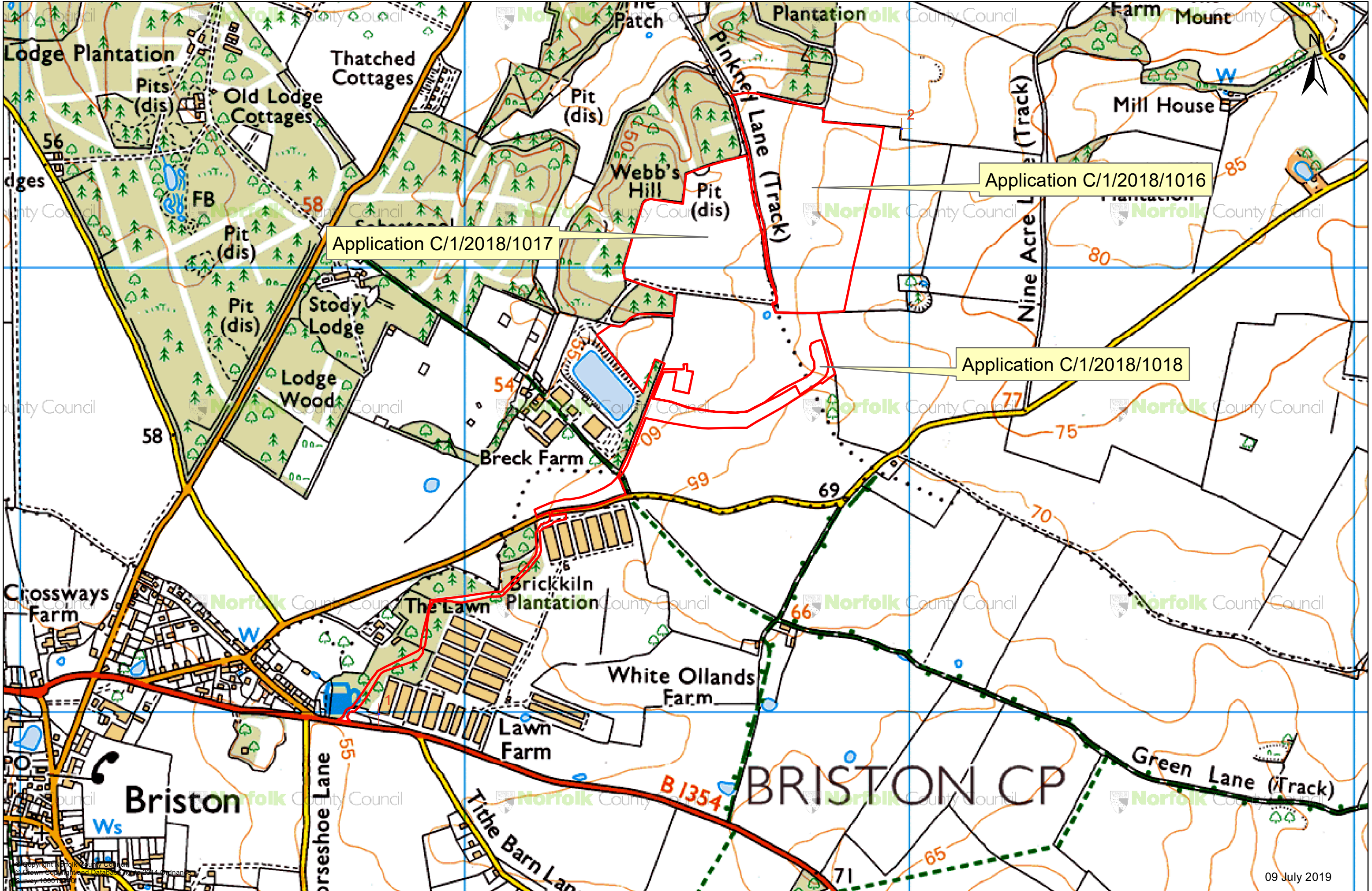
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Planning (Regulatory) Committee

Item No. 6

Report title:	C/3/2018/3001: Anglian Business Centre, West Carr Road, Attleborough, Norfolk
Date of meeting:	26 July 2019
Responsible Chief Officer:	Tom McCabe, Executive Director, Community and Environmental Services
Proposal and applicant: Recycling facility for construction, demolition and excavation waste (Anglian Demolition & Asbestos Ltd)	

Executive summary

Planning permission is sought to operate an existing demolition yard for the processing and recycling of up to 75,000 tonnes of inert waste material per year. The wastes would comprise of concrete, asphalt, road planings and soils and would be segregated and processed on site to produce recycled aggregates and screened topsoil.

Three letters of objection have been received raising concerns in respect of amenity and highways impacts.

No objections have been raised by statutory consultees subject to suitably worded conditions being imposed on any grant of planning permission.

The key issues are the principle of development, impacts of the development on the residential amenity, the highway network, biodiversity, groundwater and heritage assets. The environmental impacts of the proposal have been carefully considered. It is considered that the proposal is in accordance with the policies contained within the development plan and national planning guidance, and therefore conditional planning permission is recommended.

It is considered that the proposal would be in accordance with the policies contained within the adopted Norfolk Minerals and Waste Core Strategy DPD.

Recommendation:

It is recommended that the Executive Director of Community and Environmental Services be authorised to:

- I. Grant planning permission subject to the conditions outlined in section 13.**
- II. Discharge conditions where those detailed above require the submission and implementation of a scheme, or further details, either before development commences, or within a specified date of planning permission being granted.**
- III. Delegate powers to officers to deal with any non-material amendments to the application that may be submitted.**

1. The Proposal

- 1.1 Type of development : Inert waste processing and storage (construction, demolition and excavation).
- 1.2 Site / extraction area : 0.98 hectares
- 1.4 Annual tonnage : Up to 75,000 tonnes per annum
- 1.6 Duration : Permanent
- 1.8 Hours of working / operation : 07:00 to 18:00 weekdays.
07:00 to 13:00 Saturdays.
No working Sundays and Public Holidays.
- 1.9 Vehicle movements and numbers : Average of 13.5 traffic movements in each direction per day
- 1.10 Access : Direct access to West Carr link Road and A11 trunk Road. No access along West Carr Road.
- 1.11 Landscaping : Existing landscaping to be retained.
- 1.13 Description of proposal
- 1.14 Planning permission is sought to operate the application site for the processing and recycling of up to 75,000 tonnes of inert waste material per year. The wastes would comprise of concrete, asphalt, road planings and soils and would be segregated and processed on site to produce recycled aggregates and screened topsoil. Recycled aggregates, soil and waste awaiting processing would be stored temporarily on site in stockpiles no more than three metres high and, during windy weather, would be covered with a tarpaulin to prevent dust. A mobile crusher would be used occasionally to process the inert materials. The proposed hours of operation would be 0800 hours – 1800 hours Monday to Friday and 0800 hours – 1200 hours on Saturdays. All access to and from the site will be via the short route on West Carr Road to the A11(T) northbound. A weight restriction restricts HGVs movements heading west on West Carr Road.

2. Site

- 2.1 The site is located within the parish of Attleborough, west of the A11(T) Attleborough bypass. Access is off the C137 West Carr Road, 100 metres west of the junction with the A11(T). The site is separated from the market town of Attleborough and its residential dwellings by the A11(T). The site is currently in an industrial/commercial use. Part of it is occupied by the applicant (demolition yard) and the other part is occupied by a petroleum company.

3. Constraints

- 3.1 The site is identified in Breckland Council's Proposals Map as being located outside any defined development limit.

4. Planning History

- 4.1 3/98/799/F – Change of use to MOT Servicing Centre and haulage depot, storage of scrap materials & erection of 3 buildings.
- 4.2 C/3/1998/3027 - Change of use from haulage depot to use of land for selected soil/sub-soil grading & crushing of imported inert materials in accordance with NCC category 1 waste – Withdrawn 1999.
- 4.3 C/3/2007/3053 – Waste Transfer Station – Withdrawn 2008.

5. Planning Policy

Development Plan Policy

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

- CS5: General location of waste management facilities
- CS6: General waste management considerations
- CS7: Recycling, composting, anaerobic digestion and waste transfer stations
- CS13: Climate change and renewable energy generation
- CS14: Environmental protection
- CS15: Transport
- DM3: Groundwater and surface water
- DM4: Flood risk
- DM8: Design, local landscape and townscape character
- DM10: Transport
- DM12: Amenity
- DM15: Cumulative impacts

- 5.2 **Norfolk Minerals and Waste Local Development Framework: Waste Site Specific Allocations DPD (2013)**

- WAS 47

- 5.3 **Breckland Core Strategy and Development Control Policies (2009):**

DC 1 Protection of Amenity
DC 12 Trees and Landscape
DC 13 Flood Risk
DC 16 Design
DC 17 Historic Environment

5.6 **Attleborough Neighbourhood Plan (November 2017)**

No relevant policies.

Other Material Considerations

5.7 **The National Planning Policy Framework (2019)**

5.8 **National Planning Policy for Waste (2014)**

5.9 **Our Waste, Our Resources: A Strategy for England (2018)**

5.10 **Waste Management Plan for England (2013)**

6. Consultations

- | | | | |
|------|---|---|--|
| 6.1 | Breckland District Council (Planning) | : | At the time of writing the report no comments have been received. |
| 6.2 | Attleborough Town Council | : | |
| 6.3 | Environmental Health Officer (Breckland) | : | No objection, subject to the development being carried out in accordance with the submitted details. |
| 6.4 | Environment Agency | : | No objection, the proposed activities will require a permit. |
| 6.5 | Highway Authority (NCC) | : | No objection, subject to a condition requiring access and egress to be derived from the A11 only via the West Carr Link Road only. |
| 6.6 | Highways England | : | No objection. |
| 6.7 | Ecologist (NCC) | : | No objection. |
| 6.8 | Green Infrastructure Officer (NCC) | : | No objection. |
| 6.9 | Arboricultural and Woodland Officer (NCC) | : | No objection. |
| 6.10 | East harling Internal | : | Concerned with the level of information contained |

- | | | |
|------|----------------------------------|---|
| | Drainage Board | within the drainage strategy. No objection subject to condition. |
| 6.11 | County Councillor, Rhodri Oliver | : At the time of writing the report no comments have been received. |

6.12 Representations

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

- 6.13 Three letters of objection have been received raising concerns in respect of the noise from the current operations and that the proposed operations including crushing will increase the noise generated at the site. Concern that the noise impact assessment carried out by the applicant was not robust enough. Concern that the proposed development will generate dust and that small amounts of asbestos may be present. Concern that the development will result in too many HGV movements along West Carr Road.

7. **Assessment**

- 7.1 The issues to be assessed for this application are:

7.2 **Principle of development**

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

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

- 7.3 In terms of the development plan, the County Planning Authority considers the relevant policy documents in relation to this application to be the Norfolk Minerals and Waste Local Development Framework Core Strategy, the Minerals and Waste Development Management Policies Development Plan Document 2010-2016 (the “NMWDF Core Strategy”) and the Breckland Core Strategy (2009). Whilst not part of the development plan, policies within the National Planning Policy Framework (2019), the Government’s National Planning Policy for Waste (2014) and the Government’s ‘Our Waste, Our Resources: A Strategy for England (2018) are also a further material consideration of significant weight.
- 7.4 Given that the review of the Norfolk Minerals and Waste Local Plan is at an early stage, the emerging Plan is apportioned little weight. Breckland Council is in the process of producing a new Local Plan: following completion of the consultation on the main modifications to the Local Plan the Council ran an additional

consultation on Main Modifications only. The consultation ended on 15th May 2019. The emerging Local Plan is a material consideration; the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area; in accordance with para. 48 of the NPPF, due weight is given to relevant policies.

- 7.5 Policy CS5 of the NMWLDF supports the development of new waste sites (strategic over 10,000 tonnes per annum) providing that they are well located to the urban areas of Norwich policy area and Great Yarmouth, and non-strategic sites (indicatively up to 10,000 tonnes per annum) providing that they are well related to locations including Attleborough with good links to the major road network, take advantage of cross border opportunities for waste management and enable the re-use of brownfield sites unsuitable for other uses. The application seeks permission for the processing of up to 75,000 tonnes per annum, however as this use is for inert waste recycling it would be considered as a non-strategic use. The site is on the edge of Attleborough (300m), with a direct link on to the main A11.
- 7.6 Policy CS6: *Waste management considerations* of the NMWDF Core Strategy states that waste sites should be developed in accordance with Policy CS3 and will be acceptable, provided they would not cause unacceptable environmental impacts, on the following types of land:
- 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.
- 7.7 The location of the proposed development is within a previously developed site with planning permission for an MOT Servicing Centre, haulage depot, storage of scrap materials & erection of three buildings. These uses are on-going and will be able to continue on the wider site should this application be approved.
- 7.8 Policy CS7 of the NMWLDF supports the development of new inert recycling sites subject to an assessment of the impacts on the environment, amenity and highways. The Government's National Planning Policy for Waste (2014) is the most direct relevant national guidance. This document underlines that the planning system is pivotal to the timely and adequate provision of waste facilities and it sets out the Government's strategy for sustainable waste management.
- 7.9 Policy WAS 47 of Norfolk Mineral and Waste Development Framework, Waste Site Specific Allocations DPD allocates the application site for a waste use including inert waste and recycling with an estimated capacity up to 10,000 tonnes per annum. The policy requirements are for activities to be enclosed

within a building, protection of local amenity by control and mitigation of dust, noise, odour, lighting and the restriction of hours of operation. Protection of watercourses, appropriate landscaping, vehicle routing and access. The proposal exceeds the estimated capacity tonnes per annum and does not propose enclosure of the operations.

7.10 Officers consider it regrettable that the site is not proposed to be developed in-line with the waste site specific allocation. However, given the proposals would be compliant with the principles of policy CS6, & CS7, it is not considered that this would form sufficient reason to refuse the application. subject to an assessment of any potential highway, environmental and amenity impacts of the proposed development.

7.11 The proposed scheme would assist with the overarching thrust of dealing with waste in a more sustainable manner i.e. through recycling and recovery of waste and therefore driving waste management up the waste hierarchy (and only disposing of it as a last resort). The application is therefore considered to comply with the aims and objectives of this and the Government's 'Our Waste, Our Resources: A Strategy for England' which similarly seeks to promote the management of waste up the waste hierarchy. The National Planning Policy for Waste also underlines that the need for a facility is only required to be demonstrated where a proposal is not consistent with an up to date plan. Because of the allocation of the land for waste uses, and because of the compliance with the land use policies detailed above, there is not a requirement to demonstrate a need for this facility at this location.

7.12 **Amenity (noise, dust, light pollution etc)**

The protection of amenity for people living in close proximity of waste management facilities is a key consideration and NMWDF policy DM12: *Amenity* states that development will only be permitted where "...unacceptable impact to local amenity will not arise from the operation of the facility." This echoes policy NMWDF CS14: *Environmental protection* which also seeks to avoid unacceptable impacts on amenity. Breckland District Council's Core Strategy and Development Control Policies DPD, policy DC 1 "Protection of Amenity," states that development will not be permitted where there are unacceptable effects on the amenities of the area or the residential amenity of neighbouring occupants. Regard will be given to issues such as overlooking/loss of privacy, odour, noise, vibration or other forms of disturbance, contamination, light pollution or the emission of particulates and quality of landscape.

7.13 The nearest residential property to the site is Oakmead which is approximately 65 metres from the access to the site. Royal Oak whilst the property is approximately 115 metres from the operational area, the extensive rear garden is approximately 6 metres from the operational area.

- 7.14 With regards to the actual regulation of an operation such as this, in accordance with paragraph 183 of the NPPF and the National Planning Policy for Waste, the County Planning Authority needs to focus on whether proposed development is an acceptable use of land, rather than the control of processes or emissions, and the CPA needs be satisfied that the facility can in principle operate without causing an unacceptable impact on amenity by taking advice from the relevant regulation authority (the Environment Agency). However, it is the role of the Environmental Permit (which the facility would also require before it can operate) as issued by the Environment Agency to actually control emissions such as noise, odour and dust through conditions, and Planning Authorities should assume this regime will operate effectively.
- 7.15 In raising no objection to the application, the EA in their consultation response commented that the proposal would need be subject to the Environmental Permitting Regulations in order to operate. The Environmental Protection Team from Breckland Council has no objections or comments on the grounds of Environmental Protection, providing the development proceeds in line with the application details, with particular reference to the noise levels and dust/particulate measures described in the supporting documents.
- 7.16 Subject to condition the proposed development is considered acceptable and would comply with NMWDF Policies CS14 & DM12, Breckland District Council's Core Strategy and Development Control Policies DPD, policy DC 1 "Protection of Amenity.
- 7.17 **Design**
NMWDF policy DM8: *Design, local landscape and townscape* character seeks to only permit development that does not have unacceptable impacts on the character and quality of the landscape. Breckland Core Strategy policy DC 16; Design states that all new development should achieve the highest standard of design.
- 7.18 The application does not include any new buildings and the application site is within an existing industrial area.
- 7.19 Therefore, officers consider that the proposal is not in conflict with policy DM8 of the NMWLDF CS or Breckland Core Strategy policy DC 16.
- 7.20 **Landscape / Trees**

NMWDF Policies CS14: Environmental protection and DM8: *Design, local landscape and townscape* character both seek to only permit development that does not have unacceptable impacts on the character and quality of the landscape. Policy DC 16 "Design" of Breckland District Council's Core Strategy and Development Control Policies DPD, states that in terms of form and character all development should complement, the natural landscape, natural features and built form that surround it. Policy DC 12 (Trees and Landscape)

states that any development that would result in the loss of, or the deterioration in the quality of an important natural feature(s), including protected trees and hedgerows will not normally be permitted.

- 7.21 The proposal is for the change of use of an existing brownfield site which is currently being used by a demolition company (the applicant) and a petroleum company. The site benefits from a significant level of landscaping, bunding and some concrete wall sections along its boundaries, there are a number of mature trees and the site is well screened. 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 a Conservation Area or AONB) in terms of the NMWDF policies and the NPPF. The Natural Environment Team has no objection to the proposal in landscape terms.
- 7.22 The applicant has provided information which demonstrates that the scheme will not have a detrimental impact on existing trees to the satisfaction of the Natural Environment Team.
- 7.23 It is considered that the proposals would not have any unacceptable impact upon the visual amenity of the area and would be generally in-keeping with the type of activity that could be expected within this type of industrial site. In this respect the proposals are considered to accord with policies CS14 & DM8 of the NMWLDF and policy DC 16 “Design” of Breckland District Council’s Core Strategy and Development Control Policies DPD.
- 7.24 **Biodiversity and geodiversity**
- 7.25 NMWDF policy CS14 states developments must ensure there are no unacceptable adverse impacts on biodiversity including nationally and internationally designated sites and species. As regards biodiversity, the application site carries no particular nature conservation designation. As regards to geodiversity the application site is not within a geological Site of Special Scientific Interest and no excavations are being proposed.
- 7.26 The Council’s Ecologist has been consulted on the application and raises no objection on ecological grounds.
- 7.27 Given the above, it is considered that the proposal will not have any unacceptable adverse impacts on biodiversity and geodiversity. The development is considered to be acceptable and compliant with NMWDF policy CS14 and the objectives of section 15 of the NPPF.
- 7.28 Appropriate Assessment
- 7.29 The application site is located approximately 2.2 km from the Norfolk Valley Fen SAC, which is a habitat protected by the Habitats Directive, designated primarily due to its valley-head spring-fed fens, associated rich flora and rare species. The application has been assessed in accordance with Regulation 63 of the

Conservation of Habitats and Species Regulations 2017. Given the distance of the site from the SAC, together with the nature and context of the activities proposed it is considered that the development would not have a significant effect on any European site. Accordingly, there is no requirement for the CPA to undertake an Appropriate Assessment of the development.

7.30 **Transport**

- 7.31 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.
- 7.32 The site lies 300m off the A11 and 40m from the A11 slip road and is therefore very close to the trunk road network. The route currently used and being proposed for site lorries exiting will be to turn right out of the site entrance onto the West Carr Road, then left onto the A11 slip-road, and then left onto the A11 northbound. The route used by lorries entering, will be the opposite, which is peel left off the A11 northbound, onto the A11 slip-road, and then turn right onto West Carr Road, and then left into the site. Other routes are restricted as turning left out of the site entrance is a dead-end, whilst West Carr Road west of the A11 slip-road has a 'environmental' weight restriction of 7.5 tonnes. Those vehicles that need to travel south will turn around at the Ellingham Road interchange. The applicant states that there have been no recorded accidents along the relevant section of West Carr Road, slip road or junction with the A11 (2013-2017). There has been one single accident involving a car and cyclist on the A11 but not at the junction.
- 7.33 Current activities on the site generate approximately 9 two-way HGV movements (18 movements) per day, in addition to 4 two-way movements for staff. The applicant states that the proposed development will generate a maximum number of movements in the order of 13.5, 20-tonne HGV loads per day for the importation of the waste material. Importation of 75,000 tonnes per annum, equates to 3,750 fully-laded HGVs over the year. There will be approximately 277 productive days per year (half days included as half days). 3,750 divided by 277 is 13.5 (27 movements) HGVs per day. The applicant states that many of the movements will be incorporated in the current activities so the figure would be more like 8.5 (17 movements) HGV's per day. Officers note that the figures for the exportation of recycled products has not been factored in, although in conclusion the applicant consider that the *"traffic generation associated with the recycling operation can be considered as low and would highly likely fall well within day to day variations on the A11."*
- 7.34 Only a short section of West Carr Road forms part of the local highway network, the slip road and A11 trunk road falls within the responsibility of Highways England. With reference to the use of the short section of West Carr Road the

Highway Authority do not wish to raise an objection subject to a condition requiring access to be derived from and to A11 (Trunk) via the West Carr Link Road only. Highways England do not raise an objection.

- 7.35 It is considered that subject to condition the proposal would not have any unacceptable impact upon highway safety or the functioning of the highway network, noting that the site is located with an existing good access onto a main trunk road. The proposal in this respect would accord with Policies CS15 and DM10 of the NMWLDF.
- 7.36 **Sustainability**
- 7.37 NMWDF policy CS13: *Climate change and renewable energy generation* seeks to ensure new developments generate a minimum of 10% renewable energy on site.
- 7.38 The applicant considers that “As a relatively small open-air facility for recycling inert materials, there are no opportunities available for generating decentralised or renewable energy on site.”
- 7.39 Officers consider that the size of the site is a limiting factor as is the physical use of the working areas, in this instance it is not considered reasonable to insist that renewable energy generation is provided as part of this proposals, the application would in this respect accord with the principles of policy CS13 of the NMWLDF.
- 7.40 **Impact on Heritage Assets**
- 7.41 The proposed development is not within a Conservation Area, nor does it contain any Scheduled Ancient Monuments or Listed Buildings. The nearest heritage asset is a grade II listed farmhouse “West Farmhouse,” which is located approximately 87 metres north east of the application site.
- 7.42 The applicant considers that the existing screening would prevent the proposed development from having any additional impacts on the listed buildings.
- 7.43 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 place a statutory duty on the local planning authority to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess. Case law confirms that this means that considerable importance and weight must be given to the desirability of preserving listed buildings and their settings and this is reinforced by paragraph 193 of the NPPF which states that great weight should be given to a heritage asset’s conservation when considering the impact of a proposed development. However, in this case Officers consider that the proposal is well screened from the listed building, and its

impacts would not be such as to affect the significance or setting of the listed building. The proposal is considered to be in accordance with policies CS14 and DM8 of the NMWLDF and policy DC 17 “Historic Environment,” of Breckland District Council’s Core Strategy and Development Control Policies DPD.

7.44 Groundwater/surface water/flood risk

7.45 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. NMWDF policy DM4: *Flood risk* only seeks to permit waste management sites that do not increase the risk of flooding.

7.46 The site is situated within flood zone 1, less than 1 hectare in size, and is not within a ground source protection zone. The applicant has explained how the working area is impermeable and will drain in to an existing drainage system which is a mix of a “sealed 3-stage interceptor and tank” and further interceptors which eventually drains off site.

7.47 The Environment Agency has not raised an objection to the proposal. East Harling IDB in recognition of the proposed development being located close to the IDB district boundary are concerned that there is potential for there to be impacts on a Board maintained watercourse. They consider that the level of information provided by the applicant is insufficient but would be satisfied with a condition requiring the submission and written approval of the surface water drainage scheme prior to commencement.

7.48 Officers consider that the proposal is capable of being acceptable and would not result in any increase in flood risk or impact upon groundwater, subject to a condition as described. The proposal subject to condition, is therefore acceptable in terms of policies DM3 and DM4 of the NMWLDF.

7.49 Public Rights of Way

7.50 There are no public rights of way affected by the proposed development.

7.51 Cumulative impacts

7.52 NMWDF Policy DM15: Cumulative Impacts seeks to consider fully the cumulative impact of developments in conjunction with existing proposals. This echoes the National Planning Policy for Waste which also identifies the cumulative effect of existing and proposed waste facilities on the well-being of the local community as a material consideration. The site is shared with a petroleum company.

7.53 It considered that the proposed application operated in conjunction with the existing waste management/recycling businesses and the other uses at the existing industrial area/ employment area would not have an unacceptable impact.

7.54 **Environmental Impact Assessment**

In accordance with the Town and Country Planning Environmental (Impact Assessment) Regulations 2017 the application was screened on receipt and re-screened at the determination stage and it is not considered that the development would have significant impacts on the environment. No Environmental Impact Assessment is therefore required.

7.55 **Responses to the representations received**

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

A number of concerns/objections were raised, and the response of this authority to those comments is discussed above in the 'Assessment' section of this report.

7.56 **The Community Infrastructure Levy**

The development isn't CIL liable. The local authority where the site is located does not have an adopted CIL charging regime.

7.57 **Local Finance Considerations**

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

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

8. Resource Implications

8.1 **Finance:** The development has no financial implications from the Planning Regulatory perspective.

8.2 **Staff:** The development has no staffing implications from the Planning Regulatory

perspective.

8.3 **Property:** The development has no property implication from the Planning Regulatory perspective.

8.4 **IT:** The development has no IT implications from the Planning Regulatory perspective.

9. Other Implications

9.1 Human rights

9.2 The requirements of the Human Rights Act 1998 must be considered. Should permission not be granted it is considered that the Human Rights of the applicant, who can appeal the decision, are not likely to be affected.

9.3 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.

9.4 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.

9.5 Equality Impact Assessment (EqIA)

9.6 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.

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

- 9.8 **Communications:** There are no communication issues from a planning perspective.
- 9.9 **Health and Safety Implications:** There are no health and safety implications from a planning perspective.
- 9.10 **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.

10. Section 17 – Crime and Disorder Act

- 10.1 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.

11. Risk Implications/Assessment

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

12. Conclusion and Reasons for Granting/Refusing of Planning Permission

- 12.1 Planning permission is sought at an existing demolition yard for, a recycling facility for construction, demolition and excavation wastes.
- 12.2 Whilst representations have been received from three residents, raising concern about the proposal, it is considered that subject to conditions, the scheme can be operated without unacceptable impacts on amenity, the landscape, the highway network, ecology, groundwater & surface water and flood risk.
- 12.3 There are no objections from statutory consultees, the proposed development is considered acceptable and there are no other material considerations why it should not be permitted. Accordingly, full conditional planning permission is recommended.

13. Conditions

- 13.1 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.

- 13.2 Except where overridden by this schedule of conditions, the development must be carried out in strict accordance with the application form and plans and documents (including their recommendations) accompanying the application.

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

- 13.3 No more than 75,000 tonnes of waste shall be imported to the site per annum. Records shall be kept of waste imported to and exported from the site and shall be made available to the County Planning Authority upon request. All records shall be kept for a minimum of 24 months.

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

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

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

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

Monday to Friday:	07.00 - 18.00
Saturday:	07.00 - 13.00

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

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

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

- 13.7 All plant and machinery shall only be operated at the original ground level and not at an elevated position (on bunds or stockpiles or by any other means).

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

- 13.8 The crusher and screener shall only be used in the locations as shown on the Recycling Area Drawing: July 2018. This plant shall not be sited above natural ground level.

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

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

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

- 13.10 There shall be no burning of waste on site.

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

- 13.11 No external lighting shall be installed on the site unless it is maintained such that it will not cause glare beyond the site boundaries.

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

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

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

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

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

- 13.14 Prior to the commencement of development on site, full details of the surface water drainage scheme as outlined in the applicant's email of 9 July 2019 shall be submitted to the County Planning Authority for approval in writing. The approved scheme shall thereafter be maintained for the lifetime of the development.

Reason: To safeguard hydrological interests, in accordance with Policy DM3 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026 and paragraph 109 of the NPPF.

- 13.15 No waste material (both incoming and processed stock) stored on site shall exceed 3 metres above original ground level.

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

Background Papers

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

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

The National Planning Policy Framework (NPPF) (2019)

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

Planning Practice Guidance (2014)

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

Breckland Core Strategy and Development Control Policies (2009):

<https://www.breckland.gov.uk/article/7298/Core-Strategy-and-Development-Control-Policies-Development-Plan-Document>

Breckland Local Plan: Regulation 19 Pre-Submission Publication - Emerging policies

https://www.breckland.gov.uk/media/4486/Pre-Submission-Publication-Part-1/pdf/Breckland_Local_Plan_Pre-Submission_Publication_Part1.pdf?m=636385622315970000

https://www.breckland.gov.uk/media/4487/Pre-Submission-Publication-Part-2/pdf/Breckland_Local_Plan_Pre-Submission_Publication_Part2.pdf?m=636385622565870000

http://consult.breckland.gov.uk/portal/planningpolicy/main_modifications_1/main_modifications_to_the_local_plan?pointId=4925019#document-4925019

National Planning Policy for Waste (2014):

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

Waste Management Plan for England (2013)

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

Government's Ministerial Statement on Intentional Unauthorized Development

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/457632/Final_Chief_Planning_Officer_letter_and_written_statement.pdf

Officer Contact

If you have any questions about matters contained in this paper or want to see copies of any assessments, eg equality impact assessment, please get in touch with:

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Email address: neil.campbell3@norfolk.gov.uk



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

