

## **Norfolk Minerals and Waste Development Framework**

### **Monitoring Report 2014-2015**

- Implementation of the Minerals and Waste Development Scheme
- Policy Performance
- Monitoring and Enforcement

May 2016

# Norfolk County Council

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# 1. Introduction

Section 35 of the Planning and Compulsory Purchase Act 2004 (amended by the Localism Act 2011) requires every local planning authority to produce a monitoring report (MR). The Monitoring Report should contain information on the implementation of the Minerals and Waste Development Scheme (MWDS), the extent to which the policies set out in Local Development Documents are being achieved. The publication of this Monitoring Report covers the period from 1 April 2014 to 31 March 2015.

This publication contains information on actions taken by the Mineral and Waste Planning Authority during the period covered by the Monitoring Report, to meet the Duty to Co-operate requirements contained within the Localism Act 2011. This information is included as required by the Town Planning & Compulsory Purchase (Local Plan) Regulations 2012, Part 8.

Progress on document production will be monitored against the milestones in the Local Development Scheme. As well as reporting on the progress of the Local Development Framework, this Monitoring Report will also report on the effectiveness of consultations undertaken during the reporting period.

The Monitoring Report covers the performance of the policies in the Norfolk Core Strategy and Minerals and Waste Development Management Policies DPD ('the Core Strategy') which was adopted in September 2011. This includes information such as the number of times a policy has been used in determining a planning application, policies that were used in refusing an application and also the outcomes of any appeals.

The progress of monitoring and enforcement of minerals and waste sites is also reported in the Monitoring Report. This section includes information on monitoring, inspections, liaison meetings, enforcement action and aftercare programmes undertaken by Norfolk County Council.

The Monitoring Report contains the following main sections covering the period April 2014 to March 2015:

- Review of the Norfolk Minerals and Waste Development Scheme (MWDS)
- Policy Performance, including a review of policy implementation
- Monitoring and enforcement
- Minerals data is reported in the Local Aggregate Assessment and Silica Sand Assessment (separate document)
- Waste management data is reported in a separate Waste Data monitoring report

## 2.0 Review of the Minerals and Waste Development Scheme

### 2.1 Minerals and Waste Development Scheme

The MWDS (updated on 1 June 2013) sets out the timetable for producing minerals and waste planning policy documents, including those forming part of the Norfolk Minerals and Waste Development Framework (NMWDF), and identifies the resources needed to do the work.

The Norfolk 'Core Strategy and Minerals and Waste Development Management Policies DPD' was adopted by Norfolk County Council in September 2011. A full review of the Core Strategy should be undertaken five years after adoption of the document and the timetable for this review is included in the MWDS and in Table 2 below.

The Minerals Site Specific Allocations and the Waste Site Specific Allocations documents were adopted by Norfolk County Council in October 2013. A full review of both the Minerals and the Waste Site Specific Allocations DPDs should be undertaken five years after adoption of the documents. However, Norfolk County Council has agreed to an early review of the Minerals Site Specific Allocations DPD in recognition of an under allocation of silica sand extraction sites. The timetable for the Single Issue Silica Sand Review is contained in the MWDS and in Table 1 below.

<b>Table 1: MWDS timetable for the Minerals Site Specific Allocations DPD - Single Issue Silica Sand Review to be produced compared with actual date produced/to be produced</b>		
<b>Stage</b>	<b>Date timetabled in the Development Scheme</b>	<b>Actual date produced/ anticipated production date</b>
<b>Preparation of Local Plan Consultation (Regulation 18)</b>	June 2015 – Aug 2015	Initial Consultation: March to April 2015 Preferred Options Consultation: November to December 2015
<b>Pre-Submission representations period (Regulation 19)</b>	Oct 2015 – Dec 2015	May to June 2016
<b>Submission (Regulation 22)</b>	February 2016	September 2016
<b>Hearing commencement (Regulation 24)</b>	April 2016	November 2016
<b>Inspector's Report</b>	May 2016	January 2017
<b>Adoption (Regulation 26)</b>	June 2016	April 2017

The reasons for the delay in the Silica Sand Review process are:

1. The adopted Scheme only included on consultation stage, but we have carried out two consultations – one on the approach to be taken to the Silica Sand Review and one on the proposed specific site and defined areas of search.
2. Insufficient sites were proposed in response to a 'call for sites' and therefore officers needed to define areas of search and assess them.
3. The time planned between the Submission of the Silica Sand Review to the Secretary of State and receipt of the Planning Inspector's report was too short

in the original timetable.

4. The committee cycle affects when documents can be agreed for publication. The Environment, Development and Transportation Committee meetings and full Council meetings are held every other month. The first full Council meeting after the expected receipt of the Inspector's Report is in April 2017.

**Table 2: MWDS timetable for the Review of the Core Strategy and Minerals and Waste Development Management Policies DPD to be produced compared with actual date to be produced**

<b>Stage</b>	<b>Date timetabled in the Development Scheme</b>	<b>Actual date produced/ anticipated production date</b>
<b>Preparation of Local Plan Consultation (Regulation 18 Stage)</b>	June 2015 – August 2015	Initial Consultation: June to August 2017  Preferred Options Consultation: February to March 2018
<b>Pre-Submission representations period (Regulation 19 Stage)</b>	October 2015 - December 2015	November to December 2018
<b>Submission (Regulation 22)</b>	January 2016	March 2019
<b>Hearing commencement (Regulation 24)</b>	April 2016	May 2019
<b>Inspector's report</b>	July 2016	August 2019
<b>Adoption (Regulation 26)</b>	Sept 2016	October 2019

The reasons for the delay in the Core Strategy Review process are:

1. Reduced resource in the Minerals and Waste Policy Team since June 2013.
2. The original scheme only included one consultation stage, but we are now planning to undertake two consultation stages.
3. The additional work required for the Silica Sand Review has reduced the resource available for the Core Strategy (CS) and Development Management (DM) Policies Review.
4. The committee cycle affects when documents can be agreed for publication. The Environment, Development and Transportation Committee meetings and full Council meetings are held every other month.
5. The Review of the CS and DM Policies DPD will become a review of the Norfolk Minerals and Waste Local Plan as a whole – incorporating the CS and DM Policies DPD, the Minerals Specific Site Allocations DPD and the Waste Specific Site Allocations DPD. This is therefore a larger piece of work than only reviewing the CS and DM Policies DPD, but will be more efficient in terms of consultation stages. Reviewing all three adopted documents together will also enable the specific site allocation documents to be reviewed.

Due to the differences between the timetabled dates in the adopted MWDS and the expected production dates for the remaining stages of the Silica Sand Review and all stages of the Review of the CS and DM Policies DPD a revised MWDS will be prepared.

## 2.2 Consultation Participation and Response

### Minerals Site Specific Allocations DPD – Single Issue Silica Sand Review

In this reporting period (April 2014 to March 2015) a consultation period took place on the Single Issue Silica Sand Review of the Minerals Site Specific Allocations DPD (for six weeks from 4 March to 20 April 2015) (Regulation 18 stage).

A total of 28 people /organisations responded to this consultation period. 28 of the respondents made a total of 102 representations on the Silica Sand Review Initial Consultation and 7 of the respondents made 27 representations on the Sustainability Appraisal Scoping Report.

Responses were received from the following Local Planning Authorities: King’s Lynn and West Norfolk, North Norfolk, Norwich City, Breckland, Broadland, South Norfolk and the Broads Authority.

Responses were received from the following Mineral Planning Authorities: Worcestershire County Council, North Yorkshire County Council and Surrey County Council.

The tables below summarise the number of responses received to this consultation period on the Silica Sand Review Initial Consultation and on the Sustainability Appraisal Scoping Report. The contents of the responses were recorded separately in the Initial Consultation Feedback Report, which was published in June 2015.

### Representations received to Silica Sand Review Initial Consultation 2015

Question topic	Respondents	Representations
1. Silica sand shortfall	5	5
2. Roydon Common and Dersingham Bog Ramsar	7	7
3. The Wash and North Norfolk Coast SAC, SPA and Ramsar	5	5
4. SSSI qualifying features	5	5
5. SSSI distances	5	5
6. ancient woodland	3	3
7. heritage assets distances	5	5
8. heritage assets consultation	5	5
9. amenity impacts	4	4
10. allocated housing sites	4	4
11. agricultural land	4	4
12. flood risk	4	4
13. previous silica sand workings	3	3
14. carstone resource	4	4
15. silica sand geology	4	4
16. landowner willingness	2	2
17. preferred areas and areas of search	6	6
18. any other issues	24	27
<b>Total</b>	<b>28</b>	<b>102</b>

## Representations received to Sustainability Appraisal Scoping Report

Section	Respondents	Representations
Task A1: relationship with other plans, policies and programmes	5	5
Task A1: Key messages in review of plans, policies and programmes	1	1
Task A2: Sustainability baseline summary	5	5
Task A2: Description of current sustainability baseline	4	5
Task A2: Evolution of the sustainability baseline	2	2
Task A3: sustainability problems, issues and recommendations	3	3
Task A4: Development of SA/SEA Objectives	5	6
<b>Total</b>	<b>7</b>	<b>27</b>

### 2.3 Duty to Co-operate

The Town and Country Planning (Local Planning) Regulations 2012 (part 8) states that the local planning authority's monitoring report must give details of what action they have taken during the period covered by the report in relation to the Duty to Co-operate. Details of the relevant cooperation that has taken place during 2014/15 are therefore provided below.

The council is inclusive throughout the plan making process, engaging and co-operating with neighbouring authorities, undertaking of public consultation exercises and working closely with key stakeholders. The council considers this process of engagement to be on-going. In 2014/15 a six week Initial Consultation took place on the Single Issue Silica Sand Review of the Minerals Site Specific Allocations DPD. The council has also responded to consultations and directly engaged on minerals and waste plans prepared by neighbouring authorities.

#### Waste

In addition to formal consultation processes, the County Council, as Minerals and Waste Planning Authority, maintains liaison with its peer authorities in the (formerly defined) East of England Region through quarterly meetings of the East of England Waste Technical Advisory Body (EoEWTAB).

In addition to the County Councils adjacent to Norfolk in the East of England (Suffolk and Cambridgeshire), the meetings of the EoEWTAB include representatives of Essex and Hertfordshire County Councils, Central Bedfordshire, Bedford Borough, Luton, Thurrock, Southend-on-Sea and Peterborough Councils. The EoEWTAB is also attended by the Environment Agency, a representative of the South East Waste Planning Advisory Group, and a secretary/coordinator who also attends meetings of the London WTAB and the South East Waste Planning Advisory Group.

## Minerals

In addition to formal consultation processes, the County Council, as Minerals and Waste Planning Authority, maintains liaison with its peer authorities in the (formerly defined) East of England Region through 6-monthly (as a minimum or as required) meetings of the East of England Aggregates Working Party (EoEAWP).

In addition to the County Councils adjacent to Norfolk in the East of England (Suffolk and Cambridgeshire), the meetings of EoEAWP include representatives of Essex and Hertfordshire County Councils, Central Bedfordshire, Bedford Borough, Luton, Thurrock, Southend-on-Sea and Peterborough Councils. The EoEAWP also includes a representative of DCLG, the London Aggregates Working Party, and the South East Aggregates Working Party. The data and information collected by EoEAWP from its constituent MPAs is collated and published in Annual Monitoring Reports (AMR).

## Norfolk

Within Norfolk, a **Norfolk Strategic Services Coordinating Group** was established in 2008, comprising quarterly meetings with the Norfolk district level authorities, the Highways Agency, Environment Agency, Anglian Water, UK Power Networks, Norfolk Fire Service, NHS and representatives of Norfolk's Children's and Community Services, Library and Information Service, and the County Council as a Highway Authority and a Minerals and Waste Planning Authority.

In addition, meetings of a **Norfolk Strategic Planning Group** take place on a monthly basis, involving officer representatives from the County Council, the Norfolk District/Borough Councils, Norwich City Council, and the Broads Authority, to consider strategic planning policy issues including minerals and waste. The purpose of the group's meetings is to share information and good practice, and to liaise over the production of local plans. In addition to this group, meetings are held between the County Council and individual Districts to discuss strategic planning issues including minerals and waste, and to liaise over the planning and provision of services by the County Council.

In addition, a quarterly **Norfolk Strategic Planning Member Forum** has been meeting since October 2013. The purpose of the forum is for members to discuss the strategic issues that are planning related and affect all or the majority of local planning authorities and others affected by the Localism Act's 'Duty to Cooperate'. The forum membership includes the portfolio holders for Strategic Planning in Norfolk's Local Planning Authorities, with an open invitation to attend for the planning portfolio holders and officers of Suffolk, Cambridgeshire and Lincolnshire authorities. The forum will discuss the implications of these issues for plan-making, or other activities that contribute towards plan-making under the duty (such as evidence base studies) and work to achieve a common understanding or approach to that issue. The Forum meets on a quarterly cycle, with additional meetings to discuss single issues arranged on an ad-hoc basis. It is chaired by a councillor elected by the forum on an annual basis.

The objectives of the Norfolk Strategic Planning Member Forum (as agreed in January 2014) are:

1. To discuss strategic planning issues that affect local planning authorities
2. to understand the viewpoints of other authorities

3. to consider and comment upon relevant supporting evidence base to support local plans (as appropriate)
4. to consider the need for joint or coordinated working on particular topics or evidence

### **Local Plan meetings between Norfolk County Council and Norfolk's Local Planning Authorities**

These meetings have been held since 2004 to allow discussions regarding the current Local Plan situation in each Local Planning authority, to ensure that the parties to the meeting are aware of potential issues and to promote meaningful dialogue. The Mineral and Waste Planning Authority has been attending since 2011. The meetings are held on a six monthly basis. The meeting consists of officers of Norfolk County Council in its capacity as the Mineral and Waste Planning Authority, Highway Authority, Local Education Authority, Lead Local Flood Authority, Public Health Authority, the Infrastructure and Economic Growth Team, and the Local Planning Authority.

### **During 2014/15 financial year**

During the 2014/15 financial year, a six week Initial Consultation on the Single Issue Silica Sand Review of the Minerals Site Specific Allocations DPD took place, as detailed in section 2.2 of this report.

Co-operation with other relevant planning authorities also continued through participation in:

- Norfolk Strategic Services Co-ordinating Group
- Norfolk Strategic Planning Group
- Norfolk Strategic Planning Member Forum
- East of England Aggregates Working Party
- East of England Waste Technical Advisory Body
- Consultations on minerals and waste plans prepared by neighbouring authorities and other relevant planning authorities

Silica sand is a nationally important industrial mineral, which is also scarce within England. Resources occur in scattered locations across the country. The silica sand in Norfolk is predominately used in glass manufacturing plants in northern England. Therefore, correspondence regarding silica sand has continued with Mineral Planning Authorities where silica sand resources or manufacturing plants occur. These MPAs include North Yorkshire, Staffordshire, Surrey, Kent, Nottinghamshire, Lincolnshire, North Lincolnshire, Worcestershire, Central Bedfordshire, Essex and Cheshire East Council.

## 3.0 Policy Implementation 2014-2015

### 3.1 Summary of Policy used in Reasons for Approval/Refusal

On 26 September 2011, the Norfolk Core Strategy and Minerals and Waste Development Management Policies Development Plan Document (the 'Minerals and Waste Core Strategy') was adopted and this document contains the relevant local policies used to determine minerals and waste planning applications.

There were 61 planning applications for minerals and waste development determined between 1 April 2014 and 31 March 2015. All but one application was approved. The policies referred to in the reasons for approval or refusals were as follows:

#### Core Strategy and Minerals and Waste Development Management Policies DPD (adopted September 2011)

Policy Number	Policy Description	Number of Times Used	
		Approval	Refusal
CS1	Minerals Extraction	22	0
CS2	Locations for Mineral Extraction	22	0
CS3	Waste Management Capacity	10	0
CS4	New Waste Management Capacity	9	0
CS5	Location of Waste Management Facilities	21	0
CS6	Waste Management Considerations	41	0
CS7	Recycling, Composting, Anaerobic Digestion and Waste Transfer Stations	19	0
CS8	Residual Waste Treatment	0	0
CS9	Inert Waste Landfill	0	0
CS10	Non-Hazardous and Hazardous Waste Landfill	0	0
CS11	Waste Water and Sewage Facilities	7	0
CS12	Whitlingham Waste Water Treatment Works	1	0
CS13	Climate Change and Renewable Energy	22	0
CS14	Environmental Protection	56	1
CS15	Transport	53	1
CS16	Safeguarding Sites	8	0
CS17	Secondary and Recycled Aggregates	9	0
DM1	Nature Conservation	35	0
DM2	Core River Valleys	9	0

Policy Number	Policy Description	Number of Times Used	
		Approval	Refusal
DM3	Groundwater and Surface Water	46	1
DM4	Flood Risk	39	1
DM5	Borrow Pits and Water Reservoirs	0	0
DM6	Household Waste Recycling Centres	0	0
DM7	Safeguarding Aerodromes	2	0
DM8	Design Local Landscape and Townscape Character	57	0
DM9	Archaeological Sites	14	0
DM10	Transport	54	1
DM11	Sustainable Development	17	0
DM12	Amenity	58	1
DM13	Air Quality	30	1
DM14	Progressive Working, Restoration and Afteruse	28	0
DM15	Cumulative Impacts	24	0
DM16	Soils	23	0

On 28 October 2013, the Norfolk Minerals Site Specific Allocations DPD and the Norfolk Waste Site Specific Allocations DPD were adopted. These documents contain local policies used to determine minerals and waste planning applications located at the specific sites allocated in these plans.

No planning permissions for new waste management facilities were granted on the waste site specific allocations in 2014/15.

Planning permission was granted for five of the minerals site specific allocations in 2014/15, as follows:

In accordance with Policy MIN 84, planning permission was granted for the extraction of 1,600,000 tonnes of sand and gravel from land at Holt Road, East Beckham, Sheringham.

In accordance with Policy MIN 45, planning permission was granted for the extraction of 1,560,000 tonnes of sand and gravel from land at Coxford Abbey Quarry, Syderstone, Fakenham. This permission is for part of the site allocated in the Minerals SSA and an additional field. The estimated resource in the whole site in the Minerals SSA is 3,600,000 tonnes.

In accordance with Policies MIN 83, MIN 90 and MIN 91, planning permission was granted for the extraction of 2,370,000 tonnes of sand and gravel from land at Norton Subcourse Quarry. The estimated resource in these sites in the Minerals SSA was a total of 2,331,000 tonnes.

### 3.2 Refused Applications

One planning application was refused approval due to non-compliance with policy in the period between 1 April 2014 and 31 March 2015.

Location/ Planning App. Ref.	Proposal	Policies used in grounds for refusal	
River Farm, Clenchwarton  C/2/2014/2002	Change of use of agricultural building to waste transfer station, siting of portacabin, erection of fencing, external vehicle and skip storage and lorry wash area.	CS15 DM10 DM4 DM12 DM13 CS14 DM3	Transport Transport Flood Risk Amenity Air Quality Environmental Protection Groundwater and Surface Water

Stow Skip Hire: River Farm, Black Horse Road, Clenchwarton, King's Lynn PE34 4DN. Change of use of agricultural building to waste transfer station, siting of portacabin, erection of fencing, external vehicle and skip storage and lorry wash area.

The reasons for refusal as listed on the decision notice are as follows:

1. The unclassified road (U21058 Wynnes Lane & the U21058 Black Horse Road) serving the site is considered to be inadequate to serve the development proposed, by reason of its poor alignment / restricted width / lack of passing provision / substandard construction / restricted visibility at adjacent road junctions (junction of C26 Station Road / U21058 Wynnes Lane). The proposal, if permitted, would be likely to give rise to conditions detrimental to highway safety contrary to policies CS15: Transport and DM10: Transport of the Norfolk Core Strategy and Minerals and Waste Development Management Policies Development Plan Document 2010 – 2026, Policy CS11: Transport of the King's Lynn and West Norfolk Borough Council Core Strategy, Planning Policy Statement 10: Planning for Sustainable Waste Management, and paragraph 32 of the National Planning Policy Framework.
2. The application documentation has failed to demonstrate that noise, dust and odour would not adversely impact upon the amenity of neighbouring occupiers. As a result the County Planning Authority considers that there is insufficient information to demonstrate that there would not be an adverse impact on the amenities of the neighbouring properties and thus the proposal is not considered to be in accordance with policies DM12: Amenity and DM13: Air Quality of the Norfolk CS&MWDMP DPD, Policy CS06: Rural Areas of the KL&WNBC Core Strategy, PPS10: Planning for Sustainable Waste Management, and paragraphs 109 and 120 of the NPPF.

3. The application site lies within Flood Zone 3 defined by the Environment Agency Flood Map as having a high probability of flooding. Paragraph 103, footnote 20 of the NPPF requires applicants for planning permission to submit a Flood Risk Assessment (FRA) when development is proposed in such locations. No FRA has been submitted and the authority is therefore unable to assess whether the development is safe and if it would increase the risk of flooding elsewhere, contrary to policy DM4: Flood Risk of the Norfolk CS&MWDMPDPD, Policy CS01: Spatial Strategy and Policy CS08: Sustainable Development of the KL&WNBC Core Strategy, PPS10: Planning for Sustainable Waste Management, and paragraph 103 of the NPPF.
4. The application documentation has failed to demonstrate that the risk of pollution to controlled waters is acceptable as no preliminary risk assessment has been provided. The proposal is therefore contrary to policies CS14: Environmental Protection and DM3: Groundwater and Surface Water of the Norfolk CS&M&WDMP DPD, PPS10: Planning for Sustainable Waste Management, and paragraphs 109 and 120 of the NPPF.

### 3.3 Appeals

Four Appeals were determined in the period between 1 April 2014 and 31 March 2015.

#### 1. Anglian Water Services Ltd, Clockcase Lane, Walsoken, King's Lynn

Location / Planning Application Reference	Proposal
Clockcase Road, Walsoken, King's Lynn, PE34BZ  C/2/2013/2003	Construction of a sludge transfer scheme in the vicinity of King's Lynn Wastewater Treatment Works. The proposed development will comprise the following components: erection of a Sludge Cake Reception Centre at King's Lynn Wastewater Treatment Works; construction of a Liquid Sludge Import Centre (to include new access from Clenchwarton Road); and, construction of a Sludge Transfer Pipeline.

The appeal was made against the refusal of the planning application. The Minerals and Waste Core Strategy and Development Management Plan policy reasons given for the refusal were as follows:

- CS6 – General waste management considerations
- DM16 –Soils

The Planning Inspectorate dismissed the appeal on 12/02/2015.

## 2. The Old Knackery, Pott Row, Grimston

Location / Planning Application Reference	Proposal
<p>The Old Knackery; Baxters Yard, Pott Row, Grimston, Kings Lynn, PE32 1BY</p> <p>C/2/2012/2022</p>	<p>Retrospective planning permission for portacabin, two additional incinerators and replacement of previously approved incinerator cremator (only one incinerator to be used at any given time in line with DEFRA regulations), and the installation of a small section of roof covering over two incinerator cremators. Application for the removal of condition 4, and variation of conditions 5 (to increase throughput to 500 tonnes of waste carcasses per annum), condition 8 (site layout) and condition 10 (storage of waste) of planning permission ref. C/2/1999/2013 to regularize the business activities to include the cremation of equine/pet cremation in addition to knackerage”.</p>

The appeal was made against the refusal of the planning application. The Minerals and Waste Core Strategy and Development Management Plan policy reasons given for the refusal were as follows:

- CS5 – General location of waste management facilities
- CS6 – General waste management considerations
- DM12 – Amenity
- DM13 – Air Quality
- CS15 – Transport
- DM10 - Transport

The Planning Inspectorate’s decision was issued on 17 November 2014. The Planning Inspectorate’s decision is:

The appeal is dismissed insofar as it relates to two additional incinerators and replacement of previously approved incinerator cremator (only one incinerator to be used at any given time in line with DEFRA regulations), and for the removal of condition 4, and variation of conditions 5 (to increase throughput to 500 tonnes of waste carcasses per annum), and condition 10 (storage of waste) of planning permission ref. C/2/1999/2013.

The appeal is allowed and planning permission is granted insofar as it relates to the stationing of a portacabin<sup>1</sup>, the installation of a small section of roof covering, and removal of condition 8 (site layout) at The Old Knackery, Baxters Yard, Cliff-en-Howe Road, Pott Row, Grimston, Kings Lynn, Norfolk PE32 1BY in accordance with the terms of the application, Ref C/2/2012/2022, dated 30 May 2013 and the plans submitted with it so far as relevant to that part of the development hereby permitted and subject to the following condition.

The development hereby permitted shall be carried out in accordance with the following approved plans: 058-101, 058-102, 058-103 – *but only insofar as they show the siting of the Portakabin and the roofed area between the two main buildings.*

### 3. Bentleys Farm, West Caister

Location / Planning Application Reference	Proposal
Bentleys Farm, Low Road, West Caister GREAT YARMOUTH, NR30 5SP  C/6/2013/6002	Change of use of commercial kennels to a mixed use comprising commercial kennels and pet incinerator, to include installation of incinerator and 2,000 litre fuel tank.

The appeal was made against the failure of Norfolk County Council to give notice within the prescribed period of a decision on the planning application.

During the appeal, the County Council indicated that, were it still in a position to do so, it would have refused planning permission. The Minerals and Waste Core Strategy and Development Management Plan policy reasons given for the refusal were as follows:

DM12 - Amenity

The Planning Inspectorate dismissed the appeal on 11 June 2014 and the application was refused.

### 4. Land at Manor Farm, Haddiscoe

Location / Planning Application Reference	Proposal
Land at Manor Farm, Loddon Road, Haddiscoe, Norwich, NR14 6PN  C/7/2011/7020	Extraction, processing, bagging and sale of sand and gravel with a concrete batching plant within the plant void

The appeal was made against the refusal of the planning application. The Minerals and Waste Core Strategy and Development Management Plan policy reasons given for the refusal were as follows:

DM2 – Core River Valleys

DM8 – Design, local landscape and townscape character

DM12 – Amenity

The Planning Inspectorate dismissed the appeal on 4 July 2014.

### **3.4 Applications Approved Contrary to Policy**

The following planning applications were granted approval contrary to policy in the period between 1 April 2014 and 31 March 2015:

#### **C/6/2013/6011 – Anglian Water Services Ltd - Land at the corner of Mill Road & Filby Road, Stokesby, Great Yarmouth**

The proposal was for the creation of a new vehicular access from Filby Road and construction of a vacuum pumping station.

The application was considered to be a departure from Minerals and Waste Core Strategy Policy CS6: *General waste management considerations* because it is located on a greenfield site. However, Policy CS11: *Wastewater/sewage infrastructure and treatment facilities* states that new or extended facilities will be acceptable where proposals aim to treat a greater quantity of wastewater providing the developer can demonstrate that the proposal can be located and operated without giving rise to unacceptable impacts. The scheme is an essential element of a first time rural sewage scheme which would provide mains drainage for residents of Stokesby that currently do not have this facility and it would also improve local groundwater quality.

Therefore, whilst the application represents a departure from the development plan in that it would be developing a greenfield site in the countryside, it would not be practical to allow these developments only on brownfield land, given the required site conditions and limited number of locations which can practically provide a compatible site, which is likely to be in the countryside. It was considered that the benefits of this proposal justified a departure from the development plan.

#### **C/1/2014/1008 – Anglian Water Services Ltd – land adjacent to the Bungalow, King Street, Neatishead**

The proposal was for the construction of a vacuum pumping station and access.

The application was considered to be a departure from Minerals and Waste Core Strategy Policy CS6: *General waste management considerations* because it is located on a greenfield site. However, Policy CS11: *Wastewater/sewage infrastructure and treatment facilities* states that new or extended facilities will be acceptable where proposals aim to treat a greater quantity of wastewater providing the developer can demonstrate that the proposal can be located and operated without giving rise to unacceptable impacts. The scheme is an essential element of a first time rural sewage scheme which would provide mains drainage for residents of Stokesby that currently do not have this facility and it would also improve local groundwater quality.

Therefore, whilst the application represents a departure from the development plan in that it would be developing a greenfield site in the countryside, it would not be practical to allow these developments only on brownfield land, given the required site conditions and limited number of locations which can practically provide a compatible site, which is likely to be in the countryside. It was considered that the benefits of this proposal justified a departure from the development plan.

**C/1/2014/1005 – Anglian Water Services Ltd - Land off Holmes Road, East Ruston, Norfolk**

The proposal was for the construction of a vacuum pumping station and vehicular access as part of a first time sewage scheme

The application was considered to be a departure from Minerals and Waste Core Strategy Policy CS6: *General waste management considerations* because it is located on a greenfield site. However, Policy CS11: *Wastewater/sewage infrastructure and treatment facilities* states that new or extended facilities will be acceptable where proposals aim to treat a greater quantity of wastewater providing the developer can demonstrate that the proposal can be located and operated without giving rise to unacceptable impacts. The scheme is an essential element of a first time rural sewage scheme which would provide mains drainage for residents of East Ruston that currently do not have this facility and it would also improve local groundwater quality.

Therefore, whilst the application represents a departure from the development plan in that it would be developing a greenfield site in the countryside, it would not be practical to allow these developments only on brownfield land, given the required site conditions and limited number of locations which can practically provide a compatible site. It was considered that the benefits of this proposal justified a departure from the development plan.

**C/1/2010/1005 - Buyinfo Ltd - Land adjacent to Edgefield Landfill Site, Edgefield, Melton Constable, NR24 2RS**

The proposal was for the erection of plant to accommodate an anaerobic digestion facility, provision of ancillary office and weighbridge, retention of existing landfill gas engines, construction of access road and provision of landscaping

The application was considered to be a departure from the Minerals and Waste Core Strategy Policy CS5: *General location of waste management facilities* because it is not located within the Norwich Policy Area or within 10 miles of one of the four main settlements in Norfolk. It is also not well-related to the major road network and does not enable the re-use of a brownfield site.

The application was also considered to be a departure from Minerals and Waste Core Strategy Policy CS6: *General waste management considerations* because it is located in the countryside within the Glaven Valley Conservation Area and not located on any of the suitable types of land specified in the policy.

The application was also considered to be a departure from Minerals and Waste Core Strategy Policies CS14: *Environmental Protection* and DM8: *Design, local landscape and townscape* and North Norfolk District Council Core Strategy Policies EN2: *Protection and Enhancement of Landscape Settlement Character*, EN4: *Design* and EN8: *Protecting and Enhancing the Historic Environment* because of the location of the application site situated on agricultural land in the open countryside within the Glaven Valley Conservation Area. The industrial nature of the proposed building and the re-contouring of the landform would have an adverse impact on the landscape and Conservation Area which is contrary to these policies.

The application was recommended for refusal on the grounds that there are not sufficient material considerations that would outweigh the departure from policy. The application was determined at the Planning (Regulatory) Committee meeting in January 2014 where it was resolved that the application be approved on the grounds that the benefits attributable to the proposed anaerobic digestion plant were sufficient to outweigh the development plan and any residual landscape impacts.

**C/1/2013/1010 – Buyinfo Ltd - Edgefield Landfill Site, Holt Road, Edgefield, Norwich, Norfolk NR24 2RS**

The proposal was for the change of use of a permitted access road to be provided as part of the final restoration of Edgefield Landfill site to serve proposed anaerobic digestion facility

The application was considered to be a departure from the Minerals and Waste Core Strategy Policy CS5: *General location of waste management facilities* because it is to serve a facility which is not located within the Norwich Policy Area or within 10 miles of one of the four main settlements in Norfolk. The facility that the road would serve is also not well-related to the major road network and does not enable the re-use of a brownfield site.

The application was also considered to be a departure from Minerals and Waste Core Strategy Policy CS6: *General waste management considerations* because it is located in the countryside within the Glaven Valley Conservation Area and not located on any of the suitable types of land specified in the policy.

The application was recommended for refusal, mainly because the access road is to serve the proposed anaerobic digestion facility (application C/1/2010/1005) which was recommended for refusal on a number of grounds. Due to the recommendation to refuse the AD plant, there was no justification for the access road to be approved. The application was determined at the Planning (Regulatory) Committee meeting in January 2014 where it was resolved that the application be approved because the application for the associated AD plant was approved.

#### 4. Monitoring the implementation of the Core Strategy and Development Management Policies

The Core Strategy and Minerals & Waste Development Management Policies DPD was adopted in September 2011. Chapter 8 of the Core Strategy details the indicators to be used to monitor the effectiveness of the Core Strategy and Development Management policies. For consistency with the other sections of this monitoring report, the data in the following table is for the period up to the end of March 2015.

Data on the number of sites located within the specified proximity of environmental and landscape designations are for safeguarded sites only. Safeguarded mineral and waste sites are those considered to be significant enough to the county's mineral or waste capacity that they should be offered a degree of protection under policy CS16. This means that smaller sites are not currently included in the assessment of these indicators.

*Please Note:*

- *Some safeguarded sites were granted permission prior to the Core Strategy being adopted. Therefore, these historic applications would have been determined against the policies relevant at that time and may not fully reflect current policies or indicators.*
- *Although some sites may be within the indicator distance of environmental designations etc this does not indicate that an adverse effect on the designations is expected.*
- *Where an indicator refers to adjacency, this is taken to be 250 metres. 250 metres is the standard consultation distance used in Core strategy policy CS16-safeguarding.*

Objective	Relevant policies	Indicator	Performance
Ensure steady and adequate provision of primary, and increasingly recycling and secondary minerals to meet requirements	CS1	Landbank for sand and gravel	Performance against these indicators will be reported in the Local Aggregate and Silica Sand Assessment
		Landbank for carstone	
		Landbank for silica sand	
		Annual production of sand and gravel (tonnes)	
		Annual production of carstone (tonnes)	
	Annual production of silica sand (tonnes)		
	CS16	Number of non-minerals and waste planning applications granted by LPAs within safeguarded areas (unless they fall within the exclusions set out in Appendix C)	No major applications approved on Mineral Safeguarding Areas in the face of sustained objections on mineral safeguarding grounds. Three relevant planning permissions

Objective	Relevant policies	Indicator	Performance
		Proposed additional indicator of: Number of Neighbourhood Plans containing policies relating to mineral safeguarding.	<p>granted for housing contained conditions to require mineral assessment and prior extraction and reuse.</p> <p>Three Neighbourhood Plans in force in Norfolk by the end of 2014 – Cringleford, Strumpshaw and Sprowston. All three NPs have addressed mineral safeguarding, and contain policies where appropriate.</p> <p>Five additional neighbourhood plans were in force in Norfolk by the end of 2015 – Acle, Great and Little Plumstead, Mulbarton, Brancaster, South Wootton. NCC considered that the NP for South Wootton did not meet the basic conditions test because it did not take into account Policy CS16 on mineral safeguarding. However, the Independent Examiner did not consider that any modification to the plan was required in this regard or make any reference to this policy in his report.</p>
	CS17	Number of district council LDFs containing a policy in accordance with CS17: use of secondary and recycled aggregates.	<p>The Norfolk Minerals and Waste Core Strategy was adopted in September 2011. The following Norfolk Local Planning Authorities had adopted their Core Strategies before September 2011: North Norfolk, Breckland, King's Lynn &amp; West Norfolk, Norwich, Broadland, South Norfolk and the Broads Authority,</p> <p>North Norfolk and Breckland had adopted their Development Management Policies prior to September 2011 and the Broads Authority adopted their DM policies in November 2011.</p> <p>At the end of 2015 Great Yarmouth had not adopted a</p>

Objective	Relevant policies	Indicator	Performance
			<p>Core Strategy or DM Policies.</p> <p>At the end of 2015 King's Lynn and West Norfolk had not adopted DM Policies.</p> <p>During 2014 Norwich City adopted their DM policies. During 2015 Broadland and South Norfolk both adopted their own DM Policies.</p> <p>Of the planning policy documents that have been adopted since the Minerals and Waste Core Strategy: Norwich City's DM policies document does not contain a policy in accordance with CS17. Broadland's DM policies document contains policy GC4 which requires developments to make efficient use of resources and South Norfolk's DM policies document contains policy DM1.4 which refers to recycling building materials. These policies are considered to be in accordance with CS17.</p>
<p>Increase the proportion of waste recycling, composting and energy recovery</p>	<p>CS4 CS7 CS8 CS9 CS10 CS13 CS17 DM11</p>	<p>New waste management capacity</p> <hr/> <p>% of local authority collected municipal waste :</p> <ul style="list-style-type: none"> <li>- Recycled</li> <li>- Composted</li> <li>- Energy recovery</li> </ul> <hr/> <p>% of waste received at waste management facilities in Norfolk that is recycled/ recovered</p> <hr/> <p>Renewable energy generation capacity at waste management facilities (MW)</p> <hr/> <p>Quantity of recycled and secondary aggregate produced in Norfolk</p>	<p>Performance against these indicators will be reported in the Waste Data Monitoring Report</p>
<p>Minimise the amount</p>	<p>CS4</p>	<p>% of local authority collected</p>	<p>Performance against these</p>

Objective	Relevant policies	Indicator	Performance
of waste sent to landfill	CS7	municipal waste landfilled	indicators will be reported in the Waste Data Monitoring Report
	CS8	Waste input to non-hazardous landfill (tonnes)	
	CS9	Waste input to hazardous landfill (tonnes)	
	CS10	Waste input to inert landfill (tonnes)	
		Inert, non-hazardous and hazardous landfill capacity (cubic metres and years)	
		Quantity of London waste disposed of in Norfolk (tonnes)	
Ensure mineral extraction and associated development and waste management facilities takes place as close as reasonably possible to where these resources are used, and then waste is treated as close as reasonably possible to where it is generated	CS2 CS5 CS9 CS10	Location of allocation sites and distance from main settlements and market towns	<p>Waste management sites – 29 sites are allocated. Only 3 sites are located at greater distances to the relevant settlements than proposed by the supporting text to policy CS5. However, two are extensions to operations at existing sites (in accordance with policy CS6) and one is for small scale composting.</p> <p>Mineral extraction sites – 28 sites are allocated. Only three sites (MIN83, MIN90 and MIN91) are over 10 miles from a relevant settlement. These sites are all extensions to one existing mineral working and are approximately 11 miles from Great Yarmouth. Therefore it is considered that these sites are still in accordance with Policy CS2.</p>
		<p>Distance of mineral extraction and associated development and waste management facilities from main settlements and market towns for which planning permission has been granted</p> <p>[This indicator has been monitored for planning permissions granted for new sites, not for changes to</p>	<p>Minerals applications 2014/15 – 3 permissions for extraction. All sites located in accordance with policy CS2.</p> <p>Waste applications 2014/15 – four new waste management facilities. Two sites are located in accordance with policy CS5. One site at Briston is located over six miles from the nearest market towns, but is a small</p>

Objective	Relevant policies	Indicator	Performance
		existing sites]	scale soil recycling operation.  A site for anaerobic digestion at Edgefield was a departure from this policy because it is a 'strategic' site but is not well-related to any of the four main settlements.
Increase the use and availability of sustainable transport in accessing waste and/or minerals facilities	CS15 DM10	Number of minerals and waste planning applications approved to utilise transport methods via road, rail or water  [This indicator has been monitored for planning permissions granted for new sites, not for changes to existing sites]	Minerals applications 2014/15 – 3 permissions for extraction. Transport by road.  Waste applications 2014/15 – four new permissions all use road transport.
Mitigate the adverse traffic impacts of mineral extraction and associated development and waste management facilities	CS15 DM10	Number of reported accidents involving HGVs  [This indicator is monitored in relation to all accidents in Norfolk]	2014/15 – 71 accidents of which 6 were fatal and 12 serious.
		Number of minerals or waste planning applications granted that involve highway infrastructure upgrades/improvements  Number of mineral or waste planning applications granted that include direct access to corridors of movement  [Trunk roads, such as the A11/A47/A10 and A class roads are designated as corridors of movement]  [The original indicator has been split into two to improve the clarity of what is being reported]	Minerals 2014/15 – 3 permissions for extraction. One includes direct access to a corridor of movement (A148 at East Beckham). One application required a highway infrastructure improvement in the provision of a ghost island access from the A148.  Waste 2014/15 – four new waste management facilities. None include direct access to corridors of movement. None required highway infrastructure upgrades or improvements.
		Number of substantiated complaints concerning lorry traffic	2014/15 – 3 complaints

Objective	Relevant policies	Indicator	Performance
Minimise the impact of mineral extraction and associated development and waste management facilities on the environment by promoting innovative opportunities to enhance and protect biodiversity, landscape and geodiversity, water supply, the wider countryside and cultural heritage	DM1 CS14 DM2	Number of minerals and waste sites within 5km of a Special Area of Conservation (SAC)	34 safeguarded mineral sites 47 safeguarded waste sites 33 safeguarded WWTWs
	DM8	Number of minerals and waste sites within 5km of a Special Protection Area (SPA)	16 safeguarded mineral sites 31 safeguarded waste sites 21 WWTWs
		Number of minerals and waste sites within 5km of a Ramsar site	14 safeguarded mineral sites 22 safeguarded waste sites 17 WWTWs
		Number of minerals and waste sites within 2km of a Site of Special Scientific Interest (SSSI)	39 safeguarded mineral sites 51 safeguarded waste sites 28 WWTWs
		Number of minerals and waste sites within 2km of a National Nature Reserve (NNR)	0 safeguarded mineral sites 4 safeguarded waste site 8 WWTWs
		Number of minerals and waste sites adjacent to a Local nature Reserve	0 safeguarded mineral sites 1 safeguarded waste site 2 WWTWs
		Number of minerals and waste sites adjacent to a County Wildlife Site	22 safeguarded mineral sites 13 safeguarded waste sites 19 WWTWs
		Number of minerals and waste sites adjacent to a RIGS	1 safeguarded mineral site 0 safeguarded waste sites 0 WWTWs
		Number of minerals and waste sites within the Area of Outstanding Natural Beauty (AONB)	2 safeguarded mineral sites 3 safeguarded waste sites 6 WWTWs
		Number of minerals and waste sites within the Heritage Coast	Nil
		Number of minerals and waste sites within the Broads Authority Executive Area	1 safeguarded mineral site 3 safeguarded waste site 4 WWTWs
		Number of minerals and waste sites within a Core River Valley	11 safeguarded mineral sites 8 safeguarded waste sites 12 WWTWs

Objective	Relevant policies	Indicator	Performance
		Number of minerals and waste planning applications refused on grounds of design or landscape	No applications refused on these grounds in 2014/15
		Number of minerals and waste sites in or adjacent to a registered historic park or garden	Nil
		Number of minerals and waste sites within or adjacent to Conservation Areas	5 safeguarded mineral sites 10 safeguarded waste sites 11 WWTWs
		Number of minerals and waste sites adjacent to listed buildings	14 safeguarded mineral sites 7 safeguarded waste sites 11 WWTWs
	DM9	Number of archaeological sites adversely affected by minerals extraction and associated development or waste management facilities	No archaeological sites were adversely affected by new planning permissions for minerals extraction and associated development or waste management facilities in 2014/15.
	DM14	<p>Area of Biodiversity Action Plan (BAP) habitat lost to, or created by, minerals extraction and associated development and waste management activities</p> <p>[Amend indicator to refer to new permissions only and planned restoration]</p> <p>[Note that performance against this indicator has been assessed qualitatively as it has not been possible to assess the area of BAP habitats affected quantitatively.]</p>	<p>Minerals 2014/15 – 3 permissions granted for mineral extraction. One site at Syderstone will not lead to the loss of BAP habitat and restoration will be to agriculture and woodland with grassland margins providing a biodiversity gain.</p> <p>One site at East Beckham will lead to the loss of some plantation woodland for access, to be replanted on restoration. The currently agricultural site will be restored to a mosaic of native woodland, scrub and acid grasslands providing a biodiversity gain.</p> <p>One site at Norton Subcourse will lead to the loss of hedgerows, a planting belt and mature oaks. Restoration will be to low level heathland and agriculture. Hedgerows and</p>

Objective	Relevant policies	Indicator	Performance
			<p>woodland will be replaced and there will be the addition of areas of wildflowers, leading to a biodiversity gain.</p> <p>Waste 2014/15 – four new waste management facilities. No BAP habitat will be lost. One site at Edgefield includes the creation of over 2.5 hectares of woodland as part of the development.</p>
	DM14	% of mineral workings covered by progressive restoration schemes	3 permissions granted for mineral extraction in 2014/15; all with progressive restoration schemes.
	DM11	<p>Number of applications demonstrating a good standard of design, use of sustainable materials and water efficient design</p> <p>[Amend indicator to refer to permissions instead of applications]</p>	<p>Minerals 2014/15 – 3 permissions granted for mineral extraction sites and all were considered compliant with Policy DM11.</p> <p>Waste 2014/15 – Policy DM11 was not considered to be applicable to the new waste management facilities permitted.</p> <p>It should be noted that most of the developments do not include new buildings and therefore Policy DM11 was not considered to apply to these applications.</p>
Minimise soil and water contamination and flood risk arising from minerals and waste activities	CS14 DM3 DM4 CS13	Number of minerals and waste sites within groundwater Source Protection Zone 1	<p>3 safeguarded mineral sites</p> <p>5 safeguarded waste sites</p> <p>1 WWTW</p>
		Groundwater and surface water quality	The policy is effective and due regard has been paid to groundwater and surface water in the determination of planning applications. In 2014/15 policy DM3 was listed in the reasons for approval 46 times.

Objective	Relevant policies	Indicator	Performance
		Number of minerals and waste planning permissions granted contrary to the advice of the Environment Agency on flood risk grounds	No planning applications were granted contrary to Environment Agency advice on flood risk grounds.
Reduce methane and CO2 emissions from mineral extraction and associated development and waste management facilities	CS13 CS8 DM11	% of methane emissions from landfill sites escaping into the atmosphere	Performance against these indicators will be reported in the Waste Data Monitoring Report
Contribute to the renewables obligation and targets for renewable energy by increasing the proportion of energy recovery from waste		% of methane emissions from landfill sites used in power generation	
		Renewable energy generation capacity at waste management facilities	
		Quantity of waste management through processes generating renewable energy	
		Number of minerals and waste operations securing at least 10% of their energy on site from renewable or low-carbon sources	Minerals 2014/15 – three permissions for extraction. None of these sites provide any on-site energy.  Waste 2014/15 – four new waste management facilities. One site (an anaerobic digestion facility) will generate 100% its energy needs on-site. The other three sites are not providing any on-site energy but are all very small scale facilities.
Ensure that minerals and waste facilities and transportation do not lead to AQMAs and that emissions are reduced	CS15 DM13	Number of minerals and waste management sites within an AQMA	None
		Number of AQMAs within Norfolk  [Indicator to be amended to report the <b>area</b> of AQMAs within Norfolk because three separate AQMAs in Norwich have now been replaced by one larger central Norwich AQMA.]	Three – one in Norwich and two in King’s Lynn which have all been declared for exceeding limits of nitrogen dioxide from traffic sources.  The total area of all AQMAs in Norfolk is 282.3 hectares, the largest of which covers 274.6 hectares of Norwich City centre.

Objective	Relevant policies	Indicator	Performance
Mitigate adverse impacts on amenity resulting from mineral extraction and associated development and waste management facilities	CS14 DM12 DM10	Number of substantiated complaints about amenity impacts from minerals and waste activities	2014/15 – 13 complaints
	CS15 DM8 DM15 CS7 CS12 CS11 CS16	<p>Number of non-minerals and waste planning applications granted by local planning authorities within safeguarded areas <i>which are not exempt from Policy CS16 and do not take account of safeguarding.</i></p> <p>[Amend indicator to more accurately reflect Policy CS16 as detailed above]</p>	<p>There were 8 non-minerals and waste planning applications on Mineral Safeguarding Areas in 2014/2015 where CS16 was relevant and the Mineral Planning Authority made a consultation response.</p> <p>Of the five applications granted, there were three applications where a Minerals Management Plan and appropriate prior extraction were deemed necessary; and this requirement was secured by planning condition. Of the remaining two granted permissions, one was a temporary permission and the mineral on the other was determined not to be suitable for prior extraction.</p>

## 5. Policy Conclusions

**The key findings from the Monitoring Report for 2014/15 are:**

### **Implementation of the Minerals and Waste Development Scheme**

During the 2014/15 reporting period an Initial Consultation (Regulation 18) took place as part of the production of the Single Issue Silica Sand Review of the Minerals Site Specific Allocations DPD.

The remaining stages of the Silica Sand Review process and all stages of the Minerals and Waste Core Strategy Review process will not be in accordance with the existing MWDS (June 2013) and a formal revision to the MWDS is therefore necessary.

### **Policy Performance**

Five planning applications were approved contrary to the policies in the adopted Core Strategy and Minerals and Waste Development Management Policies DPD during 2014/15. Three of these applications were for vacuum pumping stations for first time rural sewage schemes where the benefits of providing mains drainage justified a departure from policy CS6.

Two of the applications approved contrary to policy were for an anaerobic digestion plant and associated access road. These applications were recommended for refusal, but approved at a Planning (Regulatory) Committee meeting on the grounds that the benefits attributable to the proposed anaerobic digestion plant were sufficient to outweigh the development plan and any residual landscape impacts.

Four appeals were determined during 2014/15. Three appeals were against the refusal of planning applications and one appeal was made against the failure of NCC to determine a planning application within the prescribed period. Three of the appeals were dismissed. One appeal was partially allowed and partially dismissed.

No planning permissions for new waste management facilities were granted on the waste site specific allocations in 2014/15.

Planning permission was granted for five of the minerals site specific allocations in 2014/15, providing 5.53 million tonnes of permitted reserves of sand and gravel.

The main findings from monitoring the indicators contained in the adopted Core Strategy were:

Policy CS2 – three permissions were granted for mineral extraction and all of these sites are located in accordance with policy CS2.

Policy CS5 - four permissions were granted for new waste management facilities.

One small site was not located in accordance with policy CS2.

Policy CS13 - three permissions were granted for mineral extraction. None of them provides any on-site energy. Permissions were granted for four new waste management facilities; three do not provide any on-site energy although they are all very small operations (community composting, pet incineration and soil recycling). One anaerobic digestion facility will provide 100% of its energy needs from its on-site operations.

Policy CS16 - No major applications were approved on Mineral Safeguarding Areas in the face of sustained objections on mineral safeguarding grounds.

## **6. Monitoring and Enforcement**

### **Summary**

Annual monitoring report on the monitoring and enforcement progress of mineral and waste sites for the period from 1 April 2014 to 31 March 2015. As an overview of performance achieved to date:

Levels of complaints received in 2014/2015 have reduced from the previous level, with 39 received.

Planning applications received as a result of monitoring have remained at a high level with 57 out of a total 140 applications received and 23 discharge of condition applications out of a total of 62 received. The chargeable inspection regime continues to operate successfully with inspections generating £60,019 representing an increase of £2,668 over the previous year.

All complaints received have been actioned in 3 working days. This is above the 80% target proposed as regional guidance best practice. The impact of future complaints will be assessed for risk and actions and inspection carried out accordingly.

Local liaison meetings have increased to 7. Liaison meetings with other authorities are ongoing.

Only 2 landfill sites are currently active and accepting non-hazardous waste, with five former sites restored satisfactorily. Surveys indicate a general compliance with agreed pre-settlement contour plans (Appendix 1).

The number of aftercare and long term management meetings relating to restoration have remained relatively constant with a slight reduction in the number of aftercare meetings to 18 from 21 in the previous year.

A number of enforcement notices were served comprising of one Temporary Stop Notice, two Enforcement Notices, thirteen Breach of Condition Notices and three Planning Contravention Notices. Two prosecution cases are currently ongoing from previous years and two are ongoing from 2014/2015.

### **6.1 Introduction**

This is the latest of the annual briefing note on progress with minerals, waste and Regulation 3 (County Council development) sites monitoring. The Minerals and Waste Core Strategy, agreed as part of the Local Development Framework contains policies committing the Authority to achieving high standards of operations and restoration and ensuring effective monitoring, enforcement and education to achieve them. Further details are included in the County Council's approved enforcement policy. When operators are complying fully with all conditions, then it is accepted that operators are working to a high standard. Complaints can be a reasonable indicator of performance on site, and pro-active monitoring seeks to reduce complaints by maintaining the standard of full compliance.

## 6.2 Site Monitoring Programme

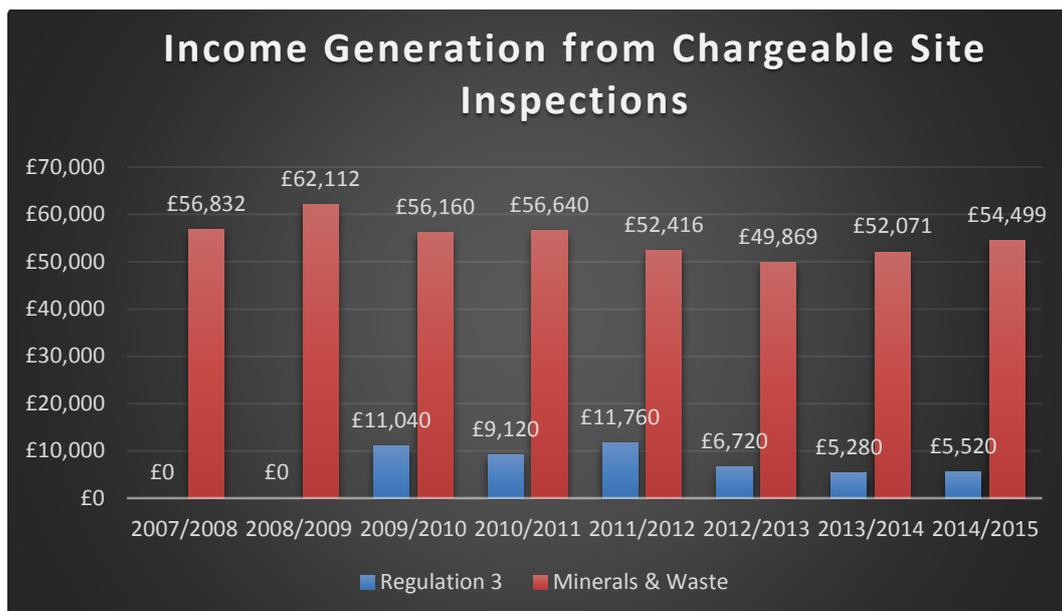
The Council continues to be pro-active in dealing with planning problems on sites. The Council is continuing with a risk based approach to the monitoring of minerals, waste and Regulation 3 development, with visits/inspections carried out over a prescribed scale. This helps to ensure a consistent, even handed and preventative approach when dealing with all mineral and waste development sites across the County. It also targets those sites where there is likely to be a greater impact on the environment, in the event of non-compliance. This pro-active approach allowed officers to identify non-compliances, and this has helped to forestall complaints from the public (see figure 2a). The effective resources used to monitor active sites is reducing the number of complaints overall from year to year (see figure 2b).

## 6.3 Inspections

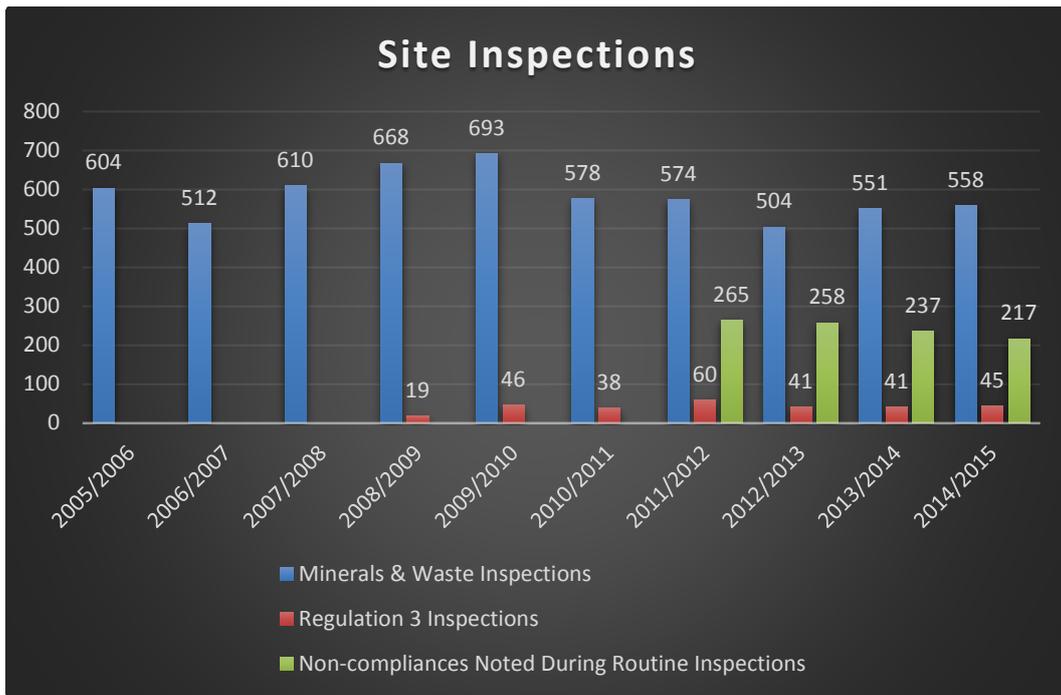
Over 600 programmed inspections were undertaken during 2014/2015 (see figure 2a) and over 100 inspections were undertaken as a result of ongoing complaint investigations (see figure 2b).

The chargeable inspection regime has necessitated a more prescriptive monitoring approach requiring a formal reporting arrangement, and invoicing system. This increases the average amount of officer time taken up with each visit. The chargeable site monitoring regime has generated £60,019 (see figure 1).

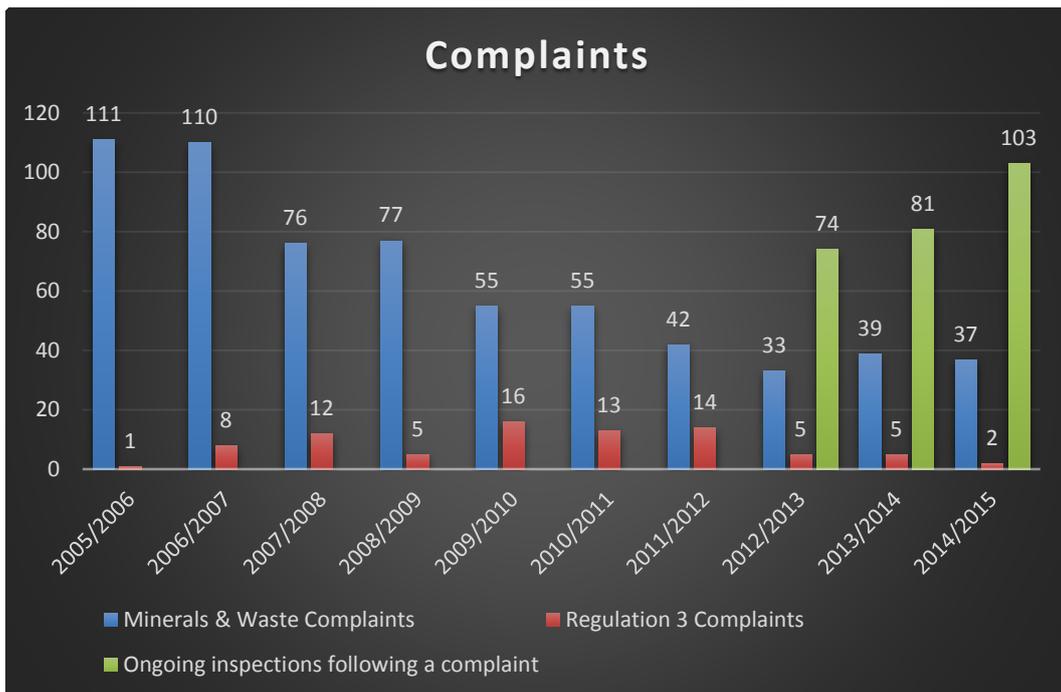
Levels of complaints received have reduced from the previous level, with 37 minerals and waste related complaints and 2 Regulation 3 complaints received. However, many of these complaints require a number of investigation actions to fully resolve matters. A number of actions also in relation to pre-existing complaints at Manor Farm, North Runcton and Cornish Way, North Walsham continue to use disproportionate staff resources when responding with an appropriate response. (see figure 2b).



**Figure 1**

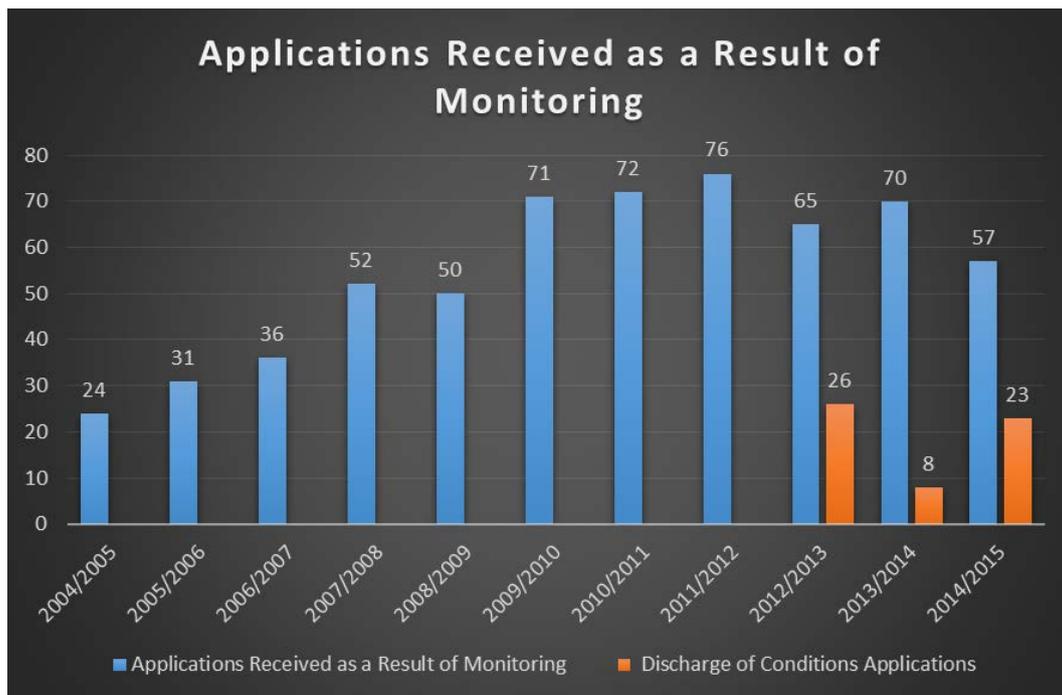


**Figure 2a**



**Figure 2b**

Regular site inspections and associated follow up actions are having an influence on the way in which the industry adheres to conditions and seeks to regularise breaches quickly. It has also generated more planning applications, with 57 of the total 140 applications received and 23 discharge of condition applications out of a total of 62 received (see figure 3).



**Figure 3**

## 6.4 Monitoring of Non-hazardous Landfill Sites

The inspection programme together with the use of more modern survey equipment has helped identify more quickly those landfill sites that have been tipped above agreed contours. Progress would usually be reported annually in a separate report but as a number of the landfill sites are no longer accepting waste the information is enclosed in Appendix 1 attached to this report.

The NORSE Group have now completed the filling for the landfill site at Edgefield. However, they continue to operate the Materials Recycling Facility at Costessey and the green waste treatment centre at Marsham. The remaining 'closed' landfills at Costessey, Snetterton, Mayton Wood, Beetley, Docking and Blackborough End (phase 1) are the responsibility of the Community and Environmental Services department of Norfolk County Council.

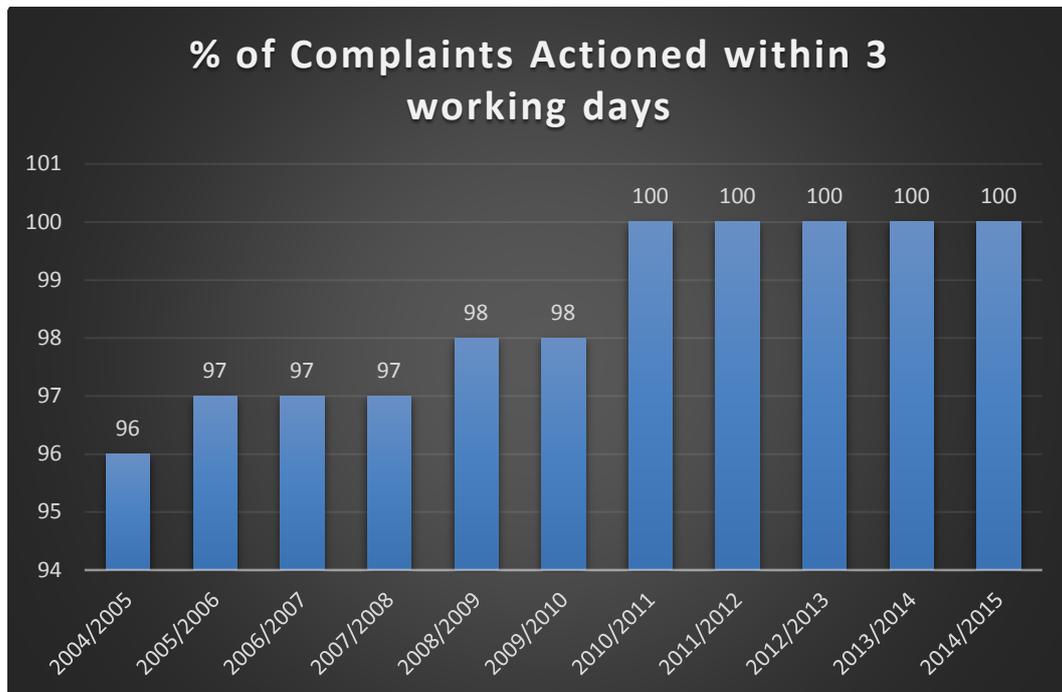
## 6.5 Targets

Complaints are initially assessed for impact on the environment and are prioritised accordingly. The performance target of dealing with complaints of high priority is to acknowledge and initiate action within three working days. Priority is given to dealing with complaints quickly. In this respect 100% of high priority complaints currently received are actioned within three working days (see figure 4 below). Complainants and other relevant consultees, such as the Environment Agency, District and Parish Councils are kept informed of progress and action.

Additionally there is an increasing awareness by the general public about mineral and waste development and a higher expectation about the way in which sites

operate. However, the proactive presence on site, together with regular inspections as part of a programme is continuing to forestall complaints to either maintain or reduce previous levels of complaint. This is further evidenced in figures 2a and 2b.

It is acknowledged that fewer complaints, particularly in relation to minerals and waste sites allow for more resources for pro-active site monitoring. The monitoring team can now quantify matters that have been raised as a result of pro-active monitoring and this will continue in future updates. (see figure 2a).



**Figure 4**

Since the inception of the new fees regime, the Council's has maintained sufficient staff resources, to ensure that previous high levels of pro-active monitoring and all agreed chargeable visits are carried out. The fee income recovered to date contributes significantly to funding this resource. However, over the last 3 years the monitoring regime has sought to target those sites where there is a greater risk to the environment. The targeting of sites will help to maintain a regular but reduced site inspection regime.

## 6.6 Liaison Arrangements

Local Liaison arrangements are a valuable method of keeping local communities informed about mineral and waste development of a local nature and dealing with problems quickly and effectively before they get out of hand.

The number of sites that are serviced by liaison meetings are shown overleaf (see figure 5). These currently number 7 and include, Leziate, Coxford, Aldeby Landfill, Tottenham, Mangreen, Stody and Stanninghall. The number of liaison meetings has increased following Stanninghall becoming operational. Liaison meetings are also

held on a regular basis with other authorities including the Environment Agency and district councils.

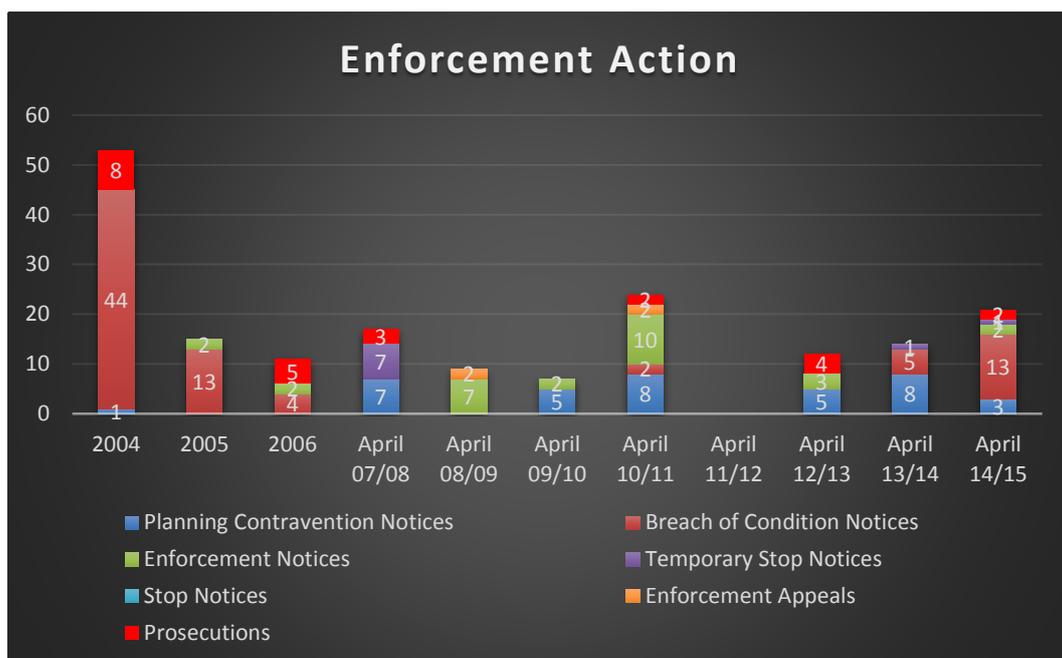


**Figure 5**

## 6.7 Enforcement

The County Council has continued to monitor mineral and waste development and regulation 3 development to secure compliance with planning conditions and Legal Agreements. Enforcement action may be taken, if necessary to deal with unauthorised activities, but subject to prior negotiation.

Additionally, when we receive complaints, as represented in figures 2 and 4, we often consult with the District Council and Environment Agency and co-operate with them in deciding any action. If necessary we may take enforcement action to control and possibly stop unauthorised development.



**Figure 6**

It is acknowledged that a cost may be involved when operators seek to raise environmental standards. Good environmental practice can also save money. However, where companies do not comply with existing conditions, enforcement action can result. Low levels of performance can also undermine competing operators who are complying with their planning permission.

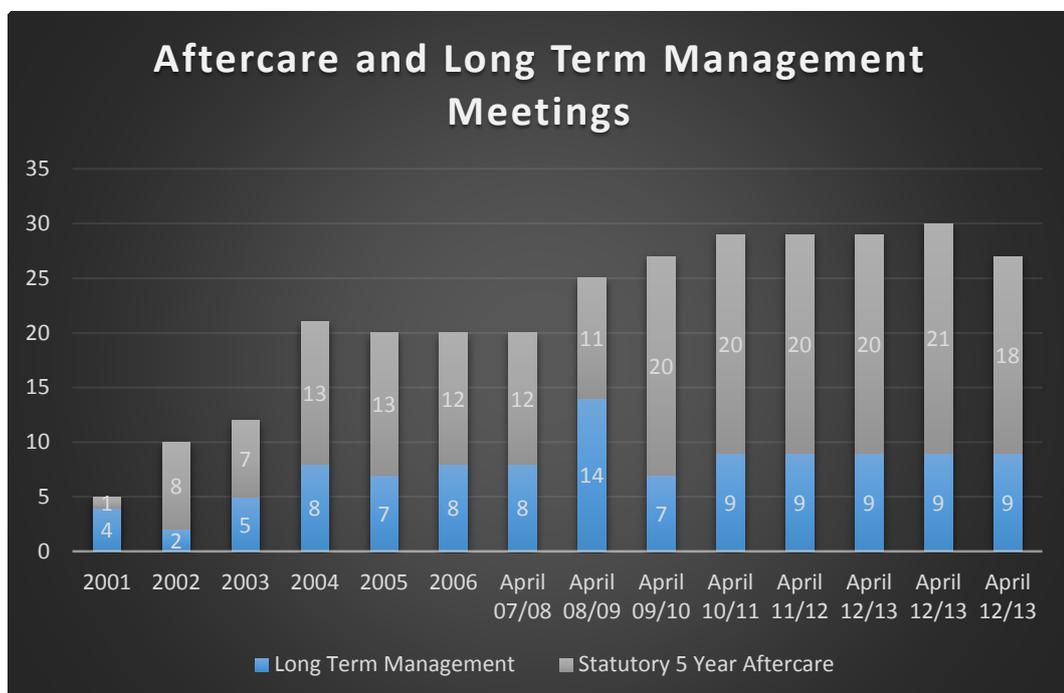
One Temporary Stop Notice, two Enforcement Notices, thirteen Breach of Condition Notices and three Planning Contravention Notices were served in 2014/2015.

Two prosecution & Proceeds of Crime Act 2002 cases relating to the enforcement notices served at Manor Farm, North Runcton and Strayground Lane, Wymondham are ongoing.

## 6.8 Aftercare Programme

The aftercare programme operated by the Council is a vital part of ensuring that mineral and waste sites are restored properly and managed to ensure beneficial and productive after-use. Aftercare inspections and meetings, largely concerning agricultural restorations, form a significant proportion of monitoring activity, particularly during the March/May period.

Management meetings are often associated with legal agreements where restoration, often required beyond the statutory 5 years becomes necessary. These currently number 9, but we expect the number will increase as biodiversity initiatives and general nature conservation replace agriculture on some sites. These meetings normally take place during spring and summer each year.



**Figure 7**

## **APPENDIX 1- Waste sites progress**

### **Aldeby – FCC**

A planning application was approved in October 2014 to provide for the revised newly formed site contours. Landfilling progress is currently on track to complete the landfilling and restoration by July 2018, with filling and site preparation works now in the last two phases. Import figures are produced on a regular basis at the local liaison group.

A planning application was approved in July 2015 for the retention of the purpose built site haul road until completion of landfilling in 2018.

### **Feltwell – FCC**

The site is currently moth-balled and in 'care and maintenance'.

### **Blackborough End - FCC**

The currently agreed 'domed' restoration scheme was approved on appeal. However, surveys carried out over the last two years have indicated non-compliance with the pre-settlement plan. A planning application to revise the contours has received but is invalid. Further information has been requested. The new scheme would include a 'valley' feature running in an east-west direction. Landfilling progress is continuing, and is currently in cell 13/14.

In August 2015, planning permission was granted for a temporary waste transfer pad until December 2020.

### **Blackborough End – W M George**

No further filling has taken place for a number of years, and the completed areas are now in the five year aftercare and management period.

A Breach of Condition Notice (BCN) to prevent the import and disposal of any further waste remains in force. Failure to comply with this notice would lead to prosecution in the magistrates' court.

### **Attlebridge – BIFFA Waste Services Limited**

Landfilling has been completed, with previous surveys indicating compliance with the approved scheme. Part of the site is now in the five year aftercare and management period. The remainder has received final soils suitable for final restoration. A further survey would be required next year to check that the site has been satisfactorily completed.

### **Stoke Ferry – Pearsons and Formerly Acacia waste, north and south of the A143 respectively**

The northern site has settled over a number of years since landfilling was completed, and is less intrusive in the surrounding landscape. Grass cutting takes place on a regular basis.

The southern site has been completed and restored recently following pressure by the County Council to see a timely resolution. The site has now entered the five year aftercare and management period.

### **Mayton Wood – Norfolk County Council Waste Management**

Landfilling has been completed, with surveys indicating compliance with the approved scheme. The site is now in the five year aftercare and management period.

### **Edgefield - NEWS**

Landfilling has been completed with surveys indicating compliance with the approved scheme. Final seeding and planting has been completed and the site has entered the five year aftercare and management period.

Planning applications were approved to retain the existing site cabins for use associated with the site and fencing on the northern aspect. A northern perimeter road will remain for use associated with waste treatment on adjacent land.

### **Beetley, Costessey and Docking**

Landfilling has been completed, with surveys indicating compliance with the approved scheme. These sites have now successfully completed the five year aftercare and management period.

The office accommodation on Costessey has been retained and will require planning permission.

### **Snetterton - Norfolk County Council Waste Management/NEWS**

Putrescible landfilling on the site has ceased. The agreed contour plan indicates that the whole site will be filled. However, due to changes in legislation this is not now achievable. Alternative methods of restoration of the site are being considered.

## **APPENDIX 2 - North Runcton Enforcement**

In 2010 the site at Manor Farm, North Runcton was being used for the unauthorised importing, exporting, depositing, storage, handling, processing and transfer of waste material. This activity was being carried out without the benefit of planning permission. Norfolk County Council entered into extensive discussions and negotiations with Mark Fuller (the operator) in an attempt to address this breach of planning control. It became clear that Mr Fuller was not going to cease the unauthorised activities, and that they were causing a considerable adverse impact on the amenity of local residents. An Enforcement Notice was served on the 29<sup>th</sup> September 2010, on four parties believed to have an interest in the land at Manor Farm. Mr Fuller lodged an appeal against the Enforcement Notice.

The Planning Inspectorate scheduled a Public Inquiry to hear the appeal on the 10<sup>th</sup> May 2011. Mr Fuller declined to attend the appeal and the Public Inquiry was rescheduled to take place on the 1<sup>st</sup> June 2011. Once again Mr Fuller declined to attend this appeal. A third Public Inquiry was scheduled for the 10<sup>th</sup> August 2011, which Mr Fuller attended. The Planning Inspectorate dismissed the appeal and upheld the Enforcement Notice. Costs of £12,345.30 were awarded to Norfolk County Council. During the period from the service of the Enforcement Notice in September 2010 to the Planning Inspector's decision on 27 September 2011, the site continued to operate.

Mr Fuller then lodged an application for permission to appeal against the Planning Inspector's decision under s289 of the Town and Country Planning Act 1990 with the High Court of Justice. This had the effect of suspending the Enforcement Notice until such time as the application was determined. The High Court of Justice refused the application on the 28<sup>th</sup> February 2012, and awarded the Secretary of State for Communities and Local Government costs of £3,920. On the 29<sup>th</sup> March 2012 the Administrative Courts Office accepted that there had been some error and the order of the 28<sup>th</sup> February 2012, was set aside and the matter re-listed. A second hearing was listed for the 5<sup>th</sup> July 2012, but was subsequently postponed at Mr Fuller's request.

The application was refused by Judge Anthony Thornton QC on the 4<sup>th</sup> October 2012, and costs of £5,000 were awarded to the Secretary of State for Communities and Local Government. At the hearing Mark Fuller stated that he wished to appeal the Judge's decision. The HM Courts and Tribunals Service informed Norfolk County Council that Mr Fuller had no further right of appeal and had exhausted the UK jurisdiction. The Enforcement Notice then took effect. The dates for compliance became the 1st November 2012, to cease the importation of waste material and the 29<sup>th</sup> November 2012, to cease the depositing, storage, handling, processing and transfer of waste and to remove the waste from the site. Had no appeal been made against the notice, the notice would have taken effect on the 28<sup>th</sup> October 2010.

On the 30<sup>th</sup> November 2012, the site was inspected by Norfolk County Council Monitoring and Control Officers accompanied by officers from the Environment Agency and Norfolk Police. There were clear breaches of the enforcement notice and a prosecution case was prepared by Norfolk County Council. The Environment

Agency case appeared to stall but they eventually came back on board using evidence gathered by Norfolk County Council.

On the 20<sup>th</sup> November 2013, summonses were served by Norfolk County Council on Mark Edward Fuller as the person responsible for the unauthorised activity and John Edward Fuller as the landowner. Norfolk County Council also served a summons on Mark Edward Fuller on behalf of the Environment Agency relating to offences under the Environmental Permitting Regulations.

A hearing took place on the 12<sup>th</sup> December 2013, at King's Lynn Magistrates Court. The defendants were John Edward Fuller and Mark Edward Fuller. The offences were, both defendants – failing to comply with a planning enforcement notice and Mark Edward Fuller – operating a regulated facility without an environmental permit. The outcome was that Norfolk County Council withdrew the summons against John Edward Fuller as the land subject to the enforcement notice is now under crown ownership. Mark Edward Fuller did not enter a plea and representations were made on behalf of Norfolk County Council and the Environment Agency that the case was suitable for summary jurisdiction. Mark Edward Fuller elected trial at crown court. A plea and case management hearing was listed at the Norwich Crown Court on the 27<sup>th</sup> March 2014, and Mr Fuller was released on unconditional bail.

At the plea and case management hearing Mr Fuller entered not guilty pleas on all three charges laid against him. The trial was listed for 10 days commencing on the 29<sup>th</sup> September 2014.

Material continued to be imported into the site and consideration was given to serving an injunction to stop this. A Temporary Stop Notice was served on the 11<sup>th</sup> April 2014, to precede the possible service of an injunction. A meeting was held at the request of Mr Fuller at County Hall on the 14<sup>th</sup> April 2014. The meeting was attended by Mr Fuller, Cllr Coke and council officers to discuss issues including the clearance of the site. Following the meeting the stockpiles of material on the site were surveyed and the site was inspected on a regular basis.

Three further mentions in court took place on the 17<sup>th</sup> June, 3<sup>rd</sup> October and the 12<sup>th</sup> November 2014. Defence case statements had not been produced by Mr Fuller despite warnings at previous hearings. The trial was rescheduled for later in the year due to diary clashes for His Honour Judge Bate.

On the 1<sup>st</sup> December 2014 Mr Fuller pleaded guilty to the three charges. Two charges related to failure to comply with the Enforcement Notice served by Norfolk County Council and one charge of operating a regulated facility without authorisation from the Environment Agency. Mr Fuller was also served with a Section 18 Provision of Information Order under the Proceeds of Crime Act 2002 (POCA) in order to ascertain if proceeds from the unauthorised activity can be recovered. Inspections of the site continued to be undertaken by Norfolk County Council and it became apparent that unauthorised activities had not ceased. Mr Fuller appeared at Norwich Crown Court on the 30<sup>th</sup> January 2015, where evidence of the continued unauthorised activities was handed to the court along with a revised site clearance plan. His Honour Judge Bate placed Mr Fuller on conditional bail to appear at the court on the 5<sup>th</sup> June 2015 for sentencing, POCA and site clearance review. His Honour Judge Bate stated that he expected to see progress on the clearance of the site and directed clearance of the site should be reported to the court on a monthly

basis. As no clearance had taken place, the 5<sup>th</sup> June hearing was rescheduled at the prosecution's request and a further hearing scheduled for the 22<sup>nd</sup> June was cancelled due to the lack of availability of the judge.

Mr Fuller attended court on the 3<sup>rd</sup> July 2015 before His Honour Judge Bate when impact of the unauthorised activity, lack of progress in clearance of the site and potential sentencing were raised. A timetable for the submission of information relating to POCA and details relating to a contractor put forward by the defence to clear the site were agreed by His Honour Judge Bate. The case was listed for mention on the 24<sup>th</sup> July 2015, but was subsequently cancelled by His Honour Judge Bate as the site clearance proposals were not in place and the POCA information had not been provided by Mr Fuller.

A mention was listed at Norwich Crown Court on the 1<sup>st</sup> December 2015, when Mr Fuller also appeared in front of His Honour Judge Bate relating to charges brought by Her Majesty's Revenue and Customs (HMRC). The barrister representing Norfolk County Council and the Environment Agency was not called into court but it is understood that His Honour Judge Bate advised Mr Fuller to proceed with clearance of the site at Manor Farm. Mr Fuller was due to appear at Norwich Crown Court for a plea and case management hearing in relation to the HMRC case on the 10<sup>th</sup> December but the case was adjourned in his absence until the 12<sup>th</sup> January 2016.

Manor Farm continues to be monitored by Norfolk County Council officers and it has been noted that inert material is being removed from the site. Norfolk County Council's solicitor is corresponding with Mr Fuller's legal representative regarding compliance with an agreed site clearance schedule. A mention is listed on the 7<sup>th</sup> January 2016 at Norwich Crown Court.