

# Planning (Regulatory) Committee

Date: **Friday, 13 July 2018**

Time: **10:00**

Venue: **Edwards Room, County Hall,  
Martineau Lane, Norwich, Norfolk, NR1 2DH**

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

## **Membership**

Mr S Askew	Mr W Richmond
Mr R Brame	Mr M Sands
Mr D Collis	Mr E Seward
Mr C Foulger	Mr C Smith
Mr D Harrison	Mr M Storey
Dr C Jones	Mr A White
Mr B Long	

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

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

Anyone wishing to speak regarding one of the items going to the Committee must give written notice to the Committee Officer ([committees@norfolk.gov.uk](mailto:committees@norfolk.gov.uk)) at least 48 hours before the start of the meeting. The Committee Officer will ask which item you would like to speak about and in what respect you will be speaking. Further information can be found in [Part 4.4 of the Constitution](#).

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

Julie Mortimer on 01603 223055 or email [committees@norfolk.gov.uk](mailto:committees@norfolk.gov.uk)

**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. **Election of Chairman**

To elect a Chairman for the ensuing Council year.

3. **Election of Vice Chairman**

To elect a Vice-Chairman for the ensuing Council year.

4. **To confirm the minutes of the Planning (Regulatory) Committee meeting held on 23 March 2018.**

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5. **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

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

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

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

7. **Appointments to Planning (Regulatory) Urgent Business Sub-Committee.**

The Committee is asked to nominate five Members of the Committee to serve on the Planning (Regulatory) Urgent Business Sub-Committee (3 Conservative, 1 Labour, 1 Liberal Democrat). The Terms of Reference for the Sub-Committee are "To exercise all the powers of the main Committee where a decision is required urgently (having been agreed as such by the Head of Democratic Services and relevant Chief Officer)".

8. **C/2/2018/2001: Land at West Field (MIN 76), Tottenhill Row, Watlington, King's Lynn** **Page 13**  
Report by the Executive Director of Community and Environmental Services.
9. **C/2/2018/2002: Watlington Quarry, Near Watlington, King's Lynn** **Page 66**  
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: 05 July 2018



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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 23 March 2018  
at 10.10 am in the Edwards Room, County Hall**

**Present:**

Mr C Foulger – Chairman

Mr D Collis  
Mr D Douglas  
Mr D Harrison  
Mr B Long  
Mr W Richmond

Mr M Sands – Vice-Chairman  
Mr E Seward  
Mr M Storey  
Mr A White

**1 Apologies and Substitutions**

An apology for absence was received from Mr C Smith.

**2 Minutes from the meeting held on 16 February 2018**

- 2.1 The minutes from the Planning (Regulatory) Committee meeting held on Friday 16 February 2018 were agreed as a correct record by the Committee and signed by the Chairman.

**3 Declarations of Interest**

Mr B Long declared a non-pecuniary interest in agenda item 6 (Y/2/2017/2009: Agricultural field at the junction south of Back Street and east of Winch Road, Gayton) as he was Vice-Chairman of King's Lynn Internal Drainage Board which had made representations about the application. Mr Long confirmed he had not taken part in any of the deliberations on this application at Board meetings.

Mr E Seward declared that, with regard to agenda item 5 (C/1/2017/1003: Boundary Pit, Off Sandy Hills, Old Yarmouth Road, North Walsham) as County Councillor in the neighbouring ward to the application site, he was aware of the application, but had not taken part in any deliberations or discussions about the application.

**4 Urgent Business**

There was no urgent business.

- 5        **C/1/2017/1003: Boundary Pit, Off Sandy Hill lane, Old Yarmouth Road, North Walsham**
- 5.1      Proposal: Extension of waste recycling site and increase in annual throughput from 75,000 to 90,000 tonnes, to include additional area for inert storage, building extensions, installation of 12no. PV panels, picking line, perimeter bunding, vehicle parking area (part retrospective), re-excavation of eastern end of the site to remove deposited inert waste and achieve final level as approved under application C/1/2011/1003, off site highway improvements and consolidation of planning permissions (Carl Bird Limited).
- 5.2      The Committee received the report by the Executive Director of Community and Environmental Services seeking planning permission to extend the overall size of an existing recycling and waste transfer facility that dealt with inert construction and demolition waste, mixed skip waste and municipal waste, from approximately 4 hectares (ha) to 6ha. The application also sought to increase by 20% the site's permitted waste throughput from 75,000 to 90,000 tonnes per annum (tpa). The application included development within the existing site consisting of a picking line, a new internal road layout and installation of PV panels to the office.
- 5.3      Mr S Daw, Planning Agent, addressed the Committee on behalf of the applicant in support of the application. Mr Daw spoke about the lack of objections from North Norfolk District Council, Worsted Parish Council, North Walsham Town Council, Environment Health Officer, Environment Agency and Highways Agency. He added that 84 individuals had signed a petition in support of the application and no local residents had raised any objections. He added that the only objection appeared to have come from the Norfolk County Council Landscape Officer who had stated the proposed extension sought to increase the size of the operational site, undermining local landscape and presenting an encroachment on the countryside, and that this objection had not been supported by the District Council. Mr Daw continued that permanent bunds already existed at the site and that the operation was needed. The Planning Agent felt that the report had tried to discredit the applicant.
- 5.4      Mr John Timewell, County Councillor for North Walsham West and Erpingham Ward addressed the Committee as Local Member. Mr Timewell stated that the site had been operating since 2001 and dealt with inert waste. He added that Carl Bird Ltd's standard of operation was a credit to the waste industry and that the company was contracted to Norfolk County Council. Carl Bird Ltd was a family business employing 19 staff which would increase by a further 5 if planning permission was granted, jobs which were needed within the county. Mr Timewell continued by saying that no objections had been received about the application and that residents, Worsted Parish Council and local leisure and hospitality businesses supported the development. The site had not caused any pollution in the local area.
- 5.5      Mr E Seward, County Councillor for North Walsham East ward whose boundary joined onto part of the application site said he was very familiar with the area. He

added that Norfolk County Council had its own recycling centre at Worsted with cars and lorries travelling to and from the site 7 days per week. He referred to the planning permission granted in 2001 and 2011 which had been a departure from Policy. He also referred to the hospitality and leisure businesses situated close to the application site and the fact that there had been no complaints from these businesses about noise and odour. Mr Seward referred to the fact that the only objection was from the Norfolk County Council Landscape Officer. He continued that the site was well run; had attracted no public opposition and that it would help Norfolk County Council meet its recycling targets. Mr Seward fully supported the conditions proposed by the Highways Authority. Mr Seward added that the Norfolk Minerals and Waste Local Development Framework Core Strategy and Minerals and Waste Development Management Policies CS3 and CS4 were meeting demand; the agricultural land was not a significant loss as it was low grade; he knew of no alternative site in the North Walsham area that could take the waste; and that he could not support the recommendation to refuse the application.

5.5 In response to questions from the Committee, the following points were noted:

- 5.5.1 Norfolk did not currently have the waste management capacity that the Waste Local Plan identified as necessary. The waste treatment figures for North Norfolk and North Walsham were not available individually as the target was a Norfolk-wide target.
- 5.5.2 Although there had been some unauthorised use of neighbouring agricultural land for the unauthorised storage of waste, no enforcement action would be considered until the planning application had been determined.
- 5.5.3 Approval for the solar farm on the A149 opposite the application site had been determined and granted by the local District Council. The Planning Services Manager considered that the use could be classed as temporary although it was likely to be in place for 25 years.
- 5.5.4 Some Members questioned why the application had been recommended for refusal when the only objection appeared to be from the Norfolk County Council Landscape Officer, and asked if a condition could be included stating that no more extensions would be allowed in the future. The Planning Services Manager responded that every application needed to be considered individually, and it would not be possible to impose conditions restricting future extensions.
- 5.5.5 The Norfolk County Council Landscape Officer who had commented on the application could not be asked to attend the meeting to present their reasons for objection as they no longer worked for the County Council.
- 5.5.6 Mr A White proposed that the Committee approve the application as, although it was contrary to the plan, there was a recognised need for the development.
- 5.5.7 Mr Long proposed an amendment, adding that the Committee did not feel the extra impact would have a negative effect on the landscape given the established use of



the waste site presently as well as from the existing surrounding development. Mr A White seconded the amended proposal.

5.5.8 The Team Lead (Planning & Environment) nplaw advised the Committee that if it decided to approve the application contrary to the recommendations in the report, it needed to make its reasons very clear. She added that the Committee would need to delegate to Officers the drafting of the decision notice, and include suitable conditions. The following recommendation was proposed and **agreed** by the Committee:

- 5.5.9
- The Committee believed the waste site should be granted permission. The material considerations that weighed in favour of granting planning permission were that the proposals would not have a negative impact on the landscape due to existing bunding and landscaping already in place and due to the existing / previous development in the vicinity of the site, hence the site was not considered to be typical open countryside. The development also accorded with the Norfolk Minerals and Waste Local Development Framework Core Strategy and Minerals and Waste Development Management Policies Development Plan Document (2010-2016) (NMWDF) Waste Policy CS3 (Waste Management capacity) and Policy CS4 (New waste management capacity).

5.6 The Committee unanimously **RESOLVED** to:

- **Approve** the application, delegating to officers the drafting of the decision notice, including suitable conditions.

## **6 Y/2/2017/2009: Agricultural field at the junction south of Back Street and east of Winch Road in Gayton**

6.1 The Committee received the report by the Executive Director of Community and Environmental Services seeking full planning permission for the change of use of agricultural land and the erection of a new school and nursery to replace the existing school currently located on Lynn Road, Gayton. The application site related to an unallocated greenfield site, outside but on the edge of the development boundary identified for Gayton.

6.2 During the presentation of the report, it was noted that, since the report had been published, one further letter had been received from a local resident endorsing the recommendation for a site visit and requesting that the site visit take place at either the start or the end of the school day. No other new information had been received.

6.3 The Chairman reminded Members that any questions or debate could only relate to the necessity of undertaking a site visit; who should be invited and the localities it wished to view. The site visit would take place on a date to be agreed. He added that no debate about the merits of the application would be allowed and the application would be presented to a future Committee meeting for decision. The Chairman also advised only those Committee Members who had attended the site visit would be able to debate and vote on the application when it was formally

presented to a future Planning (Regulatory) Committee meeting.

- 6.4 Mr G Gibling, resident of Gayton, who lived opposite the proposed site, addressed the Committee. Mr Gibling stated that he fully supported the recommendation to undertake a site visit and suggested Committee Members consider the following during their visit:
- View the alternative sites that had been explored but not considered suitable by the applicant, particularly site 1 (Land east of Grimston Road – B1153); site 10 Land to north of St Nicholas Close and site 11 (Playing field and part of land north of St Nicholas Close).
  - View proposed site 8 (Land corner of Back Street/Winch Road), walking along Back Street, towards Winch Road returning to Back Street and imagine the size of the building, how it would operate and the movement of people and cars in and around the proposed entrance to the school.
  - Walk on the field of the proposed site, walk its perimeter and imagine the height and situation of the buildings.
  - View the water culverts.
  - View the proposed site for the pedestrian crossing.
  - Walk up Winch Road to view the sewage pumping facility.
- 6.5 In response to general questions from the Committee, the following points were noted:
- 6.5.1 The Committee agreed that a site visit was in the interests of all Committee Members to enable them to make an informed decision when it considered the formal application at a future committee meeting.
- 6.5.2 Members asked to visit the location of the existing school to see how it was working and current constraints.
- 6.5.3 It was proposed that the site visit took place at the end of the school day so the Committee could view potential traffic issues.
- 6.5.4 It was suggested that invitations for the site visit be extended to:
- Mr Graham Brown, King's Lynn Internal Drainage Board  
Graham Middleton, Local Member for Gayton Ward
- 6.6 The Committee unanimously **RESOLVED** to:
- **Note** the report.
  - **Agree** to undertake a site visit (to be arranged) before determination of the submitted planning application.
- 7 **Member Technical Briefing**

- 7.1 The Committee received the report by the Executive Director of Community and Environmental Services proposing that Members be provided with a technical briefing service to update them on general planning matters prior to planning committee meetings.
- 7.2 The following points were noted during the discussion:
- 7.2.1 If the Committee decided to hold a technical briefing before each Planning (Regulatory) Committee meeting, there could be no debate about individual planning applications and any questions or discussions would need to be contained to technical information and queries only.
- 7.2.2 The Committee was advised that technical briefings could be an opportunity to inform Members about new case law and any changes in Government policy or guidance relevant to planning applications. The Committee was reassured it would be informed if there were any changes in policy or guidance during Committee meetings and that the main reason for proposing the briefing was to assist new Members of the Planning (Regulatory) Committee who may find a longer explanation useful and relevant.
- 7.2.3 Due to public perception around predetermination and in the interests of openness and transparency, some Members were not in favour of holding technical briefings and felt any technical information should be provided in Committee meetings to ensure everyone attending the meeting was aware of the updated information. In response it was stated that members of the public would be informed about the technical briefing and they would be able to attend and listen to questions and responses if they wished.
- 7.2.4 As a technical briefing would not give rise to any decision making no authorisation was required to initiate a meeting, therefore Environment, Transport and Development Committee was not required to approve the holding of technical briefings and it was not proposed to prepare a report on the proposed technical briefing for the Environment, Transport and Development Committee.
- 7.2.5 It was not proposed to make technical briefings mandatory for all Committee Members to attend, it was entirely voluntary. All the issues covered in the technical briefing would be reported at the Committee meeting.
- 7.2.6 The Chairman reported that briefings had been held at South Norfolk District Council for a number of years; they were informative and no issues about predetermination had been identified.
- 7.3 Four members supported the proposal and six members of the Committee **did not support** the holding of a technical briefing meeting prior to future Planning (Regulatory) Committee meetings.

The meeting concluded at 11.40am.

Chairman



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# Planning (Regulatory) Committee

Item No.

<b>Report title:</b>	<b>C/2/2018/2001: Land at West Field (MIN 76), Watlington Road, Tottenhill Row, Watlington, King's Lynn</b>
<b>Date of meeting:</b>	<b>13 July 2018</b>
<b>Responsible Chief Officer:</b>	<b>Tom McCabe - Executive Director, Community and Environmental Services</b>
<b>Proposal and applicant: Extension to Quarry with continued use of ground conveyor (part), culvert and service track: Frimstone Limited</b>	

## Executive summary

Planning permission is sought for physical extension of sand and gravel extraction onto a parcel of land west of the existing plant site, over a period of three years with additional time for completion of restoration, to agriculture and nature conservation, until 31 December 2023. The proposal includes retention of a section of ground conveyor for transport of mineral to the existing plant site and, use of an existing service track and private road for all plant and vehicles to access and exit the extension area. Application reference C/2/2018/2002 for continued use of the plant site for processing mineral from the proposed quarry extension, has also been submitted and is being considered concurrently as the two are inherently linked.

Objections and concerns are raised by Tottenhill Parish Council as well as 15 local residents. Their concerns relate primarily to need, impacts of the development on residential amenity, visual amenity, historic environment, ecology, highway network and groundwater resources. 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 impacts of the development on residential amenity, visual amenity, historic environment, ecology, highway network, groundwater resources and cumulative impact. The parcel of land is formally allocated in the development plan for mineral extraction. The environmental impacts of the proposal have been carefully considered and the proposal would be in accordance with the policies contained within the development plan, therefore conditional planning permission is recommended.

### Recommendation:

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

- 1. Grant planning permission subject to a legal agreement in respect of provision of bat boxes and retention of conveyor culvert as a bat hibernaculum and, the conditions outlined in section 12.**
- 2. Discharge conditions where those detailed above require the submission and implementation of a scheme, or further details, either before development commences, or within a specified date of planning permission being granted.**
- 3. Delegate powers to officers to deal with any non-material amendments to the application that may be submitted.**

## **1. The Proposal**

- |      |                               |   |   |
|------|-------------------------------|---|---|
| 1.1  | Location                      | : | Land at West Field (MIN 76), Watlington Road, Tottenhill Row  |
| 1.2  | Type of development           | : | Extraction of sand and gravel as extension to existing quarry<br><br>Continued use of retained section of existing ground conveyor, culvert and service track/private road  |
| 1.3  | Extraction area               | : | 5.7 hectares  |
|      | Total site area               |   | 8.4 hectares  |
| 1.4  | Depth of excavations          | : | Maximum 6.3 metres<br><br>Average 3.5 metres  |
| 1.5  | Total tonnage                 | : | 285,000 tonnes  |
| 1.6  | Annual tonnage                | : | 90-100,000 tonnes (similar to existing extraction area, (MIN 75))   |
| 1.7  | Market served                 | : | 25km radius of quarry, including King's Lynn and Downham Market   |
| 1.8  | Duration                      | : | Until 31 December 2023 (5.5 years)  |
| 1.9  | Plant                         | : | Loading shovel and excavator;<br>Dump trucks and bulldozer (for stripping and restoration);<br>Retained section of existing field conveyor (for transfer of mineral to existing processing plant to east);<br>Electric water pump.  |
| 1.10 | Hours of working              | : | 07.00 – 17.00 hours Monday to Friday (no operations on Public Holidays);<br><br>07.00 – 13.00 hours Saturday<br><br>Dewatering: pumping would be required outside the normal daytime working hours.   |
| 1.11 | Vehicle movements and numbers | : | 95,000 tonnes per annum = 20 x 18 tonne loads departing plant site per day = 40 HGV movements<br><br>Other vehicle movements associated with extraction area: modest number of vehicle movements via existing access along Church Lane and service track, mainly comprising plant and equipment, and personnel. |
| 1.12 | Access                        | : | Retained section of existing ground conveyor including culvert under Watlington Road for transport of all mineral to existing plant site;<br>HGVs to exit plant site via existing access onto Watlington Road and thence to A10/A134;   |

- All machinery, plant and vehicles to access extraction area via existing access along Church Lane and service track.
- 1.13. Landscaping : Screen bunding and, retention of existing peripheral woodland and hedgerows
- 1.14 Restoration and after-use : Restoration of extraction area to mix of agriculture and nature conservation (reed marsh and open water);
- Retention of conveyor culvert as bat hibernacula.

## 2. Constraints

2.1 The following constraints apply to the application site:

- Defence Infrastructure Safeguarding - RAF Marham
- Agricultural land grade 3.
- Flood Zones 2 and 3
- Tottenhill Row Conservation Area is situated some 14m from the site
- Setchey Site of Special Scientific Interest (SSSI) is located approximately 650m north of the site; River Nar SSSI is located approximately 1.15km north of the site.
- Tottenhill Row Common CWS lies some 25m north and east of the site; Runs Wood Meadow County Wildlife Site (CWS) lies some 250m south of the application site.

## 3. Planning History

3.1 Watlington Quarry has been an active site for the production of sand and gravel since the first planning permission was issued in the mid 1960's. Since then a number of further planning permissions, including physical extensions to the quarry, have been granted. As regards the site under consideration, the following applications are relevant:

3.2 **C/2/96/2001** – O.S. Field No. 8666, West of Watlington Road, Tottenhill - Extraction of Sand and Gravel – Refused 15 May 1996

The grounds of refusal were:

1. The mineral working proposed in close proximity to Tottenhill Row and Tottenhill Row Common, would be in conflict with development plan policies, because it would have an unacceptable impact on visual and residential amenity, on the public enjoyment of the common, and on the character and setting of the Tottenhill Row Conservation Area.
2. It has not been demonstrated that the development proposed would not have an adverse impact on nearby County Wildlife Sites.
3. There is no overriding need for the mineral.

(The application site comprised of the entire field within which site MIN 76 is situated).

3.3 **C/2/96/2015** – Watlington Road, Tottenhill – Revised application to extract Sand and Gravel – Refused 18 December 1996

The grounds of refusal were:

1. There is no need for the mineral.
2. The mineral working proposed would have an unacceptable impact on the character and setting of the Tottenhill Row Conservation Area.

(The application site comprised of the entire field within which site MIN 76 is situated).

- 3.4 **Appeal reference T/APP/X2600/A/97/281857/P5** - made under section 78 of the Town and Country Planning Act 1990 against the decision to refuse planning permission in respect of application C/2/96/2015 – appeal dismissed.

The Inspector concluded that:

- The proposal would pose a risk to water levels at Spring Pit and the nearby County Wildlife Site;
- The proposal would not enable the character of the Tottenhill Row Conservation Area to be preserved;
- Noise would be intrusive;
- The proposal would conflict with landscape protection policies in the Minerals Local Plan and Borough Local Plan because the site is in an Area of Important Landscape Quality;
- There is no overriding need.

- 3.5 **C/2/2015/2006** – Extension to quarry (MIN 75) with installation of ground conveyor with culvert to accommodate conveyor - Approved 4 November 2015

(The ground conveyor runs south east to north west across site MIN 76).

- 3.6 The parcel of land subject of the application under consideration is broadly consistent with site **MIN 76** allocated for sand and gravel extraction in the Mineral Site Specific Allocations Development Plan Document (DPD) (2013/2017) within the Norfolk Minerals and Waste Local Development Framework.

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

- |  |   |  |
|--|---|--|
| 4.1 Norfolk Minerals and Waste Local Development Framework Core Strategy and Minerals and Waste Development Management Policies Development Plan Document 2010-2026 (2011) | : | CS1: Minerals Extraction<br>CS2: General locations for mineral extraction and associated facilities<br>CS13: Climate change<br>CS14: Environmental protection<br>CS15: Transport<br>CS16: Safeguarding mineral sites and mineral resources<br>DM1: Nature conservation |
|--|---|--|



			DM3: Groundwater and surface water
			DM4: Flood Risk
			DM7: Safeguarding aerodromes
			DM8: Design, local landscape character
			DM9: Archaeological sites
			DM10: Transport
			DM11: Sustainable Construction and operations
			DM12: Amenity
			DM13: Air Quality
			DM14: Progressive working, restoration and after-use
			DM15: Cumulative impacts
			DM16: Soils
4.2	Norfolk Minerals and Waste Development Framework Mineral Site Specific Allocations Development Plan Document (2013/2017)	:	Policy MIN 76: West Field, Watlington
4.3	King's Lynn & West Norfolk Borough Council Local Development Framework – Core Strategy (2011)	:	CS06: Development in Rural Areas
4.4	King's Lynn & West Norfolk Site Allocations and Development Management Policies Plan (2016)	:	No relevant policies.
4.5	Neighbourhood Plan	:	The area in which the planning application is located does not have an adopted Neighbourhood Development Plan or Neighbourhood Plan in progress.
4.6	The National Planning Policy Framework (2012)	:	Ch 4. Promoting sustainable transport Ch 7. Requiring good design Ch 10. Meeting the challenge of climate change, flooding and coastal change Ch 11. Conserving and enhancing the natural environment Ch 12. Conserving and enhancing the

			historic environment
			Ch 13. Facilitating the sustainable use of minerals
4.7	Planning Practice Guidance (2016)	:	Minerals
4.8	Draft revised National Planning Policy Framework (2018)	:	
<b>5.</b>	<b>Consultations</b>		
5.1	Borough Council of King's Lynn & West Norfolk	:	No objection
5.2	Tottenhill Parish Council (TPC)	:	<p>Raise objection on the following grounds:</p> <p>Frimstone Ltd have put forward three other nearby sites for NCC to consider. None of these other sites are close to the Tottenhill Row Conservation Area, and so will not impact on residents or the conservation area, unlike the current application. A review by NCC of future sites for mineral extraction could consider these alternatives as a way of meeting any need for mineral within Norfolk, as well as taking place “without undue impact on the local environment or local residential amenity”.</p> <p>TPC is mindful of the advice submitted by Historic England, which states that this application concerning “a site adjacent to Tottenhill Row conservation area.... ..could result in harm to the historic significance of the area in terms of the NPPF”. Residents of Tottenhill support the view that “The quarry extension could therefore change the appearance of the immediate setting of the conservation area where its rural character is particularly important because of the common”, and that “clear and convincing justification should be made for any harm to the significance of heritage assets” (ref. NPPF para 132). Any perceived public benefit deriving from this application should be weighed against the potential harmful impact of the proposals.</p> <p>TPC have doubts about the prediction in this application that there will be no unacceptable adverse impacts on the natural environment, and are concerned about the effectiveness of the arrangements to “ensure that any unavoidable noise, dust and particle emissions and any</p>

blasting vibrations are controlled, mitigated or removed at source". As reported by the Community Safety and Neighbourhood Nuisance Officer at BCKLWN, policy DM 13 requires that there should be adequate measures to mitigate potentially harmful air quality impacts to human health, and that "excessive or unreasonable noise levels are restricted or prevented". Furthermore, BCKLWN point out that previous public comments made by the local residents "re the conveyor, the feed hopper and the dewatering pump have been noted by us and as there would appear to be some impact from the existing operations of MIN 75, we are keen to ensure that the extraction area of this proposal does not have an adverse impact on the amenity of the nearest residents". Local residents have major concerns regarding the noise and dust generated by the proposed workings, and question the level of protection offered by the current bunding arrangements. Residents are not confident that Frimstone Ltd can ensure that all the relevant mitigation measures are in place and working effectively to deal with all the amenity impacts associated with this application.

Site MIN 76 moves extraction much closer to Spring Pit, and TPC is concerned about the impact that the excavation depths will have on the unique character of this natural spring. Previous environmental reports, prepared with ref. to MIN 75, stated that "it is likely that any existing seepages or springs that dry up will not be re-established". In addition, the impact of open water evaporation has yet to be calculated.

Though the forecasted impact on the A10 and A134 routes is recorded as being negligible, what happens in the event of one/both of these roads being closed due to an accident (as happened recently)? In such circumstances, would the alternative routes be able to cope with development traffic and future traffic growth?

TPC has serious concerns about the impact the operations will have on the local environment and nearby residents. The responses from King's Lynn Borough Council's Community Safety and Neighbourhood Nuisance Team and the Environmental Quality Team, and that provided by Historic England, demonstrate that significant

mitigation measures need to be in place to prevent potential harm to human health and the local environment. It is the considered view of TPC that these are not risks worth taking, especially when viewed alongside NCC's policy CS1. This policy establishes that there is no immediate need to grant planning permission as the Sand and Gravel landbank is in excess of 10 years supply.

As the proposal may not conform with other national and local policies, it is not acceptable that mineral extraction be extended to MIN 76. This application does not fulfil the aim of ensuring that mineral facilities can happen in a sustainable way at locations assessed as being appropriate, and is contrary to Policy CS1.

- |     |   |  |
|-----|---|--|
| 5.3 | Watlington Parish Council   | : No response received at time of writing this report  |
| 5.4 | Community Safety & Neighbourhood Nuisance Team and Environmental Quality Team (EHO) (KL&WNBC) | No objection subject to conditions in relation to: Removal of permitted development rights; Noise Mitigation; Dust Management; Phased extraction; Traffic management; Effective silencing of plant and machinery; Construction of bunds prior to extraction commencing; External lighting; Hours of operation. |

#### Air Quality/Dust

The air quality assessment deals with amenity impacts of dust and also compares likely particulate emissions with the relevant air quality standards. The AQA concludes that 'overall, the proposed development is considered to have a negligible impact on the surrounding area. This is based on the disamenity dust effects and PM10 levels'. The overall effect of the proposed development is considered in the AQA to be 'not significant' providing mitigation measures detailed within a Dust Management Plan are implemented to minimise potential impacts.

#### Noise

Sensible and considerate procedures and processes on site will ensure that excessive or unreasonable noise levels are restricted or prevented, and mitigation methods have been recommended which will control noise from everyday site operations, including the proposed hours of operation, earth bunding, separation

distances, amongst others listed in the 'Noise Impact Assessment'.

		Request informative in relation to the Environmental Protection Act 1990.
5.5	Norfolk Historic Environment Service (NCC)	: The extension site has been subject to an archaeological evaluation which found nothing of any great significance. Therefore we will not be asking for any further archaeological work
5.6	Historic Buildings Officer (NCC)	: No comments received at time of writing this report.
5.7	Environment Agency	: <u>Initial response</u> No comment to make <u>Subsequent response no. 1</u> No objection, subject to conditions in relation to monitoring of water levels at Rook Wood Pond and Watlington Hall Lake, and restoration details. Provide advisory comments in relation to dewatering and restoration. <u>Subsequent response no. 2</u> No objection, subject to conditions in relation to dewatering and restoration details. Comment that they believe that dewatering should not impact Rook Wood Pond and Watlington Hall Lake. Provide technical and advisory comments in relation to dewatering.
5.8	Natural England	: No objection in relation to statutory nature conservation sites.
5.9	Highway Authority (NCC)	: No objection to principle of development. With regard to retention of culvert to be used as a bat hibernaculum this is acceptable in principle subject to a Section 106 Agreement to outline future maintenance / inspection responsibilities. This culvert is private apparatus under the highway, with the maintenance and inspection responsibility falling with the applicant / landowner. Provides advisory comments in relation to clarification of the boundary with public highway.
5.10	Health and Safety Executive	: From interrogation of the HSE website it would appear that the development does not lie within the consultation distance of a major hazard site or pipeline.
5.11	Lead Local Flood Authority (NCC)	: No response received.

- 5.12 Water Management Alliances : No response received at time of writing this report
- 5.13 Historic England : Initial response
- Concerned that this application could result in harm to the historic significance of Tottenhill Row conservation area in terms of the NPPF, paragraph 132.
- Site is close to the southern extent of the common and adjacent to the conservation area boundary at two points. The quarry extension could therefore change the appearance of the immediate setting of the conservation area where its rural character is particularly important because of the common.
- Excavation of the quarry is likely to change the experience of approaching the area from the south. Reinstating the field to the south west of the conservation area in agricultural use and removal of the earth bunds would allow the immediate setting of the area to be restored and the visual impact rendered temporary, if still harmful.
- Consider that the issues and safeguards outlined in our advice need to be addressed in order for the application to meet the requirements of paragraphs 6, 7, 14, 17, 132 and 134 of the NPPF.
- Advise that removing the proposed earth bund, backfilling the quarry and fully restoring to agricultural use of the field immediately south west of the Tottenhill Common part of the conservation area would to some degree mitigate this harm. The Council should therefore ensure this is made a condition of any consent.
- Subsequent response
- Consider there would be a degree of harm to the significance of the conservation area, although this is temporary and will to some degree be mitigated by the restoration works. Agree that this should be weighed, as required by the NPPF.
- 5.14 Defence Infrastructure Organisation : Initial response:
- No safeguarding objections subject to the following conditions:
- Bird management plan;
  - If within three years the natural

regeneration of woodland/reedmarsh and grassland has not become established, common reed shall be planted along the lakes perimeter.

Revised restoration / additional information:

No objection subject to condition requiring compliance with Bird Hazard Management Plan.

5.15 Ecologist (NCC)

: Initial response:

No objection with regard to ecology.

Comments that some open water areas within the reed bed would increase habitat diversity.

Seeks confirmation that proposed mitigation measures / enhancements particularly in relation to vegetation clearance of site prior to extraction and creation of hibernacula will be followed.

Revised reed bed restoration:

Supports proposed revisions

5.16 Green Infrastructure and Landscape Officer (NCC)

: Initial response:

The proposed development is considered acceptable in principle.

Recommends conditions in relation to: stockpile heights; construction and maintenance of bunds; restoration planting and management

Comments that some variation within the reed bed would be beneficial to increase visual diversity.

Revised reed bed restoration:

The variation in the reed beds is welcome.

5.17 Norfolk Wildlife Trust

: No comments received at the time of writing this report.

5.18 Norfolk Geodiversity Partnership

: No substantive comments to make

5.19 Local residents

: Representations have been received from 15 local residents.

Objections and concerns are raised on the following grounds (which are summarised):

Misleading description:

Proposed location is not an extension but clearly distinct site.

Need

...it is understood the landbank is at a level of some 10.85 years...there is no immediate need to grant permission.

Frimstone has a portfolio of sites across the region

The Conveyor / Pre-determined application:

Permission for MIN 75, the conveyor and culvert was subject to conditions including removal of conveyor by 1<sup>st</sup> August 2020. Permission for MIN 76 and retention of conveyor would contradict those conditions.

When permission for MIN 75 including conveyor and culvert was approved, was a decision taken at the time regarding the future of MIN 76?

Installation of conveyor and culvert will have been costly for applicant. Is this a material consideration in planning decisions?

When MIN 75 was permitted and conveyor installed, was the outcome of an application for MIN 76 pre-determined at this point, as the cost incurred in installation of the conveyor would never have been recovered by the one site alone?

Resource/Timescale:

This has been ongoing for forty years – one wonders when enough is enough

Concern that estimated mineral resource may be wrong

History has taught us to be sceptical of proposed timeframes

Visual impact / Landscape character:

Contrary to Policies CS14 and DM8 of NMWDF CS and, King's Lynn & West Norfolk Core Strategy policy CS 06

Application would bring extraction very close to an area recognised as having a 'strong sense of tranquillity away from main road corridors'.

Adverse impact upon character and appearance of countryside



Potential loss of Spring Pit Coppice

Erroneous distance between Tottenhill Row and site as stated in Landscape and Visual Appraisal

Site is clearly visible from track between Watlington Road and Tottenhill Row

Site is clearly visible from our kitchen windows

Existing conveyor has attracted fly tipping

Concerned we will be surrounded by water

Do not want more flooded pits enclosed for private fishing

Amenity:

Contrary to Policy DM12 of NMWDF CS

Harm to quality of life

Proximity to local residents

In defining areas of search, the Minerals Site Specific Allocations DPD - Single Issue Silica Sand Review Pre-submission (March 2016), excluded sensitive receptors including residential dwellings and 250 metres around each sensitive receptor. MIN 76 is within 250m of residential dwellings.

Noise impact on local residents

Noise study did not take into account wind direction

Parameter for noise source did not take into account plant exhaust height

How will electric dewatering pumps be powered?

Can already hear noise from existing operations at processing plant, MIN 75 and existing conveyor

Reversing alarm on loading shovel at processing plant is a constant nuisance noise.

Air pollution

Dust impact on local residents

The position held by the Health and Safety Authority over precautions carried out during excavations, in relation to dust including Silica Dust, holds legal bearing whereas the submitted Air Quality Assessment does not.

No detail on frequency of site checks and maintenance checks.

Has light pollution been considered?

Vibration impact

Mostly elderly residents at Tottenhill Row

MIN 76 would infringe on rights of adjoining residents contrary to requirements of the Human Rights Act 1998

#### Historic Environment:

Potential harm to significance of Tottenhill Row as a conservation area

Impact on conservation area including the common

In defining areas of search, the Minerals Site Specific Allocations DPD - Single Issue Silica Sand Review Pre-submission (March 2016), excluded Conservation Areas and 250 metres around each heritage asset. The conservation area is within 250m of MIN 76.

Existing conveyor can be seen and heard from the common.

Site MIN 76 is visible from houses and the common within the conservation area

Impact of dust on historic homes at Tottenhill Row

Historic England have concerns over application

The Spring and pond are valuable heritage assets in the conservation area

#### Highways:

Industrial traffic using our unmade road at Tottenhill Row

#### Ecology:

Impact on County Wildlife Site and Biodiversity Action Plan status of Tottenhill Row

Adverse impact on flora and fauna

Natural England have not assessed application for impacts on protected species

Impact on Great Crested Newts

Ecological Appraisal states that last noted sighting

of a barn owl in Tottenhill was 2008 – this is in fact a daily event.

No mention of presence of Marsh Tit in surrounding woodland

Whilst the Air Quality Assessment suggests that effects of dust on vegetation will be minimal, a study published in the National Library of Medicine - National Institutes of Health suggests otherwise

Impact upon Spring Pit and two small ponds

Groundwater:

Impact upon spring-fed pond (Spring Pit) at Tottenhill Row

Supporting Hydrogeological Report appears unable to guarantee future working of the spring

Asks a number of questions in relation to findings of supporting Hydrogeological Report

No mention of monitoring effect on the spring or of ceasing works immediately any harmful impact to natural environment is discovered or notified.

Concern over settlement of adjacent properties arising from dewatering

Hydrogeological Report submitted in support of application to work site MIN 75, states that, "Once restoration sands and soils are replaced, the general arrangement of the pre-development groundwater regime could be expected to re-establish gradually, although this will be at a much lower level than the current regime. It is likely that any existing seepages or springs (if any) that dry up will not re-establish".

Independent reports

Residents could not afford to pay for independent Noise, Dust and Hydrological reports making the process feel very one sided.

Agricultural Land Grade

Believes site to be Agricultural land grade 2

Previous refusals:

Similar applications have previously been refused twice and dismissed once on appeal.

As MIN 76 has been refused twice before has anything changed other than installation of a conveyor?

House sales:

Impact on potential house sales at Tottenhill Row

Norfolk Minerals and Waste Development  
Framework: Mineral Site Specific Allocations  
Development Plan Document

Para 76.1 states the nearest residential property is 75m from the site boundary, yet the Planning Statement says there should be a separation distance of at least 100m

Para 76.3 states advance planting would be required on the boundaries – plans only refer to existing planting

Suggested conditions:

Independent and continuous monitoring of impact of works on natural environment

Provision for immediate cessation of works in event of harmful impact to natural environment

Daily monitoring of noise levels with immediate cessation of works above stated decibel levels

Daily vehicle noise and maintenance checks with immediate removal of vehicles and equipment operating above stated decibel levels

Noise dampening enclosure for de-watering pump to reduce noise levels lower than stated within noise impact statement.

Only low noise level electric pumps to be used without use of generators.

Removal of term, 'applying any further controls or measures would place an unreasonable burden on the site operator', from the noise assessment.

Could the bunding be raised above the proposed height to negate exhaust noises?

Adherence to proposed operating hours

Hours of operation: 0800 – 1600, five days a week

No weekend working.

Feed hopper to be moved as work progresses

With continued use of processing plant I find the reversing alarm on the loading shovel is a constant nuisance noise. Could this be removed or altered because it can be heard for miles

Companies moving into areas are asked/required to help improve infrastructure for local community. Maybe a little of the vast wealth and good fortune found in the local vicinity might trickle down to the local parish who have to endure all the negatives of such profitable excavation sites. I am sure there are improvements to be made to the common that might benefit residents along with walkers.

5.20 County Councillor Mr Brian Long (Fincham) : No comments received at the time of writing this report.

## **6. Assessment**

### **Proposal**

6.1 The proposal is for an extension to the existing quarry onto land west of the existing plant site, involving the:

- extraction of some 285,000 tonnes of sand and gravel at a rate of 90-100,000 tonnes per annum (tpa) over a period of some three years. The site would be worked in three phases running generally north to south to depths up to 6.3m with progressive restoration to agriculture and water-based nature conservation; additional time is sought for completion of restoration, until 31 December 2023.
- Transport of all mineral via retained section of existing ground conveyor (which currently services existing permitted extraction area (MIN 75) and crosses site MIN 76) and continues through a culvert beneath Watlington Road and then through the formerly worked area to the existing plant site, situated in the original part of the quarry, east of Watlington Road.
- Use of existing service track and private road (Church Lane) for all machinery, plant and vehicles accessing and exiting the extension area.

6.2 Extraction from the proposed extension would commence once extraction has ceased within the existing permitted area (MIN 75, Home Farm); it is anticipated that extraction from MIN 75 will be completed during 2018. Bunding would be provided along the northern, southern and eastern boundaries of the extension area. The extracted mineral would be processed and sold at the existing plant site, which is accessed from the north via an existing access off Watlington Road, Tottenhill, close to its junction with the A10/A134.

6.3 A separate application, reference C/2/2018/2002 to allow, inter alia, continued use of the existing plant site, silt lagoons and operational area to service

proposed quarry extension MIN 76, until 31 December 2023 has been submitted concurrently with the application under consideration. The two applications should be considered together as they are inherently linked.

### **Site**

- 6.4 The application site forms part of a large, relatively flat, irregularly-shaped arable field (West Field), currently bisected by the existing conveyor which runs between the current extraction area (MIN 75) and existing plant site. The site occupies a position within countryside, of varied character, including the existing plant site, active mineral extraction site and, extensive former mineral workings, now flooded, to the east. The site is bounded to the north by agricultural land beyond which are Tottenhill Row Common and the hamlet of Tottenhill Row, to the south east by Watlington Road, with woodland to the south and west (Long Wood).
- 6.5 The area of working is located some 0.43km north east of the village of Watlington and some 100m south of the hamlet of Tottenhill Row. The closest residential properties are an isolated dwelling standing in woodland to the south, at least 100m from the proposed southern limit of working and, two properties located opposite the northern corner of the site at Tottenhill Row, some 145m from the proposed northern limit of working. Vehicular access is from the west via an existing track, then private road (Church Lane), onto Church Road, Watlington.

### **Environmental Impact Assessment (EIA)**

- 6.6 Pursuant to a request by the applicant, an EIA Screening exercise for, proposed extension to the quarry (MIN 76) with continued use of the conveyor, service track and plant site was undertaken by the CPA in November 2017 in accordance with The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 ('the EIA Regs'). It was concluded that the scheme was not EIA development as it is not within or partly within a 'sensitive area' as defined by the EIA Regs and would not be likely to have 'significant effects on the environment' in the context of the EIA Regs.
- 6.7 The application under consideration was screened upon receipt in respect of any requirement for an EIA in accordance with the EIA Regs, when it was concluded that the application is not EIA development.
- 6.8 Having assessed the application and taken into account the consultation responses received, the proposal has been re-screened for EIA and the CPA remain of the view that the development is not EIA development.

### **Principle of development**

- 6.9 The underlying principle in respect of assessing planning applications is outlined in Section 38(6) of the Town and Country Planning Compulsory Purchase Act 2004 which states:
- "if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise".*
- 6.10 In terms of the development plan, the County Planning Authority considers the relevant documents in relation to this application are the policies in: the adopted Norfolk Minerals and Waste LDF Core Strategy and Minerals and Waste

Development Management Policies DPD 2010-2026 (the “NMWLDF Core Strategy”)(2011); the adopted Norfolk Minerals and Waste Development Framework Mineral Site Specific Allocations DPD (2013/2017); the adopted Core Strategy for King’s Lynn & West Norfolk (2011); and the adopted King’s Lynn & West Norfolk Site Allocations and Development Management Policies Plan (2016). Whilst not part of the development plan, policies within the National Planning Policy Framework are also a further material consideration.

- 6.11 Site MIN 76 is formally allocated for sand and gravel extraction in the Mineral Site Specific Allocations DPD (2013/17). Whilst the proposed extraction area broadly mirrors site MIN 76, allocated in the Mineral Site Specific Allocations DPD, the extreme northern and eastern edges of the site under consideration are located slightly closer to the southern boundary of the conservation area than site MIN 76, so as to facilitate provision of a screening bund adjacent the north west and north east margins of the working and to provide a straight alignment for the conveyor entering the existing culvert under Watlington Road. The proposed bunding is some 14m from the edge of the conservation area whilst the extraction area is some 40m from its edge.
- 6.12 Site MIN 76 is allocated for sand and gravel extraction within the existing adopted Minerals Site Specific Allocations DPD, and is also recommended for inclusion in the emerging Minerals and Waste Local Plan. Given that the Minerals and Waste Local Plan is at an early stage, the emerging Plan is apportioned little weight.
- 6.13 Policy CS2 of the NMWLDF Core Strategy sets out the principles for the locations for sand and gravel production in the County, and places a preference for sites which are “close and/or well related” to the major urban areas. “Close” is defined in paragraph 6.8 of the Core Strategy as a distance of 10 miles (16km) or less. The application site is well connected to the strategic road network, with a site access onto Watlington Road very close to it’s junction with the A10/A134, both roads classified by the NCC Route Hierarchy as Principal Primary Routes, the highest category on the hierarchy. In addition, the site is some 8.3km (5 miles) from King’s Lynn and some 9.3km (5.7 miles) from Downham Market, so complies with the requirements of Policy CS2 in this respect. Given the above, in principle, therefore, the location of the proposed site is considered acceptable in relation to the requirements of Policy CS2 of the NMWLDF.
- 6.14 King’s Lynn & West Norfolk Core Strategy policy CS 06 states that, beyond the villages and in the countryside, the strategy will be to protect the countryside for its intrinsic character and beauty, the diversity of its landscapes, heritage and wildlife, and its natural resources to be enjoyed by all. The development of greenfield sites will be resisted unless essential for agricultural or forestry needs.
- 6.15 Sand and gravel can only be worked where resources exist. Furthermore, it should be noted that the Borough Council Core Strategy Policies have not been formulated to specifically address minerals developments and as such the Norfolk Minerals and Waste Local Development Framework: Core Strategy is considered to be the most relevant policy document to be used for assessment of the proposal.
- 6.16 As regards continued use of part of the existing ground conveyor for transport of mineral to the existing plant site and continued use of the existing service track and private road (Church Lane), the principle of development was first assessed in 2015 and was considered acceptable subject to conditions. As regards

continued use by HGVs of the existing access from the plant site onto Watlington Road, the principle of development was most recently assessed in 2015 and was considered acceptable subject to conditions.

- 6.17 Guidance within Para 142 of the NPPF underlines that minerals are essential to support sustainable economic growth and our quality of life, whilst guidance within para. 144 requires LPAs to “give great weight to the benefits of mineral extraction, including to the economy”. It is therefore considered that the proposal would be in general accordance with the relevant aims of the NPPF.
- 6.18 Subject to an assessment of its impacts, the principle of this development is acceptable at this location and is not out of character for the immediate area.

**Comparison with the two previous applications**

- 6.19 Representation is made by local residents that similar planning applications have previously been refused twice and dismissed once on appeal. The two earlier proposals differ from the proposal under consideration in a variety of ways, the most significant being:

6.20 C/2/96/2001

Total Site area: 11.99ha

Total tonnage: 550,000 tonnes

Duration: 7.5 years

Proposed limit of working within 10m of edge of conservation area

Mineral to be transported via a haul road across Watlington Road to the existing plant site to the east

6.21 C/2/96/2015

Total Site area: 11.99ha

Extraction area: 8.8ha

Total tonnage: 437,000 tonnes

Duration: 6 years

Proposed limit of working some 30m from edge of conservation area

Mineral to be transported via a haul road across Watlington Road to the existing plant site to the east

6.22 C/2/18/2001 (MIN 76)

Total Site area: 8.4ha

Extraction area: 5.7 ha

Total tonnage: 285,000 tonnes

Duration: 5.5 years

Proposed limit of working some 40m from edge of conservation area

Mineral to be transported via conveyor underneath Watlington Road to the existing plant site to the east.

- 6.23 In the first two cases, the proposed extraction area extended closer towards Tottenhill Row conservation area, and the restoration scheme proposed a larger



open water area extending closer to the conservation area.

- 6.24 Since the two previous applications were refused, site MIN 76 has become an allocated site within the Mineral Site Specific Allocations DPD (2013/17).

#### **Mineral Supply / Need**

- 6.25 NMWLDF CS Policy CS1 and Section 13 of the NPPF apply.
- 6.26 As at the end of June 2018, the sand and gravel landbank for Norfolk, calculated in accordance with the National Planning Practice Guidance (based on the past 10 years average sales), stands at 9.87 years. The application is expected to yield some 285,000 tonnes of sand and gravel. If approved, the proposal would increase the landbank to 10.08 years worth of supply (end of June 2018) / 9.99 years worth of supply (end of July 2018).
- 6.27 Tottenhill Parish Council refer to conflict with Policy CS1, whilst representation is made by local residents that there is no immediate need to grant permission. The proposal would lift the landbank slightly above the 10 years supply required by policy CS1. The reason for a 10 year maximum supply in Policy CS1 is “to ensure that an excessive reserve of sand and gravel is not permitted for extraction at any one time. This is to provide a satisfactory degree of confidence that there will not be undue delays in the final cessation of extraction and eventual restoration at permitted sites” (M&WCS paragraph 6.3). Planning Practice Guidance advises that, “There is no maximum landbank level and each application for minerals extraction must be considered on its own merits regardless of the length of the landbank.” The wording of current guidance is consistent with the previous Mineral Planning Statement 1 (MPS 1) in this regard. MPS 1 was the extant national guidance at the point of examination of the Core Strategy. Policy CS1 was accepted by the Examination Inspector as a local refinement to national policy with regard to mineral landbanks accounting for the wide extent of sand and gravel in Norfolk. Therefore, Policy CS1 is still relevant and up-to-date regardless of the change in national guidance.
- 6.28 Tottenhill Parish Council note that the applicant company has put forward three other nearby mineral extraction sites for the County Council to consider. This was pursuant to the ‘call for mineral extraction sites’ for the Norfolk Minerals and Waste Local Plan Review. The current adopted plan period is up to the end of 2026; the review will extend this plan period up to the end of 2036. The Parish Council comments that, *“None of these other sites are close to the Tottenhill Row Conservation Area, and so will not impact on residents or the conservation area, unlike the current application. A review by NCC of future sites for mineral extraction could consider these alternatives as a way of meeting any need for mineral within Norfolk, as well as taking place without undue impact on the local environment or local residential amenity”*.
- 6.29 The sites that are allocated in the adopted Minerals Site Specific Allocations DPD, for which planning permission has not yet been granted, will be assessed as part of the Minerals and Waste Local Plan Review, alongside any potential new sites proposed in response to the ‘call for mineral extraction sites’. There is no guarantee that existing allocated sites will continue to be allocated in the Minerals and Waste Local Plan Review. Site Min 76, allocated within the adopted Minerals Site Specific Allocations DPD, was proposed for sand and gravel extraction in response to the ‘call for sites’. The ‘Initial Consultation’ document considers that site MIN 76 is suitable to be allocated for sand and gravel

extraction during the plan period to 2036. The draft Minerals and Waste Local Plan review was approved by EDT Committee on 18 May 2018. The public consultation commenced at the end of June and will last for at least six weeks. Following a second 'Preferred Options' consultation at the end of 2018, the Minerals and Waste Local Plan will also need to be subject to a formal representations period in 2019. This would be prior to submission to the Secretary of State and examination by an independent Planning Inspector in 2020. Given that the Minerals and Waste Local Plan is at an early stage, the emerging Plan is apportioned little weight..

- 6.30 Notwithstanding that the proposal would temporarily lift the landbank slightly above 10 years, there are site specific reasons why this application is considered acceptable. As detailed earlier in this report, it is anticipated that extraction of remaining reserves within the quarry (MIN 75) will be completed during 2018. The allocated extension provides economic and efficiency benefits in the form of being able to utilise the existing processing plant and a retained section of the field conveyor, which is a material consideration. Therefore, there is a justification for the application to be permitted to secure the processing plant operations, and supply its existing market.
- 6.31 Overall, given the above and the relatively small volume of additional mineral to be recovered, the proposal is not considered to be contrary to the requirements of the relevant development plan policy and NPPF.
- 6.32 The applicant has given a potential start date of 2018 and estimated the extraction rate to be 90 – 100,000 tpa. Based on this information, the full mineral resource at the site could be extracted within three years, which would be within the current plan period.

**Amenity (noise, dust, light pollution, air quality)**

- 6.33 NMWLDF CS Policies DM12 and DM13, NMWDF Mineral Site Specific Allocations DPD policy MIN 76 and, Sections 11 and 13 of the NPPF apply.
- 6.34 NMWDF Mineral Site Specific Allocations DPD policy MIN 76 requires: a programme of mitigation measures to deal with amenity impacts; a scheme of phased working and restoration including the direction of working (to assist in the mitigation of amenity impacts).
- 6.35 Tottenhill Parish Council raise concerns about the impact on local residents and the effectiveness of arrangements to “ensure that any unavoidable noise, dust and particle emissions and any blasting vibrations are controlled, mitigated or removed at source”. Representation is made by local residents that the proposal is contrary to Policy DM12. Local residents raise concerns regarding environmental nuisance from noise, (both from the existing and proposed operations, including vehicle reversing alarms), and dust including silica dust. Local residents also question the level of protection offered by proposed bunding arrangements, plant noise source height and, frequency of site and maintenance checks.
- 6.36 Local residents have suggested conditions be imposed in relation to: operating hours; noise levels; reference to ‘further controls or measures’ in the noise assessment; increased bund height; acoustic enclosure for de-watering pump; electric pumps; feed hopper; reversing alarm on processing plant loading shovel.
- 6.37 Representation is made by local residents that whereas MIN 76 is within 250m of residential dwellings, in defining areas of search, the Minerals Site Specific

Allocations DPD - Single Issue Silica Sand Review Pre-submission (2016), excluded possible sites which were within 250 metres of sensitive receptors including residential dwellings. The reasoning for this is explained in The Single Issue Silica Sand Review 'Preferred Options Consultation' document (2015), i.e. An area of 250 metres around sensitive receptors has been excluded because this represents a distance at which amenity impacts (such as noise and dust) could be mitigated to acceptable levels with the minimum of controls. A planning application may be able to provide information to support mineral extraction closer than 250 metres from a sensitive receptor, but 250 metres is considered appropriate for an area of search.

- 6.38 Representation is also made that Para 76.1 of the Norfolk Minerals and Waste Development Framework: Mineral Site Specific Allocations DPD states the nearest residential property is 75m from the site boundary, yet the Planning Statement says there should be a separation distance of at least 100m.
- 6.39 There are a number of residential properties within close proximity to the site, that are closer than 250 metres. The nearest sensitive receptors are: an isolated dwelling standing in woodland to the south, some 75m from the site boundary/at least 100m from the proposed southern limit of working; two properties located opposite the northern corner of the site at Tottenhill Row, some 145m from the proposed northern limit of working; and a cottage located opposite the north east boundary of the site, some 185m from the proposed limit of working. There are further properties at Tottenhill Row to the north of the site which are up to 465m distant.
- 6.40 As regards applications reference C/2/96/2001 and C/2/96/2015, which were refused, the proposed extraction area extended closer to the isolated dwelling to the south (some 60m from the proposed southern limit of working); and cottage located opposite the north east boundary of the site, (some 75m (C/2/96/2001) / some 110m (C/2/96/2015) from the proposed limit of working, respectively.
- 6.41 As detailed elsewhere in this report, extraction and restoration of the proposed extension would be phased, in a generally southerly direction. All machinery, plant and vehicles would access the extraction area from the west via the existing access along Church Lane and a service track. All mineral extracted from the site would be transported via a retained section of the existing conveyor to the existing plant site east of Watlington Road, for processing.
- 6.42 Given that the working will require dewatering, pumping would be required outside the normal daytime working hours.

#### *Noise*

- 6.43 Planning Practice Guidance (PPG) states that normal mineral operations should not exceed the typical background noise level (LA90) by more than 10dB(A) during normal working hours, subject to a maximum daytime (0700-1900), limit of 55dB(A) LAeq, 1h). PPG acknowledges that increased temporary daytime noise limits of up to 70dB(A) LAeq 1h for periods of up to 8 weeks in a year at specified noise-sensitive properties should be considered to facilitate site preparation and restoration work and construction of baffle mounds.

- 6.44 A Noise Impact Assessment has been undertaken in support of the application, which evaluates the contribution arising from each stage of the works, comprising of soil stripping, bund formation, mineral extraction, transportation of mineral by field conveyor, dewatering, and restoration processes.
- 6.45 Noise mitigation measures including: a minimum 100m stand-off between extraction operations and nearest residential properties; 3m high perimeter bunds between the excavation area and sensitive residential receptors; electrically-powered dewatering pump and conveyor feed hopper; and mobile plant to be fitted with broadband type reversing alarms are proposed. As regards the dewatering pump, the applicant confirms that this will be electrically powered from the existing supply used to power the conveyor.
- 6.46 The Noise Impact Assessment includes predicted noise levels at the nearest dwellings. The Assessment concludes that the resultant predicted noise levels meet relevant criterion from Planning Practice Guidance for routine operations and noisier, temporary operations such as soil stripping, bund formation and restoration works.
- 6.47 As regards concerns raised in relation to plant noise source height, this matter has been forwarded to the applicant's noise consultant for attention. The consultant advises that, a plant height of 2m is generally regarded as the industry standard for mobile plant such as loading shovels and, the plant height is considered appropriate. As detailed elsewhere in this report, King's Lynn & West Norfolk BC Community Safety & Neighbourhood Nuisance Team and Environmental Quality Team (KL&WNBC EHO) has not raised objection on grounds of noise.

#### *Dust*

- 6.48 If uncontrolled, dust can have impacts on humans: humans may be affected if the dust particles are capable of entering the lungs, which occurs if the particles are below a certain size (less than 10 microns, PM10).
- 6.49 Potential dust sources include soil handling, mineral extraction, transfer of material to the processing area and restoration. The development is not within a designated Air Quality Management Area (AQMA). An Air Quality Assessment and, Dust Management Plan have been submitted in support of the application. The Assessment notes that, whilst the extraction area will be worked dry, the mineral will still be in a damp state when it is being worked and, that *The Environmental Effects of Dust from Surface Mineral Workings (1995)* generally adopts the use of a field conveyor as best practice haulage method as haul road traffic has the greatest potential for dust generation.
- 6.50 Proposed dust control measures include: construction of bunds on the northern and southern boundary; seeding of bunds immediately after construction; transfer of dug material from the extraction area to the processing plant by field conveyor; spraying of areas used by plant or vehicles.
- 6.51 The Assessment concludes that, it is unlikely that any significant decrease in local air quality will occur due to the development. Any dust occurrence event will be minimised by implementation of the dust control recommendations outlined in the Dust Management Plan. Overall, the proposed development is considered to

have a negligible impact on the surrounding area.

- 6.52 King's Lynn & West Norfolk BC Community Safety & Neighbourhood Nuisance Team and Environmental Quality Team (KL&WNBC EHO) have been consulted on the application and raise no objection subject to conditions in relation to: Removal of permitted development rights; Noise Mitigation; Dust Management; Phased extraction; Traffic management; Effective silencing of plant and machinery; Construction of bunds prior to extraction commencing; External lighting; Hours of operation. It is considered reasonable to condition these matters as part of any consent granted in order to safeguard residential amenity.
- 6.53 Representation is made by local residents that the operating hours are limited to 08.00 – 16.00, weekdays only. In common with the approved hours of working on the existing extraction area (MIN 75), the proposed hours of working are from 07.00 – 17.00 hours Monday to Friday and 07.00 – 13.00 hours on Saturday. The proposed hours of working fall within the parameters of 'normal working hours' for mineral workings as recognised by National Planning Practice Guidance. KL&WNBC EHO has not raised objection on grounds of working hours. Taking this into account, it is not considered that there will be undue disturbance from the proposed working hours.
- 6.54 As regards concerns raised in relation to reversing alarms, the proposed broadband type alarms emit a more localised “ssh ssh” sound rather than the standard bleeping, which may potentially be particularly intrusive in a quiet rural area.
- 6.55 As regards the suggestion that conditions be imposed in relation to: monitoring of noise levels and, vehicle noise and maintenance checks, KL&WN BC EHO has raised no objection subject to conditions, including implementation of the noise mitigation strategy as set out in the submitted Noise Impact Assessment.
- 6.56 Representation is made that the position held by the Health and Safety Authority (HSA) over the precautions carried out during excavations, in relation to dust including Silica Dust, holds legal bearing whereas the submitted Air Quality Assessment does not. It should be noted that the HSA is the national body in Ireland with responsibility for occupational health and safety. As regards silica dust, the British Geological Survey geological information indicates that silica sand does not underlie the MIN 76 site as a superficial deposit, it terminates to the east of Tottenhill. The geological event which formed the Tottenhill sand and gravels which overlie MIN 76, would have also eroded and displaced any surface silica sand deposits to the west of Tottenhill. As regards the representation made by local residents in relation to dust, KL&WN BC EHO has raised no objection subject to conditions, including implementation of the Dust Management Plan as set out in the submitted Air Quality Assessment.

#### *Light pollution*

- 6.57 As regards concerns raised in relation to light pollution, the application does not provide for an external lighting system. Notwithstanding, KL&WN BC EHO has raised no objection subject to conditions, including external lighting

#### *Vibration*

- 6.58 As regards concerns expressed by the Parish Council and local residents regarding blasting and vibrations, blasting is associated with hard rock

quarries. The proposal under consideration involves extraction of sand and gravel, which are extracted directly from the earth without blasting.

- 6.59 As regards the suggestion that reference to, ‘applying any further controls or measures would place an unreasonable burden on the site operator’, be removed from the noise assessment, this sentence is based upon national planning practice guidance in relation to noise from mineral development, i.e. *“Where it will be difficult not to exceed the background level by more than 10dB(A) without imposing unreasonable burdens on the mineral operator, the limit set should be as near that level as practicable.”*

*Visual impact*

- 6.60 As regards visual impact, some of the houses of Tottenhill Row can be seen from within the application site. Given the proposed peripheral bunding, it is considered that the proposal will offer screening to the residential properties along Tottenhill Row to the north and The Kennels to the south, as well as an additional level of screening from Watlington Road.
- 6.61 To conclude on the amenity issues, mineral extraction and associated development is likely to give rise to local impacts. However, given the advice of the EHO it would be difficult to sustain an objection to the proposal on amenity/air quality grounds. It is therefore considered that the development will cause no unacceptable harm to the amenities of neighbouring occupiers or the local area. On balance, subject to the aforementioned conditions, the development is considered to be acceptable in terms of the relevant planning policies and NPPF.

**Landscape / Design**

- 6.62 NMWLDF CS Policies CS14 and DM8, NMWDF Mineral Site Specific Allocations DPD policy MIN 76 and, sections 7 and 11 of the NPPF apply.
- 6.63 NMWDF Mineral Site Specific Allocations DPD policy MIN 76 requires: a screening scheme which includes mitigation of views from properties, the Conservation Area and surrounding roads; a scheme of phased working and restoration including landscaping; a restoration scheme which incorporates arable with wide field margins and enhanced deciduous woodland belts to provide landscape gains.
- 6.64 King’s Lynn & West Norfolk Core Strategy policy CS 06 states that, beyond the villages and in the countryside, the strategy will be to protect the countryside for its intrinsic character and beauty, the diversity of its landscapes, heritage and wildlife, and its natural resources to be enjoyed by all.
- 6.65 Representation is made by local residents that the proposal is contrary to Policies CS14 and DM8 and, King’s Lynn & West Norfolk CS policy CS 06. Concern is raised about impact upon the character and appearance of the countryside and, the proposed extension being visible from Tottenhill Row Common and property at Tottenhill Row.
- 6.66 Sand and gravel can only be extracted where resources exist. Furthermore, it should be noted that the Borough Council Core Strategy Policies have not been formulated to specifically address minerals developments and as such the Norfolk Minerals and Waste Local Development Framework: Core Strategy is considered to be the most relevant policy document for assessment of the

proposal.

- 6.67 The site is not located within any designated landscape feature. In the King's Lynn and West Norfolk Borough Landscape Assessment (2007), the site is identified as lying within the H1; Stow Bardolph Settled Farmland with Plantations character area, which includes, a flat to gently rolling landform covered with a rich patchwork of arable farmland, historic parkland and rough grassland, interspersed with copses and belts of plantation woodland and a scattering of hamlets and small villages, with a relatively strong sense of tranquillity.
- 6.68 The Landscape Planning Guidelines for this character area include: seek to conserve the mostly rural character of the area; Seek to conserve the setting of historic halls and parkland; Seek to conserve the landscape setting of existing small villages; Seek to conserve the largely undisturbed and tranquil nature of the area.
- 6.69 The site comprises of part of a larger, relatively flat, irregularly-shaped arable field, bounded to the north/north east by Tottenhill Row Common and the hamlet of Tottenhill Row, to the south east by hedgerow edged Watlington Road with broadleaved woodland (Long Wood) to the south and west.
- 6.70 The proposed extraction area is in a relatively remote setting partly surrounded by mature woodland and hedgerows. Locations with potentially clear views of the proposed extraction area are: a cottage opposite the north east boundary of the site; the field entrance to the south east corner of West Field off Watlington Road; a short section of Watlington Road around the existing conveyor culvert crossing. Mostly obscured, intermittent views are obtained from the hedge lined road between Tottenhill Row Common and the eastern boundary of West Field.
- 6.71 Representation is made that whereas Para 76.3 of the Norfolk Minerals and Waste Development Framework: Mineral Site Specific Allocations DPD states that advance planting would be required on the boundaries, plans submitted in support of the application under consideration only refer to existing planting. The application includes a number of measures to mitigate the landscape and visual impacts of the proposed extension. Measures would include 3m high temporary grassed soil storage mounds along the northeast, northwest and southern margins of the extraction area and, a 2m high temporary grassed soil storage mound along the southeast margins.
- 6.72 A Landscape and Visual Appraisal of the proposed development has been undertaken, which concludes that, there will be short term higher levels of visual intrusion during the construction and dismantling of peripheral soil storage mounds. However, the potential moderately adverse visual effects on the small number of visual receptors can be mitigated to a minor level of adverse effect in the short term during working operations, becoming negligible in the medium term as the site is restored.
- 6.73 Given the proposed mitigation, it is considered that the proposal will offer screening to the residential properties along Tottenhill Row to the north, The Kennels to the south, as well as an additional level of screening from Watlington Road.
- 6.74 The proposed restoration is partly back to agriculture at around original levels and partly to an undulating bowl-shaped depression comprising: an open water area; reed marsh; and, shrub planting and natural regeneration of the margins to

Long Wood. Prior to bringing this application before the committee negotiations have taken place and improvements made to the visual diversity of the reed marsh in the form of inlets and pools.

- 6.75 Concern is raised by local residents in relation to the potential loss of Spring Pit Coppice. No trees will be removed to make way for the development. The application is supported by an Arboricultural Impact Assessment (AIA) and Arboricultural Method Statement which conclude that, the minor incursions of the proposed screen mounds into the periphery of surveyed trees will not result in significant detrimental effects and, tree protection barriers must be installed at the limit of the root protection area/canopy extents of all retained trees.
- 6.76 As regards design issues, the proposal includes retention of a section of existing field conveyor. The conveyor is of a functional design and whilst it cannot be considered 'good design', given that the design is considered to be reflective of this form of development and the development is only for a temporary period, it is therefore considered appropriate in this context. Therefore it is considered these are material considerations that outweigh the conflict with policy DM8 of the NMWLDF CS.
- 6.77 The Council's Green Infrastructure Officer has been consulted on the application and raises no objection on landscape grounds, subject to conditions in relation to: stockpile heights; construction and maintenance of bunds; restoration planting and management.
- 6.78 Subject to the aforementioned conditions, the development is considered to be acceptable and compliant with the landscape principles set out in the relevant planning policies, and objectives of the NPPF.

#### **Biodiversity and geodiversity**

- 6.79 NMWLDF CS Policies CS14 and DM1, NMWDF Mineral Site Specific Allocations DPD Policy MIN 76, King's Lynn & West Norfolk Core Strategy policy CS 06 and, Sections 11 and 13 of the NPPF apply.
- 6.80 NMWDF Mineral Site Specific Allocations DPD Policy MIN 76 requires: a scheme of phased working and restoration including enhancement of biodiversity; a restoration scheme which incorporates arable with wide field margins and enhanced deciduous woodland belts to provide biodiversity gains; opportunities during working for any geodiversity assets to be studied, and if compatible with the landscape and ecology objectives an open face to be included within any restoration scheme for future scientific study.
- 6.81 The application site itself carries no particular nature conservation designation: Setchey Site of Special Scientific Interest (SSSI) is located approximately 650m north of the site, whilst River Nar SSSI is located approximately 1.15km north of the site. The site is situated between two County Wildlife sites, with Tottenhill Row Common (CWS no. 387) some 25m north and east of the site, and Runs Wood Meadow (CWS no. 378) some 250m south of the site. Four other County Wildlife Sites are located within 1.7km of the extraction area.
- Biodiversity*
- 6.82 Tottenhill Parish Council expresses doubt about the prediction in the application that there will be no unacceptable adverse impacts on the natural environment. Concern is raised by local residents in relation to impact upon flora and fauna,



including protected species and, impact on the County Wildlife Site and Biodiversity Action Plan status of Totterhill Row.

- 6.83 Local residents have also suggested conditions be imposed in relation to monitoring of impact of works on the natural environment and cessation of works in the event of harmful impact to the natural environment.
- 6.84 The habitats present within the application site comprise largely of farmed land and arable margins. No trees will be removed to make way for the development. The proposal is also accompanied by a Preliminary Ecological Appraisal which concludes that, the proposed development is unlikely to have a significant impact on the local ecology.
- 6.85 The proposal includes provision of biodiversity enhancements: once worked, the site will be restored to a mix of agriculture and nature conservation after-uses including reed marsh, water body, marginal grassland, shrub belts and naturally regenerated woodland edges. Prior to bringing this application before the committee negotiations have taken place and improvements made to the habitat diversity of the reed marsh in the form of inlets and pools.
- 6.86 The proposals also provide for mitigation measures in the form of provision of bat boxes within surrounding woodland and retention of the conveyor culvert under Watlington Road as a bat hibernaculum. Given that the bat boxes are to be located on land outside the control of the applicant and the fact that the Highway Authority advises that the culvert is considered private apparatus under the highway, it is considered that these requirements should be subject of a Section 106 Agreement, if it were to be determined that planning permission should be granted. The applicant has confirmed that he is willing to enter into such an agreement.
- 6.87 Concern is expressed that the development may affect local ponds including Spring Pit (a spring-fed pond). There are a number of surface ponds around the perimeter of the site and a spring line to the north. Dewatering is likely to be required within the northeast area of the site together with a pumped outfall into adjoining Hobb's Drain to the west. As detailed elsewhere in this report, a Groundwater Protection and Hydrogeological Impacts Assessment has been undertaken, which concludes that the proposed development is unlikely to result in a significant or even discernible impact on surrounding groundwater resources. The Environment Agency (E.A.) has been consulted on the application and raises no objection subject to conditions, including depth of dewatering. In their response, the E.A. advise that the condition should ensure that Spring Pit is not impacted. In this respect, it is considered that there is unlikely to be any negative impact upon Spring Pit as a result of the proposed development.
- 6.88 Representation is made by local residents that, whilst the submitted Air Quality Assessment suggests that the effects of dust on vegetation will be minimal, a study published in the National Library of Medicine - National Institutes of Health suggests otherwise. It should be noted that the National Library of Medicine is part of the National Institutes of Health, based in the United States of America. As regards the concerns raised, uncontrolled quarry dust emissions may cause smothering as a result of dust deposition, which affects photosynthesis, respiration, transpiration and leaf temperature. As detailed elsewhere in this

report, KL&WN BC EHO has raised no objection subject to conditions, including implementation of the Dust Management Plan as set out in the submitted Air Quality Assessment.

- 6.89 Natural England has been consulted on the application and raises no objection to the proposal in relation to statutory protected sites.
- 6.90 The County Council's Ecologist has assessed the proposal and raises no objection. The Ecologist is satisfied with the surveys that have been carried out and the proposed restoration.

#### *Geodiversity*

- 6.91 As regards opportunities during the operational period for study of any geodiversity assets, access by prior arrangement will be made available for groups or individuals to visit the extension area. As regards inclusion of an open face within the restoration scheme, no measures are being proposed.
- 6.92 The Norfolk Geodiversity Partnership has been consulted on the application and has no substantive comments to make.
- 6.93 Subject to the aforementioned condition and conclusion of the legal agreement, the development is considered to be acceptable and compliant with the relevant planning policies, and objectives of the NPPF.

#### 6.94 Habitats Regulations Assessment

The application site is not located within 5km of any European designated environmental site. The application has been assessed in accordance with Regulation 63 of the Conservation of Habitats and Species Regulations 2017 and based on the information submitted to the County Planning Authority (CPA) it is considered that the development does not have a significant impact on the integrity of any protected habitat. Accordingly, there is no requirement for the CPA to undertake an Appropriate Assessment of the development.

#### **Historic Environment**

- 6.95 The Planning (Listed Buildings and Conservations Areas) Act 1990, NMWLDF CS policies CS14, DM8 and DM9, NMWDF Mineral Site Specific Allocations DPD Policy MIN 76, King's Lynn & West Norfolk Core Strategy policy CS 06 and, Sections 12 and 13 of the NPPF apply.
- 6.96 Section 72 (1) of the Planning (Listed Buildings and Conservations Areas) Act 1990 requires that, in the exercise of planning functions, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of conservation areas, whilst NMWDF Mineral Site Specific Allocations DPD Policy MIN 76 requires: a screening scheme which will include mitigation of views from the Conservation Area; an archaeological evaluation of the site and additional fieldwork if features are identified.
- 6.97 Paragraph 132 of the NPPF requires great weight to be given to a designated heritage asset's conservation, when considering the impact of a development on the significance of the asset. The NPPF defines 'significance' as the value of a heritage asset because of its heritage interest, which may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset's physical presence, but also from its

setting.

*Designated assets*

- 6.98 There are no designated heritage assets within the boundary of the proposed site itself. However, the proposed development site is located close to the southern end and south west margin of the Tottenhill Row Conservation Area, which includes all of the hamlet of Tottenhill Row and its common. In addition, there are five listed buildings within 1km of the working area (in Watlington).
- 6.99 Historic England advise that Tottenhill Row developed as a hamlet in the 15<sup>th</sup> century on raised ground above gravel beds around it. The settlement consists of dispersed buildings in a rural setting including 'Tottenhill Row Common', an area of land immediately south of the hamlet which was enclosed from the medieval common in the 18<sup>th</sup> century and is included in the conservation area.
- 6.100 Tottenhill Row Conservation Area Character Statement (2001) notes that:
- the setting is an agricultural one surrounded by significant tree belts on three sides (east, west and south). These tree belts contribute to the intimacy of the area, which is generally one of openness and large fields;
  - The Row, or ranges of buildings in the Conservation Area, are located along its northern boundary, but permit occasional views to the open agricultural land further to the north. Similar views are acquired through gaps in the natural landscape to the south and west.
  - An important component of the conservation area is the presence of the common land which lies to the south of the 'Row'.
- 6.101 Tottenhill Parish Council raise concerns about the impact on the local environment and is mindful of the consultation response from Historic England. Objections to this application are also raised by local residents concerning the potential harm to the significance of Tottenhill Row as a conservation area, including the common.
- 6.102 Representation is made by local residents that, whereas the conservation area is within 250m of MIN 76, in defining areas of search, the Minerals Site Specific Allocations DPD - Single Issue Silica Sand Review Pre-submission (2016), excluded conservation areas and 250 metres around each heritage asset. The reasoning for this is explained in The Single Issue Silica Sand Review 'Preferred Options Consultation' document (2015), i.e. "An area of 250 metres around designated heritage assets has been excluded from the areas of search. This 250 metre area is not intended to be the setting of the heritage asset and it is recognised that the extent of the setting of each heritage asset will be different and may extend more or less than 250 metres from the heritage asset. The setting of a heritage asset contributes to the significance of the heritage asset. The 250 metre stand-off is considered as a starting point for the consideration of setting. Any subsequent planning application within an area of search would need to provide a Heritage Statement if the proposal could potentially impact upon a heritage asset or its setting, which would provide the necessary detail."

- 6.103 The proposed development will lead to a short-term (up to 5.5 years) change during extraction and restoration, including creation of temporary, 3 metre high screening mounds between the proposed working area and the conservation area. The proposed bunding is some 14m from the edge of the conservation area whilst the extraction area is some 40m from its edge.
- 6.104 Screening of the application site from the conservation area is largely afforded by the existing tree screen defining the southern edge of the conservation area (outside both the application site and land under the control of the applicant), such that, with exception of glimpses of the application site from Tottenhill Row hamlet through gaps in the tree screen, there would be no effects upon views from the vast majority of the conservation area, nor the vast majority of the houses that make up its core. One property situated on the southern boundary of the conservation area, opposite the north east boundary of the application site, would experience clear views of the peripheral bunding, at a distance of some 155m. The application site can also be glimpsed from Tottenhill Row Common, through gaps in the hedge lining the road between Tottenhill Row Common and the eastern boundary of West Field.
- 6.105 Upon restoration, the earth bunds would be removed and the land nearest the conservation area, would be returned to agricultural use, with that beyond to open water and reed marsh.
- 6.106 As regards both earlier proposals which were refused, the proposed extraction area extended further into the north east corner of the field, towards the conservation area. The application under consideration further differs from both earlier proposals such that the land nearest the conservation area, would be returned to agricultural use.
- 6.107 As regards the listed buildings within 1km of the working area, there would be no inter-visibility between the said buildings and the working area due to a combination of vegetation and intervening development.
- 6.108 A Heritage Statement has been undertaken which includes an assessment of the effects of the proposal upon designated cultural heritage assets, including the conservation area, based upon Historic England guidance. As regards the conservation area, the Statement concludes that there would be no effect upon the majority of the Conservation Area and a negligible adverse effect upon the property situated on the southern boundary of the conservation area. Overall, the Heritage Statement concludes that there would be no residual effects upon known cultural heritage assets.
- 6.109 Historic England have been consulted on the application and respond that they are concerned that this application could result in harm to the historic significance of the conservation area in terms of the NPPF, paragraph 132; due to its proximity to the conservation area, the extension could change the appearance of the immediate setting of the conservation area where its rural character is particularly important because of the common. Historic England consider that, *“reinstating the field to the south west of the conservation area in agricultural use and removal of the earth bunds would allow the immediate setting of the area to be restored and the visual impact rendered temporary, if still harmful.”* Historic England further confirm that this degree of harm

should be weighed, as required by the NPPF.

- 6.110 Given the above, it is concluded that the development would affect the character of the setting of the conservation area but that this affect and thus harm would be less than substantial. Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the CPA to pay special attention to the desirability of preserving or enhancing the character or appearance of that area and the test in Paragraph 134 of the NPPF should be used in determination of this application. Paragraph 134 of the NPPF states 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..."
- 6.111 In this instance, it is considered that the potential for harm albeit less than substantial should be weighed against the following public benefits: As recognised by paragraph 142 of the NPPF, "Minerals are essential to support sustainable economic growth and our quality of life. It is therefore important that there is a sufficient supply of material to provide the infrastructure, buildings, energy and goods that the country needs". The proposal would enable the continued supply of sand and gravel to the local market and thus continue contributing to the local economy. The proposal would also maintain employment for existing staff; the existing mineral working directly employs three full time staff as well as drivers involved in transportation of mineral from this and other sites in the control of the applicant. Further public benefits arising from the proposal include the proposed biodiversity enhancements, detailed elsewhere in this report. In this instance it is considered that, on balance, the public benefits of the proposal outweigh the "less than substantial" harm to the setting of the conservation area that would be caused and are sufficiently powerful to outweigh the statutory presumption in favour of refusal.
- 6.112 Historic England recommend that removal of the proposed earth bund, backfilling the quarry and full restoration to agricultural use of the field immediately south west of the Tottenhill Common part of the conservation area should be conditioned as part of any consent. It is considered reasonable to condition these matters as part of any consent granted in order to mitigate the harm.
- 6.113 As regards concerns raised by a local resident in relation to the impact of dust from mineral extraction on historic buildings at Tottenhill Row Common, this matter was forwarded to the applicant's air quality consultant for consideration and comments. The consultant advises that, in terms of historic buildings there is no specific guidance in the Institute of Air Quality Management Guidance on the Assessment of Minerals Dust Impacts for Planning (2016). The main impact would be from surface soiling. In the UK, long term deposited dust nuisance criteria have been suggested for urban/semi-rural areas at, typically 200 mg/m<sup>2</sup>/day, averaged over a monthly period. Accordingly, custom and practice at mineral extraction sites have used this figure as a nuisance threshold in the UK. The consultant concludes that no specific criterion for the buildings themselves is required and the custom and practice threshold adopted is suitably robust. This matter has also been forwarded to Historic England for consideration and comments; no

response has been received. It is therefore concluded that the development will cause no unacceptable harm to historic buildings.

#### *Archaeology*

- 6.114 An archaeological trial-trench evaluation of the proposed extraction site has been undertaken which revealed agricultural remains of low significance, (in the form of post-medieval field boundary ditches and two undated pits).
- 6.115 NHES has been consulted on the application and do not ask for any further archaeological work.
- 6.116 It is therefore considered, on balance, that subject to the aforementioned conditions, the impact on heritage assets would not be such as to be unacceptable when considered against relevant planning policies and objectives of the NPPF. Furthermore, when considered against the requirements of Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, there are public benefits that justify granting planning permission against the less than substantial harm that would be caused to the Conservation Area.

#### **Transport**

- 6.117 NMWLDF CS policies CS15 and DM10, NMWDF Mineral Site Specific Allocations DPD Policy MIN 76 and Section 4 of the NPPF apply.
- 6.118 Extraction is expected to be undertaken over a three year period at a rate of 90 – 100,000 tonnes per annum. Assuming an annual output of 95,000 tonnes, this would, based on the average load size of 18 tonnes, generate 20 loads out per day (40 HGV movements).
- 6.119 Concern is expressed by local residents that industrial traffic uses the unmade road at Tottenhill Row, to the north of the site. All machinery, plant and vehicles would access the extraction area from the west via the existing access along Church Lane and a service track. All mineral extracted from the site would be transported via a retained section of the existing conveyor including a culvert under Watlington Road to the existing plant site east of Watlington Road, for processing. HGVs would exit the plant site via the existing access onto Watlington Road and thence to the A10/A134.
- 6.120 The routing of all existing HGV traffic from the plant site is subject to an HGV Management Plan, pursuant to extant permission reference C/2/2015/2007. With the exception of local deliveries and occasions when the roundabout junction with the A10 is closed to all traffic, all HGVs arriving and departing the site are required to travel directly along Watlington Road to and from the A10/A134. Application reference C/2/2018/2002, submitted concurrently with the application under consideration, provides for similar HGV distribution and routing controls. A Transport Statement has been submitted in support of the application which concludes that, the proposals will not result in any adverse effects on the existing highway network.
- 6.121 Tottenhill Parish Council ask whether, in the event of either/both the A10/A134 being closed due to an accident the alternative routes would be able to cope with development traffic. The Highway Authority have been consulted on the application and have no objection to the principle of the development.
- 6.122 As detailed elsewhere in this report, the proposal provides for retention of the conveyor culvert under Watlington Road as a bat hibernaculum. The existing

culvert was provided by the applicant pursuant to application reference C/2/2015/2006. The Highway Authority advises that the culvert is considered private apparatus under the highway, with the maintenance and inspection responsibilities falling with the applicant. It is considered that retention of the culvert together with requirement for inspection/maintenance to be met by the applicant /landowner should be subject of a Section 106 Agreement. The applicant has confirmed that he is willing to enter into such an agreement.

- 6.123 To conclude on the highway issues, mineral extraction and associated development is likely to give rise to local impacts. However, it is considered that the proposal will not cause any unacceptable impacts in highway terms. The development is considered to be acceptable and compliant with the relevant planning policies and the government objectives of NPPF.

### **Sustainability**

- 6.124 NMWLDF CS policy CS13 and Part 10 of the NPPF apply.
- 6.125 The application is accompanied by a Sustainability Statement: consideration has been given to the possibility of how the development could generate its own energy from renewable or low carbon sources. As regards wind power, the applicant considers that erection of a wind turbine(s) would compromise the integrity of the site screening, would be likely to result in some increase in noise disturbance, and the proposed extension period is not of sufficient timescale to obtain a financial return on the investment. Similarly, the applicant considers that the proposed extension period is not of sufficient timescale to obtain a financial return on installation of solar panels or, incineration of combustible waste or fuel pellets.
- 6.126 Although regrettable that no measures for renewable energy are being proposed, the arguments put forward by the Applicant are accepted in this instance. Given that the potential for on-site renewable energy generation has been considered but has been found not to be viable, it is considered that the proposals would not be in conflict with the relevant planning policy and requirements of the NPPF.

### **Groundwater and surface water**

- 6.127 NMWLDF CS policy DM3, NMWDF Mineral Site Specific Allocations DPD Policy MIN 76 and Section 11 of the NPPF apply.
- 6.128 NMWDF Mineral Site Specific Allocations DPD Policy MIN 76 requires a Hydrogeological Risk Assessment to identify any potential impacts on groundwater and appropriate mitigation for those impacts identified.
- 6.129 The site is located within an area of groundwater vulnerability and, as detailed elsewhere in this report, there are a number of surface ponds around the perimeter of the site and a spring line to the north. In order to maximise recovery of mineral, given the relatively high water table, dewatering is likely to be required within the northeast of the site. A dewatering pond will be established within the extraction area within which silts held in suspension will be allowed to settle out before the clear excess water is pumped into Hobb's Drain, a nearby watercourse west of the extraction area.
- 6.130 Concern is expressed by Tottenham Parish Council and local residents in relation to impact of dewatering upon Spring Pit, a spring-fed pond. Concern is also expressed that the application does not provide for monitoring the effect of the development upon the spring. Reference is also made to the

findings of the Hydrogeological Report submitted in support of the application to work site MIN 75, in relation to re-establishment of any existing seepages or springs. Concern is also expressed by a local resident that the proposed dewatering could result in possible subsidence to adjacent properties.

- 6.131 Local residents have also suggested conditions be imposed in relation to monitoring of impact of works on the natural environment and cessation of works in the event of harmful impact to the natural environment.
- 6.132 A Groundwater Protection and Hydrogeological Impacts Assessment has been undertaken, which concludes that the proposed development is unlikely to result in a significant or even discernible impact on surrounding groundwater resources. The Environment Agency (E.A.) has been consulted on the application and raises no objection, subject to conditions including depth of dewatering. In their response, the E.A. advise that the condition should ensure that Spring Pit is not impacted. In this respect, it is considered that there is unlikely to be any negative impact upon Spring Pit as a result of the proposed development.
- 6.133 As regards concerns raised in relation to the findings of the Hydrogeological Report submitted in support of the application to work site MIN 75 (C/2/2015/2006), no objection was raised by the Environment Agency subject to a condition in respect of monitoring of water levels at two local surface water features.
- 6.134 Subject to the aforementioned condition, it is considered that the proposal would not be in conflict with the relevant planning policies or NPPF.

#### **Flood risk and surface water management**

- 6.135 NMWLDF Policies CS13 and DM4, and Part 10 of the NPPF apply.
- 6.136 The principal activities of the development include mineral extraction and restoration to agriculture, reed marsh and water body. The majority of the application site, including the whole of the extraction area, lies within Flood Zone 1, which is an area at low risk of flooding, whilst the eastern part of the service track lies in Flood Zones 2 and 3 (where it crosses Hobb's Drain). As regards the flood zone constraint, sand and gravel workings are identified as 'water-compatible development' in the table of Flood Risk Vulnerability Classification as set out in Planning Practice Guidance (PPG). PPG further advises that 'water-compatible development' is appropriate in Flood Zones 1 and 3. The application is accompanied by a Flood Risk Assessment and Surface Water Management Plan which concludes that, whilst access/egress from the crossing of Hobb's Drain may be affected in extreme events, flood depths are unlikely to cause any restrictions to movement of heavy vehicles. The Assessment recommends that the site manager monitors levels of Hobb's Drain during extremely adverse weather prior to authorising access to small vehicles. On this basis, the proposal is considered acceptable in terms of development within flood zones 1 and 3.
- 6.137 The development lies outside the flow path of the Environment Agency Updated Flood Map for Surface Water (1 in 30yr and 1 in 100yr events).
- 6.138 As regards surface water management, PPG (Flood Risk and Coastal Change –



opportunities for reducing flood risk overall, paragraph 050), requires opportunities be sought to reduce the overall level of flood risk in the area and beyond, for instance, through layout and form of development, including green infrastructure and the appropriate application of sustainable drainage systems. PPG, Paragraph 079 further states that consideration of devising a sustainable drainage system depends on the proposed development and its location, for example whether there are concerns about flooding. Specifically it states that sustainable drainage systems may not be practicable for mineral extraction.

- 6.139 As detailed above, the proposals are considered to be water compatible and the activities are proposed in an area with no concerns about flooding. The proposed development will result in creation of additional flood storage volume: the restored area will drain to the proposed open water area and reed marsh. The accompanying Flood Risk Assessment and Surface Water Management Plan concludes that no requirement of surface water attenuation through implementation of sustainable drainage systems, as further supported by the PPG, is necessary.
- 6.140 Overall, the Flood Risk Assessment and Surface Water Management Plan concludes that, no flood risk mitigation measures are required for the entire application site and the impacts of the development on the surface water drainage regime during and after restoration of the site are assessed to be nil to beneficial.
- 6.141 The Environment Agency has been consulted on the application and raises no objection subject to conditions in relation to dewatering and restoration details.
- 6.142 It is therefore considered, taking into account the above, that the development would not materially increase the risk of flooding and the proposal would not be in conflict with the relevant planning policies and objectives of the NPPF.

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

- 6.143 NMWLDF CS policy DM16 and Section 11 of the NPPF apply.
- 6.144 Representation is made by local residents that the site is believed to be Agricultural land grade 2. With exception of that part of the site crossed by the existing ground conveyor, the parcel of land is currently in agricultural use. An Agricultural Land Classification and Soil Resource Report has been undertaken which has established that the majority of the application site is classified as Grade 3b but also includes 2.5ha of Grade 3a land, of which 1.48ha will be extracted. The extraction area will be restored to a minimum area of 1.77ha of grade 3a agricultural land and the remainder as reed marsh, open water and marginal grassland. The ALC Report concludes that, the area of restored best and most versatile (BMV) grade 3a agricultural land can be increased by sustainable use of the best soil resources.
- 6.145 Whilst the proposal would result in the loss of a relatively small area of BMV grade 3a agricultural land on those areas to be restored to open water and marginal grassland, given that biodiversity enhancements are proposed and there would be an overall increase in the existing area of grade 3a agricultural land, it is concluded that the proposal is not in conflict with the relevant planning policy and NPPF.

#### **Progressive working, restoration and after-use**

- 6.146 NMWLDF CS policy DM14, NMWDF Mineral Site Specific Allocations DPD Policy MIN 76 and Section 13 of the NPPF apply.
- 6.147 NMWDF Mineral Site Specific Allocations DPD Policy MIN 76 requires: a scheme of phased working and restoration including the direction of working, landscaping, and enhancement of biodiversity; a restoration scheme which incorporates arable with wide field margins and enhanced deciduous woodland belts to provide landscape and biodiversity gains.
- 6.148 Extraction would only commence within the proposed extension area once extraction is completed within the existing permitted area (MIN 75). The proposed extension would be divided into three phases in total, which will be worked and restored consecutively. Working of the extension would commence in the north west corner and progress in a generally southerly direction. Final restoration will not be possible until all extraction and dewatering ceases and the water table is allowed to resume its normal level.
- 6.149 Concern is raised by local residents that the site will be restored to a flooded pit enclosed for private fishing. As detailed elsewhere in this report, detailed restoration proposals were included within the application and following negotiation with the applicant, the visual and habitat diversity of the proposed reed marsh have been further enhanced: once worked, the site will be restored to a mix of agriculture and nature conservation after-uses including reed marsh, water body, marginal grassland and shrub belts. The proposals also provide for natural regeneration of the margins to Long Wood and, retention of the conveyor culvert as a bat hibernaculum.
- 6.150 The Environment Agency has been consulted on the application and raises no objection, subject to conditions including a detailed scheme for restoration, to include, inter alia, arrangements for land drainage. It is considered reasonable to condition this matter as part of any consent granted.
- 6.151 Concern is raised by local residents in relation to the estimated mineral resource and proposed timescale for extraction. As regards the estimated mineral resource this is based upon borehole investigation. The requested timescale is based upon the applicant's estimated timescale for completion of extraction and restoration, which is based upon historic and predicted sales from the site.
- 6.152 The proposal includes provision of biodiversity and landscape enhancements and the restoration is considered acceptable. Given the above, it is concluded that the proposal accords with the relevant planning policies and the requirements of the NPPF in this respect.

#### **Cumulative impacts**

- 6.153 NMWLDF CS policy DM15, NMWDF Mineral Site Specific Allocations DPD Policy MIN 76 and Section 13 of the NPPF apply.
- 6.154 NMWDF Mineral Site Specific Allocations DPD Policy MIN 76 requires: Phasing of the site will need to be taken into account, along with site MIN 75, to ensure that only one extraction site is active at any one time.
- 6.155 The site lies close to an active mineral extraction site (MIN 75) and an established processing plant site. To mitigate any cumulative impacts, extraction will not commence from the site under consideration (MIN 76) until extraction has ceased within site MIN 75. It is considered reasonable to

condition this matter as part of any consent granted. With exception of the source of mineral to be processed, no other changes are proposed to the existing working arrangements at the plant site.

- 6.156 Furthermore, the predicted annual output and proposed hours of working are similar to those for active site MIN 75, i.e. approximately 100,000 tonnes per annum and 07.00 – 17.00 hours Monday to Friday, 07.00 – 13.00 hours Saturday, with no operations on Sundays or Public Holidays. As detailed elsewhere in this report it is considered that the proposal would not cause unacceptable environmental, amenity and/or highways impacts.
- 6.157 Overall it is considered that the adverse cumulative impacts can be adequately mitigated. It is therefore considered, taking into account the above, that this proposal is compliant with the relevant planning policies, and objectives of the NPPF.

### **Safeguarding aerodromes**

- 6.158 NMWLDF CS policy DM7 and Section 13 of the NPPF apply.
- 6.159 The site is within the safeguarding zone for RAF Marham. As detailed elsewhere in this report, the proposed restoration scheme includes reed marsh and water body. Pursuant to the initial consultation response from the Defence Infrastructure Organisation (DIO), the applicant submitted a Bird Hazard Management Plan and revised proposals for implementation of the reed marsh. The Management Plan concludes that the bird control commitment and habitat mitigation should ensure that the site does not attract or support populations of hazardous birds capable of increasing the birdstrike risk. The DIO has been consulted on the application and raises no objection subject to condition in relation to the Bird Hazard Management Plan. It is considered reasonable to condition this matter as part of any consent granted.
- 6.160 Given the above, it is concluded that the proposal accords with the relevant planning policy and the requirements of the NPPF in this respect.

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

- 6.161 The application was advertised by means of neighbour notification letters, site notices, and advertisement in the Eastern Daily Press newspaper.
- 6.162 A number of concerns/objections were raised, which are summarised in the first section of this report. With exception of the issues detailed below, the response of this authority to those comments is discussed above in the 'Assessment' section of this report and in section 8, 'Human Rights'.
- 6.163 Representation is made by local residents that planning permission for MIN 75, including the conveyor and culvert, was subject to conditions including removal of the conveyor by 1<sup>st</sup> August 2020 and it is contended that permission for MIN 76 and retention of the conveyor would contradict those conditions. Notwithstanding that the extant permission for the conveyor and culvert is time limited, an applicant can apply to retain the conveyor and culvert beyond that timescale. In this instance, the application under consideration, (which includes retention of a section of the conveyor), has been found to be valid and Norfolk County Council can therefore proceed to determine the application.

- 6.164 Local residents query whether, when permission for MIN 75 including the conveyor and culvert was approved in 2015, the outcome of an application for MIN 76 was pre-determined at this point. The presumption is that appropriate mineral development will be permitted on the allocated sites where it is consistent with the site allocation policy requirements in the plan and relevant local and national planning policies.
- 6.165 Representation is made that the proposal is not an extension but a clearly distinct site. Although the application is for working in a new area, the proposal is considered to be an extension to the existing quarry complex given its proximity to the existing plant site and given that the operator seeks to use the plant site for processing of mineral.
- 6.166 As regards concerns raised as to whether wind direction was taken into account in the Noise Impact Assessment, the Assessment details wind direction during both measurement periods. KL&WN BC EHO has been consulted on the application and has raised no objection subject to conditions.
- 6.167 A local resident queries whether the cost of installing the conveyor and culvert for MIN 75 is a material consideration. The cost of a development is not a material consideration.
- 6.168 A local resident is concerned at the effect that the proposed development could have on potential property sales. This matter alone is not a material planning consideration: in planning terms the issue is not whether owners of properties would experience financial loss from a particular development, but whether the proposal would have an unacceptable detrimental impact on local amenity, and on the existing use of land and buildings which ought to be protected in the public interest. The potential impacts on amenity which may result from the development proposed are discussed elsewhere in this report.
- 6.169 A local resident has suggested that a donation be made available for improvements to local community infrastructure, such as Tottenhill Row Common. Planning Practice Guidance: Planning Obligations, gives advice on use of obligations in connection with development. Planning obligations are used to assist in mitigating the impact of unacceptable development to make it acceptable in planning terms. Planning obligations may only constitute a reason for granting planning permission if they meet the tests that they are necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind to the development. Given the circumstances of the development, it would not be appropriate or indeed lawful for the County Planning Authority to seek donations for local infrastructure.

### **The Community Infrastructure Levy (CIL)**

- 6.170 No additional floorspace would be created by the development hence the development is not CIL liable.

### **Local Finance Considerations**

- 6.171 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.

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

## **7. Resource Implications**

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

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

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

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

## **8. Other Implications**

### **8.1 Human rights**

- 8.2 The requirements of the Human Rights Act 1998 must be considered and the European Convention on Human Rights on which the Act is based. There is a human right provided by the First Article to the First Protocol which is the peaceful enjoyment of property. This right applies to companies as well as natural persons. Should the committee be minded to refuse planning permission it would be interfering with the human right relating to the peaceful enjoyment of property. However, if the committee refused planning permission it would do so based on sound planning reasons, based on the need to protect the environment and the amenities of nearby residents and these reasons would justify the interference and would therefore be regarded as a proportionate interference to the right, balancing the public good with the private right..

- 8.3 Representation is made by local residents that the proposal would infringe on rights of adjoining residents contrary to requirements of the Human Rights Act 1998. The human rights of the adjoining residents are engaged under Article 8, the right to respect for private and family life and Article 1 of the First Protocol, the right of enjoyment of property. A grant of planning permission may infringe those rights but they are qualified rights, that is that they can be balanced against the economic interests of the community as a whole and the human rights of other individuals. In making that balance it may also be taken into account that the amenity of local residents could be adequately safeguarded by conditions albeit with the exception of visual amenity. However, in this instance it is not considered that the human rights of adjoining residents would be infringed.

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

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

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

- 8.7 **Communications:** There are no communication issues from a planning perspective.
- 8.8 **Health and Safety Implications:** There are no health and safety implications from a planning perspective.
- 8.9 **Any other implications:** Officers have considered all the implications which members should be aware of. Apart from those listed in the report (above), there are no other implications to take into account.
- 9. Section 17 – Crime and Disorder Act**
- 9.1 It is not considered that the implementation of the proposal would generate any issues of crime and disorder, and there have been no such matters raised during the consideration of the application.
- 10. Risk Implications/Assessment**
- 10.1 There are no risk issues from a planning perspective.
- 11. Conclusion and Reasons for Grant of Planning Permission**
- 11.1 Planning permission is sought for extension of sand and gravel extraction onto a parcel of land west of the existing plant site, over a period of some three years with additional time for completion of restoration, to agriculture and nature conservation, until 31 December 2023. The proposal includes retention of a section of ground conveyor for transport of mineral to the existing plant site and, use of an existing service track and private road for all plant and vehicles to access and exit the extension area.
- 11.2 The proposed extraction area is broadly consistent with site MIN 76 allocated for mineral extraction in the Adopted Mineral Site Specific Allocations DPD, which forms part of the Norfolk Minerals and Waste Local Development Framework.
- 11.3 Objections and concerns are raised by Tottenhill Parish Council as well as 15 local residents. Their concerns relate primarily to need, impacts of the development on residential amenity, visual amenity, historic environment, ecology, highway network and groundwater resources. No objections have been raised by statutory consultees subject to suitably worded conditions being imposed on any grant of planning permission.
- 11.4 The environmental impacts of the proposal under consideration have been carefully considered. It is concluded that the development would affect the character of the setting of the Tottenhill Row Conservation Area but that this harm would be less than substantial. Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the CPA to pay special attention to the desirability of preserving or enhancing the character or appearance of that area and the test in Paragraph 134 of the NPPF should be used in determination of this application.
- 11.5 Whilst located close to a conservation area, it is considered that, on balance, the public benefits of the proposal outweigh the “less than substantial” harm to the setting of the conservation area that would be caused and are sufficiently powerful to outweigh the statutory presumption in favour of refusal. No objection is raised by Historic England, subject to conditions.

- 11.6 Subject to compliance with conditions, it is considered that no unacceptable harm would be caused to neighbouring occupiers or the largely rural character of the area. No objection is raised by the Highway Authority in relation to the proposed access arrangements and the level of vehicle movements proposed.
- 11.7 No objections are raised by King's Lynn and West Norfolk Borough Council or the Council's Landscape Officer in relation to the visual impact of the proposal. Natural England and the Council's Ecologist are satisfied that no material harm would be caused to biodiversity, and it is considered that the restoration design includes provision of biodiversity and landscape enhancements. No objection is raised by the Environment Agency in relation to impact upon groundwater and surface water quality/resources.
- 11.8 The site is allocated for mineral extraction in the development plan and for the reasons detailed in this report the proposal is considered to accord with all relevant development plan policies and national planning guidance. It would contribute towards ensuring a local supply of minerals for future construction in West Norfolk and would assist in ensuring the County maintains a sufficient landbank of sand and gravel to meet future needs. The impacts of the proposal would be successfully mitigated and there are no material considerations which indicate that planning permission should be refused. Accordingly, full conditional planning permission is recommended, subject to the prior completion of a s106 agreement.

## **12. Conditions**

- 12.1 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.

- 12.2 The development to which this permission relates shall cease and the site shall be restored in accordance with condition 25 of this permission by 31 December 2023.

Reason:

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

- 12.3 Except as modified by the provisions of:

(i) the contents of the letter from Stephen M Daw Limited to Norfolk County Council, reference M(FR)9 dated 3rd May 2018; and

(ii) details to be approved pursuant to condition nos. 4, 5 and 6 below,

the development must be carried out in strict accordance with the application form, plans and documents detailed below:

- Min 76 Location Plan; Dwg No. W13\_LAN\_021; dated November 2017; received 16 February 2018.
- Min 76 Site Plan; Dwg No. W13\_LAN\_031; dated January 2018; received 16 February 2018
- Min 76 Proposed Working Scheme; Dwg No. W13\_LAN\_022; dated December 2017.
- Min 76 Proposed Restoration Scheme; Dwg No. W13\_LAN\_023 Rev A; dated December 2017; received 3 May 2018
- Min 76 Prospect Restoration Cross Sections; Dwg No. W13\_LAN\_024 Rev A; dated December 2017; received 3 May 2018
- Quarry Conveyor Extension and Culvert : Conveyor Culvert; Dwg No. 005 - R1; dated June 2015.
- RMC Watlington Conveyor No.1 Layout; Drawing No. J144F001; dated September 2003.
- Planning Statement; prepared by Stephen M Daw Ltd; Dated January 2018.
- Watlington Quarry, West Field (Min 76) Landscape Proposals - Appendix E; unreferenced; amended April 2018; received 3 May 2018
- Archaeological Evaluation Report; Ref 2148; prepared by Oxford Archaeology; dated November 2017.
- Arboricultural Impact Assessment; Drawing Number 080118/01; dated 8 January 2018.
- Arboricultural Impact Assessment; Drawing Number 080118/02; dated 8 January 2018.
- Preliminary Ecological Appraisal Final; Reference 2017-55 R1 Final; prepared by Philip Parker Associates; dated 8th January 2018.
- Landscape and Visual Appraisal; unreferenced; prepared by ESP Ltd; dated December 2017.
- Noise Impact Assessment; Reference IEC/3742A/01/AVH; prepared by Independent Environmental Consultancy Limited; dated 08 January 2018
- Air Quality Assessment; Reference IEC/3742B/01/AVH; prepared by Independent Environmental Consultancy Limited; dated 08 January 2018.
- Flood Risk Assessment and Surface Water Management Plan; Report No. 3665/R/01; prepared by TerraConsult Limited; dated 05 Jan 2018
- Transport Statement; Reference 406.02828.00004; prepared by SLR Consulting Limited; dated January 2018.
- Heritage Statement; unreferenced; prepared by Andrew Josephs Associates; dated December 2017
- Groundwater Protection and Hydrogeological Impacts; Report No 10312-R01; prepared by TerraConsult (South) Limited; dated January 2018
- Agricultural Land Classification and Soil Resource Report; unreferenced; prepared by Richard Stock; dated January 2018

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

12.4 Notwithstanding the details indicated on submitted Drawing Nos. W13\_LAN\_023



Rev A, Min 76 Proposed Restoration Scheme, dated December 2017, received 3 May 2018 and W13\_LAN\_024 Rev A, Min 76 Prospect Restoration Cross Sections, dated December 2017, received 3 May 2018 and, the Planning Statement, dated January 2018, within three months of the date of this permission a detailed scheme for the restoration of the land shall be submitted to the County Planning Authority for its approval in writing. The scheme shall make provision for:

- The contours of the restored land;
- The restoration soil profile, including arrangements for land drainage;
- Details of the progressive phased restoration, and source of aggregate to be used to achieve restoration profiles;
- Programme of monitoring and implementation within each of the phases to achieve the required after use.

The scheme shall be implemented as approved.

Reason:

To protect and prevent the pollution of controlled waters from potential pollutants associated with current and previous land uses, to accord with the Norfolk Minerals and Waste Core Strategy policy DM3 and NPPF paragraphs 109, 120 and 121.

- 12.5 In relation to that part of the site to be restored to an agricultural afteruse, within three 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 shall be submitted for the written approval of the County Planning Authority. The aftercare scheme as may be so approved, shall be implemented over a period of five years following the completion of restoration, or in the case of phased restoration, in stages of five years duration dating from each completed restoration phase.

Reason:

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

- 12.6 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.

- 12.7 In relation to the screening of operations, the soil storage mounds shall be constructed in accordance with the details set out within the approved document

entitled 'Watlington Quarry, West Field (Min 76) Landscape Proposals – Appendix E (Amended April 2018)' and Drawing Number W13\_LAN\_022, Min 76 Proposed Working Scheme, dated December 2017, and the soil bunds shall be seeded and maintained in accordance with the details set out within the approved landscape details.

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.

- 12.8 The Noise Mitigation Strategy as set out within the Noise Impact Assessment, Reference IEC/3742A/01/AVH, for proposed extension West Field (MIN 76) Watlington Quarry, dated 8 January 2018 shall be implemented as approved and maintained/adhered to thereafter.

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

- 12.9 The Dust Management Plan as set out within the Air Quality Assessment, reference IEC/3742B/01/AVH, for Proposed Extension West Field (MIN 76) Watlington Quarry, dated 8 January 2018, shall be implemented as approved and maintained/adhered to thereafter.

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

- 12.10 No operation shall take place except in accordance with the phased scheme of working shown on Drawing No. W13\_LAN\_022, Min 76 Proposed Working Scheme, dated December 2017. No extraction shall take place within the extension area hereby approved at Land at West Field (MIN 76) until extraction has ceased in Land at Home Farm, Tottenhill Row (MIN 75).

Reason: To ensure orderly working in the interest of the amenities of the surrounding area, in accordance with Policies DM12 and DM14 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.

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

Reason:

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

- 12.12 With the exception of dewatering of the extraction area hereby permitted, no operation authorised or required under this permission or under Part 17 of

Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015, including the movement of vehicles and operation of any plant, shall take place on Sundays or public holidays, or other than during the following periods:

07.00 - 17.00 Mondays to Fridays

07.00 - 13.00 Saturdays.

Reason:

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

- 12.13 No material shall be stacked or deposited on the site such that its height exceeds three metres above its base 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.

- 12.14 Dewatering of the site shall only be carried out in accordance with Annex 10 – Groundwater Protection and Hydrogeological Impacts, reference 10312-R01, dated December 2017. There shall be no dewatering below 3.4m AOD.

Reason:

To protect and prevent the pollution of controlled waters from potential pollutants associated with current and previous land uses, to accord with the Norfolk Minerals and Waste Core Strategy policy DM3 and NPPF paragraphs 109, 120 and 121.

- 12.15 The use of the Church Lane access shall be limited to those movements as set out within the Transport Statement, SLR Ref: 406.02828.00004, dated January 2018.

Reason:

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

- 12.16 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.

- 12.17 No external lighting shall be installed on the site unless it is maintained such that it will not cause glare beyond the site boundaries. The lighting shall not be used at night when the quarry is not operational.

Reason:

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

- 12.18 The development shall only be carried out in accordance with the birdstrike safeguarding commitments as outlined in the Bird Hazard Management Plan for the Watlington Quarry, West Field; unreferenceed; prepared by Birdstrike Management Ltd; dated 23.04.2018; received 3 May 2018

Reason:

To maintain air traffic safety at RAF Marham, in accordance with Policy DM7 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026

- 12.19 Handling, movement and re-spreading of topsoil and subsoil shall not take place except when the soils are in a suitably dry and friable condition, and in such a way and with such equipment as to ensure minimum compaction. (No handling of topsoil and subsoil shall take place except between 1st April and 31st October unless otherwise agreed in writing beforehand by the County Planning Authority.)

Reason:

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

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

Reason:

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

- 12.21 On those areas to be restored to an agricultural afteruse an even layer of topsoil shall be re-spread on the subsoil layer to an even depth of at least 300mm.

Reason:

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

- 12.22 Before the topsoil is replaced on those areas to be restored to an agricultural afteruse, a layer of at least 600mm of subsoil substitute shall be created through the use of soils, sand, overburden and/or excavation spoil derived from the site. This layer shall be cross-ripped to a depth of at least 500mm to relieve compaction.

Reason:

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

- 12.23 Measures including ripping and/or subsoiling shall be carried out to the

satisfaction of the County Planning Authority after soil replacement on those areas to be restored to an agricultural afteruse so that any compacted layers and pans are broken up to assist free drainage.

Reason:

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

- 12.24 All stones and deleterious materials in excess of 15cm in any dimension which arise from the ripping of the subsoil and topsoil shall be removed from the site.

Reason:

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

- 12.25 Except as modified by the provisions of details to be approved pursuant to condition no. 4 of this permission, the restoration of the site shall be completed by 31 December 2023 in accordance with the submitted scheme shown on Drawing numbers W13\_LAN\_023 Rev A, Min 76 Proposed Restoration Scheme, dated December 2017, received 3 May 2018 and W13\_LAN\_024 Rev A, Min 76 Prospect Restoration Cross Sections, dated December 2017, received 3 May 2018 as supplemented by the implementation provisions set out in the approved document entitled Watlington Quarry, West Field (MIN 76) Landscape Proposals - Appendix E (Amended April 2018), received 3 May 2018.

Reason:

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

- 12.26 In relation to that section of the conveyor route east of Watlington Road, as shown on Drawing Number W13\_LAN\_031, Min 76 Site Plan, dated January 2018, received 16 February 2018, the conveyor and associated maintenance track hereby approved shall be removed and the land re-instated to its original condition by the 31st December 2023, with the exception of the additional planting provided around the culvert at Watlington road which shall be retained.

Reason:

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

- 12.27 In relation to those parts of the site to be restored to and managed as marginal grassland, native shrub belt, naturally regenerated woodland edge and reed marsh, the development shall be carried out in accordance with the details as set out on Drawing numbers W13\_LAN\_023 Rev A, Min 76 Proposed Restoration Scheme, dated December 2017, received 3 May 2018 and W13\_LAN\_024 Rev A, Min 76 Prospect Restoration Cross Sections, dated December 2017, received 3 May 2018 as supplemented by the management provisions as set out in the approved document entitled Watlington Quarry, West Field (Min 76) Landscape Proposals - Appendix E (Amended April 2018), received 3 May 2018. All planting

and seeding comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the completion of each phase of the development, and any trees or plants which within a period of 5 years from the date of initial planting are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

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 2010-2026 (2011)

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

Norfolk Minerals and Waste Development Framework Mineral Site Specific Allocations Development Plan Document (2013/2017)

<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>

King's Lynn & West Norfolk Borough Council Local Development Framework – Core Strategy (2011)

[https://www.west-norfolk.gov.uk/info/20219/core\\_strategy/112/core\\_strategy\\_explained](https://www.west-norfolk.gov.uk/info/20219/core_strategy/112/core_strategy_explained)

King's Lynn and West Norfolk Borough Landscape Assessment (2007)

[https://www.west-norfolk.gov.uk/info/20185/planning\\_policy\\_research/383/landscape\\_character\\_assessment](https://www.west-norfolk.gov.uk/info/20185/planning_policy_research/383/landscape_character_assessment)

The National Planning Policy Framework (NPPF) (2012)

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

Planning Practice Guidance (2014)

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

## **Officer Contact**

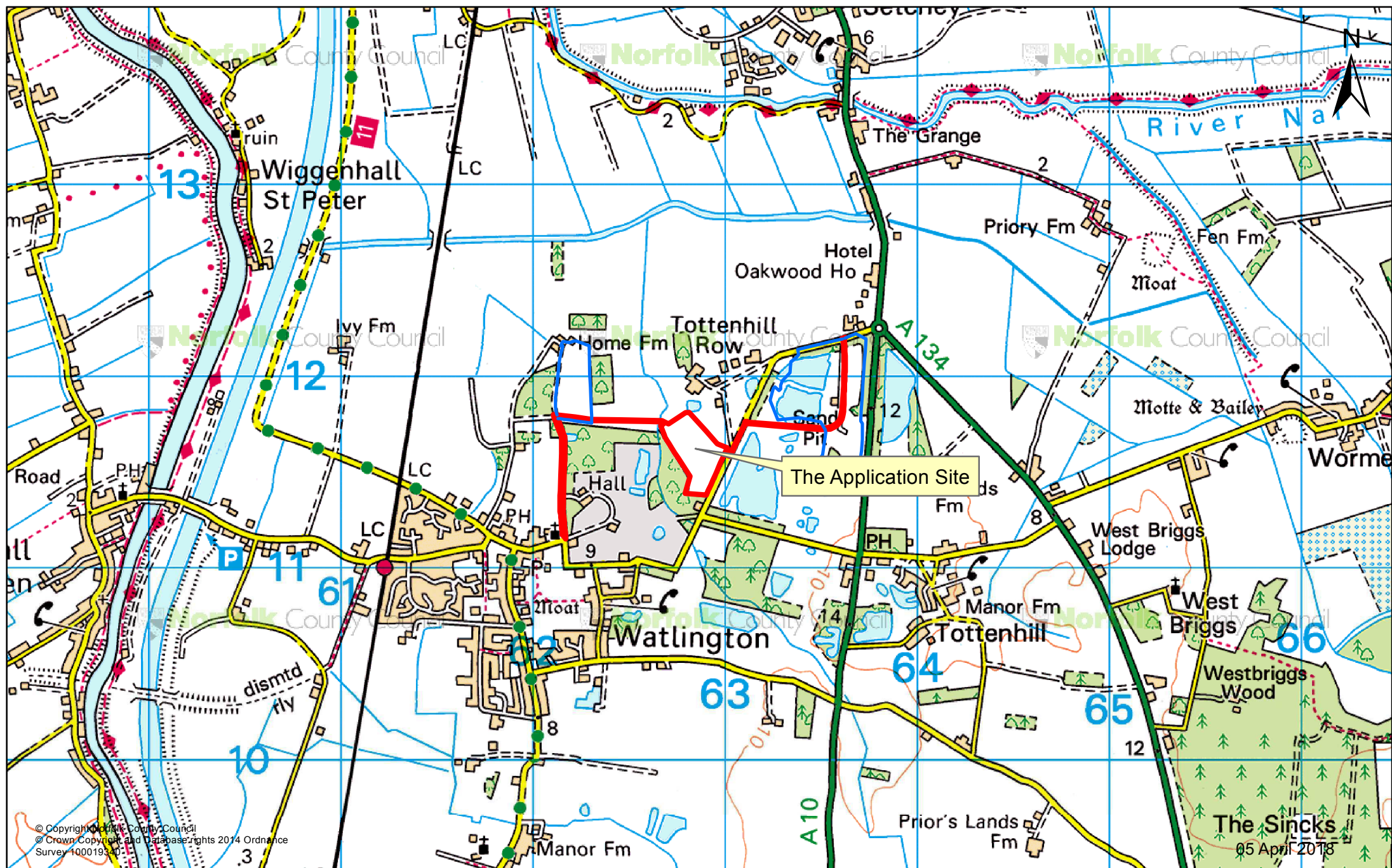
If you have any questions about matters contained in this paper please get in touch with:

<b>Name</b>	<b>Telephone Number</b>	<b>Email address</b>
Andrew Harriss	01603 224147	andrew.harriss@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 and ask for Andrew Harriss or textphone 0344 800 8011 and we will do our best to help.





C/2/2018/2001  
Tottenhill

0 500 1,000 2,000  
Metres

Norfolk County Council

1:25,000





C/2/2018/2001  
Tottenhill



 **Norfolk** County Council

1:7,000

# Planning (Regulatory) Committee

Item No.

<b>Report title:</b>	<b>C/2/2018/2002: Watlington Quarry, Watlington Road, Tottenhill, Nr Watlington, King's Lynn, PE33 0RG</b>
<b>Date of meeting:</b>	<b>13 July 2018</b>
<b>Responsible Chief Officer:</b>	<b>Tom McCabe - Executive Director, Community and Environmental Services</b>
<b>Proposal and applicant: Variation of conditions 1, 3 and 18 of planning permission C/2/2015/2007 to extend time period for restoration of Sixty Acre Field and allow continued use of plant site to service proposed quarry extension (MIN 76), until 31 December 2023: Frimstone Ltd.</b>	

## Executive summary

Planning permission is sought to vary three no. conditions of planning permission C/2/2015/2007 in order to continue use of the plant site, including silt lagoons and operational area, for processing mineral from the proposed quarry extension at West Field, Tottenhill (MIN 76) (subject of application reference C/2/2018/2001) and, extend the time period for restoration of Sixty Acre Field. This application is to be considered concurrently with application reference C/2/2018/2001 as the two are inherently linked.

Objection is raised by Tottenhill Parish Council as well as local residents. Their concerns relate primarily to the length of time that the quarry has been in operation as well as the need for the extended timescale. 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 highway network, residential amenity, visual amenity, progressive working and restoration, and cumulative impact. 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.

### 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 12.**
- 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	Location	: Watlington Quarry, Watlington Road, Tottenhill, Nr Watlington, King's Lynn, PE33 0RG
1.2	Type of development	: Continued use of plant site to service proposed quarry extension (West Field, MIN 76); Extended time period for restoration of Sixty Acre Field.
1.3	Total tonnage	: The reserve of the proposed extension area (West Field, MIN 76) is estimated to be 285,000 tonnes.
1.4	Annual tonnage	: 90 - 100,000 tonnes
1.5	Market served	: 25km radius of quarry, including King's Lynn and Downham Market
1.6	Duration	: Until 31 December 2023.
1.7	Plant	: Fixed washing plant; Mobile plant.
1.8	Hours of working	: 07:00-17:00 Monday-Friday 07:00-13:00 Saturday No working on Sundays or public holidays
1.9	Vehicle movements and numbers	: All mineral transported to Plant site from MIN 76 via existing field conveyor; Sale of mineral would result in 20 x 18 tonne loads departing plant site per day = 40 HGV movements
1.10	Access	: HGVs to exit plant site via existing access onto Watlington Road and thence to A10/A134
1.11	Landscaping	: No additional landscaping proposed: existing mature landscaping limits views from outside of the site.
1.12	Restoration and after-use	: Restoration to agriculture and nature conservation.

## 2. Constraints

2.1 The following constraints apply to the application site:

- RAF Marham Defence Infrastructure Safeguarding
- Agricultural land grades 2 and 3.
- Flood Zones 2 and 3
- Tottenhill Row Conservation Area is situated some 90m west of the site
- Setchey Site of Special Scientific Interest (SSSI) is located approximately 620m north of the site; River Nar SSSI is located approximately 1.1km north of the site.
- Runs Wood Meadow County Wildlife Site (CWS) abuts the south west corner of the application site; Thieves' Bridge Meadow CWS abuts the south east corner of the site; Tottenhill Row Common CWS lies some 100m west of the site.

### 3. Planning History

- 3.1 Watlington Quarry has been an active site for the production of sand and gravel since the first planning permission was issued in the mid 1960's. Since then a number of further planning permissions, including physical extensions to the quarry, have been granted. As regards the site under consideration, the following applications are relevant:
- 3.2 **C/2/2000/2022** - Extension of sand and gravel extraction with progressive restoration to nature conservation and agriculture, erection of new processing plant and retention of existing access - granted 2003 (this extension included an area known as 'Sixty Acre Field' which was the final area to be worked).
- 3.3 **C/2/2011/2023** - Variation of condition 8 of planning permission C/2/2000/2022 to enable the phased extraction of the remaining reserves in accordance with a new phasing plan – granted August 2012
- 3.4 **C/2/2015/2007** - Variation of conditions 1 and 3 of planning permission C/2/2011/2023 to allow continued use of plant site until 1 August 2020, to service the proposed quarry extension (MIN75) – granted 2015

### 4. Planning Policy

- |     |  |   |  |
|-----|--|---|--|
| 4.1 | Norfolk Minerals and Waste Local Development Framework Core Strategy and Minerals and Waste Development Management Policies Development Plan Document 2010-2026 (2011) | : | CS1 Minerals Extraction<br>CS2 General locations for mineral extraction and associated facilities<br>CS13 Climate change and renewable energy generation<br>CS14 Environmental protection<br>CS15 Transport<br>CS16 Safeguarding mineral and waste sites and mineral resources<br>DM1 Nature conservation<br>DM3 Groundwater and surface water<br>DM4 Flood risk<br>DM7 Safeguarding aerodromes<br>DM8 Design, local landscape and townscape character<br>DM9 Archaeological sites<br>DM10 Transport<br>DM11 Sustainable construction and operations<br>DM12 Amenity<br>DM13 Air quality<br>DM14 Progressive working, restoration and after-use<br>DM15 Cumulative impacts<br>DM16 Soils |
| 4.2 | Norfolk Minerals and Waste Development   | : | MIN 76 West Field, Watlington  |

	Framework Mineral Site Specific Allocations Development Plan Document (2013/2017)		
4.3	King's Lynn & West Norfolk Borough Council Local Development Framework – Core Strategy (2011)	: CS06	Development in Rural Areas
4.4	King's Lynn & West Norfolk Site Allocations and Development Management Policies Plan (2016)	:	No relevant policies.
4.5	Neighbourhood Plan	:	The area in which the planning application is located does not have an adopted Neighbourhood Development Plan or Neighbourhood Plan in progress.
4.6	The National Planning Policy Framework (2012)	: Ch 4 Ch 7 Ch 10 Ch 11 Ch 12 Ch 13	Promoting sustainable transport Requiring good design Meeting the challenge of climate change, flooding and coastal change Conserving and enhancing the natural environment Conserving and enhancing the historic environment Facilitating the sustainable use of minerals
4.7	Planning Practice Guidance (2016)	:	Minerals
4.8	Draft Revised National Planning Policy Framework (2018)		

## 5. Consultations

5.1	Borough Council of King's Lynn & West Norfolk	:	No response received at time of writing this report.
5.2	Tottenhill Parish Council	:	Raise objection on the following grounds:

As the Parish Council object to the separate application for development at West Field, the view of the PC is that no additional period of time would be needed to process the mineral, as the PC regard this development as unacceptable.

Since planning permission was first issued in the mid 1960's, numerous permissions for extensions to the Quarry have been granted, and the current

view of local residents is that “enough is enough”. It is not considered acceptable that permission for development established over 50 years ago, should still be assumed to be relevant in planning terms today. The many extensions and revisions to the original application have fundamentally changed the basis for deciding on the acceptability of this development. Local residents have reluctantly borne the brunt of the unacceptable adverse impacts of this development (such as noise, vibration, dust, visual intrusion etc) on their residential amenity, by simple reliance on the fact that mineral extractions on this site would at last come to an end in 2020. These residents are dismayed at the thought that they will be subject to yet more extensions and revisions to the original permission to quarry. This would simply extend a nuisance that they believed was coming to an end. Impacts considered as being acceptable for a short period of time are not the same as those which will prevail for a much longer period of time.

Any assessment of the adverse environmental impact on a community must take into account the considerable length of time of these operations, and thereby alter the original assessment. The prevailing view once again is that “enough is enough”, and it is of no comfort to the local residents that the plan is for the two extraction sites to be phased so that one follows the completion of the other. The time factor involved here clearly amounts to an adverse cumulative impact. Continuation of the quarrying operations will extenuate the significant impact on the nearby residents, and delay the restoration of the local environment, which is a designated conservation area.

- |     |                           |   |   |
|-----|---------------------------|---|---|
| 5.3 | Watlington Parish Council | : | No response received at time of writing this report   |
| 5.4 | Highway Authority (NCC)   | : | No objection, subject to all other highway related conditions (included on PP C/2/2015/2007) being included on any consent notice issued. |

Comments that the applicant will be required to remove (infill) the existing culvert under Whin Common Road (used to access Sixty Acre field) once its use for the quarry has ceased and should be included in the restoration scheme.

		Provides informatives in relation to highway boundary.
5.5	Community Safety & Neighbourhood Nuisance Team (KL&WN)	: No objection, subject to imposition of conditions from the previous planning approval in relation to: Permitted development rights; noise limits; silencing of plant / machinery; dust control; operational hours; HGV management (revised to reflect the proposed HGV Management Plan dated December 2017); external lighting
5.6	Environment Agency	: No comment to make
5.7	Lead Local Flood Authority	: Comment that this development is below the LLFA consultation threshold for providing detailed comment. Advise that the CPA should satisfy itself that the application is compliant with: <ul style="list-style-type: none"> <li>• paragraph 103 of the NPPF (flood risk);</li> <li>• Written ministerial statement - HCWS161 – Sustainable drainage systems</li> </ul>
5.8	Natural England	: Further advise that the application should demonstrate how the proposal accords with national standards and relevant guidance. Natural England currently has no comment to make on the variation of conditions 1, 3 and 18.
5.9	County Ecologist	: No objections
5.10	Senior Green Infrastructure Officer (NCC)	: No objection to continued use of plant site.
		No objection to delay in restoration of Sixty Acre Field, subject to restoration being carried out in accordance with original restoration scheme.
5.11	Historic England	: Do not wish to offer any comments
5.12	Norfolk Historic Environment Service (NCC)	: No objection, subject to condition in relation to outstanding analysis and dissemination of archaeological assessment.
5.13	Defence Infrastructure Organisation	: No safeguarding objections.
5.14	Health and Safety Executive	: No response received at time of writing this report
5.15	Water Management Alliances	: No response received at time of writing this report
5.16	Norfolk Wildlife Trust	: No response received at time of writing this report
5.17	Local residents	: Three letters of representation have been received from nearby residents. Objection is raised on the following grounds:

Further extension to timeframe of use of existing quarry solely for purpose of continued restoration would not be required.

The applicant has been aware of their responsibilities of restoration timeframes from previous applications.

Should application C/2/2018/2001 be refused, there would be no purpose for this application to be approved.

The Conveyor / Pre-determined application:

Permission for MIN 75, the conveyor and culvert was subject to conditions including removal of conveyor by 1<sup>st</sup> August 2020. Permission for MIN 76 and retention of conveyor would contradict those conditions.

When permission for MIN 75 including conveyor and culvert was approved, was a decision taken at the time regarding the future of MIN 76?

Installation of conveyor and culvert will have been costly for the applicant. Is this a material consideration in planning decisions?

Visual impact / Landscape character:

Contrary to Policies CS14 and DM8 of NMWDF CS and, King's Lynn & West Norfolk CS policy CS 06

Amenity:

Contrary to Policy DM12 of NMWDF CS

In defining areas of search, the Minerals Site Specific Allocations DPD - Single Issue Silica Sand Review Pre-submission (March 2016), excluded sensitive receptors including residential dwellings and 250 metres around each sensitive receptor. MIN 76 is within 250m of residential dwellings.

MIN 76 would infringe on rights of adjoining residents contrary to requirements of the Human Rights Act 1998

Historic Environment:

In defining areas of search, the Minerals Site Specific Allocations DPD - Single Issue Silica Sand Review Pre-submission (March 2016), excluded Conservation Areas and 250 metres around each heritage asset. The conservation area is within 250m of the majority of MIN 76.



Site MIN 76 is visible from houses and the common within the conservation area

The Spring and pond are valuable heritage assets in the conservation area

Ecology:

Impact on County Wildlife Site and Biodiversity Action Plan status of Tottenhill Row

Impact on Great Crested Newts

Groundwater:

Supporting Hydrogeological Report appears unable to guarantee future working of the spring

Asks a number of questions in relation to findings of supporting Hydrogeological Report.

Hydrogeological Report submitted in support of application to work site MIN 75, states that, "Once restoration sands and soils are replaced, the general arrangement of the pre-development groundwater regime could be expected to re-establish gradually, although this will be at a much lower level than the current regime. It is likely that any existing seepages or springs (if any) that dry up will not re-establish".

Independent reports

Residents could not afford to pay for independent Noise, Dust and Hydrological reports making the process feel very one sided.

Agricultural Land Grade

Believes the site to be Agricultural land grade 2

Previous refusals:

Similar applications have previously been refused twice and dismissed once on appeal.

In addition, one letter of representation from a local resident pursuant to application C/2/2018/2001, makes reference to continued use of the processing plant and noise from reversing alarms on the loading shovel.

5.18 County Councillor (Brian Long) : No comments at this time as local member

## 6. Assessment

### Proposal

- 6.1 Permission is sought for variation of conditions 1, 3 and 18 of Planning Permission C/2/2015/2007 to extend the time period for restoration of Sixty Acre Field and allow continued use of the plant site, including silt lagoons and operational area, for processing mineral from the proposed quarry extension at West Field, Tottenhill (MIN 76).
- 6.2 The application under consideration is to be considered concurrently with application reference C/2/2018/2001 for proposed quarry extension at West Field, Tottenhill (MIN 76) as the two are inherently linked. Site MIN 76 is allocated for sand and gravel extraction in the Norfolk Mineral Site Specific Allocations DPD (2013/2017) and would be linked to the existing plant site via a retained section of an existing ground conveyor.
- 6.3 Planning permission reference C/2/2015/2007 was granted in 2015 for, continued use of the plant site until 1 August 2020, to service the proposed quarry extension (MIN 75). As regards Sixty Acre Field, application C/2/2015/2007 sought extension of the time period for extraction and restoration of Sixty Acre Field until 1 August 2016. The specific changes proposed are as follows:
- 6.4 Condition 1 of PP C/2/2015/2007 relates to the cessation of development and requires the site to be restored by 1 August 2020. Extraction has been completed at Sixty Acre Field and this part of the site is undergoing restoration. The applicant anticipates that restoration of Sixty Acre Field would be completed late 2018 whilst permitted mineral reserves within the current extraction area south of Home Farm (MIN 75) will be exhausted at some point during 2018. In relation to condition 1, permission is sought to extend the permitted timescale until 31 December 2023. It is estimated it will take some three years to complete extraction within MIN 76, with additional time required for processing and sale of all mineral and restoration of the plant site, until 31 December 2023.
- 6.5 Condition 3 restricts the source of mineral processed by the plant to that extracted from the site itself and from the Home Farm extension area (MIN 75) pursuant to planning permission C/2/2015/2006. In relation to condition 3, the application seeks for the plant to be able to process mineral from site MIN 76.
- 6.6 Condition 18 requires implementation of the HGV Management Plan for the duration of operations (the current approved Plan makes reference to haulage of mineral extracted from site MIN 75). In relation to condition 18, it is proposed that the condition be amended such that the Management Plan makes reference to site MIN 76.
- 6.7 No physical changes are proposed to the plant site and access arrangements would remain unchanged.

### Site

- 6.8 The application site relates to Watlington Quarry, located between the villages of Tottenhill and Watlington, and comprising of an active plant site and worked out mineral workings undergoing phased and progressive restoration to agriculture and nature conservation. The washing plant, silt lagoons and operational area are located at the northern end of the application site, which is bounded to the north by Watlington Road, to the east by Lynn Road, to the south by Thieves Bridge Road and to the west by agricultural land, woodland and former mineral

workings, now flooded. The former extraction area known as Sixty Acre Field is located at the extreme southern end of the site.

- 6.9 The closest residential properties to the plant/stockpiling area: a property some 300m to the north, across Watlington Road; properties at Tottenhill Row some 350m to the north west; and a property some 450m east of the site. The closest residential properties to the Sixty Acre Field are some 18m south of the site and some 194m west of the site. The site is accessed from the north via a purpose built haul road off Watlington Road, some 160m from its junction with the A10/A134.

- 6.10 The proposed extension area (MIN 76), which is subject to application reference C/2/2018/2001 being considered concurrently with this application, is situated some 0.5km west of the plant site.

#### **Environmental Impact Assessment (EIA)**

- 6.11 Pursuant to a request by the applicant, an EIA Screening Opinion exercise for, proposed extension to the quarry (MIN 76) with continued use of the conveyor, service track and plant site was undertaken by the CPA in November 2017 in accordance with The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 ('the EIA Regs'). It was concluded that the scheme was not EIA development as it is not within or partly within a 'sensitive area' as defined by the EIA Regulations and would not be likely to have 'significant effects on the environment' in the context of the EIA Regulations.

- 6.12 The application under consideration was screened upon receipt in respect of any requirement for an EIA in accordance with the EIA Regulations, when it was concluded that the application is not EIA development.

- 6.13 Having assessed the application and taken into account the consultation responses received, the proposal has been re-screened for EIA and the CPA remain of the view that the development is not EIA development.

#### **Principle of development**

- 6.14 The underlying principle in respect of planning applications is outlined in Section 38(6) of the Town and Country Planning Compulsory Purchase Act 2004 which states:

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

- 6.15 In terms of the development plan, the County Planning Authority considers the relevant documents in relation to this application are the: Norfolk Minerals and Waste LDF Core Strategy and Minerals and Waste Development Management Policies DPD 2010-2026 (2011), Norfolk Minerals and Waste Development Framework Mineral Site Specific Allocations DPD (2013/2017), and King's Lynn & West Norfolk Borough Council Core Strategy (2011). Whilst not part of the development plan, policies within the NPPF are material to the consideration of the application.

- 6.16 The application relates to an established plant site, the principle of the use of which has been established through previous planning permissions. No changes are proposed to its operation other than that the mineral to be processed would be derived from a new extension area. Access arrangements would remain unchanged and restoration would be carried out as previously approved.

- 6.17 Tottenhill Parish Council raise objection on the grounds that numerous permissions for extensions and revisions to the quarry have been granted thereby changing the basis for deciding on the acceptability of this development. The Parish is concerned that impacts considered as acceptable for a short period of time are not the same as those which will prevail for a much longer period of time.
- 6.18 Policy CS2 of the NMWLDF Core Strategy sets out the principles for the locations for mineral extraction and associated facilities, and places a preference for sites which are “close and/or well-related via appropriate transport infrastructure,” to the major urban areas. The site is well related to both King’s Lynn, some 7.5km (4.6 miles) distant and Downham Market, some 9.5km (6 miles) distant. In addition, the application site is well connected to the strategic road network, with a site access onto Watlington Road close to it’s junction with the A10/A134, both roads classified by the NCC Route Hierarchy as Principal Primary Routes, the highest category on the hierarchy. The proposed extended timescale for operation of the plant would service the physical extension of the site at West Field (MIN 76). Given the above, in principle, the location of the proposed site is considered acceptable in relation to the requirements of Policy CS2 of the NMWLDF.
- 6.19 The supporting text in relation to Mineral Site Specific Allocations DPD Policy MIN 76, indicates that mineral from site MIN 76 would be processed at the existing plant site.
- 6.20 Guidance at Para 142 of the NPPF underlines that minerals are essential to support sustainable economic growth and our quality of life and, since minerals can only be worked where they are found, it is important to make best use of them to secure their long-term conservation. Furthermore, Para. 144 requires LPAs to “give great weight to the benefits of mineral extraction, including to the economy”. It is therefore considered that the proposal would be in general accordance with the aims of the NPPF.
- 6.21 Planning Practice Guidance recognises that working of minerals is a temporary use of land, although it often takes place over a long period of time and, working may have adverse and positive environmental effects, but some adverse effects can be effectively mitigated.
- 6.22 Tottenhill Parish Council is of the view that no additional period of time would be needed to process mineral, given that the Parish Council object to the application for extraction from West Field (MIN 76). Similarly, representation is made that there would be no need to approve the application in the event that planning permission is refused for the extension at West Field (MIN 76). These observations are acknowledged and this is why the two applications have been submitted concurrently and need to be determined together (an assessment of impacts relating to extension site MIN 76 has been undertaken in the report under planning reference C/2/2018/2001).
- 6.23 Notwithstanding all other material considerations it is considered that the principle of this development could be acceptable at this location and would not be out of character for the immediate area.
- Mineral Supply / Need**
- 6.24 NMWLDF CS Policy CS1 and Section 13 of the NPPF apply.
- 6.25 The plant site would provide mineral to a market of approximately 25km radius from the site. The applicant has advised that the site has operated almost continuously in this location for almost 50 years which demonstrates the valuable

- contribution that it makes in providing building materials to this part of Norfolk.
- 6.26 Assessment of the contribution of proposed extension MIN 76 to the sand and gravel landbank is detailed in the report in relation to application C/2/2018/2001. The application under consideration relates to the continued use of the plant site and the application therefore needs to be assessed on this basis.
- Amenity (noise, dust, light pollution, air quality)**
- 6.27 NMWLDF CS Policies DM12 and DM13, and Sections 11 and 13 of the NPPF apply.
- 6.28 The nearest sensitive receptors to the plant/stockpiling area are: a property some 300m to the north, across Watlington Road; properties at Tottenhill Row some 350m to the north west; and a property some 450m east of the site. The closest residential properties to the Sixty Acre Field are some 18m south of the site and some 194m west of the site. The impact of the development on neighbouring occupiers was considered acceptable when permission was most recently granted in 2015. With exception of continued use of the plant site and additional time for restoration of Sixty Acre Field, no other changes are proposed to the existing working arrangements at the site.
- 6.29 Objection is raised by Tottenhill Parish Council on grounds of adverse impacts upon amenity whereby further extension would extend a nuisance. Representation is also made that the application is contrary to Policy DM12 of the NMWDF CS.
- 6.30 Representation made pursuant to application C/2/2018/2001 makes reference to continued use of the processing plant and noise from reversing alarms on the loading shovel. This matter has been pursued with the applicant, who has responded that, all mobile plant is already fitted with a broadband reversing system which is not audible beyond the site boundary. The applicant adds that the old-style bleeping reversing alarms fitted to its fleet of lorries is currently being changed to the same broadband system.
- 6.31 Whilst not raising objection, King's Lynn and West Norfolk Borough Council's Community Safety and Neighbourhood Nuisance Team recommend that conditions from the previous planning permission are imposed in the event that permission is forthcoming, in order to protect the amenity of nearby residents. The conditions relate to: permitted development rights; noise limits; silencing of plant / machinery; dust control; operational hours; HGV management (revised to reflect the proposed HGV Management Plan dated December 2017); external lighting. Given the nature of the proposal, this would seem to be a reasonable request.
- 6.32 Given the above, it is therefore considered that the development will cause no material harm to the amenities of neighbouring occupiers or the local area. Subject to the aforementioned conditions, the development is considered to be acceptable in terms of the relevant planning policies and NPPF.
- Landscape / Design**
- 6.33 NMWLDF CS Policies CS14 and DM8, and sections 7 and 11 of the NPPF apply.
- 6.34 King's Lynn & West Norfolk Core Strategy policy CS 06 states that, Beyond the villages and in the countryside, the strategy will be to protect the countryside for its intrinsic character and beauty, the diversity of its landscapes, heritage and wildlife, and its natural resources to be enjoyed by all.
- 6.35 Objection is raised by Tottenhill Parish Council on grounds of visual intrusion whereby further extension of time would extend a nuisance.

- 6.36 Representation is made that the application is contrary to Policies CS14 and DM8 of the NMWDF CS and, King's Lynn & West Norfolk CS policy CS 06.
- 6.37 Whilst sand and gravel can be processed at sites other than active mineral workings, it should be noted that the Borough Council Core Strategy Policies have not been formulated to specifically address minerals developments and as such the Norfolk Minerals and Waste Local Development Framework: Core Strategy is considered to be the most relevant policy document for assessment of the proposal.
- 6.38 The site is not located within any designated landscape feature. The landscape impacts of the site under consideration were most recently assessed during the determination of permission reference C/2/2015/2007 and were found to be acceptable in this landscape context. In terms of landscape impact, the only changes relate to the time periods for operation of the plant site and restoration of Sixty Acre Field. As regards the plant site, this has been established at this location since the mid-1960's and is surrounded by well-established screening which limits view from outside of the site and any effects of its continued use will be mitigated by the screening. As regards Sixty Acre Field, the current approved restoration scheme would still be adhered to, albeit at a slightly later date.
- 6.39 The washing plant subject of the application under consideration is of a functional design and whilst it cannot be considered 'good design', is reflective of this form of development and the development is only for a temporary period. It is therefore considered that the design of the plant is acceptable in the context of the site and there will be no material harm caused to the character and quality of the local area. Therefore it is considered these are material considerations that outweigh the conflict with policy DM8 of the NMWLDF CS.
- 6.40 The County Council's Landscape Officer has been consulted on the application and raises no objection on landscape grounds.
- 6.41 Overall it is considered that the proposal would result in no material additional impact on the landscape or visual amenity. The development is therefore considered to be acceptable and compliant with the landscape principles set out in the relevant planning policies, and objectives of the NPPF.
- Biodiversity and geodiversity**
- 6.42 NMWLDF CS Policies CS14 and DM1, King's Lynn & West Norfolk Core Strategy policy CS 06 and, Sections 11 and 13 of the NPPF apply.
- 6.43 The application site itself carries no particular nature conservation designation: Setchey Site of Special Scientific Interest (SSSI) is located approximately 620m north of the site; River Nar SSSI is located approximately 1.1km north of the site. Runs Wood Meadow County Wildlife Site (CWS) abuts the south west corner of the application site; Thieves' Bridge Meadow CWS abuts the south east corner of the site; Tottenhill Row Common CWS lies some 100m west of the site.
- 6.44 The proposal includes retention of an existing washing plant at an active plant site on an existing area of compacted aggregate. No physical changes are proposed and the restoration would be completed as approved within an extended timescale. The Council's Ecologist has been consulted on the application and raises no objections on ecological grounds. Natural England has been consulted on the application and has no comment to make.
- 6.45 Given the above, it is considered that the proposal will not have any significant implications for biodiversity. The development is therefore considered to be acceptable and compliant with the relevant planning policies, and objectives of the NPPF.

6.46 Habitats Regulations Assessment

The application site is not located within 5km of any European designated environmental site. The application has been assessed in accordance with Regulation 63 of the Conservation of Habitats and Species Regulations 2017 and based on the information submitted to the County Planning Authority (CPA) it is considered that the development does not have a significant impact on the integrity of any protected habitat. Accordingly, there is no requirement for the CPA to undertake an Appropriate Assessment of the development.

**Historic Environment**

6.47 The Planning (Listed Buildings and Conservations Areas) Act 1990, NMWLDF CS policies CS14, DM8 and DM9, King's Lynn & West Norfolk Core Strategy policy CS 06 and, Sections 12 and 13 of the NPPF apply.

6.48 There are no designated heritage assets within the boundary of the proposed site itself. However, the proposed development site is located some 90m east of the Tottenhill Row Conservation Area, which includes all of the hamlet of Tottenhill Row and its common. In addition, there are six listed buildings within 1km of the working area (in Watlington and Wormegay).

6.49 Existing woodland abutting the western margins of the application site restricts inter-visibility between the proposal and the conservation area. Given the nature of the proposals it is considered that there would not be any adverse impact upon the setting or appearance of the conservation area. As regards the nearby listed buildings, given the separation afforded by existing, intervening physical barriers, it is considered that there would be no adverse impact upon the setting of these heritage assets as a result of the proposal. Historic England have been consulted on the application and do not wish to offer any comments.

6.50 Norfolk Historic Environment Service has been consulted on the application and raise no objection, subject to retention of a condition in relation to outstanding analysis and dissemination of archaeological assessment.

6.51 Tottenhill Parish Council raise objection on the grounds that continuation of the quarrying operations will delay the restoration of the local environment, which is a designated conservation area. This objection relates to the application for extension site MIN 76: an assessment of impacts in relation to site MIN 76 has been undertaken in the report pursuant to application reference C/2/18/2001.

6.52 Given the above, it is therefore concluded that the proposal will not have a detrimental impact upon or cause any harm to heritage assets and the application is not considered to be in conflict with the Planning (Listed Buildings and Conservation Areas) Act 1990, the relevant planning policies, or the NPPF.

**Transport**

6.53 NMWLDF CS policies CS15 and DM10, and Section 4 of the NPPF apply.

6.54 The washing plant is required to process mineral extracted from site MIN 76 and the proposal provides for the source of mineral processed by the plant to be restricted to that extracted from MIN 76. All mineral extracted from site MIN 76 would be transported via a retained section of the existing conveyor to the existing plant site, for processing.

6.55 Extraction is expected to be undertaken from site MIN 76 over a three year period at a rate of 90 – 100,000 tonnes per annum. Assuming an annual output of 95,000 tonnes, this would, based on the average load size of 18 tonnes,

generate 20 loads out per day (40 HGV movements). The existing access arrangements at the plant site would remain unchanged: HGVs would exit the plant site via the existing access onto Watlington Road and thence to the A10/A134.

- 6.56 The routing of all existing HGV traffic from the plant site is subject to an HGV Management Plan, pursuant to extant permission reference C/2/2015/2007. With the exception of local deliveries and occasions when the roundabout junction with the A10 is closed to all traffic, all HGVs arriving and departing the site are required to travel directly along Watlington Road to and from the A10/A134. The application under consideration, provides for similar HGV distribution and routing controls. A Transport Statement has been submitted in support of the application which concludes that, the proposals will not result in any adverse effects on the existing highway network.
- 6.57 The Highway Authority has been consulted on the application and has raised no objection, subject to all other highway related conditions (included on PP C/2/2015/2007) being included on any consent notice issued. This would seem to be a reasonable request.
- 6.58 To conclude on the highway issues, mineral extraction and associated development is likely to give rise to local impacts. However, it is considered that the extension of timescales will not cause any unacceptable impacts in highway terms. Subject to the aforementioned conditions, the development is considered to be acceptable and compliant with the relevant planning policies and the government objectives of NPPF.

**Flood risk and surface water**

- 6.59 NMWLDF Policies CS13 and DM4, and Part 10 of the NPPF apply.
- 6.60 With exception of a small portion of the site (at the southern end), which is located within Flood Zones 2 and 3, the majority of the site (including the plant site) is situated within Flood Zone 1, which is an area at low risk of flooding. The principal activities of the development include mineral processing and restoration of the site to agriculture and nature conservation, including water and wetland areas. It is not proposed to recommence extraction operations or make any changes to the approved restoration scheme. As regards the flood zone constraint, sand and gravel workings are identified as 'water-compatible development' in the table of Flood Risk Vulnerability Classification as set out in Planning Practice Guidance (PPG), whilst Minerals working and processing (except for sand and gravel working) are identified as 'less vulnerable'. PPG further advises that 'water-compatible development' is appropriate in Flood Zones 1, 2 and 3, whilst less vulnerable development is appropriate in Flood Zone 1. On this basis, the proposal is considered acceptable in terms of development within flood zones 1, 2 and 3.
- 6.61 As regards surface water management, areas at the northern end (including part of the plant site) and the southern end of the site are situated within the flow path of the Environment Agency Updated Flood Map for Surface Water (UFMFSW) (1 in 30yr and 1 in 100yr events).
- 6.62 The Lead Local Flood Authority have been consulted on the application and comment that, the CPA should satisfy itself that the application is compliant with: paragraph 103 of the NPPF, which requires that, when determining planning applications, LPAs should ensure flood risk is not increased elsewhere; and Written ministerial statement - HCWS161, which expects that decisions on planning applications relating to major development (which includes the winning



and working of minerals) ensure that sustainable drainage systems for the management of run-off are put in place, unless demonstrated to be inappropriate. The LLFA further advises that the applicant should also demonstrate how the proposal accords with national standards and relevant guidance.

- 6.63 No new physical development is proposed in relation to the plant site and no changes to the approved restoration scheme are proposed. It is therefore not considered that the proposals would increase flood risk elsewhere.
- 6.64 As regards sustainable drainage systems, PPG (Flood Risk and Coastal Change – paragraph 050), requires opportunities be sought to reduce the overall level of flood risk in the area and beyond, for instance, through layout and form of development, including appropriate sustainable drainage systems. PPG, paragraph 079 further states that consideration of devising a sustainable drainage system depends on the proposed development and its location, for example whether there are concerns about flooding. Specifically it states that sustainable drainage systems may not be practicable for mineral extraction.
- 6.65 As detailed above, the proposals are considered to be appropriate in flood risk zone terms. As regards the areas of the plant site shown to be at risk of surface water flooding, the accompanying Flood Risk Assessment (FRA) states this is most likely to be as a result of an anomaly in the surface water flood modelling which relies on processed LIDAR (Light Detection and Ranging) data for digital terrain model (DTM) over which rainfall is applied. The FRA considers it likely that the DTM processing has recognised the plant as a building and lowered the ground levels below the surroundings, thus creating a depression which is shown by the model to be filled during rainfall events and hence at risk of flooding. The FRA further indicates that ground levels across the plant area have been cross checked and confirm that the plant site area is located sufficiently above the surroundings not to be at risk of surface water flooding. Overall, the FRA concludes that, no flood risk mitigation measures or recommendations are necessary.
- 6.66 Extraction of Sixty Acre Field has resulted in creation of additional flood storage volume through restoration, including open water.
- 6.67 The Environment Agency has been consulted on the application and has no comment to make.
- 6.68 It is therefore considered, taking into account the above, that the development would not materially increase the risk of flooding and the proposal would not be in conflict with the relevant planning policies and objectives of the NPPF.

#### **Groundwater**

- 6.69 NMWLDF CS policy DM3 and Section 11 of the NPPF apply.
- 6.70 The majority of the site is situated within a Groundwater Vulnerability Zone. The proposal involves the continued use of the plant site, including silt lagoons. No changes to the existing silt management system are proposed. The Environment Agency has been consulted on the application and has no comment to make in terms of any potential emissions into groundwater, whilst the EHO raises no objection.
- 6.71 Given the above, it is therefore considered that the proposal would not be in conflict with the relevant planning policy or NPPF.

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

- 6.72 NMWLDF CS policy DM16 and Section 11 of the NPPF apply.
- 6.73 The majority of the site is agricultural land grade 3, with the exception of the

southern end of the site which is agricultural land grade 2. The proposal involves an extension of the time period for restoration of Sixty Acre Field (to agriculture and nature conservation) and continued use of the plant site.

- 6.74 There are a number of conditions on the existing permission which are aimed at ensuring the productive afteruse of the land and it is recommended that these are retained should permission be granted. Given that the proposal would not result in the loss of agricultural land beyond that previously agreed it is concluded that the proposal will cause no material harm to soil resources and is not in conflict with the relevant planning policy and NPPF.

**Progressive working, restoration and after-use**

- 6.75 NMWLDF CS policy DM14 and Section 13 of the NPPF apply.

- 6.76 The proposal involves an extension of the time period for restoration of Sixty Acre Field and continued use of the plant site.

- 6.77 Representation is made by local residents that the applicant has been aware of their responsibilities of restoration timeframes from previous applications. As regards Sixty Acre Field, application C/2/2015/2007 sought extension of the time period for extraction and restoration of Sixty Acre Field until 1 August 2016. Extraction has been completed on this area which is now largely restored, with exception of an element of tree planting which will be undertaken during the forthcoming planting season, i.e. Autumn 2018. Planning Practice Guidance underlines that planning for the supply of minerals has a number of special characteristics that are not present in other development and recognises that mineral working is a temporary use of land, although it often takes place over a long period of time.

- 6.78 Phasing, restoration and aftercare details for the site were most recently considered acceptable when permission was most recently renewed in 2015. As regards the application under consideration, no changes are proposed to the approved restoration scheme, which is primarily to agriculture and nature conservation comprising a combination of water and wetland areas, damp grassland, dry species rich grassland, woodland, sand/shingle habitat.

- 6.79 The proposal includes provision of biodiversity and landscape enhancements and the restoration is considered acceptable by the Council's Ecologist and Landscape Officer.

- 6.80 The existing permission is subject to a S106 Agreement requiring long-term management of the restored site for nature conservation purposes, together with provision of a permissive footpath at Sixty Acre Field. The application does not provide for any addition to or alteration of the existing obligations.

- 6.81 As detailed elsewhere in this report, the applicant intends to submit a further application to seek revisions to the approved restoration scheme including enlargement of the restored water body and amended restoration contours of Sixty Acre Field.

- 6.82 Given the above, it is concluded that the proposal accords with the relevant planning policies and the requirements of the NPPF in this respect.

**Cumulative impacts**

- 6.83 NMWLDF CS policy DM15 and Section 13 of the NPPF apply.

- 6.84 Tottenham Parish Council is concerned that, any assessment of the adverse environmental impact on a community must take into account the considerable length of time of these operations, and thereby alter the original assessment. The Parish Council consider that the time factor amounts to an adverse cumulative impact.

- 6.85 Currently, the plant site receives mineral from active mineral extraction site (MIN 75) for processing. The application seeks to allow continued use of the plant site for processing mineral from the proposed site MIN 76. To mitigate any cumulative impacts, extraction will not commence from site MIN 76 until extraction has ceased within site MIN 75. No other changes are proposed to the existing working arrangements at the plant site.
- 6.86 Para 142 of the NPPF recognises that minerals can only be worked where they are found and it is important to make best use of them to secure their long-term conservation, whilst Planning Practice Guidance recognises that working of minerals is a temporary use of land, although it often takes place over a long period of time and, working may have adverse and positive environmental effects, but some adverse effects can be effectively mitigated. As detailed elsewhere in this report it is considered that the proposal would not cause unacceptable environmental, amenity and/or highways impacts.
- 6.87 Overall it is considered that the adverse cumulative impacts can be adequately mitigated. It is therefore considered, taking into account the above, that this proposal is compliant with the relevant planning policies, and objectives of the NPPF.
- Sustainability**
- 6.88 NMWLDF CS policies CS13 and DM11 and, Part 10 of the NPPF apply.
- 6.89 The application includes retention of an aggregates washing plant which, subject to maintenance, will not be in need of regular replacement. It is therefore considered that there would be no conflict with the NMWLDF policy DM11 which requires applications to demonstrate consideration of sustainable construction and operations.
- 6.90 The application is accompanied by a Sustainability Statement: consideration has been given to the possibility of how the development could generate its own energy from renewable or low carbon sources. As regards wind power, it is considered that erection of a wind turbine(s) would compromise the integrity of the site screening, would be likely to result in some increase in noise disturbance, and the proposed extension period is not of sufficient timescale to obtain a financial return on the investment. Similarly, the proposed extension period is not of sufficient timescale to obtain a financial return on installation of solar panels or, incineration of combustible waste or fuel pellets.
- 6.91 Although it is disappointing that no measures for renewable energy are being proposed, the arguments put forward by the Applicant are accepted in this instance. Given that the potential for on-site renewable energy generation has been considered but has been found not to be viable, it is considered that the proposals would not be in conflict with the relevant planning policy and requirements of the NPPF.
- Safeguarding aerodromes**
- 6.92 NMWLDF CS policy DM7 and Section 13 of the NPPF apply.
- 6.93 The site is within the safeguarding zone for RAF Marham. The Defence Infrastructure Organisation has been consulted on the application and raises no safeguarding objections.
- 6.94 Given the above, it is concluded that the proposal accords with the relevant planning policy and the requirements of the NPPF in this respect.
- Responses to the representations received**
- 6.95 The application was advertised by means of neighbour notification letters, site notice, and an advertisement in the Eastern Daily Press newspaper.

- 6.96 A number of concerns/objections were raised, which are summarised in the first section of this report. With exception of the issues detailed below, the response of this authority to those comments is discussed above in the 'Assessment' section of this report.
- 6.97 Representation is made by local residents that extension of time for continued restoration would not be required. Application C/2/2015/2007 sought extension of the time period for extraction and restoration of Sixty Acre Field until 1 August 2016. Restoration of this area has not been completed and is now expected to be completed late 2018.
- 6.98 A number of the representations relate to the application for proposed quarry extension, MIN 76. An assessment of impacts related to the extension is detailed in the report pursuant to application reference C/2/2018/2001.
- The Community Infrastructure Levy (CIL)**
- 6.99 No additional floorspace would be created by the development hence the development is not CIL liable.
- Local Finance Considerations**
- 6.100 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.
- 6.101 In this instance it is not considered that there are local finance considerations material to this decision.

## **7. Resource Implications**

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

## **8. Other Implications**

- 8.1 **Human rights**
- 8.2 The requirements of the Human Rights Act 1998 must be considered and the European Convention on Human Rights on which the Act is based. There is a human right provided by the First Article to the First Protocol which is the peaceful enjoyment of property. This right applies to companies as well as natural persons. Should the committee be minded to refuse planning permission it would be interfering with the human right relating to the peaceful enjoyment of property. However, if the committee refused planning permission it would do so based on sound planning reasons, based on the need to protect the environment and the amenities of nearby residents and these reasons would justify the

interference and would therefore be regarded as a proportionate interference to the right, balancing the public good with the private right.

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

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

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

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

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

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

- 11.1 Planning permission is sought to vary three no. conditions of planning permission C/2/2015/2007 in order to continue use of the plant site, including silt lagoons and operational area, for processing mineral from the proposed quarry extension at West Field, Tottenhill (MIN 76) (subject of application reference C/2/2018/2001) and, extend the time period for restoration of Sixty Acre Field. No changes are proposed to the plant site, existing working arrangements, access and routeing of HGVs or the previously agreed restoration scheme.

- 11.2 Objection has been raised by Tottenhill Parish Council as well as local residents. Their concerns relate primarily to the length of time that the quarry has been in operation as well as the need for the extended timescale.
- 11.3 With exception of the revised timescale, the impacts of this proposal were addressed and considered acceptable when permission for the plant site, reference C/2/2015/2007, was most recently granted. The environmental impacts of the proposal under consideration have been carefully considered. The extension of time sought is considered acceptable in order to allow sufficient time for the completion of extraction from the proposed quarry extension at West Field and restoration of the site. No objections have been raised by statutory consultees subject to suitably worded conditions being imposed on any grant of planning permission.
- 11.4 For the reasons detailed in this report, subject to approval of the extension application at West Field (MIN 76), the proposal is considered to accord with all relevant development plan policies and national planning and minerals guidance and the extension of operations is considered acceptable.
- 11.5 The proposed development is therefore considered to be acceptable and there are no other material considerations which indicate that planning permission should be refused. Accordingly, full conditional planning permission is recommended subject to appropriate planning conditions and, continued requirement for long-term management of the restored site for nature conservation purposes, together with provision of a permissive footpath at Sixty Acre Field, subject of the existing Section 106 Legal Agreement.

## **12. Conditions**

- 12.1 The development to which this permission relates shall cease and the site shall be restored in accordance with condition 3 by 31 December 2023.

Reason:

- To ensure the proper and expeditious restoration of the site, in accordance with Policy DM14 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026
- 12.2 Except as modified by the contents of the application forms, plans, drawings and other documents, as detailed below:

- Planning Statement; unreferenced; prepared by Stephen M Daw Limited; dated January 2018
- Sustainability Statement; unreferenced; prepared by Stephen M Daw Limited; dated January 2018
- Transport Statement; Reference No. 406.02828.00004; prepared by SLR Consulting Limited; dated January 2018
- Flood Risk Assessment; Report No. 3702/R/01; prepared by TerraConsult Ltd; dated 05 Jan 2018; and
- the contents of the letter, reference M(FR)9, from Stephen M Daw Limited to Norfolk County Council, dated 3rd May 2018

the development must be carried out in strict accordance with the application form, plans, drawings and other documents and details approved pursuant to planning application reference C/2/2015/2007.

- Reason: For the avoidance of doubt and in the interests of proper planning
- 12.3 The working and restoration of the site shall not take place except in accordance with the details given in the Statement dated September 2000 (Volumes 1, 2 and 3) accompanying application reference C/2/2000/2022 and the accompanying statement dated June 2011 and Phasing plan Ref. M(FR)9(2) dated 26/5/11 accompanying application C/2/2011/2023.

- Reason: To ensure the proper and expeditious restoration of the site in accordance with Policies CS14 and DM14 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.
- 12.4 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.
- 12.5 The Archaeological post-investigation analysis and dissemination shall be completed in accordance with the programme of archaeological work approved under condition 4 of planning permission C/2/2000/2022, excluding those areas of the site previously disturbed by mineral planning permission 2/DM/2383, 2/DM/3323 and C/2/1998/2023 and provision shall be made for analysis, publication and dissemination of results and archive deposition.

- Reason:  
In the interests of recording and preserving items of archaeological interest, in accordance with Policy DM9 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.
- 12.6 The plant hereby permitted shall be used solely for processing mineral derived from the West Field extension area approved under application reference C/2/2018/2001 and for no other purpose.

- Reason:  
To protect the amenities of residential properties, in accordance with Policy DM12 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.
- 12.7 Noise emitted from the site shall not exceed the noise limits, expressed as a 1 hour Laeq, as set out in Paragraphs 9.45 and 9.98 of the Environmental Statement accompanying application C/2/2000/2022 dated September 2000.

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

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

Reason:

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

- 12.9 The development hereby permitted shall be carried out in accordance with the approved scheme of dust control, including monitoring of dust levels, agreed under application C/2/2000/2022.

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

- 12.10 No operation authorised or required under this permission or under Part 17 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015, including the movement of vehicles and operation of any plant, shall take place on Sundays or public holidays, or other than during the following periods:

07.00 - 17.00 Mondays to Fridays

07.00 - 13.00 Saturdays.

Reason:

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

- 12.11 The development shall take place in accordance with the landscaping scheme previously submitted and agreed under application C/2/2000/2022.

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.

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

Reason:

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

- 12.13 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.

- 12.14 Handling, movement and re-spreading of topsoil and subsoil shall not take place



except when the soils are in a suitably dry and friable condition, and in such a way and with such equipment as to ensure minimum compaction. (No handling of topsoil and subsoil shall take place except between 1st April and 31st October unless otherwise agreed in writing beforehand by the County Planning Authority.)

Reason:

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

- 12.15 Before the topsoil is replaced on those areas to be restored to an agricultural afteruse a layer of at least 600mm of subsoil substitute shall be created through the use of soils, sand, overburden and/or excavation spoil derived from the site. This layer shall be cross-ripped to a depth of at least 500mm to relieve compaction.

Reason:

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

- 12.16 On those areas to be restored to an agricultural afteruse an even layer of topsoil shall be re-spread on the subsoil layer to an even depth of at least 300mm.

Reason:

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

- 12.17 Measures including ripping and/or subsoiling shall be carried out to the satisfaction of the County Planning Authority after soil replacement on those areas to be restored to an agricultural afteruse so that any compacted layers and pans are broken up to assist free drainage.

Reason:

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

- 12.18 All stones and deleterious materials in excess of 15cm in any dimension which arise from the ripping of the subsoil and topsoil on those areas to be restored to an agricultural afteruse shall be removed from the site.

Reason:

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

- 12.19 The aftercare scheme approved under application C/2/2000/2022 shall be implemented over a period of five years following the completion of restoration or in the case of phased restoration in stages each of five years duration dating from each completed restoration phase.

Reason:

To ensure the proper and expeditious restoration of the site, in accordance with

Policy DM14 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.

- 12.20 The directional vehicle signage erected at the site entrance pursuant to condition no. 17 of planning permission reference C/2/2000/2022 shall be retained and maintained for the duration of the operation.

Reason:

In the interests of highway safety and residential amenity, in accordance with Policies CS15, DM10 and DM12 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.

- 12.21 The HGV Management Plan, prepared by Stephen M Daw Limited, dated December 2017 shall be implemented in full for the duration of operations.

Reason:

In the interests of highway safety, in accordance with Policies DM10 and CS15 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 2010-2026 (2011)

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

Norfolk Minerals and Waste Development Framework Mineral Site Specific Allocations Development Plan Document (2013/2017)

<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>

King's Lynn & West Norfolk Borough Council Local Development Framework – Core Strategy (2011)

[https://www.west-norfolk.gov.uk/info/20219/core\\_strategy/112/core\\_strategy\\_explained](https://www.west-norfolk.gov.uk/info/20219/core_strategy/112/core_strategy_explained)

King's Lynn and West Norfolk Borough Landscape Assessment (2007)

[https://www.west-norfolk.gov.uk/info/20185/planning\\_policy\\_research/383/landscape\\_character\\_assessment](https://www.west-norfolk.gov.uk/info/20185/planning_policy_research/383/landscape_character_assessment)

The National Planning Policy Framework (NPPF) (2012)

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

Planning Practice Guidance (2014)

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

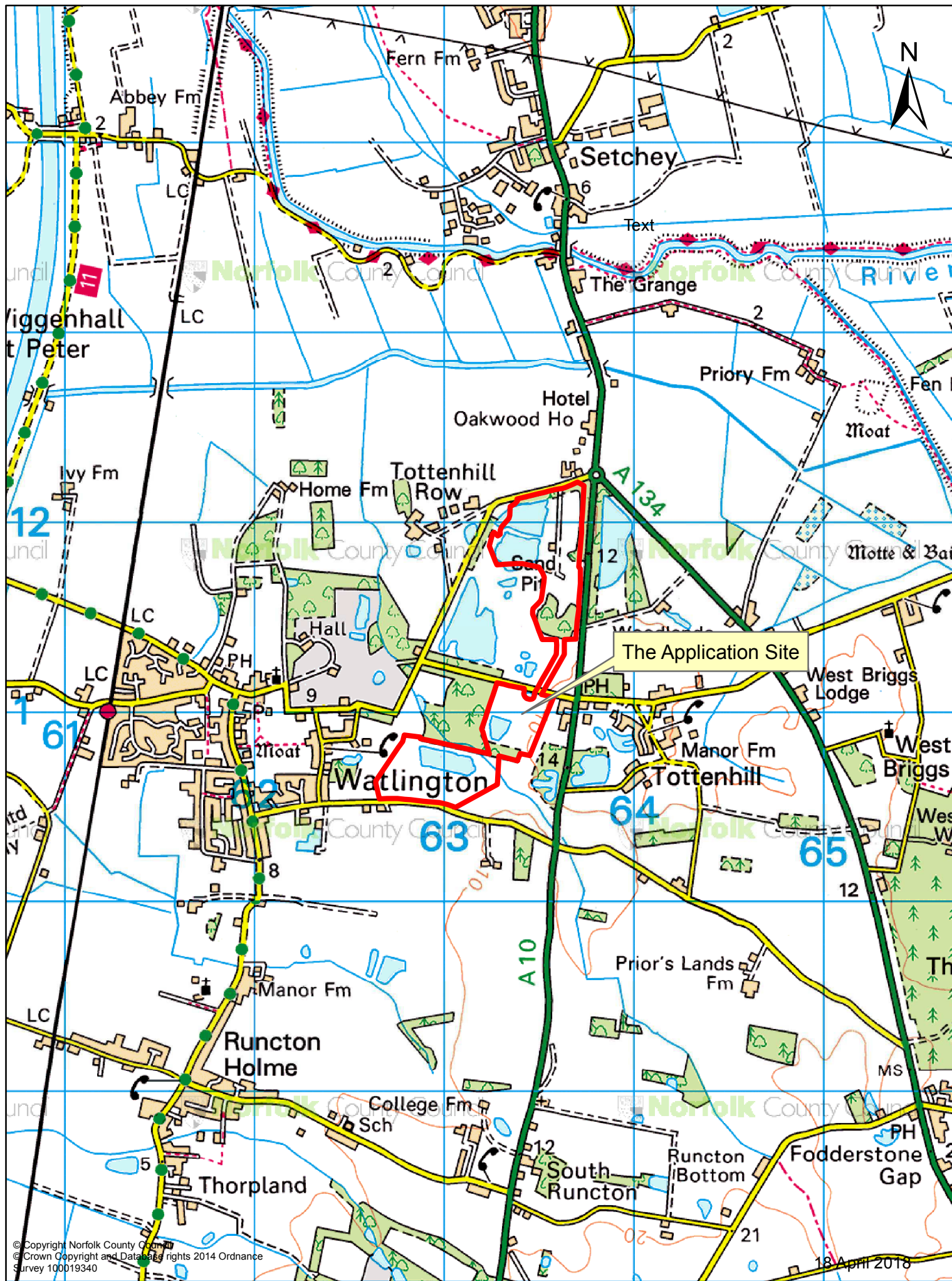
## Officer Contact

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

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