PLANNING STATEMENT

Context of the Proposal

This is a Planning Statement submitted in support of a Planning Application made by Stephen M Daw Limited on behalf Middleton Aggregates Limited for land at Pentney Quarry, Pentney, King’s Lynn, Norfolk. The Statement is split into a number of sub headings which provide, inter alia, details of the proposal, the planning background and how the proposal relates to adopted planning policy.

The Planning Application

The Planning Application seeks to Vary a Condition of an existing Planning Permission in order to enable the adoption of an alteration, albeit for a temporary period, to one aspect of the approved Scheme of Working for Pentney Quarry.

The approved Scheme of Working includes the proposal to extract mineral in a series of distinct and separate Phases. The Phasing arrangements are illustrated on a plan submitted at the time of the original Planning Application (refer to Appendix A). At present working is taking place within Phase 7 with the intention of then moving into Phase 8, once Phase 7 is completed and then in turn and finally moving into the Causeway, once Phase 8 has been completed. In this manner working is intended to only take place in one Phase at a time.

Recent working within Phase 7 has encountered a problem with the quality of the dug Sand and Gravel, being the contamination of the mineral deposit with fragments of Chalk. Early investigations within adjoining areas still within Phase 7 have identified the contamination to be more widespread with the possibility that the whole of the remainder of the Phase is contaminated in this manner. Such contamination presents significant problems to the suitability of the Sand and Gravel for a number of uses, most notably in the manufacture of Concrete.
The Applicant is currently beginning to investigate the possibility of installing additional processing facilities in order to be able to remove the Chalk contamination prior to sale, i.e. use of a log washing plant. At present it is unclear as to whether such additional facilities will be effective in removing the contamination or whether their installation and use will be economically viable. Tests are currently commencing to establish whether or not the facilities will be effective.

In the meantime and in order to secure continuity of supplies of uncontaminated Chalk, the Applicant would wish to be able to commence extraction of Sand and Gravel from within Phase 8 ahead of schedule. It is likely some extraction would continue within Phase 7 during this time and it is also thought a period of 6 months will be required to assess the viability of the additional processing facilities. It is therefore requested that for a period of 6 months the adopted Scheme of Working be Varied to allow concurrent extraction of Sand and Gravel from both Phase 7 and Phase 8.

It should be emphasised the proposal will not lead to an overall increase in production from the Quarry but will simply secure the ability to supply long-established markets and existing customers. Equally the proposal will not lead to any alterations to any other aspects of the working, restoration, afteruse or aftercare arrangements for this Quarry. It should also be emphasised the proposal does not propose any formal amendment to the adopted Phasing Arrangements illustrated on Appendix A as the intention is to return to these arrangements once the period of time during which the variation is sought has elapsed.

On the other hand this Planning Application does present an opportunity to review a number of clauses contained within the current Section 106 Legal Agreement attached to the grant of Planning Permission (refer to Appendix B). The current agreement contains a number of clauses which seek to control two main aspects of the development, namely:-

(a) The routing of vehicle movements to and from the site together with appropriate signage and written instruction to visiting drivers;
(b) The agreement of a long-term Management Scheme for use of the land as a nature conservation area including the overseeing of this use by a liaison group, monitoring and reporting on the afteruse and formation of public footpaths.

During a recent discussion with an Officer of Norfolk County Council it was established that many of the non-highway related clauses are in need of being updated to better reflect the position on site and to have more appropriate arrangements to oversee the successful afteruse of the Quarry. Following these discussions an outline of the suggested alterations which require to be made to the Agreement has been prepared on behalf of the Applicant and sent to Norfolk County Council for consideration. The suggested alterations are repeated here by using the existing clauses in bold italic text followed by the suggested alteration, as follows:-

- **Submission of a Management Scheme (clause 3.(i))** – as a Scheme has not been formally submitted the Applicant would suggest preparing a draft Management Scheme for consideration of Norfolk County Council. Such a Scheme would be based upon principals given at the time of the Applications submitted by Wimpey Hobbs Limited in 1994 and by Stephen M Daw Limited in 2007 but also be designed to reflect the position on site today;

- **Operation of the Management Scheme for a minimum 20 year period from the end of the aftercare period or completion operations whichever is the latter (clause 3.(i))** – there is a need to agree which restored areas can be taken out of aftercare and then propose say a 10 year rolling programme of management following restoration of each individual phase;

- **Set up a Liaison Group and meet at least every 12 months (clauses 3.(iii) and (iv))** – hold a liaison meeting at the time of restoration of an individual phase, or more frequently if requested by either the Applicant or Norfolk CC;

- **Monitoring and Reporting on an annual basis (clause 3.(vi))** – again a report could be prepared at the time of restoration of a phase and then discussed at the liaison meeting;
- **Establish public access within 1 year of the completion of working (clause 5.)** – this is already in place and the clause can be deleted;

- **Revocation of the earlier Planning Permissions (clause 6.(i))** – again this has already been achieved and the clause can be deleted.

It should be emphasised the above suggestions represent the Applicants initial thoughts as to how the Agreement may be best improved. However, this is subject to further consideration and discussion with Norfolk County Council and of course is subject to acceptance by all parties to the Agreement including the County Council. It is hoped however that the above suggestions provide a useful basis from which these discussions can commence.

**Planning Background**

In recent times Planning Permission was granted on 21 March 1996 to an Application made by Wimpey Hobbs Limited for, ‘Amendments to restoration, working programme, time limits and working hours plus relocation of stock yard’ (ref C/2/94/2015). This Application related to the entire current quarry but not to Phase 7. Consent was granted subject to a legal agreement containing many of the clauses which are sought to be altered by this current Planning Application.

Then a further Planning Permission was granted on 4 March 2009 to an Application made by Middleton Aggregates Limited for, ‘Extraction of sand and gravel with continued use of processing area and re-phasing of operations’ (ref C/2/2007/2005). This Application included the entire quarry but also included the current Phase 7 as a western extension.

It is a Condition of this Planning Permission which this Planning Application seeks to Vary to allow an amendment to the approved Scheme of Working so that extraction of Sand and Gravel can take place concurrently from Phases 7 and 8 for a temporary period of 6 months.

Planning Condition number 3 states:-
3. The development to which this permission relates shall not be carried out otherwise than in accordance with the submitted details, as amended by the agents letter dated 26 November 2007 and drawing no’s Figure 4.3(2) Rev A and Figure 4.3(3) Rev A, all received 28 November 2007, agents letter dated 11 January 2008 and drawing no’s Figure 4.3(1) Rev B and Figure 4.2(1) Rev B all received 14 January 2008 and amended site location plan, drawing no. M(MA)7(15) received 16 September 2008.

Specifically, it is the ‘submitted details’ which contain the current phasing arrangements and which are sought to be Varied by this Application.

Again consent was granted subject to a Section 106 Legal Agreement dated 17 February 2009 (refer to Appendix A) containing many of the clauses contained within the original legal agreement. As previously stated it is certain clauses within this Agreement which are sought to be altered by this Application.

**Need for the Development**

In the circumstances there is an urgent need for the development to be allowed to take place. Given the extent of the chalk contamination within Phase 7 and the shortage of uncontaminated stock, it is imperative that extraction be able to commence within Phase 8 at the earliest possible opportunity. This will enable the release of uncontaminated reserves which will enable the Applicant to be able to continue to supply mineral for use in the manufacture of concrete as well as other sensitive uses. At the same time extraction will be able to continue within Phase 7 as some end-uses are less sensitive to the presence of Chalk. In the intervening period when concurrent working will take place it will be possible to further investigate the extent of the contamination with the Phase and also investigate methods of processing which are likely to prove effective in its removal.

**Planning Policy**

In the case of a development already permitted clearly the principal of the development has been found to be acceptable in planning terms and the question as to whether the
development should now be allowed to continue, but in accord with an amended Scheme of Working, albeit on a temporary basis, is of most relevance.

Of relevance in a policy context are the National Planning Policy Framework (NPPF) document produced in March 2012 together with policies contained within the Norfolk Core Strategy and Minerals and Waste Development Management Policies Development Plan Document 2010 - 2026 (NCSDPD) adopted in September 2011.

National Policy –

Whist there are no specific policies of relevance to an application seeking to Vary the approved Scheme of Working within the NPPF, general advice given to local planning authorities when determining planning applications is to, ‘ensure, in granting planning permission for mineral development, that there are no unacceptable adverse impacts on the natural and historic environment, human health or aviation safety’, etc.

Clearly in a situation such as this, the possibility as to whether the proposed amendment may result in an unacceptable adverse impact depends upon a number of factors such as the proximity of the development to local residences or adjoining landusers and whether the amendments will make more noise, dust or result in visual intrusion. In this regard, it is evident that such an adverse impact will not occur as both working areas are remote from residences and adjoining landusers and any disturbance caused by additional machinery will not result in a significant detrimental impact. Whilst working within Phase 8 is generally well screened it should be mentioned that the workings within both Phases are visible to users of the public footpath which runs along the northern embankment of the River Nar. Clearly with extraction for a time taking place within both Phase 7 and Phase 8 there will be a degree of increased visual impact to users of the footpath, although such users already experience impact caused by the current operations within Phase 7 and the haulage of mineral to the Plant Site. Nor is it envisaged that the proposed amendment will result in any increased disturbance to users of the footpath where is exists close to the Plant Site. Such a level of increased disturbance is considered to be not significant and acceptable and so not in conflict with Policies contained with the NPPF.
Local Policy –

Similarly the NCSDPD does not contain a specific policy or policies aimed at a proposal to Vary an approved Scheme of Working but Policy DM14 – Progressive working, restoration and afteruse does recognise the importance of phased progressive working particularly as a means of controlling impact on residential and local amenity as well as securing early restoration following completion of extraction of a phase. In this context, there will be an increased level of disturbance caused by the working of two phases concurrently but, as previously stated, this will not result in any significant loss of local amenity given the remote nature of the Quarry. It should also be emphasised the proposed Variation will not lead to a delay in the restoration of a phase as extraction will not be suspended within Phase 7 nor is the Application accompanied by a request for an extension to the time period for extraction to take place at the Quarry. It is therefore considered there is no conflict between the proposal contained within this Application and the aims of this Policy.

Informal Consultation

Prior to submission of this Planning Application contact has been made with Officers of Norfolk County Council. This contact has comprised informal telephone discussions and email correspondence regarding the content and composition of a Planning Application.

Conclusions

On behalf of the Applicant I would request Planning Permission is granted for the following reasons:-

(i) A small and temporary amendment to the approved Scheme of Working is sought in order to enable continued production of Sand and Gravel uncontaminated by fragments of Chalk;
(ii) The proposal will enable the Applicant to continue to supply existing customers with uncontaminated mineral and in particular the sale of mineral used in the production of concrete;

(iii) The proposal will enable the Applicant time to investigate the extent of the Chalk contamination and whether it will be possible to install additional processing facilities to be able to remove the Chalk;

(iv) The proposal will not lead to any significant increased impact on local amenity due to the remote nature of the working areas, although there will be a minor increased disturbance to the users of the public footpath which runs along the northern embankment of the River Nar.