

Planning (Regulatory) Committee

Item No.

Report title:	C/2/2016/2016: King's Lynn Water Recycling Centre, Clockcase Lane, Clenchwarton, King's Lynn
Date of meeting:	21 October 2016
Responsible Chief Officer:	Tom McCabe, Executive Director of Community and Environmental Services
Proposal and applicant: Variation of condition 4 of permission ref. C/2/2015/2030 to increase permitted liquid sludge input (Anglian Water Services Ltd)	

Executive summary

Planning permission is sought to vary condition 4 of planning permission reference C/2/2015/2030 (granted in January 2016) in order to increase the permitted liquid sludge input at the Water Recycling Centre beyond the level currently authorised. That consent permitted development of a Sludge Cake Reception Centre at the site, which once built, would enable 44,000m³ of sludge cake (dry/dewatered solids) per year to be imported to the site in HGVs to allow the existing Sludge Treatment Centre (STC) to operate at its full capacity of treating 19,000 tonnes per annum of dry solids (currently it treats 11,000). This in turn would increase the amount of renewable energy that can be produced on site through the anaerobic digestion process.

In approving the proposal in January for the Sludge Cake Reception Centre, the CPA imposed tonnage limits on both sludge cake (44,000m³) and liquid sludge (222,500m³) imported by road to ensure vehicle movements would not exceed current (unregulated) levels. Anglian Water Ltd advise that this current application would provide them with flexibility to import a greater quantity of liquid sludge during occasions when the approved Sludge Cake Reception Centre would need to be taken out of service for maintenance.

The planning application has received no objections from statutory or non-statutory consultees however representations have been received from Clenchwarton Parish Council and one local residents objecting to / raising concern about the development. In accordance with the Council's scheme of delegation, the application would not ordinarily be reported to the Planning (Regulatory) Committee (based on this number of objections), however the Local Member Cllr Alexandra Kemp has requested the application be determined by this committee.

The key issues relate to the impact of the increased quantities of liquid sludge imported, and associated vehicle movements on the local highway network, and the impact of the movements on local amenity. However, it is considered the application accords with the development plan and national policy and there are no material considerations that indicate the application should be refused.

Recommendation: The Executive Director of Community and Environmental Services be authorised to :

- I. **Grant planning permission subject to the conditions outlined in section 13.**
- II. **Discharge conditions (in discussion with the Chairman and Vice Chairman of the committee) 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 (in discussion with the Chairman and Vice Chairman of the committee) to deal with any non-material amendments to the application that may be submitted.**

1. The Proposal

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| 1.1 | Type of development | : | Water Recycling Centre and associated infrastructure. |
| 1.2 | Site area | : | 0.74ha |
| 1.3 | Annual tonnage | : | Sludge cake: 19,000 tonnes per annum (the sludge cake reception centre would enable the existing capacity to be reached: currently it is operating at 11,000 tonnes per annum) |
| 1.4 | Market served | : | Circa 25 - 40 mile radius: the applicant has identified a number of sewage treatment works within the east of England where sludge cake would be imported from) |
| 1.5 | Duration | : | Permanent |
| 1.6 | Hours of working / operation | : | Operation of sludge cake reception facility:
24 hour working proposed 7 days a week (including bank holidays) |

Traffic Access to the site:

07.00 – 19.00 Sunday to Monday

Construction of the proposed development:

07.00 – 18.00 Monday to Friday

07.00 – 13.00 Saturdays

No working Sundays or Bank Holidays

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| 1.7 | Vehicle movements and numbers | : | Construction of the proposed development:
Predicted to be 82 (41 in and out) additional movements per day over a 33 week construction period consisting of <ul style="list-style-type: none">• 20 cars / LGVs associated with staff;• 15 HGVs;• 5 other delivery vehicles;• 1 HGV every 2 weeks to remove site waste |
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Following construction, the vehicle movements for the sludge treatment centre:

On the basis of a maximum input of approximately 315,000m³ of liquid sludge per annum and 44,000m³ of dry dewatered solids, predicted movements would be:

- 34 HGVs in and out per day (68 movements) for liquid sludge; and
- 5 HGVs in and out per day (10 movements) for dry sludge cake.

- 1.8 Access : Existing access/egress to WRC from Clockcase Lane
- 1.9 In January 2016, the Planning (Regulatory) Committee resolved to grant planning permission for the 'Construction of a sludge cake reception facility within the operational boundary of King's Lynn Water Recycling Centre'. That application proposed to enable the existing STC to receive sludge cake utilising spare capacity at the works, and increase the amount of renewable energy created by this process as well as maximising operating efficiency. The full committee report setting out the details of the approved scheme is attached as Appendix 3.
- 1.10 Condition 4 of that consent stipulated that 'No more than 222,500 metres³ of liquid sludge and 44,000 metres³ of dry/dewatered solids shall be imported by road to the Water Recycling Centre per annum....'. The condition was imposed to ensure that the development would not increase vehicle movements to the wider Anglian Water site beyond current levels: the (earlier) application stated it would actually be likely to result in a decrease in movements.
- 1.11 Although the Planning Authority sought Anglian Water Ltd's view on this condition prior to finalising the committee report, the applicant's view both at that stage, and during the committee itself, was that no such condition should be imposed.
- 1.12 In their current application, Anglian Water has stated it has no objection to the principle of a condition restricting inputs, however the figures used are average best case figures and based on the new Sludge Cake Reception Centre operating 100% of the time.
- 1.13 There would be occasions when the Sludge Cake Reception Centre would need to be taken out of service for maintenance, and on these occasions liquid sludge imports and associated HGV movements would need to increase. Anglian Water advises that the condition as it currently stands would result in 24 import load averages per day based on 222,500m³ per annum. The applicant wishes to increase this number to 315,208m³ per annum which would increase HGV imports to 34 per day (in those instances where maintenance would be required), but still fewer than 36 imports per day which is the current (unregulated) figure for liquid sludge.
- 1.14 The applicant does not propose to amend condition 3 of the extant permission which requires a detailed management plan for the backfilling of HGVs. This was proposed by Anglian Water in their original application in order to ensure HGV

movements do not increase above current levels.

2. Site

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

3. Constraints

3.1 The following constraints apply to the application site:

- Public Footpath King's Lynn FP36 runs some 75 metres east of the site, adjacent to the River Ouse.
- Site lies within Flood Zone 3.
- Site lies in King's Lynn Internal Drainage Board (IDB)
- Northern most point of site (the access within the existing WRC) is 1.35 kilometres south of The Wash and North Norfolk Coast Special Area of Conservation (SAC), but called The Wash Special Protection Area (SPA), Site of Special Scientific Interest (SSSI) and Ramsar site.

4. Planning History

- 4.1 It is understood that the Water Recycling Centre (previously the 'Wastewater Treatment Works') has operated at its existing site on Clockcase Lane since before 1971.
- 4.2 In 2006 the County Council granted planning permission for the 'Construction of a Bio-solids Treatment Plant' at the existing WwTW under reference C/2/2006/2006 following a resolution by this committee. This is the sole previous application that the County Planning Authority has permitted for this site (prior to the application permitted in January 2016).
- 4.3 In December 2013, this committee resolved to refuse an application for Construction of a Sludge Transfer Scheme in the vicinity of King's Lynn Wastewater Treatment Works comprising the following components: Erection of a Sludge Cake Reception Centre at King's Lynn Wastewater Treatment Works; Construction of a Liquid Sludge Import Centre (to include new access from Clenchwarton Road); Construction of a Sludge Transfer Pipeline' under reference C/3/2013/2003. The grounds of refusal were on the basis of the location of liquid sludge import centre element of the proposal located in open countryside with the loss of Grade 1 Agricultural land. Therefore the proposal did not accord with the development plan and there were not considered to be material considerations to justify a departure from the plan.

- 4.4 The applicant subsequently appealed this decision and in October & December 2014 a Hearing was held to consider the appeal. The Planning Inspectorate however dismissed the applicant's appeal upholding the Council's original decision which was issued in February 2015.
- 4.5 As stated in 1.10, in January 2016, the Planning (Regulatory) Committee resolved to grant planning permission for the 'Construction of a sludge cake reception facility within the operational boundary of King's Lynn Water Recycling Centre' under reference C/2/2015/2030. The approved development has not however been built and it is this permission that the current planning application now seeks to vary.

5. Planning Policy

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| 5.1 | Norfolk Minerals and Waste Local Development Framework Core Strategy and Minerals and Waste Development Management Policies Development Plan Document 2010-2016 (2011) | : | CS5 General location of waste management facilities
CS6 General waste management considerations
CS7 Recycling, composting, anaerobic digestion and waste transfer stations
CS11 Wastewater/sewage infrastructure and treatment facilities
CS14 Environmental protection
CS15 Transport
DM3 Groundwater and surface water
DM4 Flood risk
DM8 Design, local landscape and townscape character
DM9 Archaeological Sites
DM10 Transport
DM12 Amenity
DM13 Air quality
DM15 Cumulative impacts |
| 5.2 | King's Lynn & West Norfolk Borough Council Local Development Framework – Core Strategy (2011) | : | CS01 Spatial Strategy
CS02 The Settlement Hierarchy
CS03 King's Lynn Area
CS06 Development in Rural Areas
CS08 Sustainable Development
CS11 Transport
CS12 Environmental Assets |
| 5.3 | King's Lynn & West Norfolk Borough Council Site Allocations and Development Management Policies Local Plan (2016) | : | DM15 Environment, Design and Amenity
DM20 Renewable Energy |

- 5.4 Neighbourhood Plan : There is no plan in force for the area in which the site is located (the site falls within the King's Lynn administrative boundary).
- 5.5 The National Planning Policy Framework (2012) : 10 Meeting the challenge of climate change, flooding coastal change
11 Conserving and enhancing the natural environment
- 5.6 National Planning Policy for Waste (2014)
- 5.7 Waste Management Plan for England (2013)

6. Consultations

- 6.1 Borough Council of King's Lynn & West Norfolk : No objection.
- 6.2 Clenchwarton Parish Council : Strongly object – the removal of the condition would see a huge increase in HGVs using single track road. Road is unsuitable for these vehicles and an increase in HGVs would pose a danger to other users (pedestrians, cyclists etc). A new road should be built to take vehicles away from residential properties. Also request a site visit prior to a decision being made.
- 6.3 Environmental Health Officer (King's Lynn Borough Council) : Community Safety and Nuisance Officer: No objection – the EA through the Environmental Permit are best placed to comment on implications of the proposal in terms of noise and odour from the site itself. Proposal would bring it in line with quantities allowed in the EA's Environmental Permit.

Scientific Officer: No further comments regarding contaminated land or air quality.
- 6.4 Environment Agency (EA) : No objection – the EA does not believe the planning application impinges on the requirements of the Environmental Permit.
- 6.5 Highway Authority (NCC) : No objection. The development would not make matters any worse than could lawfully occur at present.
- 6.6 County Councillor (Mrs A Kemp) : Has requested (by telephone conversation) that the application be determined at Planning (Regulatory) Committee.
- 6.7 Representations

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

- 6.8 Correspondence has been received from one individual asking why they were not informed about the planning application. The same individual also wrote to the Council's Managing Director, Dr Wendy Thomson, citing a number of concerns and attaching a copy of their objection to the previous application (for the sludge cake reception centre itself). The individual's letter to Dr Thomson cited concerns relating to:

- further disturbance and property damage from increasing HGV traffic along Clockcase Lane that runs immediately beside his and his parent's homes;
- the legitimacy of the HGV figures included given the 'error' in Anglian Water's original application;
- that the previous approval was based on the premise HGV movements would reduce from the site;
- worsening odour from the site;
- the landscape impact of the site (including that no additional landscaping was required by the previous approval;
- leisure / tourism impacts on the area;
- that it be a condition that no 24 hour deliveries to the site take place (recommends hours of 6.30am – 21.30pm).

7. Assessment

- 7.1 The issues to be assessed for this application are the impact of the increased liquid sludge impact with regards to the HGV movements per se, the impact of the highway movements on local amenity and air quality, and any potential cumulative impacts of the development. Given the short timescale since the previous application was determined for the sludge cake reception centre itself (January 2016), and the nature of the amendment sought to the previously approved development (i.e. there would be no physical changes to the size or appearance of the sludge reception centre building itself), it is not considered there would be any material impacts on other issues previously discussed in the original report (attached as Appendix 3) which relate to the physical development itself such as landscape, flood risk, sustainability, archaeology, public rights of way, ground water and surface water, bio-diversity/ecology, and protection of agricultural land.

7.2 Principle of development

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

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

- 7.3 In terms of the development plan, the County Planning Authority considers the relevant documents in relation to this application are the Norfolk Minerals and

Waste Local Development Framework Core Strategy and Minerals and Waste Development Management Policies Development Plan Document 2010-2016 (the “NMWDF Core Strategy”) and the King’s Lynn & West Norfolk Borough Council Core Strategy (2011). Furthermore, since determination of the original application which this application seeks to vary, King’s Lynn Borough Council’s full Council recently resolved to adopt their Site Allocations and Development Management Policies Local Plan on 29 September 2016 hence this also needs to be considered too. Whilst not part of the development plan, policies within the National Planning Policy for Waste (2014) and the National Planning Policy Framework (NPPF) are also a further material consideration of significant weight).

- 7.4 Wastewater treatment plants are a vital part of community infrastructure and are necessary to protect human health and water quality. NMWDF policy CS11: Wastewater/sewage infrastructure and treatment facilities states that new or extended wastewater/sewage infrastructure and treatment facilities will be acceptable where proposals aim to treat a greater quantity of wastewater, or reduces the environmental impact of operation. It adds that the developer will be required to demonstrate that the proposal can be located and operated without giving rise to unacceptable environmental, amenity and highway impacts. King’s Lynn SADMP Local Plan Policy DM20: *Renewable Energy* states proposals for renewable energy will be assessed to determine whether or not the benefits they bring are outweighed by the impacts, either individually or cumulatively, upon inter alia, amenity and public safety (including vehicular highways). The assessment below which discusses these factors will determine whether the proposal is consistent with these policies and criteria.

7.5 **Transport / Highways**

NMWDF Policies CS15: Transport and DM10: Transport requires that proposed new waste facilities in terms of access will be satisfactory where anticipated HGV movements, taking into account any mitigation measures proposed, do not generate, inter alia, unacceptable risks/impacts to the safety of road users and pedestrians, the capacity and efficiency of the highway network, or to air quality and residential and rural amenity, including from air and noise. Furthermore, there is a requirement for applications for new waste sites to be accompanied by a Transport Statement demonstrating suitable highway access and egress and a suitable route to the nearest major road. In addition, this should include an assessment of the potential for non-HGV transportation of materials to and from facilities principally by rail or water. King’s Lynn SADMP Local Plan (2016) policy DM15 states development proposals should demonstrate safe access can be provided. The National Planning Policy for Waste (2014) lists ‘the capacity of existing and potential transport infrastructure to support the sustainable movement of waste,’ as one of the criteria against which waste planning authorities should assess the suitability of sites for new or enhanced waste management facilities.

- 7.6 As stated above in 1.11 – 1.13, this application has been lodged to ensure Anglian Water has sufficient capacity to import liquid sludge on the occasions when the Sludge Cake Reception Centre would need to be taken out of service for maintenance. The applicant advises the figures used in the approved

condition are average best case figures and based on the new Sludge Cake Reception Centre operating 100% of the time. There would be occasions when the Sludge Cake Reception Centre would need to be taken out of service for maintenance, and in those instances, vehicle movements associated with the importation of liquid sludge would need to increase (as set out in 7.7). It is not however the case that the vehicle movements submitted with the original application were in error (as referred to in the correspondence received from a third party detailed in section 6.16). This situation however came about due to a resistance from Anglian Water to have any conditions applied to their current permission regarding import limits to the site.

- 7.7 Ultimately the likely new number of HGVs would not result in an increase once the facility is built and operational. By increasing the annual permitted throughput of liquid sludge to per 315,208m³, it would increase vehicle movements importing liquid sludge to 34 HGV imports (68 movements) from the 24 that have been permitted for 222,500m³. The 24 HGVs (48 movements) however have not yet been realised on the basis that the development has not been constructed on site. Current levels of liquid sludge inputs are stated to be 36 HGVs or 72 movements, and whilst an increase beyond what was previously permitted, this proposal would actually still result in a marginal decrease in movements on current unregulated levels, albeit less of a decrease than previously approved.
- 7.8 The reason for the overall minor decrease in HGV movements (compared to current unregulated levels) would be because:
- there would be a decrease in liquid imports of sludge in favour of an increase in sludge solids imported to the site (sludge cake takes up less volume as it has already been dewatered off site); and,
 - The trailers used to bring in the sludge cakes would be washed down on site, 'backfilled' and used to export the treated biosolids to farmland. At present the existing cake export is transferred by skip lorry which will decrease from current levels.
- 7.9 Whilst recognizing the surrounding highway network remains narrow and inappropriate for use by additional traffic, no objection was raised by the Highway Authority on the basis the proposed development would not make matters any worse than they could lawfully occur at present. The Highway Authority also made reference to retaining condition 3 from the previous consent, reference C/2/2015/2030 relating a management plan for the washing out and backfilling of HGVs/tankers visiting the site.
- 7.10 Subject to retention of the condition outlined above, it is considered the application complies with NMWDF Policies CS15 and DM10, and King's Lynn Local Plan Policy DM15.
- 7.11 **Amenity**
The protection of amenity for people living in close proximity of waste management facilities is a key consideration and NMWDF policy DM12 states that development will only be permitted where "...unacceptable impact to local amenity will not arise from the operation of the facility." This echoes policy NMWDF CS13 which also seeks to avoid unacceptable impacts on

amenity. NMWDF policy DM13: Air Quality seeks to only permit development where development would not impact negatively on Air Quality Management Areas (AQMA) or lead to the designation of new ones. The recently adopted King's Lynn SADMP Local Plan (2015) Development Management Policy DM15 states development that has a significant adverse impact on the amenity will be refused.

- 7.12 Both the National Planning Policy for Waste and the NPPF underline that planning authorities should focus on whether the development itself is an acceptable use of the land, and the impact of the use, rather than the control of processes or emissions themselves where these are subject to approval under pollution control regimes. Furthermore, the County Council should assume that these regimes will operate effectively.
- 7.13 The impact on amenity of the sludge cake building itself as already been assessed as being acceptable and no further changes are sought in respect of this. The issue to consider is whether the change in the number of vehicle movements beyond those currently permitted would have an unacceptable impact (on amenity).
- 7.14 Ultimately the proposed number of HGVs would not result in an increase in levels currently visiting the site once the facility is built and operational. Whilst an increase beyond what was permitted previously in January 2016, this proposal would actually result in a marginal decrease in movements on current unregulated levels. Even assessed against previous approved levels, an increase of 10 HGVs / 20 movements over the course of a working day would not be significant. On this basis the proposal would not have an unacceptable impact on amenity or air quality as a result of the amended condition, and would not have an adverse impact on Air Quality Management Areas or lead to the designation of new ones. The proposal is therefore considered to accord with NMWDF Policies CS14 and DM12, DM13 and Section 11 of the NPPF, King's Lynn Local SADMP Plan Policy DM15, and the National Planning Policy for Waste.
- 7.15 **Biodiversity and geodiversity**
Appropriate Assessment
- Whilst the site is located within 1.25 kilometres of The Wash and North Norfolk Coast Special Area of Conservation (SAC), The Wash Special Protection Area (SPA), Site of Special Scientific Interest (SSSI) and Ramsar site, in accordance with Regulation 61 of the Conservation of Habitats and Species Regulations 2010, it is considered that the proposed development would not have a significant impact on the integrity of this site and accordingly no Appropriate Assessment of the development is required.
- 7.16 It is considered that the proposal complies with NMWDF policy CS14, which seeks the avoidance of unacceptable adverse impacts on geodiversity and biodiversity, including nationally designated sites, King's Lynn and West Norfolk Core Strategy Policy CS12: *Environmental Assets*, and Chapter 11 of the NPPF: Conserving and enhancing the natural environment.

7.17 Cumulative impacts

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

7.18 In this instance, there are no other existing or permitted waste management facilities in the vicinity to consider. Whilst concern has been raised with regards to vehicle movements and their impacts, the development as proposed wouldn't increase HGV movements beyond current unregulated levels as set out and assessed above. On this basis the proposal is compliant with these policies.

7.19 Environmental Impact Assessment

The application was screened on receipt and re-screened at the determination stage and it is not considered that the development would have significant impacts on the environment. No Environmental Impact Assessment is therefore required

7.20 Responses to the representations received

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

7.21 Comments have been received from one individual which have been addressed above (highways, amenity etc).

7.22 With regards increased levels of odour from the site itself, the sludge cake reception centre (the subject of this and the previous application) has not been constructed yet so any increased odour cannot be attributable to this. It is however understood there has been issues with the maintenance of existing silos on site (not the subject of this planning application) which had the potential in recent months to contribute to increased levels of odour. The County Planning Authority has however worked with the Environment Agency to ensure these matters have been resolved. With regards to landscape, the applicant is not proposing to amend the design of the plant previously approved in January.

7.23 The Community Infrastructure Levy

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

8. Resource Implications

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

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

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

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

9. Other Implications

9.1 Human rights

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

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

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

9.5 Equality Impact Assessment (EqIA)

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

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

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

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

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

10. Section 17 – Crime and Disorder Act

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

11. Risk Implications/Assessment

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

12. Conclusion and Reasons for Granting Planning Permission

- 12.1 Planning permission is sought to vary condition 4 of planning permission

reference C/2/2015/2030 in order to increase the permitted liquid sludge input at the Water Recycling Centre beyond the level permitted in January 2016. This would provide Anglian Water Ltd flexibility for occasions when the approved Sludge Cake Reception Centre would need to be taken out of service for maintenance.

- 12.2 Whilst the increase in annual liquid sludge imports from 222,500m³ to 315,208m³ would result in an increase in some 10 HGV vehicles per day (20 movements) beyond the levels approved in January 2016, it would still result in a marginal decrease, or at worst no increase, in terms of the current average unregulated vehicle movements given that the permission has not been implemented (and the development has not been built). Furthermore, the additional movements (beyond those approved) would occur only during periods when the sludge cake reception centre would need to be taken out of service for maintenance.
- 12.3 No objections have been received from statutory or non-statutory consultees. The proposal would not have an unacceptable impact on the landscape, amenity, ecology (including The Wash and North Norfolk Coast Special Protection Area (SPA) and Special Area of Conservation (SAC)) or the public highway.
- 12.4 The proposed development is considered acceptable and there are no other material considerations why it should not be permitted. Accordingly, full conditional planning permission is recommended.

13. Conditions

- 13.1 The development hereby permitted shall commence within three years of 8 January 2016.

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

- 13.2 The development shall not take place except in accordance with the application form and the following approved drawings and documents:
- i. Cake Reception Building Hopper and Conveyor Elevations; reference SEW-07846-KLYNST-SS-PLG-0005 rev 1; dated 13 July 2015;
 - ii. Cake Reception Building Hopper and Conveyor Plan; reference SEW-07846-KLYNST-SS-PLG-0004 rev 1; dated 13 July 2015;
 - iii. Cake Silo Plan and Elevations; reference SEW-07846-KLYNST-SS-PLG-0006 rev 1; dated 13 July 2015;
 - iv. Site Location; reference SEW-07846-KLYNST-SS-PLG-0002; dated 13 July 2015;
 - v. MCC Kiosk Plan and Elevations; reference SEW-07846-KLYNST-SS-PLG-0007; dated 13 July 2015;
 - vi. Odour Control Unit Elevations; reference SEW-07846-KLYNST-SS-PLG-0008 rev 2; dated 13 July 2015;
 - vii. Site Elevations; reference SEW-07846-KLYNST-SS-PLG-0003 rev 1;

dated 13 July 2015;

- viii. Site Layout; reference SEW-07846-KLYNST-SS-PLG-0001 rev 1; dated 13 July 2015;
- ix. Planning Application Supporting Statement; reference SEW-07846; dated August 2015;
- x. Phase One Contaminated Land Desk Study; reference 355282/EVT/EMP/1/E rev E; dated 1 July 2015;
- xi. Preliminary Ecological Appraisal; reference 355282/EVT/EMP/1/A; dated May 2015;
- xii. Landscape and Visual Impact Assessment; reference SEW-07846 355282/EVT/EMP/1/A rev B; dated 11 May 2015;
- xiii. Noise Impact Assessment; reference 355282BA01/HWY/HDS/001/B rev B; dated 07 August 2015;
- xiv. Odour Assessment; reference 355282/EVT/EMP/1/A; dated 01 June 2015;
- xv. Odour Management Plan; reference SEW-07846 rev B; dated 01 may 2015;
- xvi. Sustainability Statement; reference 355282/EVT/EMP/1/B rev B; dated 7 August 2015;
- xvii. Transport Statement; reference 355282/BSE/EAD/TS01/C rev B; dated 11 August 2015 as amended by email received from Steve Swan on 22 October 2015 @ 9:31am.

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

- 13.3 Prior to the first use of the proposed development, a detailed management plan For the backfilling of HGVs shall be submitted to the County Planning Authority for approval in writing. The scheme shall make provision for:
- i) Designated area(s) where HGVs will be washed down and backfilled;
 - ii) Records to be kept of the HGVs backfilled which will be kept for at least 12 months and made available for inspection upon request of the CPA.

The approved scheme shall be implemented for the lifetime of the development and no sludge cake / soil conditioner shall leave the site except in accordance with this scheme.

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

- 13.4 No more than 315,208 metres³ of liquid sludge and 44,000 metres³ of dry/dewatered solids shall be imported by road to the Water Recycling Centre per annum. Records shall be kept for at least 12 months of waste inputs and made available to the County Planning Authority upon request.

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

- 13.5 No development shall take place on site until a Construction Management Plan has been submitted to and approved in writing by the County Planning Authority in consultation with the Borough Council. The scheme shall be implemented as approved during the period of construction.

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

- 13.6 No deliveries of sludge cake shall take place except between the hours of: 07.00 – 19.00 Sunday to Monday

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

- 13.7 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 neighbouring properties, in accordance with Policy DM12 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026

- 13.8 Any drums and small containers used for oil and other chemicals on the site shall be stored in bunded areas which do not drain to any watercourse, surface water sewer or soakaways, and all oil or chemical storage tanks, ancillary handling facilities and equipment, including pumps and valves, shall be contained within an impervious bunded area of a least 110% of the total stored capacity.

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

- 13.9 No material other than dewatered sludge cake shall be brought into the application site, the subject of this permission.

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

Background Papers

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

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

King's Lynn & West Norfolk Site Allocations and Development Management Policies Pre-Submission Document (2016)

https://www.west-norfolk.gov.uk/downloads/download/63/submission_documents

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

https://www.west-norfolk.gov.uk/info/20092/core_strategy/112/core_strategy_explained

The National Planning Policy Framework (NPPF) (2012)

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

Planning Practice Guidance (2014)

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

National Planning Policy for Waste (2014):

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

Waste Management Plan for England (2013)

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

Government's Ministerial Statement on Intentional Unauthorized Development

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

Officer Contact

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

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