

Relevance of the recent planning decision relating to the proposed allocation of MIN25

Planning application FUL/2022/0056 was refused against officer recommendation for approval on 31st May 2024. The decision notice contains a single reason for refusal split into two parts, namely that Breedon failed to demonstrate that there are sufficient measures:

1. To satisfactorily mitigate impact on the nearby heritage assets; and
2. To reduce amenity impacts to acceptable levels.

The reason of refusal is solely based on a failure to demonstrate sufficient measures to mitigate adverse effects in connection with a specific application proposal. The planning decision confirms the following:

1. The Council do not contend that MIN25 is not an acceptable location for mineral extraction.
2. The Council do not contend that there is not a need for mineral extraction at MIN25 to provide a steady and adequate supply of sand and gravel.

In no way can the planning decision be construed as highlighting that the proposal to allocate MIN25 is not sound.

The planning decision does however highlight:

1. No statutory consultees had sufficient concerns to submit an objection to the proposal and
2. The Council's professional officers considered that application was appropriate to recommend for approval.

This is summarised in the Officer's Report which forms part of the examination documents and again signifies the acceptability of MIN25 for mineral extraction.

There are several other matters raised in the planning decision which are relevant to the proposed allocation of MIN25. These are set out below.

Heritage

Historic England ('HE') did not formally object to the planning application albeit it raised serious concerns. Their representations highlighted their view that the mitigation proposed was inadequate and that less than substantial harm would be caused to the significance of the Church of St Mary which should be weighed against the public benefits of the application proposal. It is of relevance that Breedon (as part of the planning application) (Appendix 1) and the Council (as part of the evidence base for the Local Plan) have produced evidence in the form of heritage impact assessments which demonstrate MIN25 is an acceptable location for mineral extraction and that any adverse effects can be suitably mitigated.

Heritage was a listed reason for refusal in a scheme dismissed at appeal in 2014 (ref. APP/X2600/A/13/2197841) ('the appeal decision') (Appendix 2) which is of relevance to the proposed allocation of MIN25 due to the consideration of heritage. The appeal was made against refusal of planning application C/7/2011/7020 which sought permission to extract sand and gravel north of Loddon Road (MIN25) and south of Loddon Road where a processing equipment including a concrete plant would also have been erected in the resultant void. The 2014 appeal scheme was materially different to the proposal subject to the recent planning decision. The appeal scheme:

- Proposed mineral extraction to the south of Loddon Road.
- Proposed processing plant was proposed to the south of Loddon Road.

- Proposed a duration of 21 years.

The appeal decision points to the acceptability of MIN25 in terms of heritage. The Inspector notes *“from the landscape and heritage evidence, by far the strongest objection was to the use of the land south of Loddon Road.”* Very little attention is directed to the use of land to the north of Loddon Road save for the length of operation which was substantially longer (21 years) than the 7 year working period in the planning decision. The Inspector concludes, *“Although the northerly parcel of land, containing by far the greater proportion of the mineral resource, creates very little visual harm during operations the same cannot be said of the much smaller area to the south.”*

Importantly HE (then English Heritage) did not object to planning application C/7/2011/7020, and their representations dated 3 February 2012 focussed largely upon the use of land to the south of Loddon Road.

In respect of MIN25 HE commented:

“It is also open arable land in which the church has always been at least partly set, but it is today a fairly typical stretch of Norfolk flatland. It is largely devoid of hedges and woodland and has probably seen the loss of field boundaries in recent decades. I am not sure the amount of traffic on the road here really degrades the setting as HLM claim, but the road does create a division in the landscape and both main roads together generate a significant degree of traffic and noise.”

HE added in terms of the advance planting proposals that is now a mature feature of MIN25, *“the planting will help disguise it and I think it desirable to introduce trees into this landscape - after all, its present treeless, almost hedgeless condition is a recent and regrettable phenomenon. The area closest to the churchyard (its immediate setting) would also be defined more strongly by the proposed tree screen,”* and, *“I will reiterate that in my view the proposed landscaping will, in the long term, mitigate the impact of the quarry pit on the landscape to the north of the church.”*

This is relevant because the evidence presented both in respect of the recent application and the previous 2014 appeal decision both indicate that MIN25 is an acceptable location for mineral extraction in terms of heritage.

Dust

In relation to the recently refused planning application, Breedon’s submitted air quality assessment and the technical rebuttals submitted to address third party objections by the Stopit2 group both conclude that the proposed development would result in insignificant effects (Appendix 3).

It is also relevant that no objection was raised by the Council’s District Environmental Quality Team or Public Health Team on the application proposal. Indeed, the Public Health Team in response to the technical evidence submitted by the Stopit2 group and the rebuttals provided by Breedon concluded that, *“there are no grounds to modify the recommendations made by Public Health in the letter dated 1st December 2023.”* This is relevant because it again demonstrates that MIN25 is an acceptable location for mineral extraction in terms of dust.

MIN25 Policy Wording – Amenity Effects

The Officer's Report on the recently refused planning application clearly indicates the professional case officer's view as to the acceptability of MIN25 for mineral extraction from an impact on amenity perspective. This was also the view of the County Council's Public Health Team and also South Norfolk District Council's Environmental Quality team in their consultation responses on the application.

Notwithstanding those views, there are several ways in which the scheme proposed in the recent application could be revised and/or additional mitigation measures proposed as a means to address the reasons for refusal. The Specific Site Allocation Policy MIN 25 is worded in such a way to secure sufficient mitigation :-

- A. *The submission of acceptable noise and dust assessments and a programme of mitigation measures to deal appropriately with any amenity impacts; mitigation measures should include setting back the working area at least 100 metres from the nearest residential properties;*

This is relevant because, as the Officer's Report outlines, Breedon amended proposals in light of draft policy MIN25. Breedon will explore with officers whether amendments to the mitigation in the refused application to address the reasons for refusal.

Need

Breedon note that the Officer's Report does not accurately describe the critical need for mineral extraction at MIN25. As outlined in the Officer's Report, gravel would be extracted from MIN25 and transferred to Norton Subcourse Quarry for processing. This is to overcome production difficulties experienced at Norton Subcourse due to a significant shortage of gravel and an abundance of sand in the remaining permitted reserve – a more even proportion is required for blending to produce saleable products. Such is the significance of the issue, output and saleable permitted reserve has significantly declined at Norton Subcourse. Mineral extraction at MIN25 is critical to the viability of continued production at Norton Subcourse and without this additional gravel, the remaining saleable permitted reserves within Norton Subcourse Quarry only amount to 300,000 tonnes (as of 31.12.2023) this is against a remaining permitted reserve of 1.7 million tonnes. MIN25 would allow a further 650,000 tonnes of sand to be utilised within Norton Subcourse.

It is important to note the submitted version of the Norfolk Minerals and Waste Local Plan is based on 2020 data (the planning decision and officer recommendation for approval was based on 2022 data). The 2020 data contained a significantly higher figure of permitted reserve for Norton Subcourse of 1.95 million tonnes. The planning decision serves to re-establish the need for mineral extraction at MIN25, but also the need for the allocation of additional sand and gravel sites to ensure a steady and adequate supply over the Plan period because the Council has overestimated the existing landbank. Breedon have highlighted this in the Hearing Statement submitted in response to Main Matter 4.

Conclusion

The recently refused application and the detailed assessment in the Officer's Report is helpful in demonstrating that the particular proposals in that application were considered acceptable by the County Council's officers and statutory consultees. The reason the application was considered unacceptable by the Council's planning committee was due to the fact that the Council considered that Breedon had failed to demonstrate that there are sufficient measures:

1. To satisfactorily mitigate impact on the nearby heritage assets; and
2. To reduce amenity impacts to acceptable levels.

Those particular concerns can be addressed and do not go to the principle of the development. What the recent application, supporting evidence and the professional assessment of that application does show is that the proposed allocation of MIN25 is “Sound” in the context of NPPF paragraph 35.

Appendix 1 Heritage

Appendix 1.1	ES Chapter 12 Cultural Heritage
Appendix 1.2	ES Appendices 12.1 to 12.5 Cultural Heritage
Appendix 1.3	Breedon Haddiscoe Regulation 25 Response

Appendix 2 Appeal Decision

Appendix 2.1	Appeal Decision APP/X2600/A/13/2197841
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Appendix 3 Air Quality

Appendix 3.1	ES Chapter 10 Air Quality
Appendix 3.2	ES Appendix 10 Air Quality
Appendix 3.3	Addendum F – Dust Management Plan
Appendix 3.4	J0835/1/F1 Response to Representations 13Feb24
Appendix 3.5	J0835/2/F1 Further Response to Representations 20May24