



Planning Committee
Monday, 1st August, 2016 at 9.30 am
in the Committee Suite, King's Court, Chapel Street,
King's Lynn

Reports marked to follow on the Agenda and/or Supplementary Documents

- a) Decisions on Applications (Pages 2 - 44)

15/02026/FM - Land at former Whin Close, Docking Road, Sedgeford

16/01145/CM - Land N of Outfall S off Transmission Cables W off Road, Cross Bank Road, King's Lynn, Norfolk

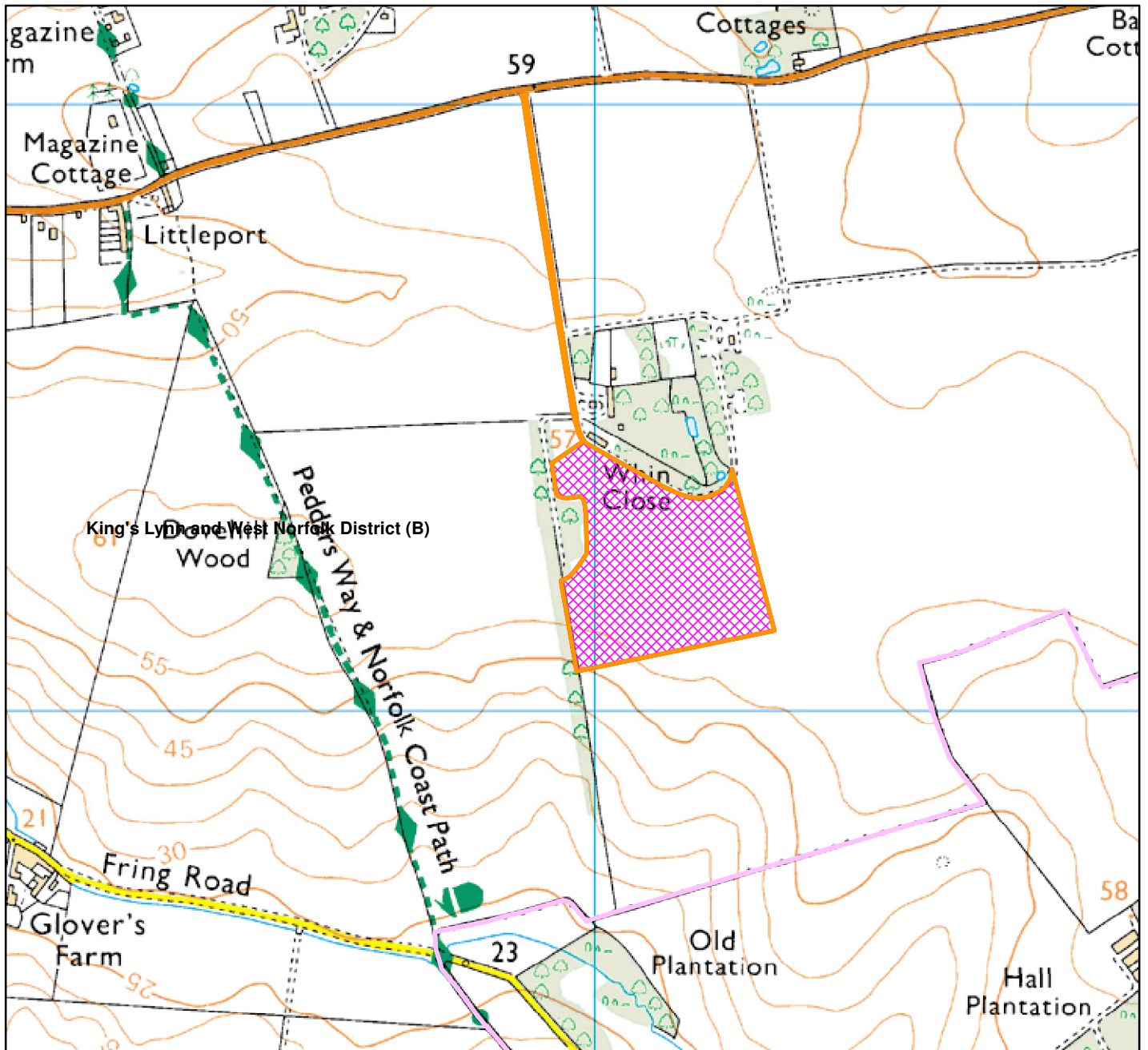
To consider and determine the attached Schedule of Planning Applications submitted by the Executive Director.

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15/02026/FM

Land at former Whin Close Docking Road Sedgeford



Scale: 1:10,000

Borough Council of
**King's Lynn &
West Norfolk**



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Organisation	BCKLWN
Department	Department
Comments	1:10000
Date	25/07/2016
MSA Number	0100024314

AGENDA ITEM NO: 8/2(a)

Parish:	Sedgeford	
Proposal:	Proposed poultry unit	
Location:	Land At Former Whin Close Docking Road Sedgeford Norfolk	
Applicant:	Newcome Baker Farms Ltd	
Case No:	15/02026/FM (Full Application - Major Development)	
Case Officer:	Mr C Fry	Date for Determination: 16 March 2016 Extension of Time Expiry Date: 8 August 2016

Reason for Referral to Planning Committee – Contrary to the views of Sedgeford, Fring and Docking Parish Councils and in the wider Public Interest

Case Summary

The application site lies within an area designated as “Countryside” according to the local plan proposals maps for Sedgeford.

The site is 1.6km east of the junction of Fring Road and Docking Road, Sedgeford and 3.7km west of the centre of Docking.

The site is on the southern side of Docking Road and is grade 3 agricultural land comprising of 9ha.

The application seeks consent for a poultry unit comprising of 4 broiler houses and general purpose building with associated hardstanding.

Key Issues

- Principle of Development
- Landscape Impact
- Impact on Heritage Assets
- Impact upon Neighbour Amenity
- Pollution and Contamination Issues
- Economy
- Highway Implications
- Ecology
- Arboricultural implications
- Other Material Considerations

Recommendation

APPROVE

THE APPLICATION

The site lies within an area designated as countryside according to the Local Plan Proposals Maps for Sedgeford.

Sedgeford is classified as a "Rural Village" according to Policy CS02 of the Local Development Framework Core Strategy 2011.

The site lies on the southern side of Docking Road, Sedgeford. It is approximately 1.6km to the east of the junction of Fring Road and Docking Road and 3.7km to the west of Docking. The site was once used as an RFC/RAF base in the First World War and as a decoy airfield in WWII.

The site is accessed via a gated entrance directly from Docking Road, Sedgeford along an unmade track, approximately 115m in length, that is flanked by hedging that leads towards an opening between two wooded copses. The site then opens up into a large field that increases in height and then gently slopes away in a southerly direction.

The application seeks consent for a poultry unit on the site. The unit would comprise of 4 broiler houses measuring 20m (d) x 91m (l) x 5.6m (h) and a general purpose agricultural building scaling 9.2(d) x 12.2 (l) x 4.6m (h). Each building would be equipped with 3 x 20 tonne feed bins, which are 8.5m tall. The site also includes hardstanding and an attenuation basin along the western boundary of the site. The existing track will be improved for the first 15m from the public highway.

The site will house 180,000 broilers (young chickens) that are bred for meat production.

Female birds will be removed from the site at approximately 36-38 days old and males at 42 days old to then be processed for meat production. Broiler mortalities will be removed on a daily basis and stored in sealed containers. A specialist contractor then collects the carcasses from the site once a week up until 21 days into the life cycle of the batch of chickens. After 21 days the dead chickens will be removed twice a week.

Litter will be loaded onto trailers and either spread over adjacent ground or sent to specialist power stations. The whole site will be washed down, disinfected and then dried out before the cycle starts again. The cycle of production is therefore 52 days in total – leading to 6.5 cycles per annum.

Over a 7 week cycle there would be 68 traffic movements generated by the proposal. This involves the delivery of gas, feed, chicks, birds, litter, carcass removal and dirty water collection.

In addition to the operational movements, there will be up to 3 staff using the site on a daily basis.

Constructing the facility is expected to take approximately 6 months.

SUPPORTING CASE

The application has been accompanied by a wealth of supporting documentation including:-

- Design and Access Statement
- Landscape and Visual Impact Assessment

- Environment Statement which includes; a noise report, odour assessment, habitat protected species survey, archaeology assessment and a flood risk assessment.
- A supplementary Ecology Statement in regards to Pink Footed Geese.

The agent has submitted a supporting statement:-

This proposal is for 4 high spec new poultry buildings housing up to a total of 180,000 birds. 94% of chicken produced in the UK is in a barn reared system the same as this. A public consultation process including a “drop in” session was held on the 7th November 2015. All potential sites were considered across my landholding. Alternative sites were looked at, but this site was selected as it had the best mix of existing mature woodland screening, being far away from any residences or designations and has a suitable access. All impacts and concerns have been looked at and we have been as cooperative as possible with the planning authorities, agreeing to multiple extensions and allowing them to look at every fine detail of this proposal. I have provided all the specialist reports into the concerns raised and no issues come within statutory levels.

A traffic statement has been submitted and is detailed in the Environmental impact assessment (EIA). The site has good access onto a B road and the existing first 15m will be upgraded. Norfolk County Council Highways Authority did not object to the original proposal double the size, and do not object to the current 4 shed proposal.

An independent qualified chartered landscape architect has done an LVIA report and Photomontages. He concluded the level of impact to be ‘slight’ and ‘neutral’.

All these issues fall under the Integrated Pollution Prevention and Control (IPPC) Regulations and are therefore regulated, assessed, monitored and controlled by the Environment Agency (EA). Newcome-Baker Farms has to submit an application for an IPPC permit with risk assessments, management plans, drainage plans, public consultation etc. The EA have to be satisfied the site meets the environmental legislation criteria and that it will operate in a safe manner before a permit is granted. The site cannot operate without a permit. Specialist reports for both Odour and Noise show results to be below statutory regulations.

This proposal will directly create two full time salaried jobs. It will also employ part time positions; specialist wash out and bird collection gangs, vets and lorry drivers but to name a few. Indirectly, it will support all the jobs of everyone involved in this project and in my current business; the arable jobs of the men on my farm, Banhams processing jobs (Attleborough), Banhams hatchery jobs (Fakenham), feed mills, Hauliers, planners, consultants and everyone involved in the supply chain of the chicken and wider poultry industry.

This proposal will reduce the amount of imported chicken from abroad that are produced at lower welfare standards to ours here in the UK and benefit the UK consumer by meeting the increasing demand for the cheap white meat from supermarket shelves.

I am a third generation Sedgeford farmer and resident of Sedgeford and as someone who lives and works in the village, I would not operate my business to the detriment of others.

Agriculture is currently suffering a near 50% price drop across the majority of main field scale crops (cereals, oilseeds and sugar), coupled with costs of production like fertiliser having doubled over the past 5 years.

I am not immune from this pressure and am focusing on reducing my exposure to crop price volatility by diversifying the business. I currently import from elsewhere, 3000 tonnes of human treated waste and 1000 tonnes of poultry litter, to spread on the land every year. This new poultry unit will reduce these imports as the new unit will create circa 1600 tonnes per annum. Not only reducing existing traffic movements and emissions, but I see this as a strategic move to increase the sustainability of the farm. Being able to grow more food crops from the land with less artificial resources is vitally important.

This proposal is vital in the overall objective of maintaining the business as a long-term employer and contributor to the rural Norfolk community, reducing imported chicken in the UK and creating as well as supporting the jobs of everyone involved in my business and this project. All statutory consultees, who deal with applications with the specific issues in their own individual expert field on a daily basis, have not objected to the proposals.

We would not have progressed the site if it wasn't thought to be a good site and all the advice I have received is that it is an excellent site. A key consultee is the EA and they see no problem with the site subject to the normal safeguards. As the site is subject to an IPPC licence they will have a continued involvement as I cannot run it without a licence. Unlike a lot of planning approvals this means the unit will be monitored beyond the planning stage to ensure what we have said is put into practice.

The planning system supports agricultural development and the UK is not self-sufficient in Chicken. In these uncertain times this is a key consideration both at this stage and indeed if I had to take the proposal to appeal.

PLANNING HISTORY

15/00038/FM: Application Withdrawn: 02/04/15 - Proposed poultry unit

15/00036/F: Application Withdrawn: 02/04/15 - Proposed dwellings to supervise a poultry unit

RESPONSE TO CONSULTATION

Sedgeford Parish Council: OBJECTION

Concerns raised in regards to odours, especially at the end of the cycles and impact on health of local residents. Impact on the remains of the former airfield and concerns in regards to the increase in lorry movements. No benefits to the village or its residents

Revised comments in light of Landscape Visual Impact Assessment **OBJECTION** still has not addressed any issues

Docking Parish Council: NO OBJECTION the proposal causes minimal disturbance and the site will operate with the IPPC license which is controlled by standards of monitoring.

The overall results from independent reports submitted were below the environmental agency benchmark and the development will not produce any extra effects normally associated with current farming activities. The Councillors had visited another poultry unit in the area and were satisfied and impressed that no noise or odours were present.

Amended response - **OBJECTION** without any reasons stated.

Revised comments received in light of Landscape Visual Impact Assessment **OBJECT** still have not addressed any issues.

Fring Parish Council: OBJECTION no details in regards to foul sewerage, potential hazard to the environment, health or water supply. No Local Jobs will be created. The economic activity will not benefit the local community, however, the prosperity of the existing local tourism industry will undoubtedly be jeopardised.

- Disregard to the effects this development would have on adjacent conservation areas, ancient monuments, listed buildings and unspoilt countryside.
- Increased traffic, noise, smell.
- The site will be visible from All Saints Church in Fring.
- A great draw on mains water supply.
- Odour will be unpleasant and no data on emissions from the biomass boiler.
- Reference is also made to a workers dwelling, which would not be viable unless a future application is then made to construct another 4 sheds.
- Revised comments in light of Landscape Visual Impact Assessment **OBJECT**
- The landscape assessment should not be accepted at this late stage. The landscaping barrier will take time to grow. The poultry sheds and feed bins will be undoubtedly be visible from Fring and Peddars Way, thereby having a detrimental effect on the landscape.
- There will be regular air pollution over a wide area, and the possibility of ground water contamination, particularly as the Fring/Sedgeford Road suffers from frequent flooding. This could affect water quality.
- Odours could affect the economy of the area which would not be offset by providing any significant employment opportunities.

Heacham Parish Council: OBJECT possible risks to water quality, potential traffic problems with respect to congestion at the A149 junction, potential harm to the tourist industry from storage and disposal of waste

Snettisham Parish council: OBJECT supports the views of Sedgeford Parish Council.

Stanhoe Parish Council: OBJECT industrialisation of the area, serious increase in HGV traffic, harmful level of pollution from dust particles, close to the AONB and the effect on tourism.

Bircham Parish Council: OBJECT the emissions of fine dust which can be harmful to health as highlighted by a Doctor at Queen Elizabeth Hospital; Increased traffic in the surrounding villages including Bircham and the smell from the units when the wind blows towards Bircham.

Choseley Parish Council: OBJECT Industrial in appearance and out of character; dust odours and general disturbance generated by the necessary vehicular movements during the transport of manure/birds to and from the site. Unsuitable road network for HGV traffic.

No positive factors in terms of local employment or benefit to the local communities/economies which mitigate the negative impact on the local environment, residents and tourism.

Dersingham Parish Council: OBJECT extra traffic on the roads, tourism will be affected from aroma and airborne pollution

Hunstanton Town Council: OBJECTS it is an inappropriate development near an Area of Outstanding Natural Beauty; will have harmful effects on the local tourism industry; there would be an increase in traffic and would cause a general environmental hazard by way of noise and air pollution.

Arboricultural Officer: requests information in regards the trees that may be affected by the construction of the poultry sheds and access roads.

Norfolk County Council - Lead Local Flood Authority: the LLFA does not comment on proposals of this site area.

Environmental Health and Housing – CSNN: NO OBJECTION a lot of the matters are covered under the Environmental Permitting. However conditions in regards to a protection scheme from construction and a lighting scheme are required

Environment Agency: NO OBJECTION: In order to avoid potential pollutant/contaminant linkages to controlled waters conditions are required in relation to:-

- A remediation strategy that includes the following components to deal with risks associated with contamination of the site
- A scheme for surface water disposal will be required.

Natural England: NO OBJECTION the site does not lie in close proximity to any European Designated sites. The site is also not in close proximity to any Sites of Special Scientific Interest (SSSI). Natural England is satisfied that the proposed development carried out in strict accordance with the details of the application as submitted, will not damage or destroy the features of interest for which any SSSIs have been notified.

Historic England: The site of the proposed poultry farm would be visible from the Grade II* All Saints Church, Fring and Fring Conservation Area. The views over the landscape are rural and agricultural, and whilst the proposed new development is agricultural, it is nevertheless large-scale and industrial character. We would not object to the principle of developing the site. Moving the location further to the north would preserve the legibility of the layout and plan form of the airfield. It would be on an area used by soldiers and airmen for living and working, which would be more preferable than development of the open landing grounds, a significant part of the historic layout of the site. Advises LPA to weigh the harm to the heritage assets against the schemes benefits.

NCC Highways: NO OBJECTION the Highways Authority raised no objection to the previous scheme which sought planning consent for a scheme twice the size of that now applied for.

Historic Environment Service: NO OBJECTION the proposed poultry sheds are located on the former airfield close to maintenance and administrative areas of the site. This area of the site is likely to have been intensively used during the operation of the aerodrome and artefactual remains relating to use are likely. No objection subject to conditions.

Environmental Quality: NO OBJECTION Due to the distance to the nearest residential receptors and use of high velocity extraction system, it is concluded that the site is not likely to cause an exceedance of air quality standards.

The site would be regulated by the Environment Agency under Integrated Pollution Prevention and Control (IPPC) to control emissions (noise, odour etc).

No contamination issues are identified at the application site from the former uses.

No objections regarding contaminated land or air quality.

West Norfolk Tourism Forum: submitted a letter from a 3rd Party objector which raised the importance of the West Norfolk Destination Management Plan 2016-2020. The Plan outlines that the visitor economy is estimated at £496 million to the wider economy; 482,000 staying visitors spend an estimated £111million per annum; 7.8million day visitors spend around £259million; the visitor economy supports around 9699 jobs in the district.

Norfolk Wildlife Trust: comments that there should be consideration for pink footed geese. Although it may be possible to mitigate for loss of goose feeding areas, in our view there should be an assessment of impacts and details of any mitigation.

National Trail Manager: comments the proposed development which runs adjacent to the Peddars Way needs to be mindful of its impact upon the nationally recognised route. Clarity is required in relation to any screening proposals and mitigation proposals and information required in relation to waste and where this will be stored. Contribution is required to the national trails management and development.

Norfolk Ornithologists Association: comments that the survey in the ecologist report is lacking in detailed information. The report concedes that a breeding bird survey was not undertaken as this was beyond the remit of the survey, although a more detailed site assessment was made for barn owls. Ground nesting birds may use the site. Barn Owls could well be affected by this development and the Marsh Harrier bird has not been considered. There is no reference to pink footed geese. The report suggests that clearing of habitat should take place outside of the bird nesting season. In our view a more detailed survey of the site is required.

RSPB: comments that further assessment on protected birds is carried out before the determination of this application.

NOTE: Any additional comments from RSPB in regards to the Pink Footed Geese addendum will be reported in late correspondence.

Anglia Water: NO OBJECTION however they do not support the idea of soakaways on the site and site specific mitigation measures will be required to minimise the risk to drinking water supplies. The Environmental Statement does not make reference to groundwater impacts or the source protection zone designation, nor does it make an assessment of risk to groundwater quality.

Open Spaces Society: OBJECTION harm caused to the natural beauty of the countryside, and the public's enjoyment of it. We feel this is an inappropriate location for the development proposed. Being close to the AONB and Peddars Way the introduction of the proposed development in the countryside here would detract from the visual appeal of the area. In addition concerns are raised that the proposed development would harm the settings of All Saint's Church, Fring; the Fring Conservation Area; and the Sedgeford First World War Aerodrome.

Campaign for the Protection of Rural England: OBJECTION does not believe that this proposal is an "appropriate" development in a landscape of large arable fields, long-distance panoramic views with scattered farmsteads and cottages in the vernacular style nor will it integrate well into the surrounding landscape.

Apart from the negative visual impact, the poultry business is well known for creating strong odours and affecting air quality, which would surely impact on the cultural value of Norfolk's tourist industry.

NCC Minerals and Waste: NO OBJECTION the site is not within a minerals safeguarding area.

REPRESENTATIONS

FOUR letters of **SUPPORT** for the application on the following grounds

- The proposal is not that large
- The smell wouldn't travel a great distance
- Minimal additional traffic movements
- It will not cause a threat to tourism.
- Up until 2001 a corn drying plant which processed grain, day and night with thousands of lorry movements was never highlighted as a problem.
- Nimbyism
- There are already a fair few poultry sheds around us and there is no problem
- The proposal will not affect house prices
- Not as many HGV vehicle movements as the "No Group" state.
- Noise, dust and light pollution are all controlled
- No issues in regards to human health have occurred at the Fakenham Poultry Unit.
- Water issues are dealt with via the Environment Agency.
- Provides farm diversification and increase to jobs and provide alternative employment
- Living in the country is about country life and country smells.

"People for the Ethical Treatment of Animals" (PETA) - 5537 signature petition from the group **OBJECTING** on the following grounds:-

- Poses a threat to the environment and would put pressure on water supplies and potentially contaminating water sources
- Noise generated from extractor fans and causes an increase in traffic
- Chemicals and stench from the proposed boiler units would adversely affect local residents in terms of health and safety
- Burns the birds' lungs and skin
- Blot on the landscape
- Damage to tourism

THREE HUNDRED and SEVENTY letters **OBJECTING** to the application on the following grounds:-

- Odour from waste.
- Impact on human health through air borne particles
- Impact upon water quality and water supply
- Noise from HGVs and the processes on the site
- Impact upon the landscape and wider Area of Outstanding Natural Beauty
- Impact upon Fring Conservation Area
- The proposal creates very few jobs.
- Tourist trade will be detrimentally affected
- Impact upon protected species
- Drainage issues
- Bird flu
- Archaeological implications
- Flood risk issues
- Impact upon house prices
- The nature of the proposal
- The timing of the application
- Traffic implications from additional HGV movements
- The ability for the applicant to submit further information.

No to Poultry Factory Action Group – OBJECTS to the proposal on the following grounds:-

- Detrimental impact on the local economy. The proposal only creates 2 jobs and would not offset the impact upon employment and income loss through even a small percentage reduction in tourism;
- Detrimental impact upon the tranquil nature of the environment;
- Understates the importance of Peddars Way;
- Detrimental impact on the local landscape and wider environment;
- The ecology survey is inadequate;
- Heritage assets will not be preserved by the development;
- The site is of high sensitivity and could present potential pollutant/contaminant linkages;
- Spreading of hazardous dust and gases from the poultry sheds, biomass boiler and traffic;
- Noise, odours, traffic, pollution, visual impact, health and wellbeing concerns in terms of residential amenity;
- Odour report is based on computer modelling using unreliable data, assumptions and averages;
- Noise report does not include the impact of HGV movements along the route to and from the site;
- No information provided in regards to existing traffic flows, or HGV movements, so it is not possible to determine the actual increase;
- Risk of traffic accidents;
- An independent safety audit should have been commissioned in regards to the suitability of the B1454;
- Planning exists to serve the public interest: It does not exist to protect the personal interests of individuals seeking personal gain;
- The proposed development is of an industrial scale and inappropriate to this rural location;

- The documentation accompanying the application contains contradictions and factual errors: How can such a proposal receive thorough scrutiny under these circumstances?
- Other issues have also been brought to light, based on the inadequacy of the submission, such as potential pollution of watercourses, impact on the underlying aquifer and the inadequacy of the information relating to dust and odour dispersal, given the coastal location and topography of the area.

British Poultry Council

- The Environment Agency must be allowed to be the judge of whether the proposed controls are reasonable as nominally the issues are outside of the planning system
- The poultry sector used less than 20% of all antibiotics licensed for use in food producing animals in 2014, and is the only the livestock sector in this country's actively measuring its use of antibiotics and controlling their use.
- The combination of the regulatory burden and local opposition is impacting on the farmer's ability to expand, improve and modernise farm buildings.

NATIONAL GUIDANCE

National Planning Policy Framework – sets out the Government's planning policies for England and how these are expected to be applied.

National Planning Practice Guidance - Provides National Planning Practice Guidance, in support of and in addition to the NPPF

LDF CORE STRATEGY POLICIES

CS01 - Spatial Strategy

CS02 - The Settlement Hierarchy

CS06 - Development in Rural Areas

CS08 - Sustainable Development

CS10 - The Economy

CS11 - Transport

CS12 - Environmental Assets

SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PRE-SUBMISSION DOCUMENT

DM1 – Presumption in Favour of Sustainable Development

DM2 – Development Boundaries

DM15 – Environment, Design and Amenity

PLANNING CONSIDERATIONS

The main planning considerations in regards to the application are:-

- Principle of Development
- Landscape Impact
- Impact on Heritage Assets
- Impact upon Neighbour Amenity
- Highway Implications
- Ecology
- Pollution and Contamination Issues
- Economy
- Arboricultural implications
- Other Material Considerations

Principle of Development

The application seeks consent for the erection of a Poultry Unit, Docking Road, Sedgford. The site is in an area designated as countryside according to Local Plan proposals maps for Sedgford.

Paragraph 28 of The National Planning Policy Framework “Supporting a prosperous rural economy” states that planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. To promote a strong rural economy, local and neighbourhood plans should:

- Support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through the conversion of existing buildings and well-designed new buildings; and
- Promote the development and diversification of agricultural and other land-based rural businesses.

The paragraph also goes on to state that Local and Neighbourhood Plans need to support leisure and tourism developments.

There are no saved 1998 Local Plan policies that are relevant to the development.

Policy CS06 and CS10 of the Local Development Framework Core Strategy refer to the economy and farm diversification schemes.

In accordance with Policy CS10 ‘The Economy’ the council will be supportive of schemes that:-

- Meet sustainable development objectives and help to sustain the agricultural enterprise;
- Are consistent in scale with the rural area;
- Are beneficial to local economic and social needs; and
- Do not adversely affect the surrounding area or detract from residential amenity.

Whilst there are no specific emerging Development Management Policies in regards to the rural economy, policy DM 2 ‘Development boundaries’ states that new development in the countryside will be limited to certain types that are ‘suitable for rural areas’ including farm diversification; small scale employment; and tourism facilities.

The list in policy DM2 is not exclusive and allows other forms of development if they are deemed 'suitable'. It is difficult to envisage where a development such as that proposed would be located if not in the countryside. Consequently, it is considered that the proposal could be supported in principle in terms of National and Local Policy subject to satisfying other material considerations as outlined below.

Landscape Impact

Third party representations are concerned about the impact the proposal would have upon the landscape and the Area of Outstanding Natural Beauty.

The site is in open countryside approximately 1.6km east of the junction of Fring Road and Docking Road and 3.7km west of the centre of Docking. Fring is approximately 1.4km south east of the site.

The site is approximately 2km south and 1.1km east of the North Norfolk Coast Area of Outstanding Natural Beauty.

The site is on the southern side of Docking Road and access is achieved via a gated unmade track. The dirt track serves a field sited between two wooded copses. The field slopes away to the south. The site at its highest point is 54M above Ordnance Datum (aOD). There is no southern or eastern boundary to the site; the boundary of the site to the north and west is reliant on the wooded copse area. The poultry unit covers a site area of approximately 6Ha.

The proposal involves the erection of 4 broiler houses, silos, a general purpose building and associated hardstanding. The scale of the buildings and structures are as follows:-

- Broiler houses scale 91.44m (l) x 20.1m (w) x 5.6m (h) to ridge.
- The 2 sets of 3 feed bins are sited between the broiler houses and are 8.5m tall.
- The GP building 12m(l) x 9m (d) x 4.45m (h) to ridge.

The buildings lie on an east-west axis with the exception of the general purpose building which is in the north east corner of the site and lies on a north-south axis.

In terms of landscape characterisation, the site is contained within the National Character profile area "North West Norfolk", which consists mainly of open, rolling topography.

Locally, the site is contained within 2 landscape classifications as identified in the Borough Council Landscape Character Assessment –2007. J1 – "Docking plateau farmland" and I5 – "Sedgeford Rolling Open Farmland". J1 covers the poultry unit complex and I5 covers the access track to the unit.

The characteristics of "J1 – Docking plateau farmland" are generally large, regular shaped fields, separated by low to medium mature hedgerows, which are interspersed by small patches of woodland, plantations and tree belts, which punctuate the skyline. The patches of woodland provide some localised sense of enclosure. Few tracks and footpaths cross the area other than the Peddar's Way and Norfolk Coastal Path. A strong sense of tranquillity, isolation and exposure is apparent throughout the open sparsely populated area. Long distance, panoramic and open views across farmland are characteristics of the area, contributing to the generally large-scale nature of this landscape character area.

The Borough Council's landscape character assessment states that within J1 there is a need to:-

- Conserve and enhance the belts and copses of plantation woodland.
- Conserve the scarce settlement pattern, the largely undisturbed and tranquil nature, the landscape setting Docking, panoramic views across the area and adjacent areas.
- Where appropriate, consider sensitive farm diversification, in keeping with local settlement pattern and character

In respect to I5 – Sedgeford – rolling open farmland, the characteristics of this area are said to be large arable fields with low flailed or trimmed gappy hedgerows. Like, J1 – Docking plateau farmland, the openness of the landscape is apparent. The views within the area are open and panoramic, framed by the topography of the land.

The Borough Council's landscape character assessment states that within I5 there is a need to:-

- Conserve the generally undeveloped, rural character of the area and strong sense of remoteness and tranquillity
- Ensure the sensitive location of the development involving tall structures in relation to prominent skyline locations both within the character of the area and within the adjacent character areas.
- Ensure that appropriate development is well integrated into the surrounding landscape
- Conserve the landscape setting of Sedgeford

The National Planning Policy Framework requires planning authorities to ensure that development functions well and adds to the overall quality of the area, not just for the short term but over the lifetime of the development (paragraph 56); and that the planning system contributes to and enhances the natural and local environment by protecting and enhancing valued landscapes (paragraph 109). Great weight should be given to conserving landscape and science beauty in Areas of Outstanding Natural Beauty which have the highest status of protection in relation to landscape and scenic beauty.

The NPPG refers to the opportunity for high quality hard and soft landscape design that helps to successfully integrate development into the wider environment from the outset.

In terms of local policy, Policy CS06 of the Local Development Framework Core Strategy requires development in rural areas to maintain the local character and to protect the countryside for its intrinsic character and beauty. Policy CS08 requires all new development to respond to the context and character of places in West Norfolk, by ensuring that the scale, density, layout and access will enhance the quality of the environment.

Emerging Development Management Policy DM15 requires development to protect and enhance the amenity of the wider environment and in respect of landscape impact, the scale, height, massing, materials and layout of a development should respond sensitively and sympathetically to the local setting.

In order to assess the landscape impact of the proposal, the application has been supported by a Landscape and Visual Impact Assessment (LVIA) by Richard Morrish Associates.

The report analyses the sensitivity of the landscape to development and the effect the proposal would have the landscape.

In order to determine the landscape's sensitivity, an assessment of the landscape's value needs to be made. The LVIA determines the local landscape to be of "medium" value. "Medium" value landscapes are in good or reasonable condition and with scenic quality but undesignated. Value is said to be demonstrated through use (footpaths and recreational sites), rare features or established associations (e.g. artists, historic events).

The LVIA comments that the existing shelter belts help to enclose the development and greatly reduce the zone of visual influence. The nature of the proposal, introducing agricultural-related buildings to the site, will not be wholly out of character with the setting and there are existing precedents in the locality. Consequently, the LVIA considers that the landscape's sensitivity to change can be classified as being "medium-low". It is noted that the Sedgford rolling open farmland is said to be more sensitive to the development compared to the plateau farmlands but considering that the majority of the site is within the plateau farmlands, a 'medium to low' landscape sensitivity is an appropriate classification.

In respect to the effect on the landscape features during the construction, the LVIA states that "no significant landscape features are...expected to be affected by the proposed construction requirements...the overall magnitude of effects on the landscape features is expected to be low and combined with the medium-low sensitivity of the landscape as a receptor, the landscape impact will be regarded as slight adverse. In respect to the effect on the landscape character as a result of the construction, the Assessment states that "there will be some vehicle noise and movement that will cause an unusual level of activity in the setting for a short period of time. The works will have some bearing on the character of the local landscape although with a relatively small zone of visual influence". The LVIA concludes that the construction phase will result in a 'moderate/slight' adverse landscape impact.

During the operational stage, the impact upon landscape features and landscape character, according to the LVIA is 'slight to neutral'. The assessment concludes that new planting belts would mature over the lifetime of the development and further screen the buildings, which are not out of keeping or unfamiliar in this rural setting.

A field study has informed the positioning of 6 viewpoints to assess the visual impact of the proposal. The views take on board static receptors (residential properties) and transient visual receptors (e.g. cycling, motor vehicles and pedestrians). The 6 viewpoints are as follows:-

- View point 1 - Looking east from Peddars Way.
 - View point 2 – Looking south east from field headland adjacent to High House.
 - View point 3 – Looking south from the B1454.
 - View point 4 – Looking south west from Summerfield Lane
 - View point 5 – Looking north from All Saints Churchyard*
 - View point 6 – Looking north from Peddars Way approximately 2km from the site.
-
- The impact from viewpoint 5 is discussed in the impact upon heritage assets section.

The LVIA makes the following comments in relation to the viewpoints;

Viewpoint 1 - the poultry unit is not expected to be visible; it will be screened by 8m+ high shelterbelt along the western boundary of the site. There will be some potential for partial views of any vehicles using the entrance road for people walking along Peddars Way at this point. The visual impact of the proposal is said to be neutral.

Viewpoint 2 - partial views of the site from the upper floor windows of High House will be achieved. The property is enclosed by a tall hedge and other vegetation. Even though partial views of the site between blocks of woodland are achieved, the level of visual impact is said to be slight.

Viewpoint 3 - existing woodland at Whin Close will generally screen any potential views of the main part of the development, with the exception of the site entrance. The level of visual impact is said to be slight

Viewpoint 4 - there are potential partial views of the development, where it extends beyond the enclosing Whin Close woodland. The receptors are of medium/low level sensitivity and the visual impact is said to be slight.

Viewpoint 6 - distant partial views of the development are anticipated in clear weather conditions set within the much larger panorama. The magnitude of visual effects is considered to be low, the sensitivity of receptors is medium and the level of visual impact is said to be slight to neutral.

The landscape setting, landscape effect and the viewpoint analysis contained within the LVIA suggest that the proposal would not detrimentally affect the landscape character of the J1 – Docking Plateau farmland and the I5 Sedgeford rolling open farmland. The proposal does not involve the removal of any woodland and the photomontages of the proposal show that the buildings do not dominate nor punctuate the trees that form the skyline.

The views of the site are limited from Peddars Way to very distant views where the wider landscape is appreciated. The proposal does not interfere with the panoramic views across open farmland. It is therefore considered that the strong sense of tranquillity, isolation and exposure is retained in respect to LCA J1.

Only the access track is contained within I5 – Sedgeford – rolling open farmland, and only marginal glimpses of the end of the broiler houses would be apparent from within this landscape character. Furthermore, this is in passing and in the main from vehicular traffic. The openness of the landscape of I5 is not detrimentally affected by the proposal.

There is no right to a private view thus the impact upon the views experienced by residential receptors cannot be legislated for in planning terms.

The intervening topographical features distance the site from the AONB, thus the character of the AONB is retained.

The planting as shown on the southern and eastern boundaries would further act to limit the little impact the proposal has on the landscape.

The LVIA suggests a mix of suitable tree and hedge planting such as Oak, beech, blackthorn and dogwood could be planted on these boundaries. Further suggestions of planting a short shelterbelt of 30-40m at the North West corner of the site would limit the glimpses attained from Docking Road. Notwithstanding the details received, a soft landscaping scheme specifying planting species and densities and a management and maintenance condition in respect to the soft landscaping area can be imposed.

Impact upon Heritage Assets

Designated Heritage Assets

The Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) places statutory duties upon Local Planning Authorities. In determining applications that affect a Listed Building or its setting Section 66(1) states that the Local Planning Authority 'shall have special regard to the desirability of preserving the building or its setting'. Section 72 requires the LPA to pay special attention to the desirability of preserving or enhancing the character or appearance of a Conservation Area when determining applications affecting buildings or land within the Conservation Area or its setting.

Paragraph 126 of the National Planning Policy Framework (NPPF) refers to the need for Local Planning Authorities to take into account the need to sustain and enhance the significance of heritage assets. Paragraph 128 states that Local Planning Authorities will require the applicant to describe the significance of any heritage assets affected, including any contribution made to their significance by setting in order to determine an application's affect upon the asset. Paragraph 131 requires that, in determining applications, the Local Planning Authority should take into account the desirability of sustaining and enhancing the significance of heritage assets and the positive contribution that conservation of heritage assets can make to sustaining communities including their economic vitality and the desirability of new development making a positive contribution to local character and distinctiveness.

Paragraph 132 of the NPPF also indicates that when considering the impact of a proposal, the more important the heritage asset the more weight should be given to its conservation. Substantial harm to the significance of Grade II listed buildings should be accepted only in exceptional circumstance and substantial harm to Grade I and II* Listed Buildings, parks and gardens, and world heritage sites should be wholly exceptional. If substantial harm or loss is necessary the development needs to achieve substantial public benefits. Where the development will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal (paragraphs 133-134 of the NPPF).

At a local level, specifically in relation to Heritage Assets, Policy CS12 seeks to protect and enhance the historic environment, identifying the crucial role played by the historic environment in delivering environmental quality and well-being.

Third Party representations are concerned about the impact the development would have on Fring Conservation Area.

In respect to designated heritage assets, the site is neither contained within a Conservation Area nor adjacent to listed buildings. However from distant views the site forms the setting of the Conservation Area and listed buildings contained in Fring.

The nearest listed building is "Easthall Farm" which is Grade II listed. The farmhouse is 400mM to the North West of the site entrance separated from the site by intervening woodland and the proposal would not be seen in context with this property.

However, the site is seen from Fring Church which is grade II* listed and from Fring Conservation Area.

The Church of All Saints at Fring dates back to the 14th century and lies to the south east of the proposed development site on the outskirts of Fring. The church was largely constructed between 1300 and 1330. Faden's map of 1797 indicates that the original core of the village was around the Church and Church Farm.

The Conservation Area Character Statement refers to the area to the west of the village as having “large open fields that seem to sweep right into the village emphasising Fring’s rural qualities”.

The application has been accompanied by a Heritage Appraisal by Archaeological Research Services Ltd, which assesses the impacts upon these designated heritage assets.

In respect of All Saints Church, The Heritage Appraisal acknowledges the application site and proposal would be visible on the horizon. The Appraisal states that the poultry sheds are rural in character and are features of a worked, farming landscape. Coupled with the distant views the Appraisal concludes that the development would make a negligible change to the setting of the church. Taking into account the high significance of this asset, being a Grade II* listed building, the Appraisal concludes that the development would cause a slight impact on the significance of the Church of All Saints.

In respect to Fring’s Conservation Area, which lies approximately 1km to the south-east of the site, views of the development are possible from the extreme north-western edge of the woodland that forms its boundary. The Appraisal concludes the proposal represents a negligible alteration to the setting of the Conservation Area for similar reasons to those outlined in the preceding paragraph and has a neutral or slight impact on Fring’s Conservation Area.

The LVIA also contains a viewpoint from the church and Conservation Area. The LVIA concludes that the site will be seen on the top of the hill in conjunction with these two assets but with a backdrop of trees at Whin Close.

Notwithstanding the Heritage Appraisal, Historic England has commented that the proposal would cause harm to the character of the Church of All Saints and the Conservation Area. Historic England raise concerns that the scale of the development would still harm the setting to these heritage assets. Planting along the southern boundary of the site is acknowledged as providing some relief to the setting of these assets, though the lack of detail in regards to the planting has been raised by Historic England. Historic England state that no consideration has been given to an alternative location, closer to the road, which would remove the impact on views from All Saints Church and Fring Conservation Area .

The Conservation Officer comments that the impact upon Fring Church and Fring Conservation Area as a result of the siting of the poultry farm would not be detrimental to its setting. There are other agricultural buildings in the locality also seen within the context of the conservation area. The wider setting of the landscape forms the backdrop to Fring Church which the poultry unit will not dominate.

In line with paragraph 134, where a development will lead to ‘less than substantial harm’ to the significance of designated heritage assets this harm should be weighed against the public benefit of the proposal, including its optimum use. It is important to note that neither Historic England nor the Conservation Officer consider that the proposal will cause ‘substantial harm’. The public benefit of this proposal involves both direct and indirect employment benefits. The poultry unit whilst only employing a maximum total of 9 no. employees, which is during the cleaning process, would help to sustain the farm’s current business and other 3rd party companies that are reliant on their business. Given that the harm is ‘less than substantial’ this albeit limited public benefit can be weighed in the balance against any residual harm caused to the significance of the designated heritage assets as a result of the impact of the development upon their setting.

Impact upon Non-Designated Heritage Assets

The site forms part of a non-designated heritage asset as it was once a First World War aerodrome and a Second World War decoy site. The site is located within the aerodrome's landing area. The living quarters to the aerodrome are to the north of the poultry units in front of Whin Close woodland but behind the hedgerow that fronts Docking Road.

In line with paragraph 135 of the NPPF, the effect of an application upon the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss of significance of the heritage asset. It is worthy of note that the level of harm caused to the significance of a non-designated heritage asset is not subject to a public benefit test.

The Heritage Appraisal states that by virtue of the ploughing of the land for agricultural purposes the significance of the non-designated heritage asset has been eroded. It is suggested that the site was selected as a First World War aerodrome and subsequent decoy site by virtue of the existing wooded area in Whin Close, which would provide a certain level of camouflage for the buildings associated with the airfield. The statement refers to the retention of the woodland forming an important element of the asset's original setting. Neither of these elements of the aerodrome's setting will be altered by the proposed development.

Breaking the asset down into its component parts, the Heritage Appraisal refers to the erosion of the link between the abandoned buildings in the woodland and the landing strip, given that the strip is no longer visually evident. Furthermore the forgotten landscape of overgrown derelict buildings is being reclaimed by the woodland. The statement, does, however, acknowledge that the proposed development of the sheds will dominate the area to the south of Whin Close and will alter the forgotten landscape. Classification of the impact is said to be moderate to the asset's setting and the asset is said to be of low significance and the proposal will result in a 'slight' impact on its significance.

Historic England has commented in regards to this non-designated heritage asset and the impact of the proposal on its setting. Historic England states it would be preferable to relocate the poultry unit to the north of the Whin Close wooded area. This would avoid the poultry unit being sited on the landing strip but it would be located within an area where the airmen and soldiers lived and worked on the site. This view is agreed with by the Conservation Officer.

In respect to the non-designated heritage asset some of the buildings associated with the former aerodrome site are still evident, but as stated in the Heritage Appraisal any link to the land to the south of the site has been visually truncated. Whilst Historic England and the Conservation Officer would prefer the Poultry Farm to be relocated to the north, it is important to note that planning applications are decided on their own merit and to refuse an application on the basis that there is a more preferential site would be unreasonable. It is in this regard that neither Historic England nor the Conservation Area object to the proposal on the grounds of the harm caused to the significance of this non-designated heritage asset.

Third party representations also raise issues in regards to excavating the former air base and disturbing archaeological artefacts. The Historic Environment Service has no objection to the proposal subject to conditions that require archaeological work.

In line with paragraph 135 of the NPPF, the level of harm on the significance of the heritage asset would be considered to be minimal.

Impact upon Neighbour Amenity

There is no detrimental impact upon neighbour amenity as a result of the structures given the distance from any residential properties.

Third party representations are concerned about noise and odour impact resulting from the operations on the site and subsequent traffic noise from the HGV movements to and from the site.

Given that the number of birds on the site would exceed 40,000, an Environmental Permit application is required from the Environment Agency before any operations take place on the site. The permits have conditions that are designed to prevent or reduce pollution and prevent harm to human health.

The Environment Agency can look specifically at the following neighbour amenity issues in relation to poultry unit Environmental Permit applications:-

- General operational management of the proposed facility
- Handling and storing of raw materials or materials used in the activity
- Control of odour, noise, litter and pests
- Control of handling and storage of residual wastes from the process e.g. Poultry manure, dirty was, biomass boiler ash etc.
- Potential impacts on health, with advice from Public Health England as the responsible authority on the issue

Once a permit has been granted, the Environment Agency monitors how the operator complies with the conditions of the permit, to protect the local environment and human health.

It is therefore not deemed necessary to discuss the impacts of any of the issues covered under the permit as the planning system should not replicate the provisions of other legislation. It is however worth noting that the Environmental Health Community Safety and Neighbourhood Nuisance team raises no issues to conclusions made in the noise and odour reports.

The Environment Agency does not however consider the impact of HGV movements to and from the site entrance; this is covered by the Environmental Health Community safety Neighbourhood and Nuisance team. A "traffic movement" in this respect is counted as a vehicle arriving at and departing from the site.

The total number of HGV movements would appear from the Transport Statement to be 53 movements. The peak number of HGV movements during the operational phase of the development according to the Transport Statement is in weeks 6 and 7 which are 29 (litter and dirty water collection is unlikely to be by HGV movements), 17 of which would occur in week 7.

The 17 HGV movements relate to the collection of birds. Birds are collected between the hours of 5am and 2pm. Taking into account the peak period of HGV movements will be between the hours of 5am – 2pm at the end of the 7 week cycle for the removal of chicks, this means that there is a limited period (approximately 2 hours) of "British night-time" where neighbours might be sensitive to additional noise levels above the background noise level.

From the Noise report that has accompanied the application, no residential receptors will be materially affected by the noise of HGVs entering and leaving the site at night. To explain further, Point Cottages, the most sensitive receptor identified in table 5.2 of the Noise Report, will experience a +9dB(A) noise level at the curtilage compared to existing background noise levels at night-time (7pm-7am). Taking into account at night-time, people are generally in their properties with the windows possibly being partially open, they will benefit from at least a 10dB(A) reduction in noise levels. This means there will be negligible impact upon residential amenity as a result of the HGV movements to and from the site entrance.

It is therefore not considered necessary to condition the hours of operation.

Where the vehicles then go when on the highway cannot be controlled and it would be unreasonable to consider any impact of the noise of HGV movements on the public highway further a-field as they will form a diminishing proportion of vehicles on the network.

In regards to the disturbance caused by the construction of the premises, this would be a short term period of approximately 6 months. There will be vehicular movements associated with the construction phase. The agent has intimated that there will be essentially 5 stages to the construction.

Stage 1 – will involve the setup, delivery of the site office and compound construction - 2 week duration

Stage 2 – Groundworks, move top soil, create a work area and access route improvements – 10 weeks in total of which 5 weeks will overlap with stage 3

Stage 3 – Superstructure – delivery of the frame, concrete pour for walls and floor. Roof and cladding – 14 weeks, of which 5 weeks overlap with stage 2 and 6 weeks overlap with stage 4

Stage 4 – Mechanical and electrical, internal fit out including installation of feeders, drinkers, bulk bin etc. – 10 weeks (6 week overlap with stage 3)

Stage 5 – Electrical connection, Clear site, commission unit – 2 weeks

The types of vehicles involve low loaders and HGVs – for the trades and equipment these will be various vans and small Lorries.

There will be a total of 316 traffic movements over 20 weeks, the majority of which will be HGVs – 3 per day.

Given the scale of the proposal it is recommended that a construction management plan condition is attached to control the timing of deliveries.

Highway Implications

The site is accessed directly from Docking Road. The access track is currently gated from Docking Road and is unmade. The proposal involves traffic movement during the construction phase and operational phase.

The National Planning Policy Framework requires all developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment. Plans and decisions should take account of whether:-

- The opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure
- Safe and suitable access to the site can be achieved for all people; and
- Improvements can be undertaken within the transport network that cost-effectively limits the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residential cumulative impacts of development are severe.

Paragraph 14 of the National Planning Practice Guidance provides guidance on where Transport Assessment or Statement will be needed for a proposed development local planning authorities should take into the following considerations:-

- Transport Assessment and Statement policies, if any, of the local plan
- The scale of the proposed development and its potential for additional trip generation (smaller applications with limited impacts may not need a Transport Assessment or Statement)
- Existing intensity of transport use and the availability of public transport;
- Proximity to nearby environmental designations
- Impact on other priorities
- Cumulative impacts of multiple developments within a particular area; and
- Whether there are particular types of impacts around which to focus the Transport Assessment or Statement.

A highways and transport Statement that covers the construction phase and operational phase was requested in a scoping opinion in 2013.

A highways and transport statement has been submitted with the application.

The construction phases are described in the section above on residential amenity. During stage 1: there will be low loaders for the groundworks equipment; no information has been provided in relation to stage 2; stage 3 will involve concrete mixer and HGV movements; stage 4 will involve HGVs and small lorries and vans and stage 5 mainly vans for fit out purposes. During the construction phase there will be 316 HGV vehicle movements spread over a 20 week period.

During the operational phase there will be a mix of vehicle types and loads. In total, there will be 68 vehicular traffic movements involved over the 7 week cycle of which 53 traffic movements will be HGVs on the site.

The highways officer has not requested a transport assessment and is satisfied with the level of detail provided. The third party ELSA transportation assessment produced on behalf of 3rd parties is based on a document "Guidance in Transport Assessments" which was withdrawn on the 22nd October. NCC as the LHA considers the applicant's assessment to be acceptable.

NCC acknowledges there will be additional traffic during the 7 week cycle, but has assessed the proposal against the number of lorries visiting the site in the peak period to determine the impact on highway capacity and safety. There are 7 production cycles per year and for a 12 hour period in week 7 there will be 16 lorries visiting the site.

NCC states that given the volume of traffic involved, notwithstanding width and alignment restrictions for short section of the route, the impact of the proposal is not considered to be severe. The road serving this site is a "B" class road and the view of the Highways Authority is that it will be capable of adequately carrying the type and volume of traffic predicated.

Paragraph 32 of the NPPF also states that decisions should take account of whether there is a safe access and sustainable access. Having undertaken a site assessment, the traffic speeds past the site access revealed an 85th percentile speed of 53 mph. this equates to 2.4m x 160m to be provided in both directions. Visibility in the critical direction to the east was measured at 156m and visibility to the west in excess of 215m. Whilst visibility to the east is slightly below the 160m figure, nevertheless it falls within acceptable tolerance limits.

No wheel washing facilities are requested by the Highways Officer but the officer does require the first 15m of the access to be provided with a hardened surface to prevent mud from being carried onto the highway.

Ecology implications

Third party representations are concerned about the impact of the proposal on protected species.

The site is grade 3 agricultural land. The land at the time of the site visit had been cultivated.

There are no statutory wildlife sites within a 2km radius of the development area.

A Phase 1 Habitat and Protected Species Report have been conducted by Eco-Check – dated August 2014. The site was surveyed on the 31st July 2014 and in addition a desk based assessment of statutory and non-statutory sites of conservation interest and any protected or notable species has been made.

The site itself is said to be of low ecological value overall.

However, the site is a suitable habitat for ground nesting birds such as the Skylark. In respect of features off-site, the buildings contained in the woodland are said to have some value to nesting birds and roosting bats. The woodland itself has trees that are suitable for roosting bats during the summer months.

The woodland is classed as a semi-natural woodland UK Bio-diversity Action Plan Protected habitat (UKBAP). This woodland is classified as having a moderate/high ecological value.

The grassland adjacent to the wooded areas and field tracks are said to be of moderate value providing foraging habitat for small mammals and birds. This area is classified as being of low ecological value

The hedgerows that define adjacent field boundaries are said to be of high value to nesting birds and likely to be used by foraging and commuting bats. The hedgerows are said to be of low ecological value

Two ponds are found on adjacent land.

A small pond is located in the south-east corner of the site and a second larger-man made pond situated more centrally within Whin Close. The small pond was dry and overgrown and the larger pond has some value to amphibians. On balance, the report concludes that these ponds have a low ecological value.

The results of the desk based study concluded that there was no evidence of protected species using the site; however there are records of brown long-ear bat, soprano pipistrelle, common pipistrelle, noctule, daubenton's barbastrelle and natterer's within a 5 km radius.

There were no records for great crested newt, badger, reptile or water vole within 2km radius.

A number of Biodiversity Action Plan species (BAP) were recorded in the area such as northern lapwing, barn owl, house sparrow, tree sparrow, bullfinch and skylark.

The report states that the development will include some ground clearance across part of the arable field. However the proposed building will only result in a small loss of arable land of ecological value.

The recommendations of the report are:-

- Birds – Any hedgerow, tree or vegetation clearance should be undertaken outside of the bird nesting season which extends from March to the end of August inclusive. In the event that works are undertaken during this period a breeding bird survey is to be undertaken. Nest boxes to be installed to mitigate for general disturbance during the construction and operation of the facility. If ground nesting birds are found to be nesting within or close to the proposed construction zones a 25m standoff from the nest will be marked out and observed, within which no activity would be permitted until the breeding attempt has been concluded.
- Bats – some activity was found inside the derelict building along the southern edge of the woodland and some of the trees in the woodland did identify some hollows and fissures that could provide roosting for bats. A detailed inspection of any mature trees for potential bat roosts should be undertaken prior to arboricultural works. Bat boxes to be installed around the site to off-set the impact of the development on foraging and commuting bats. Sensitive lighting schemes would be required to minimise disturbance to foraging and commuting bats.
- Badger – due to the potential for badgers to be using the woodland for either main or outlier setts or foraging purposes the boundaries of the woodland adjacent to construction works should be fenced during construction works to minimise the possibility of disturbance to any setts or badgers foraging into the construction zone. No further surveys are required.
- Reptiles and amphibians – a search of any potential habitats and refuges across the working areas prior to clearance works, ring fence of materials used in the construction of buildings.

It has been identified from the phase 1 protected species report that Great Crested Newts are unlikely to be present, and no further surveys are deemed to be necessary

No barn owls nesting were evident.

An addendum to the phase 1 protected species report was requested as it is known that Pink footed Geese frequent the area for feeding on sugar beet. The Pink Footed geese are features of the North Norfolk Coast SPA. There are approximately 100,000 pink-footed geese in North Norfolk and research suggests that that a reduction in their disturbance could potentially increase goose feeding density by as much as 80%.

Research has also concluded that they are unlikely to frequent fields that are less than 6ha in size and fields that are close roads.

The addendum to the report considers that there is a relatively intense arable production in the wider environment and additional disturbance caused by the farm operations will be of a limited extent. Operations of the poultry unit are concentrated in a particular area of the site which helps to limit the potential impact of disturbing the Pink Footed Geese.

With sugar beet prices reducing farmers are less likely to plant sugar beet going forward, however the applicant has indicated a willingness to maintain and where economically viable expand the sugar beet acreage and to expand the sugar beet areas of the farm that are more isolated and more acceptable to geese.

Natural England have not objected to the proposal, however the RSPB and Norfolk Ornithologists Association both state that further detailed surveys are required in respect to protected breeding birds during the construction period. However this is not considered to be necessary at this stage as further surveys can be conditioned.

The report and its addendum do not refer to the need to acquire a European protected species license, however in exercising its functions, including determining planning applications, a Local Planning Authority (LPA) is required to have regard to the requirements of the Habitats Directive (prohibits activities such as the deliberate capturing, killing or disturbance of protected species, subject to derogation in specific and limited circumstances.

These requirements are enforced in England and Wales by the Conservation of Habitats and Species Regulations 2010 (the Regulations) and any derogation is regulated and overseen by a system of licensing administered by Natural England (NE) in so far as they may be affected by the exercise of those functions. It is not the role or responsibility of the LPA to monitor or enforce NE's obligations under the Regulations. However, if a development proposal could potentially result in a breach of the Directive, the LPA is required to form a view on the likelihood of a licence being granted under the Regulations by NE in order to fulfil its own obligation to have regard to the Directive requirements.

NE will only grant a licence if satisfied that the three statutory tests prescribed under the Directive and the Regulations have all been met.

The tests are:

1. There are imperative reasons of overriding public interest (IROPI);
2. There are no satisfactory alternatives; and
3. It would not be detrimental to the maintenance of the population of the species at favourable conservation status.

It is understood that the level of detail required for a licence application to NE under the Regulations may not yet be available at the planning application stage. Also, the level of detail required for NE to satisfy the tests of derogation will usually be higher than that required in the planning consent process. However, the obligation on the LPA is to consider the likelihood of a licence being granted by NE, not to determine definitively whether or not the licence will, in fact, be granted. It therefore has to review the three tests, in the context of a planning application, to then form a view on the likelihood of NE granting a derogation licence under the Regulations.

In this case, a Phase 1 habitat survey concluded that the potential for impacts to local wildlife is low, with the possible exception being bat roosting in the adjacent woodlands and buildings, whose absence cannot be confirmed without further surveys.

The LPA can therefore conclude that there is the possibility that bats are present and that if development were to proceed, where arboricultural works are required there is the possibility of a breach of the Directive. Therefore the LPA is required to consider the tests:

1. IROPI - NE's guidance advises that IROPI can potentially include developments that are required to meet or provide a contribution to meeting a specific need such as complying with planning policies and guidance at a national, regional and local level. Furthermore the requirements for economic or social development can be considered. The proposal would comply with the provisions of creating and sustain employment opportunities in the borough of West Norfolk.

2. No satisfactory alternatives – the Environmental Statement has identified that no satisfactory alternative is available for the proposal. Different sites were looked at on the farm and the site was chosen as it is well screened and adjacent to previously used land. The site has an existing access and is away from dwellings so there are no odour implications and the site is at distance from designated ecological sites. Additionally a lot of the farmland in the applicant's control is adjacent to hedgerows and wooded areas, accordingly there would be no ecological benefit in locating the proposal elsewhere.

3. Population maintenance - it is unlikely that development of a relatively small parcel of land, with appropriate mitigation, will detrimentally impact the conservation status of protected species.

The LPA can therefore reasonably form the view, from the information submitted to it for this planning application that NE would not be unlikely to grant a derogation licence under the Regulations in relation to this development and that planning permission should not be refused for this reason.

In this respect subject to the following conditions:-

- A construction management plan which would include a pre-commencement breeding and ground nesting bird survey if development is scheduled to be within the March to end of August period in any given year that would identify specific mitigation measures
- Prior to the commencement of development further bat, badger, reptile surveys with informed specific mitigation measures, including a sensitive lighting scheme in respect to bats.

The proposal would not cause a detrimental impact upon protected species.

Pollution and Contamination Issues

The impact of noise and odour pollution has been considered under the neighbour amenity section of the report.

The Environmental Health and Housing – Environmental Health and Housing team have no objection to the impact upon air quality. Air quality and the impact on Human Health are also covered under the Environmental Permit regulations.

Third Party representations are concerned about the impact of the development upon the water quality, supply and drainage issues.

The Environment Agency has commented on the pollution of groundwater and has recommended 3 conditions in regards to potential groundwater pollution and contaminated land. Given the previous use of the field as an airfield, the excavation involved could result in potential contamination of the groundwaters. Accordingly a condition is imposed in regards to a remediation strategy that involves a risk assessment of the site and a condition in respect of contamination being found during the development of the site. The final condition is regards to a scheme for surface water disposal given that infiltration of systems could pose a risk to groundwater quality. Anglia Water does not wish to object to the proposal and make no specific reference to the impact upon water supply, but object to the use of soakaways on the site. As a consequence, a surface water condition is considered to be reasonable.

For the avoidance of doubt and in relation to the dirty water tanks, a condition is imposed in regards to their capacity and siting, under a foul water drainage condition.

The spreading of manure on adjacent farmland is appropriate according to the Environment Agency provided they adhere to the Nitrate Pollution Prevention Regulations 2015.

Impact upon the economy

Third Party representations are concerned about the impact the development would have on the tourist industry.

The proposal creates 1 full time post and a part-time employee. At the end of the cycle contracted labour of up to 8 people will be employed on the site. This is to complete the wash-down process and preparation for the next flock.

Third Party objectors are concerned about what impact the proposal would have on the tourist economy.

The proposal is within an area where the economy is partially reliant on the tourism trade.

Policy CS10 of the Local Development Framework Core Strategy 2011 refers to The Economy. The Policy specifically references that tourism is a key element of the economic and social vibrancy of the borough, and contribute to the regeneration and growth of the area.

There will be the perception that the proposal will detrimentally affect what people visit the area for.

People visit the area for amongst other things its landscape, tranquillity, access to the coast.

The Landscape Visual Impact Assessment concludes that the site by virtue of intervening landscape features disseminates itself from the setting to the Area of Outstanding Natural Beauty. Peddars Way in itself is a tourist attraction. The existing tree belt on the western side of the site adequately screens the views of the site from Peddars Way. Visitors to Fring Church would see the poultry unit in the wider landscape but the scale of the proposal would not dominate the setting of the church, with other landscape features being more prominent i.e. the tree belts.

The tranquillity of the area is preserved by the permit restrictions that the poultry unit has to operate within. From the noise survey the operational noise of the poultry unit is generally restricted to an area little beyond the site parameters itself and is only at worst case, off site, 9dB(A) evident above background noise levels. The odour survey that has accompanied the application, identifies an odour dispersal areas, taking into account prevailing winds, would show that from Peddars Way there would be little or no effect upon air emissions.

Access to the coast is not directly affected by the proposal. The highways department has considered that the ramifications of additional traffic onto the Docking Road. The peak number of traffic movements are when the birds are collected during the cycle in weeks 6 and 7, this would be a total number of movements being 44 movements between the hours of 05:00 and 14:00 hours, dependant on the processing requirements and birds not being collected in hot weather. It is therefore considered that implications in terms of access to the coast would not be severely affected by the proposal.

It is therefore considered that the proposal would not detrimentally affect the tourist economy and would help to facilitate creation of jobs.

Arboricultural Implications

The Arboricultural Officer has no objection to the proposal subject to an arboricultural survey, which can be secured by condition.

Other Material Considerations

Third Party objectors are concerned in regards to the applicant's ability to submit additional information during the planning application. This, however, is normal practice. As this is EIA development, additional information has to be, and has been, advertised in accordance with the EIA regulations.

Third Party objectors are concerned about the spread of Bird Flu. Bird Flu issues and the resultant impact on human health would be a result of on-site process which is covered under the permit.

Third Party objectors are concerned about flood risk issues. However, the site is on Flood Zone 1 and details of surface water drainage can be secured by way of condition.

The impact of development on house prices and the ethical merits of the poultry farm are not a material planning considerations.

The timing of the submission of planning applications is beyond the Local Planning Authority's control.

CONCLUSION

Members will need to consider whether the proposal causes detrimental material issues that would warrant a refusal of application.

It is your officer's opinion that the poultry unit will not cause a detrimental impact upon the landscape character of the area given the scale of the proposal in its wider landscape setting. From public vantage points, little of the poultry unit will be seen as it is screened by intervening topography and tree belts.

In terms of neighbour amenity issues, the proposal is subject to stringent controls on odour and noise by virtue of the requirement to comply with the Environmental Permit Regulations. What noise emanates from the site is only slightly above background noise levels at the nearest residential receptor. Odour levels that are emitted from this process are on average below the EU tolerance rate of being a nuisance. The structures themselves are a considerable distance from the nearest neighbour that they would not cause any overbearing, overshadowing or overlooking issues.

As a percentage of the total amount of vehicular movements on the highway the proposal is not significant. The highways officer subject to conditions has no objection to the proposal.

The potential contamination of water supply can be adequately addressed by details in regards to remediation and foul and surface water drainage.

The impact upon protected species has been considered during the application and should a license be required for the works, to be gained from Natural England then it is likely to be granted.

The area is popular for tourists visiting the coast and other heritage features in the locality. It is considered that the enjoyment of the area would not be detrimentally by the proposal. The impact upon the landscape can be accommodated and the enjoyment of the area for its openness and sense of isolation and tranquillity would not be detrimentally affected. With little noise and odour emanating from beyond the parameters of the site the enjoyment for tourists on Peddars Way would not be detrimentally affected.

It is therefore considered that on balance, the proposal is recommended for approval subject to the following conditions.

RECOMMENDATION:

APPROVE subject to the imposition of the following condition(s):

- 1 Condition The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 1 Reason To comply 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 Condition The development hereby permitted shall be carried out in accordance with the following approved plans:-
 - Block Plan and Location Plan drawing no. 200-01 Rev C dated June 2016 received 27th June 2016.
 - Proposed Site Plan drawing no. 200-05 dated June 2016 received 27th June 2016.
 - Shed Elevation drawing no. CG-SE-SD dated November 2014 received 14th December 2015.
 - Provision General Purpose (GP) building drawing no.CG-PGP-SD Rev A dated November 2014 received 14th December 2015.
- 2 Reason For the avoidance of doubt and in the interests of proper planning.

- 3 Condition No building or other operation shall commence on site in connection with the development hereby approved (including any tree felling, tree pruning, engineering work, soil moving, temporary access construction and/or widening or any operations involving the use of motorised vehicles) until a tree survey showing the following has been submitted to and approved in writing by the Local Planning Authority:
- a) a plan indicating the location of and allocating a reference number to each existing tree on the site which has a stem with a diameter, measured over the bark at a point 1.5 metres above ground level, exceeding 75mm, showing clearly which trees are to be retained and which trees are to be removed, and the crown spread of each tree;
 - b) details of the species, diameter, approximate height and condition of each tree in accordance with the current version of BS:5837, and of each tree which is on land adjacent to the site where the crown spread of that tree falls over the application site and where any tree is located within 15m in distance from the application site.
- 3 Reason To ensure that the existing trees are properly surveyed and full consideration is made of the need to retain trees in the development of the site in accordance with the NPPF. This needs to be a pre-commencement condition given the potential for trees to be lost during development.
- 4 Condition Prior to the commencement of the development hereby approved, full details of soft landscape works shall have been submitted to and approved in writing by the Local Planning Authority. Soft landscape works shall include the details of any proposed grading and mounding of land areas including the levels and contours to be formed, showing the relationship of proposed grading and mounding to existing vegetation and surrounding landform, planting plans, written specifications (including cultivation and other operations associated with plant and grass establishment) schedules of plants noting species, plant sizes and proposed numbers and densities where appropriate.
- 4 Reason To ensure that the development is properly landscaped in the interests of the visual amenities of the locality in accordance with the NPPF.
- 5 Condition All soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation or use of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority. Any trees or plants that within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species as those originally planted, unless the Local Planning Authority gives written approval to any variation.
- 5 Reason To ensure that the work is carried out within a reasonable period in accordance with the NPPF.
- 6 Condition No development approve by this planning permission shall take place until a remediation strategy that includes the following components to deal with the risks associated with contamination of the site shall be submitted to and approved in writing by the Local Planning Authority.

1. A preliminary risk assessment (PRA) including a conceptual site model of the site indicating potential sources, pathways and receptors, including those offsite.
 2. The results of the site investigation based on (1) and a detailed risk assessment including a revised CSM
 3. Based on the risk assessment in (2) an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken. The Strategy shall include a plan providing details of how the remediation works shall be judged to be complete and arrangements for contingency actions. The plan shall also detail a long term monitoring and maintenance plan as necessary
 4. No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works set out in the remediation strategy in (3). The long term monitoring and maintenance plan in (3) shall be updated and be implemented as approved.
- 6 Reason To protect and prevent the pollution of controlled water from potential pollutants associated with current and previous land uses in line with the NPF paragraphs 109, 120, 122.
 - 7 Condition If, during the development contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted a remediation strategy detailing how this unsuspected contamination shall be dealt with and obtained written approval from the Local Planning Authority. The remediation strategy shall be implemented as approved.
 - 7 Reason To protect and prevent the pollution of controlled waters from potential pollutants associated with current and previous land use in line with paragraphs 109, 120 and 121 of the NPPF.
 - 8 Condition No development shall commence until full details of the foul and surface water drainage arrangements for the site have been submitted to and approved in writing by the Local Planning Authority. The drainage details shall be constructed as approved before any part of the development hereby permitted is brought into use.
 - 8 Reason To ensure that there is a satisfactory means of drainage in accordance with the NPPF.

This needs to be a pre-commencement condition as drainage is a fundamental issue that needs to be planned for and agreed at the start of the development.
 - 9 Condition Prior to the commencement of the development hereby permitted a survey to identify the extent of any bat and reptile populations on or adjacent to the development site shall be undertaken in accordance with a written survey proposal which shall have been submitted to and approved in writing by the Local Planning Authority prior to the survey taking place.
 - 9 Reason To identify the extent of any bat populations in accordance with the NPPF and NPPG.

- 10 Condition The results of the survey required under Condition 9 above shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of the development hereby permitted, including site clearance works. The results shall also provide for any mitigation (including the method of any external lighting on site)/ enhancement measures appropriate to the extent of any bat and reptile populations recorded in order to minimise the impact of the development upon the bats and reptiles both during construction and upon completion. A timetable for the implementation/completion/maintenance of the mitigation / enhancement works shall also be submitted with the results. The mitigation/enhancement works shall be completed and maintained in accordance with the agreed details and timetable other than with the prior written approval of the Local Planning Authority or where a different mitigation scheme or timetable scheme is required under any bat license issued by Natural England.
- 10 Reason To ensure that the impact of the development upon protected species is minimised in accordance with the NPPF and NPPG.
- 11 Condition Any hedgerow, tree or vegetation clearance will shall take place outside of the bird nesting/breeding season between the 1st March and 31st August in any given year. Should hedgerow, tree removal or vegetation clearance is required during this period, prior to its removal a bird nesting/breeding survey shall be submitted to and approved in writing by the Local Planning Authority. The result of the survey shall also include any mitigation/enhancement measures appropriate to the extent of any breeding/nesting bird recorded in order to minimise the impact of such landscape feature removal upon the bird species. The mitigation/enhancement works shall be completed and maintained in accordance with the agree details and timetable other than with the prior written approval of the Local Planning Authority.
- 11 Reason To ensure the impact of the development upon protected species is minimised in accordance with the NPPF and NPPG.
- 12 Condition Prior to the commencement of the development hereby permitted a survey to identify the extent of any ground nesting or breeding bird populations on or adjacent to the development site shall be undertaken in accordance with a written survey proposal which shall have been submitted to and approved in writing by the Local Planning Authority prior to the survey taking place.
- 12 Reason To identify any ground nesting or breeding birds in accordance with the provisions of the NPPF and NPPG
- 13 Condition The results of the survey required under Condition 12 above shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of the development hereby permitted, including site clearance works. The results shall also provide for any mitigation (including the method of any external lighting on site)/ enhancement measures appropriate to the extent of any ground nesting/breeding bird populations recorded in order to minimise the impact of the development upon such birds both during construction and upon completion. A timetable for the implementation/completion/maintenance of the mitigation / enhancement works shall also be submitted with the results. The mitigation/enhancement works shall be completed and maintained in accordance with the agreed details and timetable other than with the prior written approval of the Local Planning Authority or where a different mitigation scheme or timetable scheme is required under any bat license issued by Natural England.

- 14 Condition Other than in relation to bat, reptiles and ground nesting and breeding birds that are covered under separate conditions, the development hereby permitted shall be carried out in accordance with the recommendations contained in the Ecology Report and addendum letter that accompanied the application (phase 1 habitat report – Ecocheck dated August 2014 and Eco-check letter dated 24th March 2016).
- 14 Reason To ensure that the impact of the development upon protected species is minimised in accordance with the NPPF and NPPG.
- 15 Condition Prior to the commencement of the use hereby permitted the vehicular access shall be surfaced/provided with kerb radii in accordance with the Norfolk County Council industrial access construction specification for the first 15 metres as measured back from the near channel edge of the adjacent carriageway. Arrangement shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.
- 15 Reason In the interest of highway safety and traffic movement.
- 16 Condition Any access gate(s), bollard, chain or other means of obstruction shall be hung to open inwards, set back and thereafter retained a minimum distance 8 metres from the near channel edge of the adjacent carriageway. Any sidewalls / fences / hedges adjacent to the access shall be splayed at an angle of 45 degrees from each of the (outside) gateposts to the front boundary of the site.
- 16 Reason To enable vehicles to safely draw off the highway before the gate(s) or obstruction is opened.
- 17 Condition Notwithstanding the details that accompanied the application hereby permitted, no development shall take place on any external surface of the development until the type, colour and texture of all materials to be used for the external surfaces of the building(s) have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 17 Reason To ensure a satisfactory external appearance and grouping of materials in accordance with the principles of the NPPF.
- 18 Condition No development shall take place until a Written Scheme of Investigation for a programme of archaeological works has been submitted to and approved by the local planning authority in writing. The scheme shall include:
1. An assessment of the significance of heritage assets present
 2. The programme and methodology of site investigation and recording
 3. The programme for post investigation assessment of recovered material
 4. Provision to be made for analysis of the site investigation and recording
 5. Provision to be made for publication and dissemination of the analysis and records of the site investigation
 6. Provision to be made for archive deposition of the analysis and records of the site investigation
 7. Nomination of a competent person or persons/organization to undertake the works set out within the Written Scheme of Investigation.

- 18 Reason To safeguard archaeological interests in accordance with the principles of the NPPF. This needs to be a pre-commencement condition given the potential impact upon archaeological assets during groundworks/construction.
- 19 Condition No demolition/development shall take place other than in accordance with the Written Scheme of Investigation approved under condition 18.
- 19 Reason To safeguard archaeological interests in accordance with the principles of the NPPF.
- 20 Condition The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition 18; and the provision to be made for analysis, publication and dissemination of results and archive deposition has been secured.
- 20 Reason To safeguard archaeological interests in accordance with the principles of the NPPF.
- 21 Condition Prior to commencement of development a detailed construction management plan, must be submitted to and approved by the Local Planning Authority; this must include proposed timescales and hours of construction phase. The scheme shall also specify the sound power levels of the equipment, their location, and proposed mitigation methods to protect residents from noise and dust. The scheme shall be implemented as approved.
- 21 Reason To ensure that the amenities of future occupants are safeguarded in accordance with the NPPF.

16/01145/CM

Land N of Outfall S off Transmission Cables W off Road Cross Bank Road King's Lynn



Scale: 1:10,000

Borough Council of
**King's Lynn &
West Norfolk**



Tel. 01553 616200 - Fax. 01553 691663

Organisation	BCKLWN
Department	Department
Comments	1:10000
Date	22/07/2016
MSA Number	0100024314

AGENDA ITEM NO: 8/3 (f)

Parish:	King's Lynn	
Proposal:	County Matters Application: erection of anaerobic digestion facility (to process up to 20,000 tonnes of cereal crops/slurry) including ancillary reception/office building and workshop, two digesters, two storage tanks, combined heat power plant, energy crop storage area, flare stack, ancillary plant and improvements to proposed access (widening and resurfacing)	
Location:	Land N of Outfall S Off Transmission Cables W Off Road Cross Bank Road King's Lynn Norfolk	
Applicant:	Mikram Ltd	
Case No:	16/01145/CM (County Matter Application)	
Case Officer:	Mr C Fry	Date for Determination: 19 July 2016

Reason for Referral to Planning Committee – At the request of Councillor Mrs B Buck

Case Summary

The site is located on scrubland to the east of Cross Bank Road, approximately 2km to the north west of King's Lynn town centre and some 200m to the north of the defined built environment.

The application seeks consent for an Anaerobic Digestion plant, producing up to 1 MW of renewable energy per annum (providing the equivalent power for 2,000 households).

The facility would comprise a reception building, 1 primary digester, 1 secondary digester, 2 storage tanks, energy crop silage clamp, measuring approximately 90m x 31m, combined heat & power plant, flare stack and ancillary plant.

The application is made to Norfolk County Council as the Minerals and Waste Planning Authority; the Borough Council as Local Planning Authority is a consultee.

Key Issues

The main issues raised by the application are:-

- Principle of development;
- Landscape and Visual Impact;
- Traffic;
- Noise & Odour; and
- Flood Risk.

Recommendation

NO OBJECTION subject to the resolution of issues regarding flood risk.

THE APPLICATION

The site is located on scrubland to the east of Cross Bank Road, approximately 2km to the north west of King's Lynn town centre and some 200m to the north of the defined built environment.

The site measures approximately 0.8 hectares.

Access to the site is from Cross Bank Road, which leads directly to Edward Benefer Way and the A148.

An existing mature hedgerow and intermittent trees separate the site from Cross Bank Road to the west. The River Great Ouse occupies a wide channel to the west of Cross Bank Road and King's Lynn sewage works lies to the north west of site, across the river. Industrial buildings are located to the south east, the closest being PIL Membranes. The eastern boundary of the site adjoins open farmland.

The site is located some 500m from the closest dwelling, and approximately 800m from The Wash National Nature and 1.7km from the closest European designated site, RAMSAR, or SSSI. It lies within Flood Zone 3.

The application seeks consent for an Anaerobic Digestion plant, producing up to 1 MW of renewable energy per annum (providing the equivalent power for 2,000 households).

The facility would comprise a reception building, 1 primary digester, 1 secondary digester, 2 storage tanks, energy crop silage clamp, measuring approximately 90m x 31m, combined heat & power plant, flare stack and ancillary plant.

The intention is to process approximately 14,000 tonnes of cereal crop matter per annum. However, the plant will have the capability, if required, to process pig slurry or similar liquid agricultural waste. The plant has a maximum throughput of 20,000 tonnes per annum.

The facility would be staffed by 1 full time employee (or equivalent), who would be responsible for the day to day management of the facility.

As a by-product of the process, the plant will produce approximately 6,000 to 7,000 tonnes of liquid digestate per annum, which will be taken from site for use as a soil improver.

SUPPORTING CASE

The application is accompanied by the following documents:

- Planning Statement;
- Ecology Report;
- Transport Statement;
- Noise Assessment;
- Air quality Assessment;
- Landscape and Visual Impact Assessment; and
- Flood Risk Assessment.

The Planning Statement concludes as follows:

"In summary, the proposed development will provide an efficient and sustainable means of recovering energy from waste and accords with national and local planning policies aimed at

growing AD [anaerobic digestion] capacity. It will provide additional waste processing capacity in a way which will be beneficial to local businesses and the wider community and will achieve carbon savings. The principal energy customer will achieve significant savings in electricity use and has endorsed the scheme. The digestate will also provide a locally-sourced agricultural input.

The scheme design responds appropriately to the operational constraints of the site and local sensitivities. It is not located in or adjacent to an area designated for its conservation or landscape importance and will not impact protected species, groundwater, or heritage assets. Landscape and visual impacts have been assessed and, given the small scale of the scheme and the presence of a wind turbine and other incongruous features in the immediate vicinity of the site, there will be no significant adverse effects. It has also been shown that there will be no adverse impact on residential amenity as a result of the operation of the proposed AD plant.

Safe access can be provided and technical assessments show that all other policy requirements have been satisfactorily addressed. Overall, the scheme provides a good fit with adopted waste management policies, and with local planning policies. The application is commended to the Authority.”

PLANNING HISTORY

15/02144/CM: Application Withdrawn: 27/01/16 - County Matters Application: Erection of anaerobic digestion facility (to process cereal crops/food waste) including ancillary reception/office building and workshop, two digesters, two storage tanks, combined heat power plant, energy crop storage area, flare stack, ancillary plant and new vehicular access - Land N of Outfall S Off Transmission Cables W Off Road, Cross Bank Road, King's Lynn, Norfolk

12/01681/FM: Application Permitted: 05/02/13 - The grounds will be used as a temporary means to support solar PV panels, which will generate electricity for the use of the national grid. Small storage blocks will accompany the alteration to house electrical equipment and will as such not include any extension or demolition - Mickram Limited - Cross Bank Road, King's Lynn, Norfolk, PE30 2HD – Lapsed without implementation.

RESPONSE TO CONSULTATION

The application is to be determined by Norfolk County Council as the Minerals and Waste Local Planning Authority. The Borough Council has not, therefore, carried out its own consultation.

However, the following comments have been received and will be forwarded on to Norfolk county Council:

Environmental Health & Housing: Environmental Health are consulted and respond separately. They have sought additional information as follows:

1. I note that the planning statement describes the application as ‘Anaerobic Digestion plant, producing up to 1 MW of renewable energy per annum processing approximately 14,000 tonnes of cereal crop matter per annum. However, the plant will have the capability, if required, to process pig slurry or similar liquid agricultural waste.’ The planning statement also states that this scheme makes no provision for processing food waste. Scenario 3 in the

Transport Statement refers to both animal waste and refuse from a central depot; it is unclear what waste this refers to.

Can the applicant clarify what will be processed at the site. Would consent if granted, limit feedstock to cereal crops/slurry as described in the application form?

2. The Planning Statement states that the site will be licensed by the Environment Agency under a standard rules permit

Can the applicant clarify if a permit application has been made or if a view has been sought from the EA on the type of permit required. I will take account of the EA's comments on the planning application when they are made available.

3. The Air Quality Statement from Isopleth Ltd - dated March 2016 considers combustion pollutants from the CHP and states that bioaerosols would be addressed at permitting stage. The screening reports that the process contributions of CO and SO₂ to Environmental Assessment Levels are not significant and that predicted environmental concentrations of NO₂ will not require detailed dispersion monitoring.

From recent research I understand that the background concentration of NO₂ is 13ug/m³ rather than 10.26ug/m³. Can the applicant clarify this in the report. Also, potential pollution (including PM₁₀) from the additional traffic during both the construction and operational phases is not included in the Air Quality Statement, has this been considered? Will a separate planning permission be required to establish the 'farm track route' (scenario 1 in the Transport Statement). Will a Construction Environmental Management plan be provided?

4. Storage and movement of materials appears to be carried out in the open air.

Can the applicant clarify the plans for storage and movement of materials on site

King's Lynn Area Consultative Committee Planning Sub-group: No comments received at date of publication. Any comments will be reported as late correspondence.

REPRESENTATIONS

The application is to be determined by Norfolk County Council as the Minerals and Waste Local Planning Authority. The Borough Council has not, therefore, carried out its own consultation.

However, the following comments have been received and will be forwarded on to Norfolk county Council:

THREE letters of **OBJECTION** have been received raising the following points:

- Smell;
- Not enough room for vehicles to manoeuvre on-site;
- Safety;
- Residential amenity;
- Devaluation of property; and
- Visual impact.

Councillor Buck has **OBJECTED** to the application stating that:

- This would cause damage to the natural countryside harming the natural beauty of the area.
- Pollution control is a concern.
- How often is 20,000 tonnes being processed?
- The highways are not suited for heavy traffic.

Associated British Ports: OBJECTS because of increased traffic and impact on port operations.

NATIONAL GUIDANCE

National Planning Policy Framework – sets out the Government’s planning policies for England and how these are expected to be applied.

National Planning Practice Guidance - Provides National Planning Practice Guidance, in support of and in addition to the NPPF

LDF CORE STRATEGY POLICIES

CS01 - Spatial Strategy

CS06 - Development in Rural Areas

CS08 - Sustainable Development

CS12 - Environmental Assets

SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PRE-SUBMISSION DOCUMENT

DM2 – Development Boundaries

DM20 - Renewable Energy

PLANNING CONSIDERATIONS

The application is submitted to Norfolk County Council as the Minerals and Waste Local Planning Authority. The Borough Council as Local Planning Authority is not the determining authority: the purpose of this report is to seek the Committee’s views on a consultation response.

The main issues raised by the application are:-

- Principle of development;
- Landscape and Visual Impact;
- Traffic;
- Noise & Odour; and
- Flood Risk.

Principle of Development

The site lies in land defined as countryside where Core Strategy CS06 seeks to restrict development in line with NPPF policy to preserve the intrinsic beauty of the countryside.

Outside settlement boundaries, emerging development management policy DM2 details the kind of development that may be acceptable in the countryside and includes renewable energy such as anaerobic digestion, which creates energy from waste or plant materials.

Policy DM20 states that proposals for renewable energy will be assessed in terms of their impact upon:-

- Sites designated for their landscape or ecological value, such as the AONB and SSSIs;
- Landscape;
- Heritage assets;
- Ecological interests;
- Amenity including noise and air quality;
- Contaminated land;
- Water courses;
- Public safety including road safety and users of footpaths, by-ways etc.; and
- Tourism and other economic activity.

Subject to the impact of the proposal upon these interests, the proposal is acceptable in policy terms.

Landscape and Visual Impact

The buildings that the development would comprise of are described earlier on in this report. The two domed digester tanks would rise to a height of 12m above existing ground level. These are the two tallest structures as the flare stack and the combined heat and power plant are both set at a lower level.

The application is accompanied by a Landscape and Visual Impact Assessment. This concludes that there would be limited landscape and visual effects arising from the proposed development and that these would largely be restricted to the immediate surroundings of the development. It bases this conclusion upon an analysis of the existing landscape, which includes industrial elements in the form of the sewage works on the opposite side of the river and industrial plant at Porvair and Dow to the south as well as pylons and two wind turbines.

Traffic

The amount of traffic generated once the plant is operational will depend upon the fuel source for the digester. Three scenarios are assessed by the applicant's transport statement.

- 1) Biomass material (maize) from farmer of adjoining land;
- 2) Delivery of biomass from outside contractor; and
- 3) Animal waste used as fuel.

Under scenario 1, maize will be delivered during a 7 week harvest period by 40 tractor and trailer movements a day carrying 18 tonne loads. These will access the site directly from the local fields via Cross Bank Road and will not impact the public highway. Outside the harvest period, there would be 3 movements a day.

Scenario 2 involves maize being delivered from further afield during the harvest season. Twenty-four bulk tankers would visit the site per day during the season with 3 movements per day outside. These vehicles would access the highway via Cross Bank Road to Edward Benefer Way.

Under Scenario 3 animal waste would be used to fuel the plant. This would take place over the year with a total of 5 tanker movements per day using the same route as under scenario 2.

The transport statement considers that much of Cross Bank Road is wide enough to accommodate 2 way HGV movements. Where it is not the statement proposes widening the road on the bend as the road swings round to run parallel to the river with widening to the north of this point beyond John Lake Shellfish with passing bays beyond.

The surface of the road where it passes beyond Porvair and is currently surfaced with shell fish will be hardened and improved to a haul road up to the access to the digester.

There is an objection from Associated British Ports regarding increased traffic on Cross Bank Road through the port and from members of the public to increased use of the private section of the road.

The Local Highway Authority has not yet commented on the proposal. The LHA will, however, limit themselves to the impact upon the adopted highway, which ends at the junction with Edward Benefer Way.

The committee will need to consider the impact of the proposal upon the private sections of Cross Bank Road and the users of it, including the public by-way.

Under the 3rd scenario, with vehicle movements spread across the year, the impact will be much less significant than under the first two scenarios. Under the latter, activity is concentrated into an intense 4 to 6 week period with up to 40 additional vehicle movements per day. The likelihood of conflicts between vehicles accessing the plant and existing users of the private road (businesses, residents and members of the public) will be much increased during this period. However, outside the harvest period movements and conflicts will be much lower.

Noise & Odour

On-site process will be covered by a permit from the Environment Agency under separate legislation. A license application will be made but has not been yet. The licensing process will control all emissions from the processes on the site, including noise and odour. The planning process should not replicate other legislation so the committee is advised that an objection would not be sustainable on noise and odour grounds.

Flood Risk

The site is in Flood Zone 3. The County Council as determining authority needs to be satisfied that there are no sites available at lower risk of flooding (the sequential test) before applying the exception test.

The development is classed as 'Less Vulnerable' in the national Planning Practice Guidance and is acceptable under the exception test provided that the development is accompanied by a site specific Flood Risk Assessment (FRA) that demonstrates the site is adequately protected from the risk of flooding.

At the time of publication the Environment Agency objects to the proposal due to deficiencies in the FRA. A revision to the FRA has been submitted to NCC to address these but at the moment the proposal does not meet the exception test.

Other matters

Designated Sites

Correspondence to NCC from Natural England indicates that the proposal will not have a detrimental impact upon nationally designated nature conservation sites.

The site is 3km distant from the AONB and has little impact upon views into and out of the area.

Heritage Assets

Comments from Historic England to NCC state that the proposal will not impact on heritage assets.

Contaminated Land

No comments have been made by the Council's Environmental Health team regarding contamination of the site or the need to remediate.

Water courses

No objections regarding pollution have been raised by the Environment Agency, which has a statutory responsibility to protect controlled waters.

CONCLUSION

The proposal complies with policy CS06 of the Core Strategy as elaborated upon by emerging policies DM2 and DM20 provided that the issues regarding the FRA can be addressed.

In the light of this, it is recommended that the Council as Local Planning Authority does not object to the proposal, subject to the resolution of the outstanding issues relating to the FRA.

RECOMMENDATION:

NO OBJECTION subject to the resolution of issues regarding flood risk.