

Resubmission of a Planning Application for a
Proposed Aggregates and Soil Recovery Facility

Newall Plant Limited
Heron Farm, Bunwell Road, Besthorpe, NR17 2LN

Planning Statement

June 2023

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1 Introduction

Background

- 1.1 This planning statement accompanies a planning application submitted to Norfolk County Council on behalf of Newall Plant Limited for an aggregates and soil recovery facility at Heron Farm, Besthorpe near Wymondham. The application is a resubmission of an application that was refused planning permission on 12th November 2021 (See paragraph 4.1). A previous application for the same use was submitted in September 2022 but was not registered by the County Council. This application represents a fresh application with revised plans and reports.
- 1.2 Heron Farm has been active as a civil engineering yard for many years and, under the aegis of Newall Plant Limited, it has specialised in plant hire, plant maintenance, groundworks, aggregates and muck away services. The business has in excess of 50 employees, about 30 of which are site based.
- 1.3 In more recent times it has been found that the off-site engineering works in Norfolk have been generating increasing amounts of materials capable of being recovered from construction, demolition and excavation materials. As a result there would be a regular flow of HGVs loaded with construction materials coming back to the yard. Some materials would have been processed at source and some untreated. Consequently the applicant obtained a planning permission for the storage of such materials and aggregates at Heron Farm in December 2019.
- 1.4 This current application takes the process one step further by incorporating the treatment of unprocessed materials into the activities at Heron Farm which will enable the business to operate more efficiently and reduce the road miles needed to transport such materials elsewhere.
- 1.5 An important material consideration is the granting of planning permission 3PL/2022/0333/F, granted by Breckland Council on 5TH August 2022. This specifically approved the earth bund and associated landscaping.

Community involvement

- 1.6 In May 2023 in accordance with Norfolk County Council's requirements the Local Community and the Parish Council were consulted if they wished to input into the planning application process, ahead of the planning application being submitted. A site notice was also erected. A number of neighbours did contact the planning team but no correspondence was received. No response from the Parish Council was received.

The planning application

- 1.7 The planning application includes the following documents and plans:
- Application Form
 - Planning Statement
 - Location Plan
 - Site Plan
 - Proposed Site Layout Plan
 - Dust Management Plan
 - Noise Impact Assessment
 - Landscape and Visual Appraisal
 - Landscape Proposals
 - Tree Survey and Arboricultural Assessment
 - Preliminary Ecological Appraisal
 - Plant Specification
 - Flood Risk
 - Statement of Community Involvement

2 The Site and its Setting

- 2.1 The application site is shown edged red on the Site Plan and extends in area to about 1.14 hectares. It comprises an area of hardstanding which is well screened by a five metre high earth bund to the north, east and south east. Used for the storage of aggregates and materials, the site forms part of the commercial premises occupied by Newall Plant Ltd. Immediately west there are several buildings used for storage and the general maintenance and repair of plant and equipment. Further west are the Company offices and staff and visitor car park.
- 2.2 The site is accessed via a private driveway directly off the C139 Bunwell Road with vehicular links via the C140 Bunwell Road / Station Road directly onto the A11 trunk road - a key route within Norfolk, connecting the site to major settlements within East Anglia, including the cities of Cambridge and Norwich.
- 2.3 Besthorpe village is about two kilometres west of the site with Attleborough a further kilometre. The nearest residential properties are some 110 metres and 160 metres respectively from the application site. Further clusters of residential properties lie 0.5 plus kilometres north east and north west of the site.
- 2.4 Agricultural land surrounds Newall's premises. Much of the land to the south was formerly the Old Buckenham airbase and some runway infrastructure still remains. The landscape character of the area is open countryside characterised as Plateau Farmland.

- 2.5 The site is located within Flood Zone 1, where there is a very low probability (less than 1 in 1000 annually) of flooding. The application site is not within or adjacent to a Conservation Area, nor is it within or adjacent to an Area of Outstanding Natural Beauty, Site of Special Scientific Interest, Air Quality Management Area, Special Landscape Area, Local Green Space, Area of Visual/Recreational Amenity, or any other land designated locally, nationally, or internationally for its environmental quality.

3 The Proposal

- 3.1 The 2019 permission allows the open air storage of plant, materials and aggregates. As stated above, the current application, if approved, will take that planning permission one step further by incorporating the treatment of unprocessed materials into the activities at Heron Farm. Mobile crushing and screening machinery will be used to recover aggregates and soil into saleable products for use in the local construction market, and within the wider Norfolk area.
- 3.2 The aggregates and soil recovery facility will provide four additional jobs to add to the 30 already provided on the Heron Farm site. However, no additional office space, welfare facilities or car parking will be required over and above what is already available in the yard as permitted under planning permission 3PL/2007/0147/CU (see 4.1 below). Similarly, operational support to maintain items of plant and equipment will be provided from the existing business facilities at Heron Farm.
- 3.3 It is estimated that the facility will process up to 60,000 tonnes per annum of inert materials. Incoming material will be checked in to ensure it is compliant with the Environmental Permit and then loose tipped into piles for grading. All deposited material will be tipped within the red line area. The material will then be fed by excavator into a mobile crusher / screen which separates out the various fractions of material into recovered graded aggregates, sands and soilⁱ. The processed material is then moved by loading shovel to stocking areas in the eastern and southern parts of the site. Sales of processed material are collected from the stocking area and loaded onto HGVs for distribution in the local construction market, and within the wider Norfolk area. The crusher and screen are mobile units likely to be deployed at any number of sites and as a result are regulated by non-locational environmental permits. It is intended that wherever possible processed material will be taken to market by HGVs which have brought unprocessed material to the site (back hauled).

- 3.4 As with the storage permission no loading or tipping processes shall be carried out at the site outside the hours of 07.00 to 18:00 Monday to Friday, 07:00 to 13:00 on Saturday nor at any time on Sundays, Bank Holidays or Public Holidays. (Notwithstanding this, 24 tips a year but no more than five per calendar month outside of the above hours are allowed under the terms of the storage permission.) However, the operation of the crushing and screening plants will be restricted to 07:30 to 16:30 hours, Monday to Friday. No lighting will be required - the facility will accord with health and safety regulations and not be operated during hours of darkness.

4 Planning History

- 4.1 The application site and immediate vicinity has been the subject of applications under the planning acts; those relevant to the current proposal are as follows:

- 3PL/2007/0147/CU - Full planning application for the 'change of use of existing farm buildings into offices, associated .HGV parking & storage of plant'. Granted 25.05.07¹.
- C/3/2015/3016 - Full planning application for 'the recovery of aggregates and soils from imported inert materials linked to the adjacent Newall Civil Engineering business'. Refused 18.12.15 and dismissed on appeal 07.02.17².
- 3PL/2018/1262/F - Full planning application for 'the change of use from agricultural land to open air storage (plant, materials and aggregates in connection with the operations of Newall Plant Ltd) and proposed associated works, including provision of earth bund and landscaping'. Granted 03.12.19³
- C/2020/0062 – Full planning application for the 'change of use of land from open air storage (plant, materials and aggregates in connection with the operations of Newall Plant Ltd) to aggregate and soil recovery facility'. Refused 12.11.21.⁴
- 3PL/2022/0333/F – Full planning application for Retention of Modified Earth Bund and Proposed Landscaping. Approved 5.7.22

¹ Details are available at:

<http://planning.breckland.gov.uk/OcellaWeb/planningDetails?reference=3PL/2007/0147/CU&from=planningSearch>

² Details are available at: <http://eplanning.norfolk.gov.uk/PlanAppDisp.aspx?AppNo=C/3/2015/3016>

³ Details are available at:

<http://planning.breckland.gov.uk/OcellaWeb/planningDetails?reference=3PL/2018/1262/F&from=planningSearch>

⁴ <http://eplanning.norfolk.gov.uk/PlanAppDisp.aspx?AppNo=FUL/2020/0062>

⁵

http://planning.breckland.gov.uk/OcellaWeb/viewDocument?file=dv_pl_files%5C3PL_2022_0333_F%5CODBP_DF238712.pdf&module=pl

- 4.2 The 2007 permission was not subject to any restrictive conditions. The premises have been continuously occupied and operated by Newall Plant Ltd.
- 4.3 The 2015 application was refused for two reasons:
1. The development was to take place on a greenfield site in the open countryside and was not, therefore, in accordance with NMWLDF Policy CS6 which requires wastes sites to be developed only on land already in waste management use; existing industrial/employment land or land identified for these uses in a Local Plan or Development Plan Document; other previously developed land; or contaminated or derelict land.
 2. Contrary to NMWLDF policies CS14 and DM14, it had not been possible to demonstrate that unacceptable impacts to local amenity would not occur.
- 4.4 The 2019 permission was subject to 11 conditions seven of which are designed to protect sensitive receptors from noise, air emissions and visual impact.
- 4.5 The 2021 refusal was refused for the following reasons:
1. The development would have an unacceptable adverse impact upon the landscape character and visual amenity of the area, with a negative impact upon the rural countryside location and the adopted Landscape Character Assessment. The LVIA accompanying the application uses a baseline for the landscape assessment which is unauthorised owing to the perimeter bunds not being built in accordance with the district council permission. The assessment is therefore misleading in that the landscape impact would be greater than that identified should the district council seek to regularise the bunds. The development would therefore not be in accordance with NMWDF Core Strategy Policies CS6, CS14 and DM8, and Breckland Local Plan Policies GEN 01 and ENV 05.
 2. The applicant has not demonstrated that any soft landscaping could be provided as part of this application to further mitigate the impact on landscape, owing to the inconsistencies between plans with particular reference to the red line site location plan and the topographical/proposed site layout plan submitted with the application. The proposals in this respect would be contrary to NMWDF Core Strategy Policies CS14 and DM8 and Breckland Local Plan Policies GEN 01 and ENV 05, in that officers are unable to assess if any additional landscaping could be secured as part of this application and any associated benefits which it may have.

5 Planning Policy Context

Determination of Applications

- 5.1 Section 70(2) of the Town and Country Planning Act 1990 must be read in conjunction with Section 38(6) of the Planning and Compulsory Purchase Act 2004. The former requires local planning authorities, in dealing with an application for planning permission, to have regard to the provisions of the development plan so far as is material to the application, and to any 'other material considerations'. The latter requires that applications under the Planning Acts be determined in accordance with the development plan, unless material considerations indicate otherwise.

Development Plan Policy

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

CS5: General location of waste management facilities

CS6: General waste management considerations

CS7: Recycling, composting, anaerobic digestion and waste transfer stations

CS13: Climate change and renewable energy generation

CS14: Environmental protection

CS15: Transport

DM1: Nature conservation

DM3: Groundwater and surface water

DM4: Flood risk

DM8: Design, local landscape and townscape character

DM10: Transport

DM12: Amenity

DM15: Cumulative impacts

- 5.3 Breckland Local Plan 2019 (BLP)

TR 01 Sustainable transport network

TR 02 Transport requirements

ENV 02 Biodiversity protection and enhancement

ENV 03 The Brecks protected habitats & species

ENV 05 Protection and enhancement of the landscape

ENV 06 Trees, hedgerows and development

EC 01 Economic development

EC 04 Employment development outside General Employment Areas

COM 03 Protection of amenity

Other Material Considerations

- 5.4 National Planning Policy Framework (NPPF) 2019
National Planning Policy for Waste (NPPW) 2014
Our Waste, Our Resources: A Strategy for England (2018)
Waste management plan for England (2013)

6 Planning Assessment

Principle of Development

- 6.1 At paragraphs 3.38 and 3.39 the NMWLDF states:

‘Additional inert waste recycling infrastructure is likely to be needed over the period of the Core Strategy, in line with the expected growth in inert waste arisings. However, a substantial – but unknown – fraction of the inert waste arisings is likely to continue to be recycled and re-used on large construction sites using mobile plant (because the quantities of waste processed in this way are commonly not measured).

The most reliable guide as to the quantitative need for inert waste processing plants is therefore likely to be potential new plant sites submitted by minerals and waste operators. Paragraph 22 of PPS10: *Planning for Sustainable Waste Management* states that: *“When proposals [planning applications] are consistent with an up-to-date development plan, waste planning authorities should not require applicants for new or enhanced waste management facilities to demonstrate a quantitative or market need for their proposal”*, so new proposals for waste recycling plants will be considered in that light.’

This Planning Statement will therefore not go into detail on the need for additional inert waste recycling facilities.

- 6.2 In the context of Policy CS5 of the NMWLDF, the site is regarded as a ‘non-strategic’ waste facility and is well related to the market town of Attleborough (only 3 kilometres away), as required by the policy. NMWLDF policy CS7 states the development of new recycling facilities will be considered favourably as long as they would not cause unacceptable environmental, amenity or highway impacts. These impacts have been assessed in the respective sections below.
- 6.3 Policy CS6 of the NMWLDF Core Strategy states that waste sites should 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 of land identified for these uses in a Local Plan or DPD;
- c) other previously developed land; and,
- d) contaminated or derelict land.

As described in the Introduction, the location of the proposed development is on previously developed land.

- 6.4 Policy DC 7 of the BLP seeks to address those proposals for employment uses outside of the General Employment Areas and allocated sites. The policy is criteria-based, stating that proposals will be permitted whereby:
- 'a. It is demonstrated that there are no other suitable sites available on identified or allocated employment sites;
 - b. There are particular reasons for the development not being located on an established or allocated employment site including:
 - i. The expansion of an existing business;
 - ii. Businesses that are based on agriculture, forestry or other industry where there are sustainability advantages to being located in close proximity to the market they serve; or
 - iii. Industries and / or businesses which would be detrimental to local amenity if located in settlements, including general employment areas.
 - c. The development of the site would not adversely affect the type and volume of traffic generated.'

From the description of the development in the Introduction it is clearly evident that the proposal represents an expansion to an existing business.

Amenity

- 6.5 In testing the suitability of sites for waste management facilities the NPPW states that in terms of noise, light, vibration and air emissions, including dust, consideration should include the proximity of sensitive receptors and the extent to which adverse emissions can be controlled through the use of appropriate and well-maintained and managed equipment and vehicles. NMWLDF policy CS14 refers to visual impact as well as noise, air emissions and lighting intrusion and DM12 states that development will only be permitted where "...unacceptable impact to local amenity will not arise from the operation of the facility." BLP policy COM 03 also seeks to prevent new development causing unacceptable impact on local amenity. NMWLDF 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.
- 6.6 The nearest residential properties to the site are Heron Farm and Herron Cottage the boundaries of which that are some 110 metres and 160 metres respectively from the application site. Further clusters of residential properties lie 0.5 plus kilometres north east and north west of the site.

- 6.7 Noise. The main sources of noise from existing operations on the application site come from the open air storage of materials and aggregates and are controlled by the limitations set out in Conditions 2 and 4 of the 2019 storage permission. New noise generating activities will be confined to the use of a dry screen and crusher. A Noise Impact Assessment (IEC December 2021) was carried out and concluded that the noise prediction calculations and site test measurements showed that:
- i. noise from the use of mobile processing plant within the designated area would not exceed noise criteria according to the Ministry of Housing, Communities and Local Government's Planning Practice Guidance (PPG) during the daytime for a mineral related site; and
 - ii. cumulative noise from the use of mobile processing plant and the recently permitted open air storage area would not exceed noise criteria according to PPG during the daytime for a minerals related development.
- The assessment concluded 'that with the implementation of the noise mitigation strategy to ensure that the noise levels and acoustic character of the plant do not change over time, the resulting noise levels are acceptable at neighbouring noise sensitive receptor locations'.
- 6.8 Dust. The proposal is accompanied by a Dust Management Plan (Westbury Environmental Ltd, September 2022). It is considered that dust emissions from the proposed operations will not cause significant environmental harm or nuisance to neighbours due to the scale, type of materials handled and location of the operations; the prevailing meteorological conditions; the type of receptors and the distances these are away from the site; and the mitigation measures proposed in the report (see table 5.2 of the report).
- 6.9 Lighting. No additional lighting is required for the proposed development above and beyond what is already in place for the existing storage operation. Therefore, the lighting within the development proposal is unlikely to have any impact on local amenity, intrinsically dark landscapes and nature conservation.
- 6.10 Visual Intrusion. The proposal is accompanied by a Landscape and Visual Appraisal (Broom Lynne, December 2021) which concludes that the visual impact from public viewpoints will be imperceptible and those from private viewpoints are limited to minor views from close proximity and therefore of negligible impact.
- 6.11 In summary it is considered that the assessments referred to above all demonstrate that unacceptable impacts to local amenity will not arise from the operation of the aggregates and soil recovery facility.

Landscape and Trees

- 6.12 Both NMWLDF Policies CS14 and DM8 seek to only permit development that does not have unacceptable impacts on the character and quality of the landscape. BLP Policy ENV 05 states that development should have particular regard to maintaining the aesthetic and biodiversity qualities of natural and man-made features within the landscape, including a consideration of individual or groups of natural features such as trees, hedges and woodland or rivers, streams or other topographical features. Also, proposals will have regard to the findings of the Council's Landscape Character Assessment (LCA) and Settlement Fringe Landscape Assessment. BLP Policy ENV 06 requires appropriate landscaping schemes to mitigate against landscape impact. Where a proposed development retains existing trees and hedgerows on-site, or where development occurs within a tree root protection area, BLP Policy ENV 06 requires that any impacts a development may have on trees is evaluated at the earliest opportunity via an Arboricultural Impact Assessment.
- 6.13 The proposal is accompanied by a Landscape and Visual Appraisal (LVA) (Broom Lynne, December 2021). The appraisal notes that the site is located within an agricultural area typical of the character of the Old Buckenham Plateau Landscape Character Area, an elevated, gently undulating plateau landscape with distant though intermittent views and a field pattern which is irregular and large in scale, fields being bounded by hedgerows and occasional hedgerow trees.
- 6.14 It further notes that the existing site is an active operational area located within an original farm complex, with boundary tree planting and grass bunds. The overall appearance from a distance is of a typical isolated farmstead, characteristic of this character area. Most of the existing mechanical activity is screened by the trees and bunding, so that there is little perception of the intensity of activity here. It concludes that the proposal is located within an area of existing intensive agriculture, activity and development, and will have no impact on landscape character.
- 6.15 To soften the visual impact of the northern boundary and north east corner of the bund it is proposed to plant a native hedgerow and tree edge mix as shown on the landscape proposals plan accompanying the application and reproduced at page 39 of the LVA. The proposals also include the retention and protection of the tree and hedgerow cover along the eastern boundary of the bund. This hedgerow is illustrated at pages 27 and 28 of the LVA and referred to in the proposals that in the event of any deterioration it will be replaced with new planting.

- 6.16 A tree survey and arboricultural assessment (Oakfield Arboricultural Services, September 2022) was carried out in accordance with BS 5837: 2012 'Trees in Relation to Design, Demolition and Construction – Recommendations.' The report concludes that 'the proposal will have no material effect on the surveyed vegetation and as such there are no arboricultural concerns. No protection measures are required as the existing bund will prevent any access to the root areas of all trees.'

Biodiversity

- 6.17 NMWLDF Policies CS14 and DM1 require that development does not have an adverse impact on locally or nationally designated sites. The former policy further identifies the need to protect Norfolk's natural environment indicating that there should not be an adverse impact on biodiversity and geodiversity, including nationally and internationally designated sites and species, habitats and sites identified in Biodiversity Action Plans. Similarly BLP policy ENV 02 seeks to enhance biodiversity within the district of Breckland. Paragraphs 170 and 175 of the NPPF state, inter alia, that the planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.
- 6.18 The site is not covered by any statutory or non-statutory wildlife site designation. The nearest statutorily designated site is the New Buckenham Common Site of Special Scientific Interest (SSSI) which is located 4.4 kms from the site boundary. However, as there is little habitat connectivity between this SSSI and the application site, any development on this site is unlikely to have any significant impact on the condition of the SSSI.
- 6.19 The application is accompanied by a Preliminary Ecological Appraisal (Applied Ecology Ltd, September 2022) which has the following conclusion and recommendations:

'No statutory wildlife sites or ancient woodland are located close to the Site, and the Site is not located within a SSSI Impact Risk Zone that is relevant to the Development being proposed.

The Site is dominated by hardstanding and bare ground habitats of negligible ecological value and is subject to high levels of disturbance due to existing operations.

The section of boundary hedgerow located in the northern part of the Application site, which includes a single ash tree of low suitability for roosting bats, is scheduled for removal to facilitate the proposed Development.

The removal of the northern hedgerow would need to be completed outside of the bird breeding period (March-August) to

minimise the risk of killing / injuring nesting birds during the clearance works. If clearance during the nesting period is unavoidable, this must follow a careful and thorough check of the hedgerow for nesting bird presence by a suitably experienced ecologist and could only proceed if the check confirms absence. Aside from the likely presence of nesting birds in hedgerow boundaries, no other protected species constraints have been identified by the PEA.'

Transport

- 6.20 NMWLDF Policies CS15 and DM10 require that access to proposed new waste facilities will be satisfactory where anticipated HGV movements do not generate, inter alia, unacceptable risks/impacts to the safety of road users and pedestrians; the capacity and efficiency of the highway network; and in respect of air quality and residential and rural amenity. BLP policy TR 01 promotes a safe, efficient and convenient sustainable transport system and TR 02 sets out transport requirements. Paragraph 109 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 6.21 Pre-application advice from the Highway Authority did not envisage an objection to the proposal provided that it is on 'a similar level to that previously proposed' and that, if approved, it is made subject to the previously recommended conditions. This reference to a previous proposal is a planning application for an aggregates recovery facility on an adjacent site which was recommended for approval but refused by the planning committee in 2016 (C/3/2015/3016, see paragraphs 4.1 and 4.3 above). The proposed conditions were in respect of carriageway markings at the existing vehicular access to the C139, a HGV Management Plan for the routing of HGVs to and from the site and off-site highway improvement works of passing places on the C139 Bunwell Road. The HGV Management Plan was to include monitoring of the approved arrangements during the life of the site; ensuring that all drivers of vehicles under the control of the applicant are made aware of the approved arrangements; the disciplinary steps that will be exercised in the event of a default and appropriate signage advising drivers of the vehicle routes agreed with the Highway Authority.
- 6.22 The current proposal is for the same level of throughput as the 2016 application, that is, 60,000 tonnes per annum. So around 60,000 tonnes of materials will need to be brought in and then taken out again after treatment. The worst-case scenario is that the recovery operation will generate a maximum number of movements in the order of 22 20-tonne loads per day (44 HGV movements).

The figure has been calculated on the following basis:

*Maximum input 60,000 tonnes per annum
277 working days per year
Material arriving and leaving in 20 tonne loads*

Incoming Material

*60,000/277 = 217 tonnes per day
217/20 = 10.8 (11) loads per day (22 HGV movements)*

Outgoing Material

*60,000/277 = 217 tonnes per day
217/20 = 10.8 (11) loads per day (22 HGV movements)*

*Total average daily loads (worst case) will be **22** (44 HGV movements)*

The facility is anticipated to operate a 61 hour week over 5.5 days, that is a 10 hour day (approximately) in terms of import and export of materials and on this basis the average level of HGV traffic generation from this worst-case scenario would be in the order of just over two loads (four HGV movements) per hour.

- 6.23 However, the 22 loads do not represent an increase over the current situation for two reasons. First, in the light of the reciprocal nature of the activities of importing unprocessed materials, and exporting processed materials as aggregates for use in infrastructure and construction projects, a highly efficient use of HGVs is expected. That is, HGVs importing unprocessed materials will often export processed materials. The net figure is therefore expected to be much lower than the 22 per day.
- 6.24 Secondly, Newall plant Ltd is a well-established business with authorisation from the traffic commissioner to operate 28 HGVs and eight trailers. The business offers plant hire, aggregates, groundworks and a muck away service. In 2019 planning permission was granted for the storage of plant, materials and aggregates with no limit set on the quantities of materials or aggregates imported or exported. The current daily movement of HGV traffic can be said to be at least 56 one-way journeys. The proposal to introduce a recovery facility does not increase the number of traffic movements but instead provides a greater opportunity to reduce the overall number of current movements by exercising the reciprocity referred to in the previous paragraph which with the rise in diesel costs and the need to operate a business efficiently will result in the majority of HGV tipper trips being back hauled. As a result the proposal conforms with BLP Policy EC04 that employment development outside General Employment Areas will be permitted where, inter alia, 'the development of the site would not adversely affect the type and volume of traffic generated'.

- 6.25 As stated in paragraph 6.21 above pre-application advice from the Highway Authority is that the current proposal would be acceptable provided that it was subject to the previously recommended conditions. The recently permitted storage permission (referred to in paragraph 6.24) was subject to a condition (now discharged) requiring off-site highway improvements including passing bays and give way markings.

Sustainability

- 6.26 NMWLDF policy CS13 seeks to ensure new developments generate a minimum of 10% renewable energy on site. NMWLDF Policy DM11 seeks to ensure sustainable development will be promoted by requiring facilities to demonstrate consideration of good design and layout; the use of recycled and secondary materials and water efficient design, including water recycling and sustainable drainage measures.
- 6.27 As a relatively small open-air facility for recycling inert materials, there are no opportunities available for generating decentralised or renewable energy on site as per policy CS13. Policy DM11 is not relevant to the determination of this proposal. Water is not used in the process and no new fixed plant or permanent buildings are proposed. Therefore 'water efficient design', 'design standards' and the use of sustainable materials' in construction are not considered relevant.

Flood Risk, Groundwater and surface water

- 6.28 NMWLDF policy DM3 seeks to ensure that developments do not adversely impact on ground water quality or resources, or surface water quality or resources. The proposed development is also subject to an Environmental Permit which requires the site to be operated in accordance with a management system that identifies and minimises the risks set out in the generic risk assessment that accompanies the permit and which includes risks to surface waters and groundwater.
- 6.29 The proposed facility seeks only to process inert materials and soils and as such there should be no material on site that would present a pollution threat to water resources. The only potential threat to groundwater is from fuel spills linked to the mobile plant and excavators. To nullify this risk the operator already operates a bunded fuel bowser with drip trays and a stock of fuel spill kits to ensure that any spillages, no matter how unlikely, can be cleaned up quickly. These exist on the adjacent HGV and plant storage site where there are significantly more items of plant operating or stored.
- 6.30 The Environment Agency Flood Map identifies the development site to lie within Flood Zone 1, where the chance of flooding in any given year is less than 1 in 1000 (0.1%). The site therefore poses little risk from flooding. The processing site comprises a permeable stone surfaced hardstanding able to handle surface water run-off from precipitation. The

only additional water likely to arise on site is via water sprays to reduce dust emissions. However, these are only required during dry windy conditions.

- 6.31 It is considered that the development is unlikely to adversely impact upon groundwater or surface water quality and is therefore compliant with policy DM3.

Heritage

- 6.32 There are no heritage assets or their settings in the vicinity of the application site that would be harmed as a result of the proposed development. The nearest designated heritage assets are two sections of Bunns Bank (scheduled monuments) to the south west and north east of the site (both over 1km distant) neither of which are visible from the site. Besthorpe Hall 1.5km to the west contains two grade II listed structures - the Hall and its garden walls. The Heritage England website does not show any designated heritage assets on land to the east of the site.

- 6.33 Given there are no cultural heritage assets around the application site that would be adversely affected by the proposed aggregates and soil recovery facility then the proposal is considered to be in accordance with policies CS14 and DM8 of the NMWLDF and policy ENV 07 of the BLP.

Cumulative impact

- 6.34 NMWLDF Policy DM15 seeks to ensure that, where there are a number of other existing, permitted or allocated mineral extraction sites and/or waste management facilities close together, the cumulative impacts are considered fully. This echoes the NPPW which also identifies the cumulative effect of existing and proposed waste facilities on the well-being of the local community as a material consideration.

- 6.35 There is a waste transfer station just over one kilometre to the north. However, noise and dust impacts are typically very localised and the two sites share no common receptors. Traffic and HGV movements are covered by designated routes to and from the A11 that do not overlap. There are no other minerals or waste developments locally that might result in an accumulation of effects that would be considered unacceptable.

7 Planning Balance and Conclusion

- 7.1 As identified in Section 70(2) of the Town and Country Planning Act 1990 and Section 38(6) of the Planning and Compulsory Purchase Act 2004, the development plan remains the starting point for the determination of an application.
- 7.2 In broad strategic terms the location of the site is consistent with the aims of NMWLDF Policy CS5 which identifies the general location of waste management facilities. The proposal is well related to the market town of Attleborough as required by the policy. It also meets the locational requirements of CS 5 i) and ii).
- 7.3 The application site is an area of land upon which a change of use from agricultural land to open air storage (plant, materials and aggregates) was permitted and has been implemented. As such the site is in accordance with NMWLDF Policy CS6 which identifies types of land, including previously developed land, as being appropriate for waste management facilities. The site is also in accordance with BLP Policy DC7 which addresses those proposals for employment uses outside of General Employment Areas and allocated sites. It states that proposals will be permitted where there are particular reasons for the development not being located on an established or allocated employment site including, as in the current case, the expansion of an existing business.
- 7.3 In terms of NMWLDF Policy C7 and relevant development management policies no unacceptable impacts have been identified in relation to residential amenity, designated nature conservation sites, landscape character, or the highway network.
- 7.4 Since the refusal of the last planning application, planning permission has been granted by the Breckland District Council for the retention on the soil bund and associated landscaping (3PL/2022/0333/F). Given the two reasons for refusal of the County Application specifically related to the landscaping impact from the proposed bund this issue has now been addressed and received planning permission. This has resulted in additional landscaping being implemented as part of the District planning permission. There is therefore no planning reason to not support this important recycling operation.
- 7.5 Having reviewed all relevant environmental and policy considerations in respect of the proposal it is concluded there are no planning reasons why an aggregates and soil recovery facility cannot be accommodated within the civil engineering business at Heron Farm.
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