



22 April 2024

Our Reference: 32_37_Rea

Norfolk County Council
Planning Services
County Hall
Martineau Lane
Norwich, NR1 2DH

Dear Mr Zieja

Creation of a new recycling centre (RC) to deal with household waste and small amounts of trade waste. RC includes creation of a concrete pad and erection of new staff welfare office and reuse shop (with photovoltaic panels) for onsite sale of items suitable for reuse and ancillary small-scale sale of non-recycled items (Christmas trees, logs, compost bins and green waste sacks). Creation of a new access onto the A148 Holt Road with the closure of the eastern end of existing Holt Road and reinstatement to highway verge.

Land off Holt Road, Sheringham, NR26 8TW. Planning Ref FUL/2023/0005.

I write regarding your instructions to assess the planning application referred to above.

- The application was made by on behalf of the Director of Highways, Transport and Waste, Norfolk County Council
- The agent for the application was Nicola Young, Norfolk County Council
- The determining authority is also Norfolk County Council

I appreciate that this appears an unusual situation but can confirm that it is entirely lawful for the County Council Planning Committee to determine this application; indeed, the County Council has no other option since, with the exception of the Secretary of State, there are no other bodies that statute empowers to determine the application.

Legislative Provisions

In determining the application, the Council are required by virtue of the Town and Country Planning Act 1990 (as amended) s70(2) to have regard to -

- (a) the provisions of the development plan, so far as material to the application,
- (aza) a post-examination draft neighbourhood development plan, so far as material to the application,
- (azb) any national development management policies, so far as material to the application,
- (aa) any considerations relating to the use of the Welsh language, so far as material to the application;



- (b) any local finance considerations, so far as material to the application, and
- (c) any other material considerations.

The term “Development Plan” is defined by the Planning and Compulsory Purchase Act 2004 (as amended) s38(3)

The development plan that the Council must have regard to is –

- (a) each spatial development strategy that is operative in relation to that area,
- (b) each local plan which has effect in relation to that area,
- (c) each minerals and waste plan which has effect in relation to that area,
- (d) each supplementary plan which has effect in relation to that area,
- (e) each neighbourhood development plan which has been made in relation to that area, and
- (f) each policies map for that area.”

The County Council’s current Development Plan comprises.

- Core Strategy and Minerals and Waste Development Management Policies Development Plan Document 2010-2026
- Minerals Site Specific Allocations Development Plan Document (DPD) (adopted Oct 2013)
- Waste Site Specific Allocations Development Plan Document (DPD) (adopted Oct 2013)

The County Council is in the process of adopting a new Norfolk Minerals and Waste Local Plan (NM&WLP). This was submitted to the Planning Inspectorate on 20 December 2023 and the examination hearings are due to take place from 2 July to 4 July 2024.

The National Planning Policy Framework (NPPF) advises the following with regard to emerging plans and the weight they can be afforded.

48. Local planning authorities may give weight to relevant policies in emerging plans according to:

- a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
- b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)

For brevity, noting there appears to be limited difference between the relevant policies on the existing and emerging plan, and accepting that the replacement policies will be tested against the

NPPF (which was revised in Dec 23) I will refer primarily to those in the emerging local plan but accept that the amount of weight to be allocated to them is for the decision maker.

The land that is the subject of this planning application falls inside an area designated as an Area of Outstanding Natural Beauty. As a result, the provisions of the Countryside and Rights of Way Act 2000 (as amended) are also relevant. Section 85 states,

“In exercising or performing any functions in relation to, or so as to affect, land in an area of outstanding natural beauty in England, a relevant authority other than a devolved Welsh authority must seek to further the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty.”

The Application Process

There is some difficulty as neither the location plan nor the proposed site boundary plan benefit from scale bars that would allow anyone not in a possession of a printer capable of printing at A2 size. Notwithstanding that it is highly unusual to rely on an aerial photograph to provide a location plan, especially since it clearly states the photograph cannot be scaled from.

I note that the location plan is at odds with the proposed site boundary plan in that the latter has an area enclosed in a blue line (boundary of other land owned by the applicant) and the former has no such line. I also note that the red line on the location plan is a filled in rectangle, while the red line on the proposed site plan includes an irregular shaped area on the opposite side of what must be assumed to be a road. Unfortunately, the proposed site plan has no distinguishing landmarks or road names on in and is produced at such a scale that no property names are visible.

The applicant for planning permission must conform with specific requirements set down in statute and, where adopted listed locally.

In my opinion the two conflicting plans I have referred to above fail when measured against the requirements of the Town and Country Planning (Development Management Procedure) (England) Order 2015 s7 and as such the application should have been treated as invalid until such discrepancies were addressed.

I have contacted the County Council’s Planning Team to raise my concerns in this regard and a review of the options to challenge this are outside the remit of this report.

Analysis of Proposals

The applicant has applied for -

“Creation of a new recycling centre (RC) to deal with household waste and small amounts of trade waste. RC includes creation of a concrete pad and erection of new staff welfare office and reuse shop (with photovoltaic panels) for onsite sale of items suitable for reuse and ancillary small-scale.”

In assessing any application the first question must be, taking into account the constraints of the site, is this an acceptable proposal in principle?

The submitted planning statement suggests (para 7.16) that –

“Whilst it is recognised that the proposed site is located within the AONB, on balance it is considered that the provision of a facility to meet the needs of the community on a site that is well linked to the main road network and with the inclusion of mitigation to enhance the landscape and biodiversity on site, means that the proposal is acceptable in this location.”

The ability to enhance landscape and biodiversity on a site does not make the proposed form of development acceptable. If that were the case it could any form of development could take place in the Country’s most prized landscape so long as it could be accessed via a main road and landscaping could be undertaken to repair the damage done by the proposal.

Adopted Core Strategy and Minerals and Waste Development Management Policies Development Plan Document 2010-2026

The proposal is somewhat vague in its description of “*household waste and small amounts of trade waste.*” There is limited information within the proposal documents to identify exactly what the ratio of household to trade will be. This would appear to be a pedantic comment however, since the Core Strategy confirms, “Although waste is often thought of as being mainly produced by households, this actually comprises only a small proportion (approximately nine percent) of the waste produced, with much larger amounts generated by businesses, through construction and demolition, and inert waste generated by mineral extraction and associated development.” It seems reasonable to question the point.

The Executive Summary of the Core Strategy assures the reader that impacts on specially protected areas, such as the Nationally designated AONB will be avoided.

0.12 In terms of **environmental protection** and Norfolk’s natural and cultural heritage, mineral extraction and associated development and waste management facilities **will avoid significant adverse impacts on protected and sensitive areas of the county**, such as SACs, SPAs, SSSIs, designated local nature conservation and geodiversity sites, listed buildings, Historic Parks and Gardens, archaeological sites, conservation areas and Groundwater Source Protection Zones. The constraints of developing within or near the Breckland SPA (stone curlew habitat) are highlighted particularly. This generally means that allocations for mineral extraction and associated development and waste management facilities will be avoided in or adjacent to such areas, whilst balancing this against the need to provide sufficient allocations to meet the minerals and waste apportionments specified in policies CS1 and CS3. Developers and operators will also be required to show that they will minimise their impact on the environment through appropriate construction and management measures at the planning application stage.

An indication of the age (and therefore weight) that should be given to the current development plan is shown by its continued reference to Planning Policy Statements that were repealed when the NPPF first came into effect in March 2012 (although it has been updated five times since then)

The Core Strategy recognises *North Norfolk's Sustainable Community Strategy 2008-2011*

5.7 The Vision of North Norfolk's Sustainable Community Strategy comprises five objectives, with Objective 5 being the most relevant: "North Norfolk is a place...where the environment is protected and where the identity and special character of the area is retained".

Core Strategy Policy CS5 – General location of waste management facilities

"Strategic" or "major" waste management facilities (see paragraph 6.20) should be well-related to the Norwich Policy Area, Great Yarmouth urban area, King's Lynn or Thetford. There is a particular need for recovery (residual waste treatment) capacity to manage the waste arising from these settlements.

"Non-strategic" waste facilities – which will include most of the other types of waste facilities – should be well-related to one of these main settlements or to the main market towns of Attleborough, Aylsham, Cromer, Dereham, Diss, Downham Market, Fakenham, Hunstanton, North Walsham, Sheringham, Swaffham, or Watton.

Notwithstanding the general locational preference above, given the largely rural nature of Norfolk, it is acknowledged that there may also be some potential sites which are less well related to the major centres of population.

Proposals in these locations should demonstrate that they would:

- i) be well-related to the major road network; or
- ii) take advantage of cross border opportunities for the efficient management of waste; or
- iii) enable the re-use of brownfield sites unsuitable for other uses.

Significant environmental constraints affecting the major settlements Whilst every potential waste site allocation and planning application will be considered on its own merits, significant international ecological and national landscape constraints affecting the four main Norfolk settlements are detailed below. However, if waste management activity could take place on a permitted or allocated industrial estate (use class B2), particularly if contained within a building, the impacts may be little different to any other general industrial use (even though the waste development may be classed as *sui generis*):

The Norfolk Coast AONB is regarded as a significant environmental constraint later in the policy. The text is clear that the only places waste management proposals would be acceptable in such areas are within permitted or allocated industrial estates (particularly if contained within a building).

The current proposed site is neither a permitted nor allocated industrial site, unlike the alternative identified in Cromer.

Core Strategy Policy CS6 – General waste management considerations

Waste sites will need to be developed in accordance with policy CS3 and will be acceptable, provided they would not cause unacceptable environmental impacts, on the following types of land:

- a) land already in waste management use;
- b) existing industrial/employment land or land identified for these uses in a Local Plan or Development Plan Document;
- c) other previously-developed land; and
- d) contaminated or derelict land.

Sites at existing mineral workings and landfill sites will also be acceptable in principle, but will be restricted to a temporary permission(s) lasting until the cessation date for the mineral operation or landfill site.

Unused and under-used agricultural and forestry buildings and their curtilages will also be suitable, in principle, for waste management uses, subject to impacts on the rural environment being acceptable.

The proposed site does not accord with any of the conditions specified in CS6.

The Core Strategy addresses environmental considerations on page 59 where it states –

6.69 Norfolk is well endowed with designated landscapes and nature conservation sites. The Norfolk Coast Area of Outstanding Natural Beauty (AONB) covers 450km², with the majority of the AONB within King’s Lynn & West Norfolk and North Norfolk districts, and only a very small section at Winterton in Great Yarmouth borough. As well as its national importance for landscape quality and character and the national and international importance of its biodiversity and geodiversity, the Norfolk Coast AONB is a critical part of the tourism ‘offer’ of Norfolk, and the maintenance of its integrity is therefore extremely important. In line with the guidance in PPS7: *Sustainable Development in Rural Areas*, significant new minerals and waste developments will not normally be appropriate in the AONB.

Development Management Policy DM6 – Household Waste Recycling

Centres

Where there is a demand for a new or improved Household Waste Recycling Centre in a specific area of Norfolk, but a suitable site in line with Policies CS5 and CS6 cannot be found, they will be acceptable within purpose designed or suitably adapted facilities on other sites, including greenfield sites.

Where justifiable, an appropriate level of developer contributions from new developments will be sought towards the provision of improvements to the Household Waste Recycling Centre network. This will normally be in the form of financial contributions, but in certain locations – particularly the major growth locations identified in adopted district DPDs – suitable sites for new Household Waste Recycling Centres could be requested.

Policy DM6 implies that there may be occasions that demand will be such that Policies CS5 and CS6 can be acceptable within purpose designed or suitably adapted facilities on other sites, including greenfield.

When considering any application, it is entirely appropriate to consider the most recent evidence. The Council reports the latest position as follows in the text associated with the emerging plan.

W3.6 As stated in Policy WP1, sufficient capacity currently exists to meet the growth forecast in waste arisings and therefore **it is not considered necessary to allocate any specific sites for waste management facilities in the NM&WLP.**

This clearly means there is not sufficient demand and as such Policy DM6

Emerging Waste and Minerals Local Plan

Policy WP2: Spatial Strategy for waste management facilities

New or enhanced waste management facilities should be located within five miles of one of Norfolk's urban areas or three miles of one of the main towns and be accessible via appropriate transport infrastructure, subject to the proposed development not being located within:

- the Broads Authority Executive Area or the **Norfolk Coast Area of Outstanding Natural Beauty**, other than in exceptional circumstances and where it can be demonstrated that the development is in the public interest, or
- a Site of Special Scientific Interest or a habitats site and which is likely to have an
- adverse effect on it, or
- ancient woodland, or
- a designated heritage asset, including listed buildings, registered parks and gardens, and scheduled monuments, or their settings if the proposed development would cause substantial harm to or the loss of the heritage asset

For the purpose of this policy Norfolk's main towns are Aylsham, Cromer, Dereham, Diss, Downham Market, Fakenham, Harleston, Holt, Hunstanton, North Walsham, Swaffham, Watton and Wymondham. Norfolk's urban areas are King's Lynn (including West Lynn), Thetford, Attleborough, Great Yarmouth, Gorleston-on-Sea and Norwich [the Norwich urban area includes the built-up parts of the urban fringe parishes of Colney, Costessey, Cringleford, Trowse, Thorpe St Andrew, Sprowston, Old Catton, Hellesdon, Drayton and Taverham].

However, due to their characteristics, the following types of facilities will be acceptable in locations more distant from the urban areas or main towns, if they are close to the source of the waste, or the destination of the recovered waste material:

- agricultural waste treatment facilities
- windrow (open-air) composting facilities
- community composting facilities

- small scale local facilities (including “bring” sites for the collection of recyclables).

Water recycling centres can normally only be located on or adjacent to watercourses, so they are acceptable in such locations.

Waste management facilities will only be acceptable on the types of land identified within Policy WP3 and must also comply with the development management criteria set out in Policy MW1.

Waste management facilities will only be acceptable on the types of land identified within Policy WP3 and must also comply with the development management criteria set out in Policy MW1.

The test therefore as laid out in WP2 is that a new waste management facility as proposed should not be located within the AONB unless it can be demonstrated that it is in the public interest to do so. I will consider the public interest further below.

Before considering the “public interest” test advanced in Policy WP2 it is worth then considering WP3.

Policy WP3: Land suitable for waste management facilities

Waste management facilities (other than landfill sites and water recycling centres) will be acceptable only on the following types of land:

- a) land benefiting from a permanent permission for an existing waste management use;
- b) land in existing general industrial use (B2 use class) or in existing storage or distribution use (B8 use class) (excluding open air composting);
- c) land allocated for B2 and B8 uses in a local plan or development plan document (excluding open air composting);
- d) land within or adjacent to redundant agricultural and forestry buildings;
- e) previously-developed (brownfield) land (excluding open air composting);
- f) former airfields (open air composting only);
- g) water recycling centres (composting and anaerobic digestion only);

Proposals for the recycling of inert CD&E waste at existing sand and gravel workings will only be considered acceptable on a temporary basis and will be restricted to no later than the cessation date for the mineral extraction and at least 12 months prior to the date for restoration to be completed to allow for timely restoration of the land.

Proposals must also comply with the development management criteria set out in Policy MW1.

The explanatory text within the NM&WLP states

W3.6 As stated in Policy WP1, **sufficient capacity currently exists to meet the growth forecast in waste arisings and therefore it is not considered necessary to allocate any specific sites for waste management facilities in the NM&WLP.** However, planning applications for waste management facilities are still expected to come forward during the Plan period, both to move waste management up the waste hierarchy and because waste management is a contract driven and competitive

industry. Therefore, Policy WP3 identifies suitable types of land for the location of waste management facilities, whilst further details are provided in the following policies that would apply to planning applications for particular types of waste management facilities.

Considering the earlier “public interest” test referred to in WP2 the question has to be asked, “If there is sufficient capacity, according to the County Council’s own submission to the Secretary of State, how can there be a public interest in locating a new recycling centre in an area such as this?”

The proposed site does not fall into any of the criteria listed in WP3 and must, therefore be considered unacceptable.

Cabinet Report – 4 July 2022

On 4 July 2022 the following paragraphs were presented to the Cabinet who resolved to move ahead with the process of adopting a new NM&WLP. The relevant paragraphs in the report are copied below.

2.10 The NM&WLP includes policies relevant to both minerals and waste management development covering the following issues: development management criteria, transport, climate change mitigation and adaption, The Brecks protected habitats and species, and agricultural soils. Following the Preferred Options consultation changes have been made to strengthen both the Development Management Criteria Policy and the Climate Change Mitigation and Adaption Policy.

2.11 The NM&WLP includes a forecast of the quantities of waste that need to be planned for over the Plan period to 2038. These figures have been reviewed for the Publication document and **an assessment of the existing waste management capacity in Norfolk has also been updated, which concluded that sufficient capacity already exists to accommodate the forecast growth in waste arising over the Plan period to 2038. Therefore, it is not considered necessary to allocate any waste management sites in the NM&WLP.**

2.12 However, planning applications for new waste management facilities are still expected to come forward during the Plan period, both to move waste management up the waste hierarchy and because waste management is a contract driven and competitive industry. The NM&WLP, therefore, contains criteria-based policies to determine those applications that come forward for waste management facilities.

2.13 **The NM&WLP includes a spatial strategy for new waste management facilities, a policy detailing the types of land considered to be suitable for waste management facilities and includes criteria-based policies for the determination of planning applications** for the following types of waste management facilities: inert waste recycling, waste transfer and treatment, composting, anaerobic digestion, household waste recycling centres, residual waste treatment, landfill and water recycling centres. Specific policies also cover the design of waste management facilities, landfill mining and safeguarding waste management facilities and water recycling centres. Some of the waste management policies have been amended following the Preferred Options Consultation. In particular, the forecast waste arisings have been updated, and it is now considered

that the amounts of hazardous waste arising during the Plan period will be stable rather than reducing.

These comments from July 2022 clearly reiterate the Council's stance that there is no need for any new waste management sites during the plan period that runs to 2038. The comments also confirm the criteria-based approach.

Policy WP7: Household Waste Recycling Centres

Household waste recycling centres may be acceptable within purpose designed or suitably adapted facilities on the types of land identified within Policy WP3.

Where sufficient information is submitted to demonstrate that no suitable sites consistent with Policy WP3 are available within the area to be served by the household waste recycling centre, household waste recycling centres may be acceptable on other sites provided these are consistent with the development management criteria set out in Policy MW1 and are accessible to the public.

Policy WP7, when read in isolation, appears to indicate that sites in conflict with WP3 may still be acceptable if –

- a) it can be shown that no suitable sites, consistent with Policy WP3 are available within the area served by the proposed recycling centre; and
- b) any proposals relying on WP7 must still accord with Policy MW1.

Site Selection and Alternative Sites

The policies make clear reference to the consideration of alternative sites.

The criteria used when assessing sites (listed at para 4.3 in the applicant's Planning Statement) were as follows.

- Provide suitable access for public and service vehicles including HGVs and articulated lorries;
- Provide good road links to ensure any new site is well related to urban areas;
- Preference for any new waste site to be located on land already in waste management use (i.e. existing industrial/employment land, other previously developed land, or contaminated/derelict land); and
- For any site to be available for access 7 days a week.

It is concerning that the criteria appear to have completely ignored the Council's statutory duty under s85 of the Countryside and Rights of Way Act 2000 (as amended) which has already been discussed.

The Council's site selection process resulted in 3 possible sites being identified although one was apparently unavailable as the owner did not engage, one would have required the removal of a woodland and the current application site.

On 16 October 2023, Mr Joel Hull, Assistant Director of Waste confirmed in writing that, in terms of alternative site locations, that the edge of Holt or Cromer would also be considered.

An alternative site, which has been available since 2016, has been identified to the Council. This site is on the western outskirts of Cromer in at Stonehill Way, Stonehill Industrial site, Holt Road, which is on an industrial estate. It was formerly used by Norfolk Gravel and was being used for pre-cast concrete purposes until it closed in 2016. This alternative site clearly already enjoys access by HGVs (something that cannot be achieved on the proposed site – please refer to Transport Assessment).

Although further assessment of this site has not been undertaken, I would suggest it is indicative that alternatives may well be available (the only evidence of site search before the Committee is that contained within the application) and as such the proposed application fails the requirements of WP7.

The applicant (in their addendum to the Planning Statement which was presumably produced in response to objections raised by my clients as well as Statutory Consultees) excuses the fact that this alternative has not been considered before applying for permission in 2024 because it was not identified when land searches were carried out.

According to the Cabinet Report of 4 July 2022 a call for waste management sites took place in January 2019, at least 2 years earlier, if not more (para. 1.3). Six sites were submitted but not deemed suitable for inclusion in future allocations and therefore it is reasonable to assume further searches were undertaken at that time.

Notwithstanding the applicant's failure to identify a site (the reasons for excluding it at this stage are weak when considering the Council's adopted policies) the Committee need to be comfortable that an alternative site does not exist at the time they make their decision in order to comply with their own policies. I would suggest this is something they cannot be.

National Planning Policy Framework (NPPF) and Planning Practice Guidance (PPG)

Reference has already made to conformity with the Government's published policies in terms of emerging plans. The most relevant paragraphs from the NPPF are provided below.

181. Plans should: distinguish between the hierarchy of international, national and locally designated sites; allocate land with the least environmental or amenity value, where consistent with other policies in this Framework; take a strategic approach to maintaining and enhancing networks of habitats and green infrastructure; and plan for the enhancement of natural capital at a catchment or landscape scale across local authority boundaries.

182. Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas, and should be given great weight in National Parks and the Broads. The scale and extent of development within all these designated areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.

This is not surprising when considering the requirements of the Countryside and Rights of Way Act 2000 (as amended) which were referred to earlier.

183. When considering applications for development within National Parks, the Broads and Areas of Outstanding Natural Beauty, permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. Consideration of such applications should include an assessment of:

- a) the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;
- b) the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and
- c) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.

This proposal is for major development and as such the Government has set an incredibly high bar. The use of the word “exceptional” is telling and Members are directed to consider three things –

- 1) is there a need? The Council’s own planning evidence indicates that there is not.
- 2) there are no details of cost, but my clients have identified an alternative site that could be delivered that is outside of the AONB (please refer to my comments about site selection and alternative sites above) and while more expensive in terms of land value, would not require the highway modifications proposed here and as such is likely to be cheaper to deliver.
- 3) the County appear to be relying on boundary planting (including Willow hedge that is out of context in this area) to in some way moderate the detrimental impacts on the AONB in terms of noise, dust, pollution, vehicle movements, lighting, and activity to name but a few.

What happens to the existing site if the application is approved?

The somewhat irregular plans submitted with this application (referred to above) do not include an accurate blue line (land under the control of the applicant) and indeed that line is omitted from the location plan. This is important because it removes any opportunity the planning committee has to

impose satisfactory planning conditions to ensure the former recycling centre is restored; the Council cannot enter a S106 Agreement with itself to ensure the restoration occurs.

It is worth noting that the existing site has a chequered history as well. It would appear that it was originally created under historic permitted development rights and is believed to have been associated with the creation of the dual carriageway. At the completion of the project the land, which was being used as a storage depot, was not restored to its former woodland but left. Some years later a successful argument was made that the land was, at that stage, in lawful use as a depot and could be treated as previously developed land. On 8 July 1992 the Council granted itself planning permission to use the site as a Household Waste Site.

Note the Cabinet Report, “Disposal, acquisition and exploitation of property” dated 31 January 2022.

Recommendations –

2. To formally declare the Sheringham Recycling Centre site, Holt Road, East Beckham. NR26 8TS (1025/11) and the adjacent former highway land surplus to County Council requirements and instruct the Director of Property to dispose of both properties subject to the replacement recycling centre being operational ...”

Clearly this is a poor choice of words as the presumption that planning permission will be granted seems to be accepted as a fait accompli. The report confirms that the existing site and adjacent former highways land by open market sale through auction or tender. Unless a publicly spirited philanthropist buys it there is no suggestion that the existing site will be restored. The impact on the AONB is therefore not ameliorated in any way.

This statement is in conflict with the applicant’s planning statement –

2.6 Upon completion of the construction of the proposed site, recycling centre operations will be relocated to the new area. The vacated existing site will have its infrastructure removed, and the area will be returned to natural woodland in line with its immediate surroundings.

As already discussed, a blue line has not been shown around the existing site and therefore planning conditions cannot be imposed requiring cessation of the use; a section 106 agreement cannot be entered into, and there can be little confidence that the Council will comply with the statement in its Planning Statement since it conflicts with a published Cabinet Report.

Impact on the AONB

Much work has been carried out with regard to Landscape Visual Impacts. It is not unreasonable to respectfully remind Members that planning exists for the benefit of the wider public and that an exercise of their own judgement can determine whether the proposed development will have a foreign, incongruous impact when compared with the site as it exists today.

But, regardless of visual impact it is important to recognise the Government's stance with regard to "Conserving and enhancing the natural environment". NPPF para 180 states –

180. Planning policies and decisions should contribute to and enhance the natural and local environment by:

- a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);
- b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;”

We are advised at para. 7.20 of the Planning statement that –

The development of the recycling centre has been kept low level with single storey buildings, and mitigation through extensive planting. Additionally, boundary fences are proposed to be black chain-link to soften their appearance. Living acoustic fencing will be installed to the western and northern boundaries.

It is hard to imagine any rational suggestion in which the introduction of a waste recycling facility with single storey buildings. Black chain link fences and a living acoustic fence made of willow (willow is found on the Broads, there are no Willow Coppices in Sheringham) protects and enhances the value landscape (i.e. AONB) or respects the "intrinsic character and beauty" of the countryside. It is equally difficult to understand a description of this site as "superb" as per the submitted planning statement unless such a statement was made while ignoring the site's constraints and designations.

The Planning Statement Addendum, responding to my client's initial objections, tried to make further justifications regarding the site selection process.

It states, "As the current Sheringham recycling centre has largely existed in harmony with its surroundings and neighbours, is in a location that does not cause additional congestion in the local town centres, and considering there were no other suitable sites identified in either land searches, the council proceeded to undertake soil condition investigations and preliminary design work for this site."



Figure 1 North Norfolk News, January 24 1992

The current recycling facility does benefit from planning permission although I have found limited information on the archived files. But it is important to note it was started without planning permission and, noting my comments above, should clearly never have been allowed either. On this occasion the Council is not being asked to consider a fait accompli but rather a proposal and although it should not have made any difference with the existing site, it can only be hoped that this time proper implementation of planning policy will occur.

Highway Safety

My clients have instructed Richard Jackson Engineering Consultants to review the proposals and make comment. I have appended a copy of [REDACTED] letter to mine.

I have copied his conclusions below –

Policy CS15 – The proposals fail to show that the site can be delivered against the provision of adequate highway capacity for all users and that there is a potential for the physical impacts of the traffic to impact the new carriageway and verges. In addition, the proposal fails to show there is provision of accessibility to provide for any pedestrians, in a safe manner.

Policy DM10 – The proposals fail to meet the policy in regard of suitable highway access and egress in accordance with published highway guidance and the TS appears to have a large underestimate of the traffic figures.

Policy CC09 - The designs fail to indicate proper provision for pedestrians based on the highlighted potential need due to local parking on the highway and safe and suitable access. There is also very little regard to show that the junction improvements have capacity to accommodate the proposed development traffic as there is no assessment of the A148/Holt Road junction or consideration to the vehicle tracking.

NPPF Para's 114 and 115 - As identified above, there are areas of the existing highway network that do not provide the correct or adequate provision for access, thus a safe and suitable access to the site cannot be achieved for all users, against the paragraph 114(b) of the NPPF. In addition, due to the lack of provision, there will be an unacceptable impact on highway safety, contrary to paragraph 115 of the NPPF.

NCC – Safe, Sustainable Development – The proposals fail to show how the junction improvements can be delivered with having a detrimental effect on the functionality of the A148 as part of the principal highway network.

Conclusion

When assessing a planning application, it is normal practice to consider whether the proposal is acceptable in principle. If the answer is “yes” then of course the details impacts are considered, if the answer is “no” and there are no material considerations identified that should lead the assessor to deviate from the Development Plan, there is often little value in consider the minutiae of the application.

In this instance there is no doubt in my mind that a major development, to create a waste recycling centre, in this location is unacceptable in principle. Planning is a matter of judgement and as a former Chief Planning Officer I argued that the assessment is one of the proposals, not one of the qualifications of the individual who ostensibly supported it. I do note however that I am not alone in my opinion.

- North Norfolk District Council objects to the application
- Norfolk Coastal Partnership objects to the application
- CPRE objects to the application
- Beeston Regis Parish Council objects to the application
- Norfolk County Council's Natural Environment Team have raised a holding objection to the application which has yet to be resolved.

The proposal does not accord with existing or emerging policy. It is clearly contrary to the NPPF. It does nothing to conserve and enhance the AONB one of the country's most highly prized areas. The Core Strategy recognises the AONB's importance in terms of its biodiversity and geodiversity. There

are some that may say, in these financially constrained times, environmental and ecological concerns appear to trump development that is required. I would suggest looking deeper into the supporting text of the Core Strategy which also states that the “Norfolk Coast AONB is a critical part of the tourism ‘offer’ of Norfolk, and the maintenance of its integrity is therefore extremely important.” It is easy when something as special as an AONB is local, to forget its national importance and take it for granted; but the impact on Norfolk’s tourist economy is something that would be far more difficult to be blasé about.

It is my opinion that the application should be refused.

Yours sincerely

[REDACTED]

cc [REDACTED]

Enc. *RJ Limited – Highway Assessment*