

**NORFOLK COUNTY COUNCIL**

**Town and Country Planning Act, 1990**

**Town and Country Planning (Development Management Procedure) Order 2015**

**The Town and Country Planning (Environmental Impact Assessment)  
Regulations 2017**

To: D K Symes Associates  
39 Main Road  
Middleton Cheney  
Banbury  
Oxon  
OX17 2ND

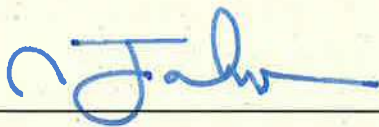
Particulars of Proposed Development

Location: Pinkney's Field, Breck Farm, Stody Estate, Melton Constable  
Applicant: Stody Estate Limited  
Agent: D K Symes Associates  
Proposal: Excavation and processing of minerals (on adjoining area) arising from the construction of a second (relocated) agricultural reservoir

The Norfolk County Council hereby gives notice of its decision to GRANT PLANNING PERMISSION for the development specified in the application received as valid on 18 April 2019, subject to compliance with the conditions set out on the attached sheet.

The reasons for the grant of permission and for the conditions are also set out on the attached sheets.

Signed: \_\_\_\_\_



Date: \_\_\_\_\_

15 August 2019.

For EXECUTIVE DIRECTOR OF COMMUNITY AND ENVIRONMENTAL SERVICES

Norfolk County Council  
County Hall  
Martineau Lane  
Norwich  
NR1 2SG

**SEE NOTES**

## NOTES

### Appeals to the Secretary of State

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
- If you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice
- If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of service of the enforcement notice, or within 6 months of the date of this notice, whichever period expires earlier
- Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN or online at [www.planningportal.gov.uk/pcs](http://www.planningportal.gov.uk/pcs)
- The Secretary of State can allow a longer period for giving notice of an appeal, but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under the development order.
- In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by the Secretary of State.

### Purchase Notices

- If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that the owner can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.
- In these circumstances, the owner may serve a purchase notice on the District or Borough Council in whose area the land is situated. This notice will require the Council to purchase the owner's interest in the land in accordance with the provisions of Chapter I of Part VI of the Town and Country Planning Act 1990.

### Byelaws

- Any planning permission is subject to compliance with the byelaws (Local Acts, Orders Regulations) and any general statutory provisions in force.

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Conditions and Reasons for Conditions:

1. The development hereby permitted shall commence not later than three years from the date of this permission. Within seven days of the commencement of operations, the operator shall notify the County Planning Authority in writing of the exact starting date.

Reason: Imposed in accordance with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development must be carried out in strict accordance with the application form and the following plans and documents:
  - Application 1 Supporting Statement dated February 2019;
  - Location Plan (Application 1) Plan - Plan No. 0612/L/2 v1 dated 1 February 2019;
  - Application 1 Plan (Pinkney's Field) - Plan No. 0612/A/2 v4 dated 1 February 2019;
  - Site Plan (as existing) - Plan No. 0612/S/1 v6 dated 13 November 2018;
  - Progressive Operations - Stages 1-3 - Plan No. 0612/PO/1 v4 dated 13 November 2018;
  - Progressive Operations - Stages 4-6 - Plan No. 0612/PO/2 v4 dated 13 November 2018; and
  - Composite Operations Plan - Plan No. 0612/CO/1 v1 dated 30 January 2019;
  - Non-Technical Summary dated February 2019 including the following plans:
    - Application Areas Plan No. 0612/A/4 v1 dated 1 February 2019;
    - Progressive Operations - Stages 1-3 Plan No. 0612/PO/1 v4 dated 13 November 2018; and
    - Progressive Operations - Stages 4-6 Plan No. 0612/PO/2 v4 dated 13 November 2018;
  - Planning and Environmental Statement Volume 1 dated February 2019 including the following plans:
    - Location Plan - Plan No. 0612/L/1 v2 dated 13 November 2018;
    - Site Context - Plan No. 0612/SC/1 v2 dated 13 November 2018;
    - Application Areas Plan No. 0612/A/4 v1 dated 1 February 2019;
    - Site Plan (as existing) - Plan No. 0612/S/1 v6 dated 13 November 2018;
    - Progressive Operations - Stages 1-3 - Plan No. 0612/PO/1 v4 dated 13 November 2018;
    - Progressive Operations - Stages 4-6 - Plan No. 0612/PO/2 v4 dated 13 November 2018; and
    - Composite Operations Plan - Plan No. 0612/CO/1 v1 dated 30 January 2019;

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- Planning and Environmental Statement Volume 2 dated February 2019 including the following documents:
  - Landscape and Visual Impact Assessment (Christine Fisher, B.Sc., Dip. L.A., C.M.L.I., Landscape Architect), undated including the following plans;
    - Landscape Proposals - Drawing No. 428/01A Rev A, dated 16 November 2018;
    - Location and Landscape Context - Drawing No. 428/02A Rev A, dated November 2018;
    - Sections 1-1 and 2-2 - Drawing No. 428/03, dated September 2018; and
    - Proposed Revised After-Use of South Field After Mineral Extraction - Drawing No. 428/04A, dated June 2018.
  - Arboricultural Impact Assessment (Christine Fisher, B.Sc., Dip. L.A., C.M.L.I., Landscape Architect), undated including the following plan:
  - Tree and Hedge Survey - Drawing No. 428/04B, dated January 2019.
  - Ecological Report/Preliminary Ecological Appraisal (Norfolk Wildlife Services), Report Ref. 2017/165, dated 24 January 2019;
  - Site Specific Flood Risk Assessment (Richard Jackson Engineering Consultants), Project No. 48982, dated January 2019;
  - Transport Statement (Richard Jackson Engineering Consultants), Project No. 48982 Rev A, dated January 2019 (including the Lorry Management Plan Framework included in Appendix D);
  - Noise Assessment (LF Acoustics Ltd), dated January 2019;
  - Archaeological Desk-Based Assessment (Broadland Archaeology), dated January 2019;
  - Heritage Statement, (Broadland Archaeology), dated (Revised) 4 February 2019;
  - Business Plan for Reservoir Scheme (Wilson Wright), dated November 2018;
- Addendum Statement to Volume 1 of the Planning and Environmental Statement dated March 2019 including the following plans:
  - Application Plan No. 0612/BF/A dated 18th November 2008;
  - Application 2 Plan (Section 73) Plan No.0612/A/1 v5 dated 13h March 2019; and
- Completed Works - Plan No. 0612/CW/1 v5 dated 10 May 2019;

The later version of any Plan will be taken as the approved working version.

Reason: For the avoidance of doubt and in the interests of proper planning.

3. Notwithstanding Condition 2 above, all vehicles accessing and egressing the site shall do so direct from the B1354.



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Reason: To protect the amenities of the surrounding area in accordance with Policies CS14 and OM12 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.

4. The extraction operations hereby permitted shall cease by 31 December 2026 with all buildings, plant, machinery, stockpiles, haul roads/internal roads/crossings and bunds removed, haul route de-compacted and replanting of any removed trees along the haul route within three months after this date.

Reason: To protect the amenities of the surrounding area in accordance with Policies CS14 and DM12 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.

5. No operation authorised or required under this permission or under The Town and Country Planning (General Permitted Development) (England) Order 2015 shall take place on Sundays or Bank/Public holidays, or other than during the following periods:  
07:00 -18:00 hours Monday to Friday  
08:00 -13:00 hours Saturdays  
No processing of material shall take place before 07:30 hours Monday to Fridays.

Reason: To protect the amenities of the surrounding area in accordance with Policies CS14 and DM12 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.

6. The visibility splay measuring 2.4m x 160m provided under application C/1/2010/1004 to each side of the access point on to the B1354, shall be retained free from any obstruction exceeding 0.6m above the level of the adjacent highway carriageway.

Reason; In the interests of highway safety in accordance with Policies CS15 and DM10 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.

7. Measures shall be taken to prevent dust nuisance and sand blow caused by the operations, including spraying of road surfaces, plant area and stockpiles.

Reason: To protect the amenities of residential properties and the surrounding area, in accordance with Policy DM12 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.

8. Handling, movement and re-spreading of topsoil and subsoil shall not take place except when the soils are in a suitably dry and friable condition, and in such a

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way and with such equipment as to ensure minimum compaction. No handling of topsoil and subsoil shall take place except between 1st April and 31st October.

Reason: To ensure the proper and expeditious restoration of the site, in accordance with Policy DM14 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.

9. No plant or machinery shall be used on the site unless it is maintained in a condition whereby it is efficiently silenced in accordance with the manufacturer's specification.

Reason: To protect the amenities of residential properties and the surrounding area, in accordance with Policy DM12 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.

10. No external lighting shall be installed on the site unless it is retained such that it will not cause glare beyond the site boundaries.

Reason: To protect the amenities of the surrounding area in accordance with Policies CS14 and DM12 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.

11. Any fuel storage and refuelling facilities on the site shall be constructed on an impermeable base with an independent sealed drainage system with no direct discharge to any watercourse or underground strata.

Reason: To safeguard hydrological interests, in accordance with Policies in accordance with Policies CS14 and DM6 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.

Reason: To safeguard hydrological interests, in accordance with Policy DM3 and DM6 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.

12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any Order revoking, re-enacting or modifying this Order, no further buildings, plant or machinery, nor structures of the nature of plant or machinery shall be erected on the site, except with permission granted on an application under Part III of the Town and Country Planning Act 1990, as amended.

Reason: To control possible future development which would otherwise be permitted but which may have a detrimental effect on the Glaven Valley Conservation Area, in accordance with Policies CS14 or DM12 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.

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13. Except for temporary operations, noise caused by operations at the site shall not exceed the noise limits specified below at the locations shown on Plan A attached to the notice issued with application C/1/2010/1004.

The Lawn	-	44 dB LAeq (1 hour) free field;
Hunworth	-	40 dB LAeq (1 hour) free field;
Thatched Cottages	-	45 dB LAeq (1 hour) free field;
The Patch	-	40 dB LAeq (1 hour) free field;
Mill House/Mount Farm	-	44 dB LAeq (1 hour) free field;
White Ollands	-	46 dB LAeq (1 hour) free field.

Reason: To protect the amenities of the surrounding area in accordance with Policies CS14 and DM12 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.

14. Noise for temporary operations such as site preparation, soil stripping, construction and removal of baffle mounds, soil storage mounds and spoil heaps, construction of new permanent landforms and aspects of site road construction/maintenance at each of the locations shown on Plan A attached to the notice issued with application C/1/2010/1004 shall not exceed:-

The Lawn	-	49 dB LAeq (1 hour) free field;
Hunworth	-	45 dB LAeq (1 hour) free field;
Thatched Cottages	-	50 dB LAeq (1 hour) free field;
The Patch	-	45 dB LAeq (1 hour) free field;
Mill House/Mount Farm	-	49 dB LAeq (1 hour) free field;
White Ollands	-	51 dB LAeq (1 hour) free field.

Temporary operations shall not exceed a total of 8 weeks in any calendar year.

Reason: To protect the amenities of the surrounding area in accordance with Policies CS14 and DM12 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.

15. Prior to the commencement of any temporary operations on site, as referred to in condition 14 above, a scheme of works to include contact details, the precise nature of works to be undertaken and equipment to be used, timescale, including date of commencement and completion, and the exact location of the works shall be submitted to, and approved in writing by, the County Planning Authority. The development shall be undertaken only in accordance with the approved scheme.

Reason: To protect the amenities of the surrounding area in accordance with Policies CS14 and DM12 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.

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16. From the date of this permission the operator/s shall maintain records of any noise complaints/concerns notified to them regarding activities undertaken as part of the development and a record of all vehicles entering and leaving the site and shall make them available to the County Planning Authority at any time upon request. All records shall be kept and made available for inspection for the duration of the extractions works.

Reason: To protect the amenities of the surrounding area in accordance with Policies CS14 and DM12 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.

17. Soil bunds which are in situ for one or more growing seasons shall be seeded with grass and retained in accordance with the submitted and hereby approved details.

Reason: To protect the amenities of the surrounding area in accordance with Policies CS14 and DM12 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.

18. Within 3 months of the date of this permission, a revised landscaping plan for the planting around the new reservoirs and including details of any new areas of woodland shall be submitted to, and approved in writing by, the County Planning Authority. The development shall thereafter be undertaken in accordance with the submitted and approved Landscape and Visual Impact Assessment (Christine Fisher, B.Sc., Dip. L.A., C.M.L.I., Landscape Architect), undated including the following plans (as amended by the updated landscaping plan);
- Landscape Proposals - Drawing No. 428/01A Rev A, dated 16 November 2018;
  - Location and Landscape Context - Drawing No. 428/02A Rev A, dated November 2018;
  - Sections 1-1 and 2-2 - Drawing No. 428/03, dated September 2018; and
  - Proposed Revised After-Use of South Field After Mineral Extraction - Drawing No. 428/04A, dated June 2018.

Any landscaping/planting which fails or damage occurs within a period of five years from the date of the initial planting shall be replaced with trees/landscaping of a similar size and species at the next appropriate planting season.

Reason: To protect the amenities of the surrounding area in accordance with Policies CS14 and DM12 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.

19. Stockpiled material within the site shall not exceed 6 metres in height as measured from base to peak.

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Reason: To protect the amenities of the surrounding area in accordance with Policies CS14 and DM12 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.

20. Any storage of topsoil, whether short or long term shall not exceed 3 metres in height measured from base to peak.

Reason: To protect the amenities of the surrounding area in accordance with Policies CS14 and DM12 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.

21. No waste or other material shall be brought onto or deposited on site and no mineral shall be imported into the site for processing or sale.

Reason: To protect the amenities of the surrounding area in accordance with Policies CS14 and DM12 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.

22. Within 3 months of the date of this permission, an aftercare scheme specifying such steps as may be necessary to bring the land to the required standard for use for agriculture/grassland shall be submitted to, and approved in writing by, the County Planning Authority. The approved aftercare scheme shall be implemented over a period of five years following the completion of restoration or in the case of phased restoration in stages each of five years duration dating from each completed restoration phase.

Reason: in the interests of the appearance of the development and surrounding area in accordance with Policy DM14 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.

23. No reversing beepers or other means of audible warning of reversing vehicles shall be fixed to, or used on, any site vehicles, other than those which use white noise, or other warning measures, the use of which shall first be approved in writing to County Planning Authority.

Reason: To protect the amenities of the surrounding area in accordance with Policies CS14 and DM12 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.

24. All HGV traffic associated with the development shall comply fully with the Lorry Management Plan Framework included in Appendix D of the Transport

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Statement (Richard Jackson Engineering Consultants), Project No. 48982 Rev A, dated January 2019, for the lifetime of the development.

Reason: In the interests of highway safety, in accordance with Policy DM10 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.

25. Within 3 months of the date of this permission, details of signage on the haul road approaches to the bridleway (if not already in place) to warn drivers of PROW users and of signage on the Bridleway to warn users of heavy vehicles crossing shall be submitted to, and approved in writing by, the County Planning Authority. The Bridleway users should take precedence over the haul road crossing and all signs shall be maintained for the lifetime of the operations on site.

Reason: To ensure the safety of Bridleway users in accordance with Policies CS14 and DM12 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.

26. Prior to the commencement of development, a Written Scheme of Investigation (WSI) setting out a programme of archaeological work in Pinkney's Field shall be submitted to and approved in writing by the Local Planning Authority. The program of archaeological work shall thereafter be carried on in complete accordance with the approved specification

Reason: To ensure adequate time is available to investigate any features of archaeological interest, in accordance with Policy DM9 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.

27. No excavation work shall be undertaken within the 10m stand-off around the reservoir or otherwise within 10m of Pinkney's Lane.

Reason: To protect the amenities of the surrounding area in accordance with Policies CS14 and DM12 of the Norfolk Minerals and Waste Core Strategy DPD 2010-2026.

Note: This permission shall be read in conjunction with Planning Permission Refs. C/1/2018/1017 and C/1/2018/1018, which together with this Planning Permission, grant consent for the associated works on the wider extended site including Pinkney's Field.

Note: Attention is drawn to the requirements of the Environment Agency in their attached letter of 25 April 2019.

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In accordance with Article 35 (4) of the Town and Country Planning (Development Management Procedure) (England) Order 2015, Norfolk County Council confirms that all relevant environmental information has been taken into consideration in reaching this decision.

#### Positive and Proactive Statement

In accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2015:

The local planning authority has engaged in pre-application discussions with the applicant to ensure that the application contains all required information to enable this to be processed efficiently.

The local planning authority has worked with the applicant to ensure that the application contains sufficient information to enable this to be validated.

The local planning authority has entered into discussions with the applicant during the application processing period to ensure that sufficient information has been submitted to demonstrate that the proposal is acceptable.

The local planning authority has entered into discussions with the applicant during the application processing period to amend the proposal and thereby ensure that it could be recommended for approval.

#### Reason for pre-commencement conditions

Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 requires planning authorities to provide written reasons for imposing planning conditions that require particular matters to be approved before development can start. In this instance condition 15 requires a scheme to be submitted for any temporary works carried out on site. This information is being requested by condition because the exact detail of any temporary works may not be known until shortly before it commences on site.