



Communities & Environment
Planning Services
County Hall
Martineau Lane
Norwich
NR1 2SG

Benjamin Medlock
Lime House
2 Road Two
Windsford
CW7 3QZ

NCC general enquiries: 0344 800 8020
Text relay no: 18001 0344 800 8020

Your Ref:
Date: 12 June 2024

My Ref: NMA/2024/0002
Tel No.: 01603 223318
Email: ralph.cox@norfolk.gov.uk

Dear Mr Medlock

Middleton: William George Sand & Gravel Limited, Mill Drove, Blackborough End, Kings Lynn PE32 1SW: Non-material amendment to Planning Permission Ref. C/2/2012/2015 to remove end date from description of development: William George Sand & Gravel Limited

I refer to the above application made under Section 96a of the Town and Country Planning Act 1990 and received by this authority on 14 May 2024.

The application proposes a Non-material Amendment (NMA) to planning permission **C/2/2012/2015** approved by this Council on 10 January 2013.

The amendments proposed consist of changes to the approved description of Development which was permitted as:

- **Variation of conditions 2, 3 and 12 of C/2/1999/2001 to extend dates of phased restoration scheme and to allow for an extension of time to complete restoration obligations at the site until 31 December 2024**

Although the application form also refers to allowing continued quarrying operations, that would not fall under the scope of a non-material amendment under Section 96a of the Town Country Planning Act, and it is understood a section 73 application will follow if this application is approved.

In order for the proposal to be a non-material amendment, the CPA has to be satisfied it is not material, having regard to the effect of the change, together with any previous changes made under this section of the Act, on the planning permission as originally granted.

The proposed change has been considered with regard to all relevant planning policy

documents and Government guidance, and in relation to the scale and nature of the approved scheme, and the amendment proposed **is considered to be non-material**.

This is on the basis that the requirement to cease activities will still be controlled by condition 2 of the extant planning permission.

Since the *Finney v Welsh Minister* Caselaw it has become common practice for developers to use this avenue where a potential future application made under section 73 of the Town and Country Planning Act 1990 could be caught by the caselaw with Lord Justice Lewison's response in relation to the *Finney v Welsh Ministers* Case was that "if a proposed change to permitted development is not a material one, then section 96A [a non-material amendment application] provides an available route".

In the light of this, this letter should be read in conjunction with the planning approval **C/2/2012/2015**, and the description of development shall now be read as follows:

- **Variation of conditions 2, 3 and 12 of C/2/1999/2001 to extend dates of phased restoration scheme and to allow for an extension of time to complete restoration obligations at the site**

If you have any queries, please do not hesitate to contact the case officer, Ralph Cox on 01603 223318.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Nick Johnson', with a long horizontal flourish extending to the right.

Nick Johnson
Head of Planning