

Development Committee



Please contact: Lauren Gregory

Please email: lauren.gregory@north-norfolk.gov.uk Direct Dial: 01263 516108

TO REGISTER TO SPEAK PLEASE SEE BOX BELOW

Wednesday, 16 November 2022

A meeting of the **Development Committee** will be held in the **Council Chamber - Council Offices** on **Thursday, 24 November 2022 at 9.30 am.**

At the discretion of the Chairman, a short break will be taken after the meeting has been running for approximately one and a half hours

Please note that members of the public should not speak to Committee Members prior to or during the meeting.

PUBLIC SPEAKING :

Members of the public who wish to speak on applications must register **by 9 am on the Tuesday before the meeting** by telephoning **Customer Services on 01263 516150** or by emailing customer.service@north-norfolk.gov.uk. Please read the information on the procedure for public speaking at Development Committee on our website or request a copy of "Have Your Say" from Customer Services.

Anyone may take photographs, film or audio-record the proceedings and report on the meeting. You must inform the Chairman if you wish to do so and must not disrupt the meeting. If you are a member of the public and you wish to speak, please be aware that you may be filmed or photographed.

Emma Denny
Democratic Services Manager

To: Mrs P Grove-Jones, Mr P Heinrich, Mr A Brown, Mr P Fisher, Mrs A Fitch-Tillett, Dr V Holliday, Mr R Kershaw, Mr N Lloyd, Mr G Mancini-Boyle, Mr N Pearce, Mr M Taylor, Mr A Varley, Ms L Withington and Mr A Yiasimi

Substitutes: Mr T Adams, Dr P Bütikofer, Mrs S Bütikofer, Mr C Cushing, Mr T FitzPatrick, Mr V FitzPatrick, Mr N Housden, Mr J Punchard, Mr J Rest, Mrs E Spagnola, Mr J Toyne, Dr C Stockton and Mr E Vardy

All other Members of the Council for information.

Members of the Management Team, appropriate Officers, Press and Public



If you have any special requirements in order to attend this meeting, please let us know in advance
If you would like any document in large print, audio, Braille, alternative format or in a different language please contact us

A G E N D A

PLEASE NOTE: THE ORDER OF BUSINESS MAY BE CHANGED AT THE DISCRETION OF THE CHAIRMAN
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PUBLIC BUSINESS

1. CHAIRMAN'S INTRODUCTIONS

2. TO RECEIVE APOLOGIES FOR ABSENCE

3. SUBSTITUTES

4. MINUTES

(Pages 1 - 10)

To approve as a correct record the Minutes of a meeting of the Committee held on Thursday 27th October 2022.

5. ITEMS OF URGENT BUSINESS

(a) To determine any other items of business which the Chairman decides should be considered as a matter of urgency pursuant to Section 100B(4)(b) of the Local Government Act 1972.

(b) To consider any objections received to applications which the Head of Planning was authorised to determine at a previous meeting.

6. ORDER OF BUSINESS

(a) To consider any requests to defer determination of an application included in this agenda, so as to save any unnecessary waiting by members of the public attending for such applications.

(b) To determine the order of business for the meeting.

7. DECLARATIONS OF INTEREST

(Pages 11 - 16)

Members are asked at this stage to declare any interests that they may have in any of the following items on the agenda. The Code of Conduct for Members requires that declarations include the nature of the interest and whether it is a disclosable pecuniary interest. Members are requested to refer to the attached guidance and flowchart.

OFFICERS' REPORTS

8. GREAT RYBURGH - PF/20/0523 (APPLICATION 1) - CONSTRUCTION OF 15 NO. GRAIN SILOS AND 1 NO. 5,574 SQM (60,000SQFT) WAREHOUSE WITH ASSOCIATED DRAINAGE, ACCESS AND EXTERNAL LIGHTING

(Pages 17 - 194)

GREAT RYBURGH - PO/20/0524 (APPLICATION 2) - HYBRID APPLICATION FOR CREATION OF HGV ACCESS ROAD TO SERVE AN EXPANDED CRISP MALTINGS GROUP SITE (FULL PLANNING

PERMISSION) AND CONSTRUCTION OF BUILDINGS AND STRUCTURES REQUIRED TO INCREASE THE MAXIMUM OUTPUT TONNAGE OF MALT OF THE MALTINGS SITE IN ANY ONE CALENDAR YEAR TO 175,000 TONNES (CURRENTLY 115,000 TONNES) (OUTLINE APPLICATION WITH ALL MATTERS RESERVED EXCEPT FOR ACCESS).

SITE: LAND NORTH OF FAKENHAM ROAD, GREAT RYBURGH, FAKENHAM.

APPLICANT: ANGLIA MALTINGS (HOLDINGS) LTD

- 9. WELLS-NEXT-THE-SEA - PF/21/3227 - TWO STOREY EXTENSION TO SIDE AND FIRST FLOOR EXTENSION OVER DETACHED GARAGE TO FORM HOLIDAY LET; SINGLE STOREY DETACHED BUILDING FOR USE AS HOLIDAY LET. MARSH TIDE, NORTHFIELD LANE, WELLS-NEXT-THE-SEA FOR MR JAMES ISSAC** (Pages 195 - 202)
- 10. HOLT TPO/22/0994 LAND REAR OF 5 PEARSONS CLOSE** (Pages 203 - 208)
- 11. NORTH WALSHAM TPO/22/0993 LAND AT LONG BARROW DRIVE** (Pages 209 - 216)
- 12. NORTH WALSHAM TPO/22/0995 LAND EAST OF 19 ROSEWOOD AND WEST OF 6 VALLEY GARDENS** (Pages 217 - 222)
- 13. DEVELOPMENT MANAGEMENT PERFORMANCE UPDATE** (Pages 223 - 226)
- 14. APPEALS SECTION** (Pages 227 - 232)
 - (a) New Appeals
 - (b) Inquiries and Hearings – Progress
 - (c) Written Representations Appeals – In Hand
 - (d) Appeal Decisions
 - (e) Court Cases – Progress and Results

15. EXCLUSION OF PRESS AND PUBLIC

To pass the following resolution, if necessary:-

“That under Section 100A(4) of the Local Government Act 1972 the press and public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Part I of Schedule 12A (as amended) to the Act.”

PRIVATE BUSINESS

- 16. ANY URGENT EXEMPT BUSINESS**
- 17. TO CONSIDER ANY EXEMPT MATTERS ARISING FROM CONSIDERATION OF THE PUBLIC BUSINESS OF THE AGENDA**

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DEVELOPMENT COMMITTEE

Minutes of the meeting of the Development Committee held on Thursday, 27 October 2022 in the Council Chamber - Council Offices at 9.30 am

Committee Members Present:

Mrs P Grove-Jones (Chairman)	Mr P Heinrich (Vice-Chairman)
Mr A Brown	Mr P Fisher
Mrs A Fitch-Tillett	Dr V Holliday
Mr R Kershaw	Mr N Lloyd
Mr N Pearce	Ms L Withington

Officers in Attendance:

- Assistant Director of Planning (ADP)
- Development Manager (DM)
- Principle Lawyer (PL)
- Development Management Team Leader (DMTL)
- Senior Environmental Protection Officer (SEPO)
- Environmental Protection Team Leader (EPTL)
- Democratic Services Officer – Regulatory

50 TO RECEIVE APOLOGIES FOR ABSENCE

Apologies for absence were received from Cllr G Mancini-Boyle, Cllr M Taylor, Cllr A Varley and Cllr A Yiasimi.

51 SUBSTITUTES

None received.

52 MINUTES

Cllr V Holliday noted a discrepancy with Minute 44 for the Minutes of the Development Committee Meeting held Thursday, 29th September 2022, and stated that she had declared a pecuniary interest but that as her interest was considered to be non-technical, she was able to take part in debate and deliberation.

The PL advised that Cllr V Holliday had declared a non-pecuniary interest, and that a pecuniary interest would apply if Cllr V Holliday held shares exceeding the value of £25,000 or 100% total share of that body, in accordance with the relevant authority's Disclosable Pecuniary Interest's Regulation 2012.

The minutes of the meeting held Thursday 29th September 2022 were approved as a correct record.

53 ITEMS OF URGENT BUSINESS

None.

54 DECLARATIONS OF INTEREST

Cllr P Heinrich declared a non-pecuniary interest in Agenda Item 8, PF/21/26/50, and advised he had been contacted by the applicant and their agent on several occasions along with Cllr E Seward (Local Ward Member). Additionally, he had met

with Cllr E Seward and Officers to discuss progress with the application. He did not consider himself to be pre-disposed or pre-determined.

55 NORTH WALSHAM - PF/21/2650 - TECHNICAL DETAILS CONSENT FOLLOWING FROM PERMISSION IN PRINCIPLE (PP/20/0160) FOR THE DEMOLITION OF THE EXISTING BUILDINGS ON SITE AND THE ERECTION OF FOUR DWELLINGS WITH ASSOCIATED PARKING AND GARDENS, UNIT 1, MELBOURNE HOUSE, BACTON ROAD, NORTH WALSHAM, FOR MR DAVID TAYLOR

The DM introduced the Officers report and recommendation for refusal. He updated Members that the outstanding payment detailed on p. 23-24 of the report had been paid on 26th October, and this subsequently no longer formed part of the reason for refusal. The DM confirmed that Members had been provided with additional documentation including the applicant's legal advice, the authority's legal advice, the appeal decision for permission in principle and a written submission from the Local Member Cllr E Seward.

The DM noted that whilst aspects of the proposal would accord with many development plan policies, Officers held significant concerns regarding the proximity of the proposal to the existing poultry farm. Officers considered that the existing business would have an adverse impact on the ability of the residential unit occupiers to be provided with high quality residential amenity in regard to matters of odour, noise, dust, light and pests associated with the poultry farm, set out in s.7 of the report. Further, he stated that the proposal failed to accord with NNDC Core strategy policies EN4 and EN13.

The DM stated that, if the application were permitted, there would be significant conflict between land users and increased pressure placed on the existing business to mitigate or reduce its operation which was not considered to be viable. Officers contended that the applicant had failed to demonstrate that the proposal would not have an adverse impact on operations or viability of the adjacent business, contrary to Paragraph 187 of the NPPF. The DM advised that senior Environmental Protection Team Officers were in attendance, highlighting the level of Officer concern over the application.

Public Speakers

David Taylor (supporting)

- i. Local Member – Cllr P Heinrich commented that a partial site visit took place in 2021 to consider a prior application for the same site, which he was in attendance for. During this non-formal visit no issues of odour or noise were noted. However, it was noted that a nearby building had been converted without objection, which was only a few meters away from the application site.

The Local Member commented that the principle of development had already been established through the planning appeal decision for 1-4 dwellings. He considered that the legal opinions supplied as additional documentation to Members effectively cancelled one another out. Further, as the adjacent business was operating at best practice, he considered the impact of the operation on neighbouring properties to be minimal. The Local Member acknowledged Officers concerns but questioned why additional studies had not been requested, if Officers were dissatisfied with the reports produced by the applicant. Cllr P Heinrich considered the complaints received to be dated

and noted that they could not be directly attributed to the poultry farm. He contended that the increased volume of complaints during Covid lockdown was linked with numbers of people staying at home who would be more aware and particularly sensitive to their local environment. Additionally, he was unaware that any action had been taken with respect of the submitted complaints. Whilst he respected the opinion of Officers, he affirmed that he required hard evidence to support their position. The Local Member noted the positive aspects of the proposal which accorded with NNDC core strategy policies EN2, EN4, EN8, H01, EN2, EN4, EN9 and that the proposal was not affected by Nutrient Neutrality guidance. He expressed his support for the provision of bungalows within the district, and of sustainable building practices. Cllr P Heinrich stated that he had not yet to come to a determination on the application, but that he did consider merit in deferral of the determination pending a site visit and detailed evidence provided by the Environmental Health Team.

- ii. The PL advised that she did not consider the two legal opinions to be incompatible, and noted that the Councils legal opinion did not undermine the location of the site, nor did it challenge the permission in principle. Rather, it was a broader consideration of the technical detail consent which also encompassed the health of the owner/occupier of the residential properties, and that residential amenity was a matter within wider technical detail consent which can be considered.
- iii. The ADP advised that if Members were minded to hold a site visit, for this to be considered before any further debate took place which may otherwise prejudice consideration of the application at a later stage.
- iv. Cllr A Fitch-Tillett reflected on her 10 years' experience in the poultry business and considered that the only time where there would be occasional complaints would be when the shed was being cleaned, and that most of the time odour was a benign issue.
- v. Cllr N Lloyd stated that he had attended the informal site visit in 2021, and had voted in support of the previous application which had been refused by the Development Committee. During the visit he was not witness to any noise or odour implications. Cllr N Lloyd considered that the legal opinions supplied effectively cancelled one another out, and commented that their circulation had added to confusion. He commented that he was very familiar with the site, which he had served as Ward Member for 8 years till 2019 when a boundary change occurred, and that he supported the representations made by the Local Members. Cllr N Lloyd noted that the application for Melbourne House, also a residential property, had been approved which was located only a few meters away. Further, he questioned the Officers report for not detailing the sewage works in North Walsham which also generated odour issues. Cllr N Lloyd welcomed the applicant for trying to work proactively with Officers, and expressed his support for the adjacent poultry business, which he would not wish to see negatively affected through the granting of planning permission. Cllr N Lloyd stated that he wished to hear from Environmental Health Team before coming to a determination, but that he would be agreeable to reducing the number of units if this was preferable.
- vi. Cllr R Kershaw advised he had also attended the informal site visit and agreed that there had been no adverse odours at this time. He commended

the proposal for its use of solar panels and air source heat pump and that the applicant had tried to address concerns. Cllr R Kershaw expressed his surprise over the length of the Officers report and lack of empirical evidence supplied by the Environmental Health team. He contended that that applicant was aware of the site location and the associated risks should the properties fail to sell.

- vii. Cllr V Holliday commented that she wished to hear from the Environmental Protection Team about their studies, and asked if mitigation strategies could be implemented including acoustic glazing or mechanical ventilation.
- viii. Cllr N Pearce affirmed that the legal advice provided demonstrated that this was a complex matter. He expressed concern that as the business was operating at best possible practice, there was little to be gained through residents complaining. He noted that Bird Flu had not been considered within the report, and noted the impact this was having on the district.
- ix. Cllr A Brown thanked Officers for their report and clarified that permission in principle was not a pre determination that permission should be granted, rather it was only one aspect of the process and unless the technical detail consent was agreed, then the Council was not bound by the permission in principle. He reflected that there was much to commend in the application, being the right type of property mix, having no impact on the neighbouring heritage asset, and in compliance with many core strategy policies. Cllr A Brown stated that the issue was whether the application complied with polices EN4, EN14 and paragraph 135 of the NPPF, and if the development would provide acceptable residential amenity which would not negatively affect health. He acknowledged that the adjacent business was a large poultry unit with housing 150,000 birds at any one time, and contended this resulted in a large discharge of ammonia gas which could not be mitigated against by a 9ft wall. He considered that the existing business would pose a significant health risk to the residents of the proposal if permission were granted and cited the Clean Air Act 2019 which highlighted that ammonia was a concern, noting that science was developing in this field. Cllr A Brown considered that the central issues of odour, noise, dust, lighting and pests were critical and that no 'worst case scenario' had been provided by the applicant to aid Members in understanding the fullness of the risk and impact. He welcomed representation by the Environmental Health team before making his decision.
- x. The SEPO highlighted that the presence of two senior Environmental Protection Officers was indicative of the magnitude of concern over the potential impact of the development. She advised that the adjacent poultry farm was subject to an environmental permit, and that as this was considered a substantial unit with over 40,000 birds, it was for the Environment Agency (EA) to regulate and undertake visits. The poultry farm by nature produced high levels of pollution which could cause detrimental impacts on nearby residents and eco systems. She advised that she had attended the site and conducted her own assessments on 16th, 17th and 18th May 2022 when 136,000 birds were on site, and had spoken with site operators to better understand the operation including when it was at its noisiest. The SEPO commented that significant conflict would arise in the granting of the proposal which was considered it could, and likely would, result in a Statutory Nuisance being applied on the existing business. A Statutory Nuisance could be defined as something unreasonable which causes material

interference with the use and enjoyment of a person's property, including issues relating to odour, noise, pest and dust. She noted that the adjacent business would have a particularly adverse effect on those with pre-existing medical conditions.

The SEPO considered that the author of the noise and odour assessment, provided by the applicant, had vastly underestimated the acoustic and odour environment of the location. She surmised that they would likely have attended the site on days 1 or 33 of the 49 day cycle when the site is at its quietest and not during the catching or cleaning process. Further, the report outlined the time of operation for the poultry farm as being 7am-8pm Monday to Sunday, however the SEPO advised following her engagement with the business that they actually operate from midnight till 8/9pm Monday to Sunday. Irrespective, she considered that both reports were unrepresentative of a worst case scenario, and that mitigation had only been considered based on the narrow time period when the site was much quieter. She contended that the applicant's reports failed to cover all operations on site and the effect they would have on the health of residents.

The SEPO advised that it was difficult to provide advice to the applicant, as usually mitigation could only be achieved through distance, which was not possible in this instance. The proposed land had effectively provided a buffer strip for several years, and in granting the proposal she considered that the number of complaints would only increase. Whilst there were other localised odour emitters including the traditional practice common in the district of 'muck spreading' this was undertaken for specific purposes in accordance with DEFRA guidelines, and was for a limited time period. She advised that the 49 day cycle would have a more significant impact.

As the EA were the Principle Authority for the poultry farm, which was operating at best practice, the Council was limited in what it could do upon receipt of a complaint. She noted that complaints could be directed to the EA, the Environmental Protection Team or the business directly, and therefore it was challenging to quantify the exact number of complaints. In the event that an abatement notice was served on the business this would require permission from the Secretary of State.

The SEPO noted that the regional Environmental Officer for the EA, Steve Grice, was in support of the Environmental Protection Teams concerns but that when EA responded to the consultation they considered the affect the proposal would have on the existing business and not the affect the existing business would have on the proposed development.

- xi. The EPTL supported the concerns and advice provided by SEPO, and agreed that without the worst case scenario assessment it was challenging to determine the full extent of the impact the adjacent business would have on the proposed dwellings.
- xii. Cllr R Kershaw acknowledged the representations made by the Environmental Protection Team, and the seriousness of their comments. He reflected on the lack of data provided, and asked why further tests had not been commissioned.
- xiii. Cllr A Brown noted the letter from the EA dated 7/12/21 on the planning portal, and asked if mitigation could be provided through the new

development by way of a financial contribution to the operator of the poultry farm, and how this may work in practice.

- xiv. The PL advised financial contributions could be obtained through the S106 agreement process, but noted that funding typically was applied to mitigate the effect of the development to an area. She noted advice from the Environmental Protection Team, which considered in this instance that there was little which could be done to mitigate the impact of the development and the issue remained the proximity of the proposed dwellings to the poultry shed.
- xv. The DM commented that the poultry unit was operating at best practice and should money be paid to them through an S106 agreement, this would not resolve issues, rather it would simply raise expectations. He advised that the applicant has been requested to provide updated information and reports by Officers, but that these had not been received. The DM advised that it was the responsibility of the applicant to provide evidence which would support their proposal, and that the applicant had failed to demonstrate that the unit would not have an adverse impact to residents. He reminded Members that Officers considered there to be significant risk to residents who would be subject to severe amenity concerns, and that whilst market forces may result in diminished demand and lower rent, it is often this type of accommodation which is occupied by vulnerable individuals. The DM advised that the Authority had a responsibility to ensure it allowed acceptable form of development.
- xvi. Cllr P Heinrich considered that the applicant had provided detailed scientific evidence over a sustained period of time and that the Environmental Protection Team had failed to provide empirical evidence to the contrary. Without such evidence he proposed deferral of item until a site visit could be conducted.
- xvii. The DM advised that it was not usual practice to request a statutory consultee, in this instance, the Environmental Protection Team, to provide their own data, and that this responsibility fell to the applicant. He commented that concerns had been raised with the applicant to provide further data, but that this had not been acted upon. He was unclear as to Members reason for deferral and did not consider that a site visit would provide value to decision making, as it could be guaranteed that noise or odour would be an issue on a site visit day.
- xviii. The ADP reminded Members that the purpose of the planning system was to put the right development in the right place and that it was not about buyers being aware of concerns of the local environment. Legal opinion had been supplied to Members which was largely compliant, but significantly departed with respect of considerations to matters relating health implications, which the Council were lawfully and rightfully allowed to consider. As detailed on p.36 of the Officers report, 'failure to demonstrate' to a reasonable balance of proof, was cited as a reason for refusal which accorded with the Council's planning policies. He acknowledged the representation made by the Environmental Health Team and their consideration that significant harm, which could result in the serving of an abatement notice, may arise by consequence of the proposed development, something which must be given significant consideration and remained unanswered.

- xix. The SEPO reiterated that having attended the site and spoken to the operator she considered the author of the applicants report to have woefully underestimated the full extent of material considerations of noise, odour, dust, lighting, and pests. She noted that the Environmental Protection Team were in regular receipt of complaints regarding other poultry farms in the district, and that there were several incidents this year relating to fly infestations from properties further removed than the proposal would be to the adjacent poultry business. The SEPO implored Members to consider the health implications of future residents if the application was to be granted.
- xx. Cllr A Fitch-Tillett spoke in favour of the Officers recommendation on receipt of Officers representations, and stated whilst she had great sympathy for the applicant, she was concerned for public health and the affect the adjacent business would have on residents particularly those with pre-existing medical conditions.
- xxi. Cllr P Heinrich withdrew his proposal but noted that the EA letter stated that they had no concerns regarding the data supplied by the applicant.
- xxii. Cllr A Fitch-Tillett proposed acceptance of the Officers recommendation for refusal, Cllr N Pearce seconded.

IT WAS RESOLVED by 8 votes for, and 2 against.

That Planning Application PF/21/2650 be REFUSED for the following reasons:

1. The application has failed to demonstrate that future occupants of the proposed dwellings would be provided with high quality residential amenities having regard to matters such as odour, noise, dust, lighting and pests which are associated with the adjoining poultry farm. Furthermore, the proposed development would fail to provide external amenities in accordance with relevant guidance resulting in deficient levels of useable private amenity space. When considered together, the proposed development would result in compromised internal and external environments for use by occupiers of the proposed dwellings contrary to Policies EN 4 and EN 13 of the of the North Norfolk Local Development Framework Core Strategy (September 2008), Chapters 12 and 15 of the National Planning Policy Framework (2021) and Chapter 3 of the North Norfolk Design Guide Supplementary Planning Document (December 2008).

2. The application has failed to demonstrate that it could be integrated effectively with the existing adjoining poultry farm business, or that unreasonable restrictions would not be placed upon this existing business as a result of development permitted after it was established. Given the shortcomings of the submitted odour, noise, dust, lighting assessments and the lack of consideration given to pests, suitable mitigation has not been proposed by the applicant (or 'agent of change'). Therefore, the proposed development would be contrary to the requirements of Paragraph 187 of the National Planning Policy Framework (2021).

3. The Local Planning Authority considers that the proposed development falls within the Broads Sites, East Coast Sites, North

Coast Sites, North Valley Fens and The Wash Zones of Influence and affects European Designations as set out in the Norfolk Green Infrastructure and Recreational Impact Avoidance Mitigation Strategy. The application has failed to demonstrate that the proposed development would not result in adverse effects, either alone or in combination on the integrity of European Sites arising as a result of the development including in relation to recreational disturbance. In the absence of evidence to rule out likely significant effects and in the absence of suitable mitigation measures to address likely significant effects, the proposal is contrary to the requirements of Policies SS 4 and EN 9 of the North Norfolk Core Strategy (September 2008) and approval of the application would conflict with the legal requirements placed on the Local Planning Authority as competent authority under the Conservation of Habitats and Species Regulations 2017 (as amended).

Meeting adjourned at 10.45 and returned at 10.57

56 BINHAM - PF/21/2926 - TWO STOREY SIDE/REAR EXTENSION TO DWELLING, 87 WARHAM ROAD, BINHAM, FOR MR & MRS WALES

The DMTL introduced the Officers report and recommendation for approval subject to conditions. He advised that this application had been deferred from the 20th January 2022 Development Committee Meeting to enable further discussion between Officers and the applicant relating to the material position of the extension in relation to the existing building. The proposal had subsequently been revised and included a reduction in the overall length of the extension, a small decrease in height and a redesign and reposition of the fenestration. It was now considered that the scale and massing revised of the proposal would enable the extension to be subservient to the host dwelling.

The DMTL advised that Officers considered the application acceptable on balance with the amendments made and conditions applied, and noted that there were no further objections from the Conservation and Design team, Parish Council or the Public.

- i. The Local Member – Cllr R Kershaw spoke positively of the constructive way in which Officers and the applicant had worked together. He acknowledged that the applicant was moving into the property to better enable them to run a new business which would employ 9 local people. He considered this change in business to be a good example of diversification and proposed acceptance of the Officer’s recommendation for approval subject to the outlined conditions.
- ii. Cllr N Lloyd echoed comments made by the Local Member and so seconded the officer’s recommendation.
- iii. Cllr V Holliday asked when timber cladding had been considered as acceptable vernacular, as the design guide stated that this material could be utilised in small quantities but on this application it was much larger. She did not consider that the extension sat comfortably with the existing flint building.
- iv. The Chairman commented that there were several instances where timber

cladding was used in the district on new dwellings, and noted that it often silvered and became more muted with time. It was considered that some new flint extensions onto existing flint buildings did not meld well together.

IT WAS RESOLVED by 9 votes for, and 1 against.

That Planning Application PF/21/2926 be APPROVED subject to the imposition of the following summarised conditions:

- 1. Time limit for implementation (3 years)**
- 2. In accordance with approved plans**
- 3. Brick, tile and boarding samples to be agreed prior to installation**

Any other conditions considered necessary, and final wording of conditions, to be delegated to the Assistant Director – Planning.

57 DEVELOPMENT MANAGEMENT PERFORMANCE UPDATE

- i. The DM introduced the Development Management Performance Report and advised that performance had been impacted though the introduction of a new planning back office system, but that there would be an uplift in later date reporting.
- ii. In response to questions from the Chairman, the DM agreed that there was a notable increase in workload for Officers as a result of increased homeworking during the Covid-19 pandemic, leading to individuals considering their living situations. He advised that the team were seeking to recruit new planning officers, but that it was a challenging market.
- iii. Cllr A Brown thanked officers for their hard work during challenging times, and expressed his expectation that there would be future performance improvements as Officers became more familiar with the back office system.
- iv. The PL introduced the S106 annexe report and noted a correction to the Scottow Enterprise agreement detailed, this had been approved by NNDC Officers and was now awaiting response from the land owner.
- v. The ADP advised that the Scottow Enterprise agreement would be brought back to Committee either by way of an update or as an item for consideration in the New Year, noting this matter had been ongoing for many years. He thanked Officers and the Legal team for their continued hard work.

58 APPEALS SECTION

- i. The DM introduced the appeals report and advised that two decisions had been reached by the Planning Inspectorate, Blakeney PF/21/3265 and Kelling PF/20/1056 both of which had been dismissed.
- ii. Cllr N Pearce enquired if all information had been submitted with regard to the Arcardy Appeals
- iii. The ADP advised that all information had been submitted and it was for the Planning Inspector to advise if they required any additional information.
- iv. The Chairman noted the length and volume of the appeals report, and

commented that there continued to be many outstanding planning appeals awaiting an outcome from the Planning Inspectorate.

- v. Cllr A Brown asked if the Council planned to make representations with the Planning Inspectorate regarding delays.
- vi. The DM voiced caution in complaining to the Planning Inspectorate and advised that the Council would need to consider its words carefully if it were minded to challenge the speed in which appeals were being considered. He advised that the Council had engaged with the Planning Inspectorate regarding the Kelling appeal, but that requesting haste from the Planning Inspectorate didn't guarantee a faster response.
- vii. The ADP advised that the Planning Inspectorate were under tremendous pressures and were struggling to recruit and retain staff. He reflected on his comments from previous meetings in which he considered the system as ailing and in need for change.

59 EXCLUSION OF PRESS AND PUBLIC

None.

The meeting ended at 11.20 am.

Chairman

Registering interests

Within 28 days of becoming a member or your re-election or re-appointment to office you must register with the Monitoring Officer the interests which fall within the categories set out in **Table 1 (Disclosable Pecuniary Interests)** which are as described in "The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012". You should also register details of your other personal interests which fall within the categories set out in **Table 2 (Other Registerable Interests)**.

"Disclosable Pecuniary Interest" means an interest of yourself, or of your partner if you are aware of your partner's interest, within the descriptions set out in Table 1 below.

"Partner" means a spouse or civil partner, or a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners.

1. You must ensure that your register of interests is kept up-to-date and within 28 days of becoming aware of any new interest, or of any change to a registered interest, notify the Monitoring Officer.
2. A 'sensitive interest' is as an interest which, if disclosed, could lead to the councillor, or a person connected with the councillor, being subject to violence or intimidation.
3. Where you have a 'sensitive interest' you must notify the Monitoring Officer with the reasons why you believe it is a sensitive interest. If the Monitoring Officer agrees they will withhold the interest from the public register.

Non participation in case of disclosable pecuniary interest

4. Where a matter arises at a meeting which directly relates to one of your Disclosable Pecuniary Interests as set out in **Table 1**, you must disclose the interest, not participate in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest, just that you have an interest. Dispensation may be granted in limited circumstances, to enable you to participate and vote on a matter in which you have a disclosable pecuniary interest.
5. Where you have a disclosable pecuniary interest on a matter to be considered or is being considered by you as a Cabinet member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it

Disclosure of Other Registerable Interests

6. Where a matter arises at a meeting which **directly relates** to one of your Other Registerable Interests (as set out in **Table 2**), you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

Disclosure of Non-Registerable Interests

7. Where a matter arises at a meeting which **directly relates** to your financial interest or well-being (and is not a Disclosable Pecuniary Interest set out in Table 1) or a financial interest or well-being of a relative or close associate, you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.
8. Where a matter arises at a meeting which **affects** –
 - a. your own financial interest or well-being;
 - b. a financial interest or well-being of a relative, close associate; or
 - c. a body included in those you need to disclose under Other Registrable Interests as set out in **Table 2**

you must disclose the interest. In order to determine whether you can remain in the meeting after disclosing your interest the following test should be applied

9. Where a matter **affects** your financial interest or well-being:
 - a. to a greater extent than it affects the financial interests of the majority of inhabitants of the ward affected by the decision and;
 - b. a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest

You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation.

If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

10. Where you have a personal interest in any business of your authority and you have made an executive decision in relation to that business, you must make sure that any written statement of that decision records the existence and nature of your interest.

Table 1: Disclosable Pecuniary Interests

This table sets out the explanation of Disclosable Pecuniary Interests as set out in the [Relevant Authorities \(Disclosable Pecuniary Interests\) Regulations 2012](#).

Subject	Description
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain. [Any unpaid directorship.]
Sponsorship	Any payment or provision of any other financial benefit (other than from the council) made to the councillor during the previous 12-month period for expenses incurred by him/her in carrying out his/her duties as a councillor, or towards his/her election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
Contracts	Any contract made between the councillor or his/her spouse or civil partner or the person with whom the

	<p>councillor is living as if they were spouses/civil partners (or a firm in which such person is a partner, or an incorporated body of which such person is a director* or a body that such person has a beneficial interest in the securities of*) and the council —</p> <p>(a) under which goods or services are to be provided or works are to be executed; and</p> <p>(b) which has not been fully discharged.</p>
Land and Property	<p>Any beneficial interest in land which is within the area of the council.</p> <p>'Land' excludes an easement, servitude, interest or right in or over land which does not give the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners (alone or jointly with another) a right to occupy or to receive income.</p>
Licenses	<p>Any licence (alone or jointly with others) to occupy land in the area of the council for a month or longer</p>
Corporate tenancies	<p>Any tenancy where (to the councillor's knowledge)—</p> <p>(a) the landlord is the council; and</p> <p>(b) the tenant is a body that the councillor, or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners is a partner of or a director* of or has a beneficial interest in the securities* of.</p>
Securities	<p>Any beneficial interest in securities* of a body where—</p> <p>(a) that body (to the councillor's knowledge) has a place of business or land in the area of the council; and</p> <p>(b) either—</p> <p>(i) the total nominal value of the securities* exceeds £25,000 or one hundredth of the total issued share capital of that body; or</p> <p>(ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the councillor, or his/her spouse or civil partner or the person with whom the councillor is living as if they were</p>

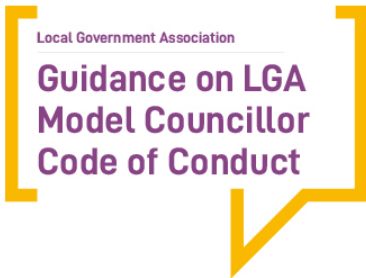
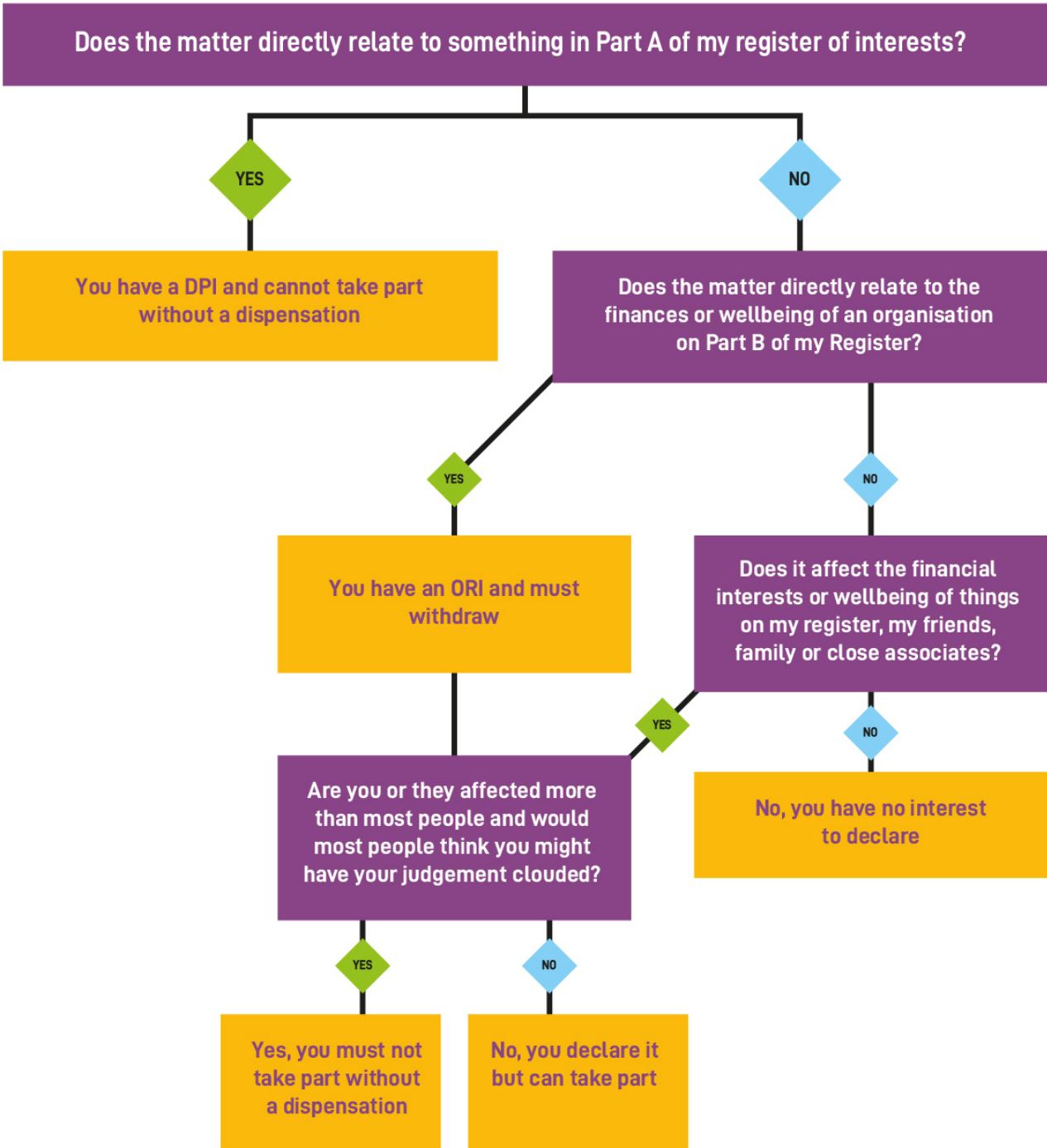
	spouses/civil partners has a beneficial interest exceeds one hundredth of the total issued share capital of that class.
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* 'director' includes a member of the committee of management of an industrial and provident society.

* 'securities' means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

Table 2: Other Registrable Interests

<p>You have a personal interest in any business of your authority where it relates to or is likely to affect:</p> <ul style="list-style-type: none">a) any body of which you are in general control or management and to which you are nominated or appointed by your authorityb) any body<ul style="list-style-type: none">(i) exercising functions of a public nature(ii) any body directed to charitable purposes or(iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)



GREAT RYBURGH - PF/20/0523 (Application 1) - Construction of 15 no. grain silos and 1 no. 5,574 sqm (60,000sqft) warehouse with associated drainage, access and external lighting

GREAT RYBURGH - PO/20/0524 (Application 2) - Hybrid application for creation of HGV access road to serve an expanded Crisp Maltings Group site (Full Planning permission) and construction of buildings and structures required to increase the maximum output tonnage of malt of the Maltings site in any one calendar year to 175,000 tonnes (currently 115,000 tonnes) (Outline application with all matters reserved except for access).

**Site: Land North of Fakenham Road, Great Ryburgh, Fakenham.
Applicant: Anglia Maltings (Holdings) Ltd**

EXECUTIVE SUMMARY

The development Committee are being asked to determine two separate planning applications which together propose significant development and expansion of the existing maltings complex in Great Ryburgh.

This report sets out:

- the developments proposed (including the range of supporting technical documents);
- identifies the responses received from consultees and public representations;
- Runs through the main planning considerations; and
- Provides an officer recommendation

These applications would individually and cumulatively have impacts on the surrounding area and, whilst there remain collectively some environmental and social impacts associated with the development that weigh against the grant of permission, there are also many number of material considerations that attract positive weight in favour of the proposed development at the Crisp Maltings site and these comprise a range of economic, environmental and social benefits that collectively are considered to outweigh the negative impacts as set out within this report.

In order to grant permission, the Development Committee would need to be satisfied that North Norfolk District Council, as a competent authority under the Habitats Regulations, has properly exercised its duty to help protect, conserve and restore European sites. Officers can now give that assurance to the Development Committee that HRA matters have been properly addressed such that conditional planning permission(s) can be granted.

Application 1: PF/20/0523	Application 2: PO/20/0524
Major Development - Target Date: 06 August 2020 - Extension of Time till 22 Dec 2022 Case Officer: Mr G Lyon Full Planning Permission	Major Development - Target Date: 06 August 2020 - Extension of Time till 22 Dec 2022 Case Officer: Mr G Lyon Hybrid: Full and Outline Planning Permission

RELEVANT CONSTRAINTS (both applications)

Countryside Policy Area
C Road
Unclassified Road
Public Right of Way
Landscape Character Area – River Valley Landscape Type (RV1 River Wensum)
Internal Drainage Boards Boundary
Detailed River Network
Areas Susceptible to Groundwater Flooding Risk of Flooding from Surface Water + CC
EA Risk of Flooding from Surface Water 1 in 30
EA Risk of Flooding from Surface Water 1 in 100
EA Risk of Flooding from Surface Water 1 in 1000
Contaminated Land
Mineral Safeguard Area
Site subject to Environment Agency Permit

RELEVANT PLANNING HISTORY (both applications)

PF/15/0837

Crisp Maltings, Fakenham Road, Great Ryburgh, Fakenham, NR21 7AS
Construction of a Speciality Malt Plant, Steep House, Warehouse Extension with associated external lighting, Product Bins, Out Loading Bins, Gantry and associated surface water attenuation works following demolition of existing single-storey engineering store
Approved 02/10/2015

CDA/15/0837 CD

Crisp Maltings Group Ltd, Fakenham Road, Great Ryburgh, Fakenham, NR21 7AS
Discharge of conditions 4,5,9 and 12 of planning permission PF/15/0837
Condition Discharge Reply 18/08/2016

PF/14/0579 PF

Crisp Malting Group Ltd Fakenham Road Great Ryburgh
Erection of four barley storage silos
Approved 30 Jun 2015

COND/15/1250

Crisp Malting Group Fakenham Road Great Ryburgh Fakenham Norfolk NR21 7AS
Discharge of conditions 3 and 5 of planning permission ref: PF/14/0579
Condition Discharge Reply: 04 Dec 2015

CL/17/1371

Anglia Maltings(Holdings) Limited
Certificate of Lawfulness - Implementation of planning permission PF/09/0966 for the 'Erection of 2 silos construction of lorry park with wash bay, associated surface water balancing pond, bunded fuel tank, storage container, office, staff car park and associated earthworks and landscaping'
Was Lawful – 17 Oct 2017

PF/09/0966 PF

Land at Crisp Maltings, Fakenham Road, Great Ryburgh, Fakenham, NR21 7AN

Erection of 2 silos construction of lorry park with wash bay, associated surface water balancing pond, bunded fuel tank, storage container, office, staff car park and associated earthworks and landscaping
Approved 13/09/2011

CDA/09/0966 CD

Anglia Maltings Ltd, Fakenham Road, Great Ryburgh, Fakenham, NR21 7AS

Discharge of conditions 3, 15, 16, 17 and 23 of planning permission ref: PF/09/0966

Condition Discharge Reply 13/09/2016

THE APPLICATIONS

APPLICATION 1 – PF/20/0523

SILOS

Seeks permission to erect 15 grain storage silos on land to the west of the existing maltings complex. The silos would be located circa 30m minimum distance west south west from silos approved under application ref: PF/14/0579. The silos would be arranged in three rows consisting of four, five, then six silos moving away from Fakenham Road direction. The three rows of silos would run in a west south west to east north east direction.

Each silo would have a radius of circa 17m and would be approx. 20m tall. Each silo would stand on a base and have gantry equipment above from which grain would enter or be removed. The gantry equipment would connect to the existing site at high level. The applicants plans indicate a total height for the base, silo and gantry equipment at approximately 24m.

The applicant's submitted plans (drawing numbers: 6184-001 Rev.P6 (Sheet 3 of 4) and (Sheet 4 of 4) show the proposed silos in plan form against the closest existing silos on site. This sets out that that proposed silos would sit circa 1.91m lower (to top of base) compared with existing, primarily as a result of lower land levels on the proposed site.

The applicant's submitted plan shows the proposed silos would sit between circa 2.5m and 5.5m lower than existing silo and associated gantry equipment.

The applicant has indicated within the Design & Access Statement that the silos would have a galvanised steel finish, similar to existing silos approved under application ref: PF/14/0579.

WAREHOUSE

Seeks permission to erect a warehouse building with a footprint of 5,574 sqm (60,000sqft). The warehouse building would be located on land to the west of the existing established maltings site approximately 25m away from the rear boundary with existing residential properties on Fakenham Road. The submitted plans show a rectangular shaped warehouse approximately 108.5m long and 51m wide. The warehouse will present its longest side to Fakenham Road. The warehouse would have a pitched roof and, from slab level, the warehouse would have a height to eaves of approximately 7m and a height to ridge of approximately 12.5m.

The applicant has set out in the Transport Assessment that two adjacent service yards are proposed, one to the east, and one to the north of the proposed warehouse. Roller shutter doors are proposed on the warehouse (one in the east elevation and two in the north elevation) to allow access.

The site slopes down from Fakenham Road (approximately 1 in 32 gradient) and the applicant proposes cutting into existing land levels in order to provide level access within the building.

The applicant shows the warehouse building being circa 2.9m below existing ground levels at the Fakenham Road end and approximately 1m below existing ground level at its northern end.

Drawing number: 6184-002 Revision P9 - PROPOSED WAREHOUSE PLAN & ELEVATIONS shows plans and extended sections of the warehouse against sections of selected properties along Fakenham Road. In addition, drawing number: 12.4A 'CROSS SECTION THROUGH THE WAREHOUSE AND FAKENHAM RD' shows the relationship between the proposed warehouse and properties 56 and 58 Fakenham Road in more detail. The two plans show these buildings with ridge levels of 50.71m AOD and 52.75m AOD compared with the warehouse building whose ridge sits at 53.45m AOD. This indicates the warehouse being between 0.7 to 2.74m higher than the ridges of the selected properties on Fakenham Road.

The applicant has not specified the precise external materials to be used for the walls, roof or doors of the warehouse building.

ASSOCIATED DRAINAGE, ACCESS AND EXTERNAL LIGHTING

The application also seeks permission for an internal access road connecting the existing Crisp Maltings site with the proposed warehouse development. In addition, the proposal includes surface water drainage system to be located at the northern end of the site to manage surface water associated with application 1.

External lighting is also proposed for the warehouse and silos as set out in the External Lighting Statement (document ref: WLC294-ELS-05) produced by Williams Lighting Consultants Ltd dated 12/01/2021.

APPLICATION 2 - PO/20/0524

There are two distinct elements to application 2, those that are submitted for FULL approval (new HGV access road) and those that are submitted in Outline form with means of access only to be secured at this stage associated with the construction of buildings and structures required to increase the maximum output tonnage of malt of the Maltings site in any one calendar year to 175,000 tonnes (currently 115,000 tonnes)

NEW HGV ACCESS ROAD (FULL Permission)

The aim of the new access road is to reduce the number of HGVs related to the Malting site passing through the village.

From the west of the existing Malting site a 7.3m wide access road is proposed to pass through the Malting site extension and then continue west some 560m to then cross Highfield Lane, a Restricted Byway. The northern section of Highfield Lane would meet the new HGV access road at a priority junction, continuing to allow vehicular traffic to/from the farm to the north. To the south access to Highfield Lane would only be permitted for use by pedestrians, cyclists, horse riders, and horse and carts in accordance with the Restricted Byway requirements.

To the west of the Restricted Byway and Highfield Lane the proposed HGV access road continues south as a 7.3m wide road towards Fakenham Road some 300m to the south'.

The proposed access road would meet Fakenham Road at a priority junction immediately to the west of the village, and west of the existing field access. Visibility splays of 2.4m x 60m to the left and 2.4m x 160m to the right are proposed. The width of Fakenham Road in the vicinity of the HGV access is also proposed to be realigned to provide a constant 6m wide road width past the site access and continuing for around 65m to the west

INCREASE THE MAXIMUM OUTPUT TONNAGE OF MALT OF THE MALTINGS SITE IN ANY ONE CALENDAR YEAR FROM 115,000 TONNES TO 175,000 TONNES (OUTLINE Permission)

Other than the means of access into the site, all matters relating to the output expansion are reserved for subsequent approval.

In setting out the context of the proposals, in addition to information within the Environmental Statement and Addendum(s) the applicant has provided a series of plans including drawing number: UDS38659_A1_1402 Revision B: 'Development Framework Parameter Plan' which sets out the location of the 3.45 hectares of land for malting's expansion, the position of the new HGV access road and associated planting mitigation across 2.9 hectares of land and the proposed commercial extension landscape and open space framework across 1.9 hectares of land.

In addition, the applicant has provided drawing number: UDS38659_A1_1404 Revision C: 'Building Heights Parameters Plan'. This indicates that buildings within the maltings expansion area would have a maximum building height of up to 20 metres (excluding roof top plant and extract flues).

The applicant has also provided drawing number: UDS38659-A1-0202 Revision H: 'Sitewide Illustrative Master Plan' which provides an indication of how the site could be developed (together with the silos and warehouse associated with Application 1). This plan shows a number of features including additional trees, proposed drainage attenuation, proposed malting's access road, proposed service yard with 19 x HGV parking spaces, proposed car parking spaces (20 no.) proposed commercial warehouses and storage facilities, proposed Silos x 15 and proposed acoustic fence.

BACKGROUND

This application is submitted by Anglia Maltings (Holdings) Limited which comprises three divisions: a malting division - Crisp Malt, and two food ingredient divisions - Edme Ltd and Micronized Food Products Ltd (MFP).

The Group reports separate statutory accounts for Anglia Maltings (Holdings) Ltd which in turn includes the financial results of 5 Companies:

- Crisp Malting Group operating five maltings in the UK, and Edme Limited;
- Tivoli Maiz GmbH; now named Crisp Malt Hamburg
- GlobalMalt Polska z.o.o; now named Crisp Malt Polska
- Micronized Food Products Ltd.(MFP)
- Portgordon Maltings Ltd

Crisp Malt comprises Crisp Malt UK, Crisp Malt Germany, and Crisp Malt Poland. Production capability is 445,000t across three maltings in East Anglia (Great Ryburgh – North Norfolk (115,000 tonnes), Ditchingham (near Bungay) (26,000 tonnes) and Mistley in Essex (36,000 tonnes)), two in Scotland (Portgordon (45,000 tonnes) and Alloa (28,000 tonnes)), one in Hamburg, and one in Bydgoszcz, Poland Crisp.

Anglia Maltings (Holdings) Limited is collectively a prominent group of businesses operating in the malting and food ingredients business in the UK and Europe. Crisp Maltings have significant impact and influence in the eastern region on farming activities via the ABC Growers which was set up to improve local sourcing of barley for malting in 2006. The Group

comprises 180 farm businesses who supply barley and other cereals to Crisp Malt's Ryburgh site.

Maltings have operated at Great Ryburgh since the early 1900s but the site has changed significantly through incremental expansion. Most recently the site has seen the addition of a specialty malt plant and bagging facility in 2018. Prior to that, four additional barley silos were approved in 2015 and, in 2011, permission was granted for a lorry park and silos on part of the site subject of these planning applications. The lorry park proposal has been technically started / implemented (as confirmed by application CL/17/1371) and this in itself attracts some weight in decision making. However, the lorry park has not been completed and, in effect, its completion would be superseded by current proposals.

REASONS FOR REFERRAL TO COMMITTEE

At the request of the Assistant Director of Planning, having regard to the scale of the development and the range of complex planning considerations.

PARISH COUNCIL

Ryburgh Parish Council: Objects to the both proposals in relation to the schemes being considered contrary to policy, raise highway safety risk and concerns (particularly in a Traffic Regulation Order is not secured, would deliver few community benefits, would have adverse landscape and ecology impacts (including loss of hedgerow on Fakenham Road), warehouse would not be adequately screened for many years until landscaping matures, adverse impact on Highfield Lane and concerns about impact from flood risk and ground water protection zones. A full copy of the Parish Council response dated 24 May 2022 is attached at **Appendix A**.

PUBLIC REPRESENTATIONS:

During the course of determining these applications, three rounds of public consultation have been undertaken during April to June 2020, Feb to March 2021 and April to June 2022. Over 155 representations have been received with over 80% objecting, under 10% supporting and the remaining providing comments or observations. Many representations were provided across both applications. A Summary of the representations received are attached below

Public Representations of support:

A number of representations have been made enclosing similar text along the following lines from:

Albanwise Farming Ltd
Bure Farm Services
Chapman Farms Ltd
CJC Lee (Saxthorpe) Ltd
GW Harrold & Partners
H Banham Limited
Milligen McLeod Farming
Notwood Farm, Wighton
Sentry Limited
Wells Farm
Wroxham Home Farms:

'As a member of ABC Grower Group, we wish to express our support for the planning applications.

The ABC Grower Group was set up by Adams & Howling, H Banham Ltd and Crisp Malting Group to improve local sourcing of barley for malting in 2006. The Group comprises 180 farm businesses who supply barley and other cereals to Crisp Malt's Ryburgh site.

We appreciate that, since the establishment of the Ryburgh Maltings 151 years ago, the Facility has expanded incrementally. The two live planning applications represent a comprehensive development proposal and vision for the site, to secure a fundamental economic driver within North Norfolk for the long-term.

The long-term retention and expansion of Crisp Malt's Ryburgh site is critical to secure the continued prosperity of hundreds of farm businesses and suppliers both within the ABC Grower Group and beyond.

Without the ability to expand the Ryburgh site in a comprehensive manner, Crisp Malt may direct their investment elsewhere. This could jeopardise the future of a key component of North Norfolk's rural economy.

We therefore urge Planning Committee Members to permit the expansion of Crisp Malt's Ryburgh facility.'

Additional comments in support:

- We have a regional climatic advantage in being able to grow good quality malting barley and having a maltster locally to us that supplies the world is a huge asset for North Norfolk's rural prosperity. This area really can grow what the customer needs;
- As suppliers to Crisp Malt of 60,000t plus of Malting barley, Wheat and Rye to their mattings at Great Ryburgh we fully support the ongoing development and expansion of the site through the Planning Applications listed above;
- We work with hundreds of local farmers who supply cereals, principally malting barley to the Great Ryburgh site. It is critical for the success of these farms, other supply companies and our own business that the activity at Great Ryburgh is allowed to develop to ensure its long-term survival in this location.

Public Representations of objection:

Objection – General

- Disappointed that no significant material changes have been introduced from the previous earlier version of the application. Neither have Crisp's amendments addressed or resolved the earlier objections.
- Hazards include traffic noise, air pollution and fumes, vibration, property damage, and the danger of pollution to the River Wensum SSSI and SAC.
- Both applications should be refused - Crisp Maltings really have now outgrown this site and I believe no further expansion should be permitted in Great Ryburgh.
- Crisp Maltings have incrementally increased operations at this site over the years and we feel that further expansion, and to the proposed scale, is unacceptable. We feel that more strategic sites should be pursued by the company, such as Egmere or the Food Enterprise Park at Easton, to enable them to grow their business relatively unimpeded and also in an environment that is less constrained by ecology, landscape, residential amenity and local infrastructure.

- Support the comments made by Ryburgh Parish Council
- Expansion of production by 52%, which this Application seeks to facilitate, will inevitably lead to an unacceptable increase in traffic, noise and pollution, and irrevocable damage to the local environment.
- Having lived in the village for 30 plus years we have seen the maltings quietly expand but have accepted that it is a part of their need to grow and helps the local economy. However this latest application goes too far and shows little or no consideration for the local residents or NDP, the environment or NNDC policies for countryside or traffic.
- I cannot see any community benefit from these developments going ahead.
- Being a resident of Highfield Lane, I am concerned about the impact of the proposed road on our day to day life and security of our property boundary.
- The site already dominates the village and further expansion will overwhelm the village and adversely affect the village quality. This in turn adversely affects our quality of life and use of the village as an amenity. This village is too small to cope with further industrial expansion.
- I am very concerned that any further expansion of the Maltings business is converting the village into a major industrial site and disfiguring the beautiful countryside. I really believe in supporting local business and appreciate the heritage of the Maltings here. However the site has reached a capacity beyond which it is unreasonable to ask residents to endure and any further expansion should occur in more appropriate locations elsewhere.

Objection - Planning Policy

- The proposed development is contrary to NNDC's own policies
- The site is designated as countryside
- The Ryburgh Neighbourhood Plan was created to reflect the wishes of the Parish. Maltings proposed developments do not take account of these.
- Policies SS4, EN2 and EC3 of the Core Strategy require that in every application the environment and character of the site, surrounding countryside and village are protected. It is clear from the number and detail of the objections filed to this application from statutory consultees and members of the local community that the applications do not comply with these policies.
- The proposals represent a departure from the local pattern of development, planning policy, will be of detriment to the environment and local amenity.
- The proposal does not appear to take into account the Neighbourhood development plan.

Objection - Scale

- The Maltings have outgrown Great Ryburgh
- Ryburgh Wildlife Group believes that this planning application is heavily weighted towards economic factors whilst seriously and detrimentally impacting upon the social and environmental factors. The application is therefore development that is not sustainable.

Objection - Highway Safety

- The volume and size of traffic is too much for a small village road to endure
- The expansion plans will result in more HGV (and construction) traffic
- Existing highway network is already inadequate for the type of HGV traffic using it.
- What guarantee is there that the proposed new relief road will be built
- Would the HGV drivers be required to use it? The plans indicate that the Crisp traffic would continue to run through the village. Such an increase in production would inevitably increase the size and number of vehicles still coming through the village.

- The access road to Crisp's factory is the main road through the village. In most places this is far too narrow for a lorry and a car – let alone two lorries - to pass without mounting the pavement. This is unsafe for pedestrians, especially mothers with children and children using the school bus. Ryburgh Parish Council has provided photographic examples of such incidents.
- Highways recommend that no construction takes place before the proposed access road is built and operational. The road could then take all construction traffic which should surely be an absolute requirement in the event of one or both of the applications being approved. The possibility of an accompanying TRO is appealing, but I note that Crisp only offer to make a contribution – presumably local taxpayers will have to bear the bulk of the cost.
- Almost every week day there is at least one incident where HGVs and cars are required to mount the pavements in order to pass. These incidents take place at any and all parts of the village. In addition to the risk to life, the damage done to the surface and the drains has been all too clear.
- Whilst we object to this application as a whole, we have considered the response made by the Highway Authority and are of the same opinion that the timing of the construction of the new access road and securing of the Traffic Regulation Order for Bridge Road (not subject of this application) are of paramount importance to prevent further negative effects in and around the village as a result of HGV traffic. As no information has been submitted identifying a phase of works, and that the acceptability of this proposal in highway terms is based on the outcome of PO/20/0524, we therefore support the view of the highway authority, that this application should be refused at this time.
- The road leaving the village to the west will need to be upgraded to a B road. Just making it wider will not help with the many extra lorry movements along it, it will need widening so it can have a white line down the middle and all the edges sorted out because every water gully the lorries have left ruts which cars have to drive into every time a lorry comes past which will significantly increase.
- If further development is allowed, I feel that it is essential that the relief road is constructed before any further expansion is allowed and that a Traffic Regulation Order (TRO) banning HGVs to and from the east of the village should be in place when the road is opened.
- I agree fully with the comments from NCC in their letter of 18/02/2021 that the approach roads leading to the village and the roads within the village itself are too narrow to allow HGV's to pass each other in safety. In addition, there are visibility issues at junctions along the access routes that HGV's need to follow. I also fully agree with the proposal in the above letter that Crisp Maltings should support, fund and secure a TRO banning HGVs to/from the east of the village. This would have a significant community benefit as it would prevent all HGV traffic travelling to/from Crisp Maltings from approaching the site from the east regardless of who owns the vehicles. I also agree that the TRO needs to be in place at the time the relief road opens and accordingly is made a fundamental part of their planning application.
- I am a resident of Great Ryburgh and have been for 22 years. During my time in Ryburgh I have noticed the gradual expansion of the Crisp Malting site and the subsequent increase in HGV movement. In addition to the Maltings expansion in the recent years Ryburgh has seen the building of many family homes with the resultant influx of children.
- I am more than concerned for the safety of these children, young people and elderly residents alike. The main road through the village is very narrow and unable to accommodate two lorries passing, pavements and verges are therefore damaged as a regular occurrence. Pedestrians, children on bikes, young parents with pushchairs and even horse riders already have to run the gauntlet of the HGV's, taking refuge in private gardens.

Objection - Residential Amenity

- The proposals will impact on the environment in terms of noise and pollution
- Will have a detrimental impact on amenity
- The current factory creates noise, fumes and light pollution
- Any increase in production at this site can only exacerbate the situation
- The condition of existing pavements and footpaths makes them difficult to use in the village.
- We remain concerned over the increase in light, noise and smell from the plant, warehouse and associated vehicle movements to the rear of properties.
- Newly submitted information within Appendix 13.8 has further raised our anxieties over the proposals with plans stating that HGV vehicles could pass up to 2 times every 15 minutes throughout the night, and more frequently throughout the day. Furthermore, given that this application is for a development that could be delivered independently, and ahead of the access road [PO/20/0524] this could result in increased HGV movements both to the front and rear of properties on Fakenham Road 24/7. This is unacceptable and would severely impact resident's health and wellbeing.
- While some scenarios can be modelled, models are not always representative of the day-to-day experience. In respect of noise, these models do not demonstrate the ad-hoc operational sounds that emanate from a site such as this on a regular basis, and sometimes for prolonged periods of time. Sounds such as alarms, squeaky conveyors, radios and changes in pitch – the background noise is not always the same consistent sound.
- Regardless of whether the new access road [PO/20/0524] is in place, we do not feel that 24/7 activity at the site to the extent alluded to in the newly submitted information is acceptable. The submitted documentation also does not identify how this new increase in night-time activity would affect the noise and traffic on other parts of the site and therefore, a greater number of residences.
- The experience to both residents and visitors of this village differs to opposite ends of a spectrum between night-time / weekends and the maltings operational working week. This is in terms of noise, traffic and odour. To allow overnight operations would be to significant detriment to the local community.
- I would like to know why the wooden fence along the new road does not continue along my boundary as we will have a massive increase in noise, our privacy will be taken away with lorries driving past every few minutes looking into our back garden. pollution from the lorries this will be where we have a tennis court and the children who play will only be meters away from the fumes, which could possibly lead to health issues, who will be responsible for this the matings or the north norfolk council?
- Having lived here for 20 years I feel strongly that we have reached a point in Great Ryburgh where further expansion of Crisp Maltings, with increased HGV traffic into and through the village, will have a severe negative impact on our quality of life.
- If 24 hour access is given to the site there would be a significant impact on the village as a whole with increased traffic, noise and light pollution.
- The installation of the road will not remove all of the HGV traffic from the village as there would still be access from the Norwich road through into the centre of the village.
- The maltings already contributes pollution to the environment. The pollution will only increase which is detrimental to the environment and health of surrounding residents.
- The amount and size of vehicles passing through the village to the maltings often causes excessive vibration. This will ultimately cause vibration damage to property.
- Further expansion will increase the noise levels from the factory. This is can already be heard around the village particularly at night and with expansion will increase and become a nuisance. It is contrary to village life.
- Noise pollution from the existing site already interferes with peaceful enjoyment of our gardens for those of us living close to the site. I can hear a constant hum from the

factory whenever I am in my garden. Light pollution from their security lights etc can be seen at night for a considerable distance.

Objection - Flood Risk

- The flooding we experience year on year in our garden has been attributed to the Maltings.
- Crisp's own documents in the applications identify that the planned works increase the risk of flooding for both the site and low-lying areas of the village. They also show flood risks at the two proposed crossing sites for the new access road.
- Any additional run off from a large development site could cause massive problems to the flood defence system and conservation fishing water for a Norfolk Bap species as part of a National Conservation project alongside maximising bio diversity gain I created in 2016 due to climatic change and carelessness from the water boards and Environment Agency over the years increasing the heights of the Eastern bank to a level higher than the village Western bank pushing water towards the village at anytime in high flood risk.
- I have a boundary of approx 200 meters along the new access road and I am very worried about flooding we have nearly had water flooding into our property already and with any extra surface water coming along the ditch this will increase and I would like to know who will take responsibility if and when flooding occurs because there's a lot more surface water draining into the ditch.
- The planned works will increase the risk of flooding in our village.

Objection - Ecology and Biodiversity

- The environmental surveys which were stated as being detailed and extensive appear to have missed out great crested newts, slow worms and other threatened wildlife.
- More noise, pollution and environmental damage will impact on ecosystems and habitats of wildlife rather than delivering new and additional habitats
- Ryburgh Wildlife Group believes that the loss of several acres of semi-improved flower-rich grassland has not been accounted for in the mitigation or enhancement. RWG disagrees with the report's conclusion that only the hedgerows are significant – this grassland should be considered as important also.
- The intended widening of Fakenham Road will lead to the loss of important hedgerows and mature trees, yet this is not mentioned in the proposals. Trees are not even marked on the Crisp plans, giving the misleading impression that they do not exist.
- Key UK Biodiversity Action Plan (UK BAP) species known by RWG to be on site and recorded as such on the Norfolk Biodiversity Information Service (NBIS) database include: great crested newt, barbastelle bat, brown long-eared bat, soprano pipistrelle, barn owl, skylark, turtle dove, and song thrush. The supporting surveys missed most of these and also missed slow worm and harvest mouse (NBIS recorded). These clearly indicate a more significant level of existing biodiversity on this site than has been reported.
- There is no proposal to formalise any ecology proposals into the planning permission via a Construction Environmental Management Plan or for aftercare of the mitigation planting via a Landscape and Ecology Management Plan. Effectively this could lead to poor implementation and aftercare, with even greater net loss of habitats.
- Two significant ecological corridors will be damaged or obliterated by the development. The first is the corridor of wet meadows, stream, and tall hedgerows that connects the River Wensum to the open countryside to the west – this will be dissected by the access road and modified by the silos and drainage attenuation. The second is Common Lane, which is an ancient sunken lane, including 4 large Category B oak trees, all of which appear likely to be completely removed – but this is not mentioned.

- The proposed continuous long runs of solid acoustic fences with no gaps along the proposed access road will sever crucial ecological connectivity from habitats to the north and west of the village.
- Neither Crisp's ecological data search nor the site surveys relied upon in its applications picked up local records of great crested newts, which require protection under the UK Biodiversity Action Plan (UK BAP). This is surprising as records from neighbouring properties have been submitted to NBIS, and many other sightings have occurred as these newts are commonly found throughout Ryburgh. Another significant error is the late recognition of a good sized pond (at TF 952 275), very close to the development and noted as "having good suitability for great crested newts". The owners confirmed the presence of great crested newts yet the pond was not initially surveyed by Crisp or its agents, and when finally tested for eDNA this was outside the permitted time window so this negative result must be discounted.
- Key UK BAP species of bats recorded on site include barbastelle bat, brown long-eared bat, and soprano pipistrelle bat. The records show that they hunt for insects along the natural corridors of Common Lane and the wet meadows, stream, and tall hedgerows on the north of the site. Both of these important foraging areas will be seriously damaged by the applications.
- It is clear that the Environmental Assessment seeks to downplay the barbastelle records, which suggest that the site is of importance at County level.
- Regular moth trapping, by an expert in his garden backing on to the maltings site from Fakenham Road, has revealed a rich diversity of 705 species – one of only 19 gardens in Norfolk to have records exceeding 700 species. This includes two red data book and over twenty Nationally Scarce species. There is a clear correlation with the moth species and their food plants found on site, including hedgerow trees and shrubs (notably field maple, blackthorn, spindle) and meadow plants (notably oxeye daisy, bedstraws, clovers, knapweeds). Loss of this botanical richness across the 8 acres of proposed development will reduce insect biodiversity and numbers, with subsequent losses to their bat and bird predators further up the food chain.
- The Environmental Statement relied upon by the applicant is defective on many levels. Much of the land the applicants seek to develop is important and valuable habitat, and proper consideration for the protection of the ecology should be given in the planning process.
- We reiterate our previous comments with regards to Common Lane and the Small Fields landscape with regard to wildlife corridors, habitat value and landscape value. We do not feel that effects of this development have been adequately avoided, mitigated or compensated in these respects. Proposals fail to adequately respond to the local environs or address the mitigation hierarchy in order to reduce negative impacts and seek biodiversity net gain.
- Owning a stretch of the river Wensum just below the run off outlet from the Maltings development I have grave concerns for the bio diversity of the rivers fauna, fish species and invertebrates if any further development is allowed. Having recently seen video footage of pollution (orthophosphates) entering the SSSI from the site I find it incredible that this can be allowed to continue let alone increased in volume. Surely this should be monitored on a regular basis and never be allowed to happen. As a riparian owner certificated by Natural England I spend endless hours battling to try and help to bring the river back to it's original glory. Siltation issues along my stretch are dramatic with the risk of flooding to mine and others properties increasing every year let alone the pollutants they hold through settling at low flow times. There has been a major decline in invertebrate species in the past few years along my stretch.

Objection - Landscape

- The descriptive legend on the Mitigation Planting Plan Phase 2 Commercial is inaccurate, in that large areas of existing woodland and hedgerows appear to be new

planting. This will give Development Committee members the false belief that much more mitigation planting is taking place than in fact is.

- Landscape mitigation planted should not just be little 'whips' or 'sticks' but mature specimens to give adequate screening protection to residents that back on to the site.
- The widening of the Fakenham Road and large bell-mouthed junction for the proposed access road at the gateway to the village will be hugely out of scale and character with the local road network and dominate the entrance to the rural village from the west.
- Our concerns are not simply around the appearance of the expansion, but the principle of landscape character which will be permanently changed as a result. Screening a development from view does not make it acceptable in landscape character terms. Similarly, and referring to application PF/20/0523 also, the presence of existing features is not a fait-accompli or valid justification in terms of the landscape's capacity to accept additional development. If this was the case, there would be no end point to new development at any site or location.
- The plans for the extra silos - how this cannot be classed as a blot on the landscape and should not be allowed along the Wensum valley.

Objection - Water Quality

- The River Wensum is a designated SAC and SSSI, and the Crisp factory site stands in a Groundwater Protection Zone. Pensthorpe Natural Park, as part of the Upper Wensum Cluster Farming Group, has grave concerns about the high nutrient levels identified in preliminary testing in the drain leading from the applicant's current site. These results showed far higher levels of orthophosphate than the industry target levels set by the Environment Agency. The findings indicate severe pollution breaches from the existing level of production on site, justifying no confidence that this pollution can be prevented if the site is expanded. High levels of phosphate cause eutrophication affecting the nearby ditches and the main river. This process reduces oxygen levels and therefore damages the aquatic ecosystem of this rare chalk stream river.

Objection - Lighting

- Ryburgh Wildlife Group is very concerned at the prospect of yet further increases in light levels from Crisp's factory. Being close to the nationally important River Wensum SSSI and SAC, the site is on an important flyway along the river valley. Current light levels are already very intrusive, higher levels still will further negatively affect many species of birds and bats, plus night flying insects. Of particular concern is that the application allows the possibility of buildings of up to 20 metres high over the entire new 8 acre site, with lighting and gantries even higher.
- The extra lights will increase the light pollution even more than it has recently.
- Light pollution from the proposed warehouse would be detrimental to the living conditions of residents and local wildlife alike.

Objection - Climate Emergency

- All of us are soon to be forced to give consideration to our carbon footprint yet future expansion plans for the Maltings do not appear to have taken this into consideration.
- Increased HGV's and the use of gas and electricity to run such a plant will add to our already overburdened carbon footprint. The climate crisis is very real and the time has come for big organisations to acknowledge this and make steps to minimise their carbon footprint not add to it.
- Major planning decisions must take global heating into account. The process of malting uses a relatively large amount of power from fossil fuels, with consequent high emissions. The factory chimneys at Crisp's Great Ryburgh site already speak volumes.

CONSULTATIONS (Responses relate to both Applications 1 and Application 2 unless where stated)

Anglian Water – No Objections subject to advisory notes in relation to used water network, surface water drainage (advises consultation with the Internal Drainage Board, Lead Local Flood Authority and Environment Agency) and advice about trade effluent.

Environment Agency – Final comments awaited (to be updated verbally)

Previously indicated No Objection subject to the imposition of conditions related to groundwater and contamination. Technical guidance was also provided in relation to Pollution Prevention and Environmental Permitting Regulations but, in June 2022, further comments were provided by the EA to which the applicant responded, and which await EA final comments.

Natural England – Final comments awaited (to be updated verbally)

Consulted in relation to HRA Addendum dated 25 Oct 2022 produced by DTA Ecology for the Council.

Norfolk Rivers Internal Drainage Board – No Objection - The proposals will require land drainage consent for the discharge of surface water into the Board's district, and for the alteration of a watercourse. As yet, no consent has been granted. Any consent granted will likely be conditional, pending the payment of a Surface Water Development Contribution fee, calculated in line with the Board's charging policy. The applicant has previously applied for this permission and the application was withdrawn, due to the passage of time. Whilst the consenting process as set out under the Land Drainage Act 1991 and the relevant Byelaws are separate from planning, the ability to implement a planning permission may be dependent on the granting of these consents. As such the IDB strongly recommend that the required consent is sought prior to determination of the planning application.

Norfolk County Council Highways – No Objection – subject to the imposition of conditions, a legal agreement to secure closure of existing off-site storage in the village used by Crisp, phasing of development across Applications 1 and 2 and subject to the securing of Traffic Regulation Orders to control HGV traffic in the area.

Norfolk County Council Flood & Water Mgmt (Lead Local Flood Authority) – No Objection subject to the imposition of conditions to secure detailed designs of a surface water drainage scheme.

Norfolk County Council Public Rights of Way & Green Infrastructure – No Objection subject to works being carried out in accordance with approved details regarding Restricted Byway 4.

NNDC Landscape Officer (Landscape) – Objection – both proposals would have an adverse impact on landscape character contrary to Policy EN 2. (see detailed comments in report Section 8).

NNDC Landscape Officer (Ecology) – Objection - both proposals would have an adverse impact on biodiversity interest features contrary to Policy EN 9 (see detailed comments in report Section 12).

NNDC Environmental Health – No Objection –subject to the imposition of conditions to secure required mitigation (see detailed comments in report Sections 9 and 10).

NNDC Economic Growth Team – Supports the application - The proposal would support the resilience of Crisp Malting Group and allow it to operate as a more efficient businesses. There are potential economic benefits that would be derived by such a proposal, in particular, the support of farming businesses and the rural economy. We would therefore be keen to support this application.

HUMAN RIGHTS IMPLICATIONS

It is considered that the proposed development may raise issues relevant to Article 8: The Right to respect for private and family life.

Article 1 of the First Protocol: The right to peaceful enjoyment of possessions.

Having considered the likely impact on an individual's Human Rights, and the general interest of the public, approval of this application as recommended is considered to be justified, proportionate and in accordance with planning law.

CRIME AND DISORDER ACT 1998 - SECTION 17

The application raises no significant crime and disorder issues.

PUBLIC SECTOR EQUALITY DUTY

In making its recommendation, the Local Planning Authority have given due regard to the need to achieve the objectives set out under s149 of the Equality Act 2010 to:

- a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;
- b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

STANDING DUTIES:

Due regard has been given to the following additional duties:

Natural Environment & Rural Communities Act 2006 (S40)

The Conservation of Habitats and Species Regulations 2017 (R9)

Planning Act 2008 (S183)

Planning (Listed Buildings and Conservation Areas) Act 1990 (S66(1) and S72)

Local Finance Considerations:

Under Section 70(2) of the Town and Country Planning Act 1990 the council is required when determining planning applications to have regard to any local finance considerations, so far as material to the application. Local finance considerations are not considered to be material to this case.

POLICIES

North Norfolk Core Strategy (Adopted September 2008):

- Policy SS 1: Spatial Strategy for North Norfolk (specifies the settlement hierarchy and distribution of development in the District).
- Policy SS 2: Development in the Countryside (prevents general development in the Countryside with specific exceptions).
- Policy SS 4: Environment (strategic approach to environmental issues).
- Policy SS 5: Economy (specifies expectation for jobs growth through distribution of new employment sites in the District, protection of designated Employment Areas, and specifies criteria for tourism growth)

- Policy SS 6: Access and Infrastructure (strategic approach to access and infrastructure issues).
- Policy EN 2: Protection and enhancement of landscape and settlement character (specifies criteria that proposals should have regard to, including the Landscape Character Assessment).
- Policy EN 4: Design (specifies criteria that proposals should have regard to, including the North Norfolk Design Guide and sustainable construction).
- Policy EN 6: Sustainable construction and energy efficiency (specifies sustainability and energy efficiency requirements for new developments).
- Policy EN 8: Protecting and Enhancing the Historic Environment
- Policy EN 9: Biodiversity and geology (requires no adverse impact on designated nature conservation sites).
- Policy EN 10: Flood risk (prevents inappropriate development in flood risk areas).
- Policy EN 13: Pollution and hazard prevention and minimisation (minimises pollution and provides guidance on contaminated land and Major Hazard Zones).
- Policy EC 3: Extensions to existing businesses in the Countryside (prevents extensions of inappropriate scale and that would be detrimental to the character of the area).
- Policy CT 2: Development contributions (specifies criteria for requiring developer contributions).
- Policy CT 5: The transport impact on new development (specifies criteria to ensure reduction of need to travel and promotion of sustainable forms of transport).
- Policy CT 6: Parking provision (requires adequate parking to be provided by developers, and establishes parking standards).
- Policy CT 7: Safeguarding land for sustainable transport uses (identifies that former railway land offers an opportunity for future sustainable transport links).

Ryburgh Neighbourhood Plan (Adopted May 2021)

- Policy 1 – Traffic Safety;
- Policy 4 – Landscape Character;
- Policy 5 – Development Design;
- Policy 6 – Dark Night Skies;
- Policy 7 – Protection & Enhancement of Local Habitats (1);
- Policy 8 – Protection & Enhancement of Local Habitats (2);
- Policy 9 – Ecological Network; and
- Policy 10 – Archaeology

Material Considerations:

National Planning Policy Framework (NPPF) (July 2021):

The NPPF sets out that the purpose of the planning system is to contribute towards achieving sustainable development. Planning applications must be determined in accordance with the development plan, unless material considerations indicate otherwise. As national policy the NPPF is an important material planning consideration which should be read as a whole, but the following sections are particularly relevant to the determination of this application.

- Chapter 2: Achieving sustainable development
- Chapter 4: Decision-making
- Chapter 6: Building a strong, competitive economy
- Chapter 8: Promoting healthy and safe communities
- Chapter 9: Promoting sustainable transport
- Chapter 11: Making effective use of land
- Chapter 12: Achieving well-designed places
- Chapter 14: Meeting the challenge of climate change, flooding and coastal change

Chapter 15: Conserving and enhancing the natural environment
Chapter 16: Conserving and enhancing the historic environment
Chapter 17: Facilitating the sustainable use of minerals

North Norfolk Landscape Character Assessment (2021 SPD)

MAIN ISSUES FOR CONSIDERATION:

Matters relevant to both schemes

1. [Principle](#)
2. [Ryburgh Neighbourhood Plan](#)
3. [Environmental Statement](#)
4. [Habitats Regulations Assessment](#)
5. [Responding to a Climate Emergency](#)
6. [Extensions to existing businesses in the Countryside](#)

Impacts

7. [Highway Safety](#)
 - a. [Introduction](#)
 - b. [Application 1 - Ref: PF/20/0523](#)
 - c. [Application 2 – Ref: PO/20/0524](#)
 - d. [Conclusion](#)
8. [Impact on Landscape](#)
 - a. [Introduction](#)
 - b. [Application 1 - Ref: PF/20/0523](#)
 - c. [Conclusion - Application 1 - Ref: PF/20/0523](#)
 - d. [Application 2 – Ref: PO/20/0524](#)
 - e. [Conclusion - Application 2 – Ref: PO/20/0524](#)
9. [Noise Impacts](#)
 - a. [Introduction](#)
 - b. [Application 1 - Ref: PF/20/0523](#)
 - c. [Application 2 – Ref: PO/20/0524](#)
 - d. [Conclusion](#)
10. [Impact on Residential Amenity](#)
 - a. [Introduction](#)
 - b. [Application 1 - Ref: PF/20/0523](#)
 - c. [Application 2 – Ref: PO/20/0524](#)
 - d. [Conclusion](#)
11. [Surface Water Drainage](#)
 - a. [Introduction](#)
 - b. [Application 1 - Ref: PF/20/0523](#)
 - c. [Application 2 – Ref: PO/20/0524](#)
 - d. [Conclusion](#)
12. [Impact on Ecology and Biodiversity](#)
 - a. [Introduction](#)
 - b. [Impact on Ecology and Biodiversity – Application 1 - Ref: PF/20/0523 and Application 2 – Ref: PO/20/0524 \(issues taken together\)](#)
 - c. [Conclusion](#)

Other Matters relevant to both schemes

13. [Phasing of Delivery](#)
14. [Cumulative Impacts](#)
15. [Material Planning Considerations](#)
16. [Planning Balance](#)

17. Conclusion

APPRAISAL

MATTERS RELEVANT TO BOTH SCHEMES

1. Principle

Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out a statutory requirement that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF at paragraphs 2 and 12 restates this requirement.

The development plan for North Norfolk comprises:

- The North Norfolk Core Strategy (adopted 2008),
- The North Norfolk Site Allocations Development Plan Document (adopted 2011),
- Ryburgh Neighbourhood Plan (made 22 June 2021)
- Norfolk Minerals and Waste Core Strategy and Development Management Policies 2010-2026 DPD (adopted September 2011).

Paragraph 12 of the NPPF states that ‘the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.’

Core Strategy Policy SS 1 sets out the spatial strategy for North Norfolk and Policy SS 2 relates specifically to the countryside area, limiting development to that specified in the policy which is recognised to require a rural location. These are strategic policies that set out the overarching approach for distributing development across the district, promoting sustainable patterns of development and protecting the countryside. These policies are fundamental to the effective operation of the Development Plan.

The NPPF actively expects strategic policies to set out an overall strategy for the pattern, scale and quality of development. Broad locations for development should be indicated and land use designations and allocations identified. The intrinsic character and beauty of the countryside should be recognised. That is precisely what these policies do, along with the North Norfolk Site Allocations Development Plan Document.

This application seeks permission to expand the existing Crisp Maltings complex within the centre of the village of Great Ryburgh. The village of Great Ryburgh is located entirely within designated Countryside policy area where Core Strategy Policy SS 2 would permit extensions to existing businesses subject to compliance with other relevant Core Strategy Policies including EC 3 ‘Extensions to Existing Businesses’ which sets out that such proposals will be permitted ‘where it is of a scale appropriate to the existing development and would not have a detrimental effect on the character of the area’.

In addition to Core Strategy Policy EC 3, proposals to extend the Crisp Maltings complex would need to demonstrate compliance with other relevant Core Strategy policies and demonstrate compliance with relevant policies within the Ryburgh Neighbourhood Plan which

together form a suite of Development Plan policies. Where proposals do not accord with the Development Plan, the Committee will need to consider whether material considerations advanced in favour of the proposal attract sufficient weight to justify the departure from the Development Plan.

2. Ryburgh Neighbourhood Plan

The Ryburgh Neighbourhood Plan was submitted to NNDC in April 2020. Publicity was undertaken in accordance with the Neighbourhood Planning (General) Regulations 2012 (as amended). A report following independent examination of the Plan was published August 2020. The report found that subject to the incorporation of recommended modifications, the Plan passed the necessary legal tests and could proceed to a local referendum. The District Council accepted these recommendations in full and amended the Plan accordingly.

A local referendum was held at the first opportunity in the Parish on 6th May 2021. A majority voted in favour of the Plan being used by the Council in making decisions on planning applications within the Neighbourhood Area.

A Regulation 19 decision statement was issued by the Deputy Leader of the Council dated 22 June 2021 which confirmed that the Ryburgh Neighbourhood Plan was “made”.

Decisions on planning applications in Ryburgh Neighbourhood Planning Area must now be made in accordance with policies in the Plan and wider Development Plan unless material considerations indicate otherwise.

Both applications fall within the Ryburgh Neighbourhood Planning Area

The Ryburgh Neighbourhood Plan (RNP) policies that are considered to be relevant in the determination of these applications including:

- Policy 1 – Traffic Safety;
- Policy 4 – Landscape Character;
- Policy 5 – Development Design;
- Policy 6 – Dark Night Skies;
- Policy 7 – Protection & Enhancement of Local Habitats (1);
- Policy 8 – Protection & Enhancement of Local Habitats (2);
- Policy 9 – Ecological Network; and
- Policy 10 – Archaeology

Assessment against policies within the RNP will be considered with each relevant section of this report alongside compliance with Core Strategy policies together forming the Development Plan.

3. Environmental Statement

An Environmental Statement has been submitted with this application comprising an Environmental Statement dated March 2020, an Addendum Environmental Statement dated January 2021 and associated appendices and non-technical summaries and a further Addendum Environmental Statement dated March 2022 and associated appendices and non-technical summaries.

The legislative framework in relation to Environmental Impact Assessments is currently set out within the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (**2017 EIA Regulations**) which came in to effect on 16 May 2017 and which, save for some exceptions, replaced the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (**2011 EIA Regulations**).

The applicant, in preparing these proposals, submitted a request for a Scoping Opinion by way of letter dated 15 May 2017 under the 2011 EIA Regulations. This was submitted on the basis of a proposal for 'Expansion of the existing maltings facility to increase the capacity from 115,000 to 175,000 tonnes throughput per annum, including the provision of a new access road, residential development for up to 75 dwellings and associated community infrastructure'. The Council responded by way of letter dated 26 June 2017 setting out its scoping opinion.

The significance of the timing of the scoping request made by the applicant (one day before the 2017 EIA Regulations took effect) is important in terms of the determination of these applications. Regulation 76 of the 2017 EIA Regulations sets out transitional provisions in which the 2011 EIA Regulations would continue to apply where before the commencement of these Regulations an applicant has submitted a scoping opinion. The 2017 EIA Regulations do not set out a timeframe or time limit within which the transitional arrangements can continue to apply.

The proposals before the Development Committee are considered to be substantially the same as those submitted as part of the Scoping Opinion on 15 May 2017, save for the fact that the '...development for up to 75 dwellings and associated community infrastructure' is no longer included. Therefore, it is considered common ground between the applicant and the Local Planning Authority that the 2011 EIA Regulations apply in the determination of these applications in accordance with the transitional arrangements under Regulation 76 of the 2017 EIA Regulations.

Whilst the older 2011 EIA Regulations are those that are to be applied to these applications, this does not diminish the key purpose of the regulations. The aim of Environmental Impact Assessment, as set out in Planning Practice Guidance, is to protect the environment by ensuring that a local planning authority when deciding whether to grant planning permission for a project, which is likely to have significant effects on the environment, does so in the full knowledge of the likely significant effects, and takes this into account in the decision making process.

These proposals fall within the remit of the 2011 EIA Regulations and are considered likely to have a significant effect on the environment and therefore requires an assessment. The applicant concluded that the warehouse/maltings expansion elements of the proposals fall within Schedule 2 category 7(d) of the Regulations, with regard to 'Brewing & Malting' as the project exceeds the threshold of 1,000sqm of new floorspace.

The Environmental Statements (initial and addendum) submitted by the applicant presents a variety of information across 19 chapter headings including:

1. Introduction
2. Methodology
3. Site Context
4. Consideration of Alternatives
5. Description of Proposed Development
6. Planning Policy Context
7. Air Quality, Odour & Dust
8. Archaeology
9. Ecology

10. Flood Risk, Drainage and Water Quality
11. Landscape & Visual Effects
12. Mineral Resources
13. Noise & Vibration
14. Society & Economy
15. Transport
16. Waste
17. Cumulative Impact Assessment
18. Conclusions
19. References

The Environmental Statements include a statement from the applicant confirming that the reports have been prepared by competent experts and have outlined the relevant expertise of those involved in producing the Environmental Statement.

The applicant concludes within the March 2022 Addendum Environmental Statement at Chapter 18 (para 18.45) that:

'the residual impacts arising from the Proposed Development range from Minor Beneficial to Moderate Adverse with the majority of impacts being considered negligible or not significant. Many of the adverse impacts are short term and temporary in nature with most being reduced in their significance with time and as the effectiveness of the mitigation measures are put in place to manage and reduce these impacts'.

The applicant then goes on to state at para 18.46 that:

'...for this reason, after considering realistic alternative designs and layouts for the Proposed Development, and taking into account proposed mitigation measures, it has been demonstrated that where possible, through the design evolution of the proposals, the potential environmental effects have been avoided, or where this is not possible, the potential environmental effects have been reduced through mitigation. This has resulted in delivering an overall scheme which has had regard to minimising its environmental effects and delivering a sustainable form of development which achieves this'.

In respect of EIA matters, this report seeks to set out officer conclusions in respect of the main or significant environmental effects to which the development is likely to give rise. These issues will be considered within relevant sections of the report.

It is important to test any assumptions made by the applicant within their Environmental Statements and supporting documents to ensure that, whatever decision is taken, it is done so on the basis of a sound understanding the true environmental effects of a development before deciding whether it should be granted planning permission.

4. Habitats Regulations Assessment

European sites are protected by the Conservation of Habitats and Species Regulations 2017 as amended (known as the Habitats Regulations). The 2017 Habitats Regulations are one of the pieces of domestic law that transposed the land and marine aspects of the Habitats Directive (Council Directive 92/43/EEC) and certain elements of the Wild Birds Directive (Directive 2009/147/EC) (known as the Nature Directives).

Whilst the UK has now left the European Union, functions from the European Commission have been transferred to the appropriate authorities in England and Wales and the changes are made by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019. As such, the Habitats Regulations remain in effect under English law.

North Norfolk District Council is a competent authority under the Habitats Regulations and has a duty to help protect, conserve and restore European sites. This duty applies under a variety of circumstances including when NNDC is taking planning decisions that might affect a European site.

Where a proposal might affect a European site, the Competent Authority (in this case the Development Committee as decision maker) has a duty to consider how it can help to:

- protect, conserve or restore the designated features of the site to meet their conservation objectives;
- prevent the deterioration of the site's habitats from human activity or natural changes, including habitats that support designated species; and
- prevent significant disturbance of the site's designated species from human activity or natural changes

In respect of the proposals at Great Ryburgh, it is the potential impact of development on the nearby River Wensum Special Area of Conservation (SAC) (also a designated Site of Special Scientific Interest (SSSI)) which is of primary consideration under the Habitats Regulations.

The River Wensum (SSSI, SAC) is connected to the application site by way of hydrological connection via existing ditch networks between the application site and the River Wensum. The applicant sets out that the Euclidian or 'as the crow flies' distance between the application site and the River Wensum is circa 350 metres.

The River Wensum SAC is described as a "naturally enriched calcareous lowland river" whose qualifying features are as follows:

Habitat:

Water courses of plain to montane levels with the Ranunculion fluitantis and Callitriche-Batrachion vegetation; Rivers with floating vegetation often dominated by water-crowfoot

Species:

- *Vertigo moulinsiana*; Desmoulin's whorl snail
- *Austropotamobius pallipes*; White-clawed (or Atlantic stream) crayfish
- *Lampetra planeri*; Brook lamprey
- *Cottus gobio*; Bullhead

As part of their application submissions, the applicant provided a shadow Habitats Regulations Assessment Screening Report produced by Hopkins Ecology originally dated February 2020 which was subsequently amended by a version dated December 2020 in light of changes to the proposal (including withdrawal of application ref: PO/20/0525).

Further information was requested from the applicant and the Council undertook a Habitats Regulations Assessment and Appropriate Assessment (HRA) dated 01 Nov 2021. A full copy of the HRA is attached at **Appendix B**.

The screening assessment undertaken by the Council in November 2021 had been informed in part by the 'Shadow Habitats Regulations Assessment' (Hopkins Ecology, Feb 2020 and

updated Dec 2020), which provided an overview of the existing and proposed Crisp Maltings operations.

The Nov 2021 Appropriate Assessment undertaken by the Council identified six areas for potential for adverse effect on integrity of the River Wensum SAC and the River Wensum SSSI including from:

1. Pollution of soil, groundwater and/or surface water due to run-off from construction activities leading to a reduction in ground and surface water quality and soil quality;
2. **Pollution of surface water arising from accidental releases during operation and from surface water drainage discharge leading to a reduction in water quality;**
3. **Increase in waste water quantity requiring treatment and subsequent discharge into surface water leading to a reduction in water quality;**
4. **Increase in airborne particles or harmful chemical compounds (air pollution) due to operational combustion activities leading to a reduction in air quality;**
5. **Increase in demand for water leading to increased abstraction volumes resulting in changes to the natural hydrological regime of the river;** and
6. In combination effects of emissions to water and air, and effects of abstraction leading to a reduction in water and air quality and natural flow regimes.

The Nov 2021 Appropriate Assessment concluded that, based on the best scientific knowledge available, the proposal would adversely affect the integrity of the European Site.

The next stage of the Nov 21 Appropriate Assessment considered, under the same six headings above, whether there are any mitigation measures proposed or embedded within the project that would avoid adverse effects on the integrity of the River Wensum SAC and the River Wensum SSSI.

At that time, the Nov 2021 Appropriate Assessment conclusions meant that the Council could not say with certainty that the mitigation measures were to be effective. Therefore, the Local Planning Authority, as competent authority under the Habitats Regulations, could not rule out a likely significant effect. The grant of permission would therefore have been considered unlawful until such time as information was provided to conclude that the integrity of the River Wensum SAC and the River Wensum SSSI would not be adversely affected by the proposals.

The Council issued a request for further information under the EIA Regulations in Feb 2022 linked to further information needed to address issues 2, 3, 4 and 5 above. The applicant has since provided further information as part of their March 2022 EIA Addendum submissions.

During that time, Natural England issued their letter dated 16 March 2022 to North Norfolk District Council and other Local Planning Authorities in Norfolk in relation to the impact of phosphorus and nitrogen on water quality within the wider catchment of the River Wensum SAC and The Broads SAC and Ramsar site. Whilst the Crisp Malt proposals and HRA work was already focussed on issues of water quality, the Natural England advice has highlighted the need to ensure that proposals do not add to nutrient loading (evidenced via a budget calculation) and, if they do, that suitable mitigation will need to be secured to offset any impacts.

The Council have commissioned DTA Ecology (DTA) to undertake a review of the updated environmental information provided by the applicant and to produce an addendum to the

Council's Nov 2021 Habitats Regulations Assessment and Appropriate Assessment. A copy of the Addendum HRA dated 25 October 2022 from DTA is attached at **Appendix C**.

For each issue, DTA Ecology has reviewed the additional information provided by the applicant and have evaluated whether it can adequately provide the requirements to be compliant with the legislation. Within their report, DTA have drawn their own conclusions and have made recommendations. DTA have indicated that the findings of the original HRA are assumed to be correct and have not been subject to independent review.

2. Pollution of surface water arising from accidental releases during operation and from surface water drainage discharge leading to a reduction in water quality

Summary of issue

The NNDC Nov 2021 HRA identified concerns regarding the pollution entering the River Wensum from the project proposal, with concerns that the surface water drainage network strategy would not provide adequate mitigation to ensure long term conservation objectives of the features of the SAC.

Council requested from the applicants additional information on the nature of the high risk activities, and more details on the design and treatment measures that would be incorporated into the surface water drainage system and whether they were designed to meet the CIRIA SuDS Manual guidance.

Summary of DTA Ecology recommendation

It is appropriate for the surface drainage strategy to be more properly assessed by the Environment Agency.

Recommend that a conclusion of no adverse effect on site integrity cannot be concluded for the outline planning permission, unless a condition is attached to the outline planning permission to guarantee construction cannot commence until the Planning Pollution Control (PPC) permit is in place.

3. Increase in wastewater quantity requiring treatment and subsequent discharge into surface water leading to a reduction in water quality

Summary of Issue

The original NNDC Nov 2021 HRA raised concerns relating to the assessment of the effects of wastewater treatment and disposal. The concerns included uncertainties over the volume of associated discharges and how they aligned with existing permit conditions.

Further information from the applicants was sought to confirm the volume of effluent that would be likely in the expanded plants, and whether any mitigations measures were proposed.

During the period in which the NNDC Nov 2021 HRA was undertaken, Natural England issued its updated advice on Nutrient Neutrality. There were thus additional uncertainties as to how this advice might relate to this project proposal; in particular if headroom within the existing PPC permit could be relied on by NNDC when undertaking its HRA.

Summary of DTA Ecology recommendations

Recognising that an application for permit variation will be submitted to the Environment Agency in due course it is not necessary for the Council to seek to pre-empt the decision the Environment Agency will reach.

The Environment Agency will undertake their own HRA in determining this application.

Recommend that the Council take the view that the implications of any variations to the existing PPC permit are more appropriate assessed under Regulation 63 by the Environment Agency.

Advise that the Council either waits until the Environment Agency considers the permit, or imposes a condition on the outline permission which requires a PPC permit to be in place prior to construction.

4. Increase in airborne particles or harmful chemical compounds (air pollution) due to operational combustion activities leading to a reduction in air quality;

Summary of Issue

The original NNDC HRA raised concerns relating to the assessment of airborne deposition. The concerns included uncertainties over discharges and how they were monitored.

Further information from the applicants was sought to confirm the emissions levels and likely impact on site critical levels.

Summary of DTA Ecology recommendation

Advise that it can be concluded 'no adverse effect' on site integrity, on the basis of the site's current baseline condition being well below the critical level for NOx and the inherent lack of sensitivity of freshwater features to air quality in view of the overwhelming contribution from waterborne nutrients.

5. Increase in demand for water leading to increased abstraction volumes resulting in changes to the natural hydrological regime of the river;

Summary of Issue

The NNDC Nov 2021 HRA identified concerns regarding an increase in water demand from an increase in production, leading to increased abstraction volumes. The Restoring Sustainable Abstraction Programme

Further information was requested from the applicants on water consumption, and any water efficiency measures and re-use technologies to reduce overall water consumption. Furthermore, if demand was to rise what would the impact be on flow targets.

Summary of DTA Ecology recommendation

Advise that the HRA undertaken by the Environment Agency can be relied on, to enable a conclusion of 'no adverse effect' on site integrity; since the water abstraction will remain within the headroom of the applicants existing water abstraction licence.

On the basis of the above, DTA Ecology have concluded that:

- It is appropriate for the surface drainage strategy to be more properly assessed by the Environment Agency. A conclusion of no adverse effect on site integrity cannot be concluded for the outline planning permission, unless a condition is attached to the outline planning permission to guarantee construction cannot commence until the PPC permit is in place.
- With regards to pollutants from effluent discharges, an application for variation will need to be submitted to the Environment Agency in due course. It is not necessary for the Council to seek to pre-empt the decision the Environment Agency will reach. The Environment Agency will undertake their own HRA in determining this application. DTA Ecology recommend that the Council take the view that the implications of any variations to the existing PPC permit are more appropriately assessed under Regulation 63 by the Environment Agency. The Council can either wait until the Environment Agency considers the permit, or impose a condition on the outline permission which requires a PPC permit to be in place prior to construction.
- On the basis that the River Wensum SAC's current baseline condition being well below the critical level for NOx and the inherent lack of sensitivity of freshwater features to air quality (in view of the overwhelming contribution from waterborne nutrients) it is possible to conclude no adverse effect from airborne nutrients.
- Lastly, since the water abstraction will remain within the headroom of the applicants existing water abstraction licence, the HRA undertaken by the Environment Agency can be relied on by the Council to enable a conclusion of 'no adverse effect' on site integrity from water abstraction.

In light of the above, DTA Ecology advise that a conclusion of no adverse effect to site integrity will only be possible if the outline planning permission is made subject to the specific restrictive conditions identified.

The Local Planning Authority have consulted Natural England (as Statutory Nature Conservation Body) in respect of the Addendum HRA. Natural England comments are awaited at the time of completing this report.

As a result of the further information from the applicant and following the carrying out of an Addendum Habitats Regulations Assessment and Appropriate Assessment by DTA Ecology for the Council, subject to the imposition of Grampian style conditions, a conclusion of no adverse effect on the integrity of a European site (in this case the River Wensum SAC) can be concluded, subject to confirmation from Natural England.

5. Responding to a Climate Emergency

Declaration of Climate Emergency

On 24 April 2019, NNDC's Full Council agreed a motion declaring a Climate Emergency. With the motion the Council acknowledged:

- The devastating impacts that climate change and global temperature increases will have on the lives and livelihoods of people around the world, including on the health, safety and wellbeing of North Norfolk residents;
- The urgent need for action to be taken fast enough for there to be a chance of further climate change being limited to avoid the worst impacts of drought, floods and extreme heat;

- The opportunity for individuals and organisations at all levels to take action on reducing carbon emissions, from both production and consumption;
- The need to enable low carbon living across society through changes to laws, taxation, infrastructure, policies and plans;
- The Council's responsibility to help secure an environmentally sustainable future for our residents and in relation to the global effects of climate change.

The Council resolved to:

1. Declare a Climate Emergency;
2. Engage and work in partnership with partners in the public, private and community sectors, including central government to facilitate bold action to ensure North Norfolk is able to play its role in helping the UK to deliver against the commitments made nationally and internationally at the 2015 Paris Summit;
3. Prepare an Environmental Sustainability & Climate Change Strategy in line with this pledge, and, with our partners across the community, to develop an action plan and 'route map' to a sustainable, low carbon future for our community;
4. Launch engagement with the public to:
 - Improve "carbon literacy" of all citizens;
 - Encourage and support leadership on this issue in all sectors of society;
 - Obtain meaningful public input into the North Norfolk Environmental Sustainability & Climate Change Strategy and action planning;
 - Facilitate wide community engagement and behavioural change.

National Guidance and Legislation

In May 2019, the UK parliament declared a climate emergency following a motion raised by the opposition party. Responding to the motion, the then environment secretary, Michael Gove, said that it was "actions, not words" that would determine success in tackling climate change.

Notwithstanding the UK parliament declaration in 2019, the Climate Change Act 2008 currently remains the primary legislative basis for the UK's approach to tackling and responding to climate change. It requires that emissions of carbon dioxide and other greenhouse gases are reduced and that climate change risks are adapted to. The Act also establishes the framework to deliver on these requirements. The Act supports the UK's commitment to urgent international action to tackle climate change.

Through the Climate Change Act, the UK government has set a target to significantly reduce UK greenhouse gas emissions by 2050 and a path to get there. The Act also established the Committee on Climate Change (CCC) to ensure that emissions targets are evidence-based and independently assessed. In addition, the Act requires the Government to assess the risks and opportunities from climate change for the UK, and to adapt to them. The CCC's Adaptation Committee advises on these climate change risks and assesses progress towards tackling them.

The Climate Change Act commits the UK government by law to reducing greenhouse gas emissions by at least 100% of 1990 levels (net zero) by 2050. The 100% target was based on advice from the CCC's 2019 report, 'Net Zero – The UK's contribution to stopping global warming'.

However, on 20 April 2021, the UK government announced that they are to set in law a revised climate change target of cutting emissions by 78% by 2035 compared to 1990 levels. It was also announced that the UK's sixth carbon budget would incorporate the UK's share of international aviation and shipping emissions and would bring the UK more than three-quarters

of the way to net zero by 2050. The sixth carbon budget for the period 2033-2037 was approved (unamended) by Parliament on 22 June 2021, with the Carbon Budget Order 2021 coming into force on 24 June 2021.

In March 2021, the UK government published a policy paper setting out an Industrial decarbonisation strategy. Key elements of the Industrial Decarbonisation Strategy include:

- Supporting existing industry to decarbonise
- Building on the UK's efforts in moving towards greener energy source; and
- Introducing new rules to measure the energy and carbon performance of the UK's largest commercial and industrial buildings, with the aim to reduce annual carbon emissions

In October 2021, the UK government published 'Net Zero Strategy: Build Back Greener' pursuant to Section 14 of the Climate Change Act 2008. In respect of Industry and the net zero strategy, government have set out that "We will decarbonise industry in line with our net zero goals...We will do this by supporting industry to switch to cleaner fuels; helping them improve their resource and energy efficiency, and through fair carbon pricing to drive deep decarbonisation of industry.'

Translating these stated ambitions into relevant planning legislation to tackle climate change remains a work in progress for the UK government. The National Planning Policy Framework (updated in July 2021) provides guidance in Section 14 in respect of meeting the challenges of climate change and at paragraph 152 sets out that:

'The planning system should **support the transition to a low carbon future in a changing climate**, taking full account of flood risk and coastal change. **It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions**, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.' [emphasis added]

The requirement for planning decisions to shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience, impose obligations of mitigation and adaptation, which now have to be understood in light of the net zero obligation and the UK's sixth carbon budget.

In this regard, specific local plan policies are not needed for this to be "operationalised" in planning decisions – the guidance in the national planning policy framework and supporting government documents are enough for Local Planning Authorities to act. As such, climate change impact is considered to be a significant material planning consideration in planning decisions.

Local Policy

Currently the Council is in the process of preparing its new Local Plan and should be entering Reg.19 stage shortly. It remains the Council's ambition to develop a strong policy basis utilising the full extent of legal powers to ensure future growth can respond positively to a climate emergency. However, the current status of the new Local Plan does not afford any substantive weight in the determination of these planning applications and such matters would fall to the existing polices within the Core Strategy including **Policy EN 6** which sets out that:

"All new development will be required to demonstrate how it minimises resource consumption, minimises energy consumption...and how it is located and designed to

withstand the longer term impacts of climate change. All developments are encouraged to incorporate on site renewable and / or decentralised renewable or low carbon energy sources...'

'...Development proposals over 1,000 square metres will be required to include on-site renewable energy technology to provide for at least 10% of predicted total energy usage.'

However, whilst the legislative and policy frameworks required to deliver change necessary at national and local level in order to tackle the climate emergency are still being developed, it could be considered irrational for Local Planning Authorities to continue to operate with a 'business as usual' mentality, particularly where the grant planning permission could exacerbate or lock-in significant carbon emissions from a development.

Whilst each case has to be assessed on its own merit, proposals which contribute positively towards tackling the climate emergency should be entitled to be afforded positive weight in the planning balance, particularly where such proposals also meet the three objectives of sustainable development (economic, social and environmental).

The Applications

In respect of the Crisp Maltings site at Great Ryburgh, the applicant acknowledges within Appendix A (Post-submission Consultation Material) of their Planning Statement (pdf page 74) that:

'The growing and harvesting of cereals, the delivery of grain, the process of malting; and then the delivery of malt to brewers and distillers is resource intensive. It's therefore particularly important for Crisp to operate at maximum efficiency. That way we can make a real difference to the consumption of energy, water and fuel. This makes sense commercially and environmentally.'

In considering the climate impact of the development it is necessary to consider some of the high level activities involved in producing malted barley. These are set out below:

Activity	Description of activities involved
<ul style="list-style-type: none"> • Growing Barley to contract specification (one of the key input sources) 	<ul style="list-style-type: none"> • Seedbed preparation • Drilling Seed • Pre-emergence herbicides • Fertiliser • Appropriate use of herbicides, pesticides and fungicides • Harvest and storage
<ul style="list-style-type: none"> • Transporting Harvested Barley 	<ul style="list-style-type: none"> • Harvesting Barley • Transporting barley to farm for drying • Transporting to Crisp Malting site at Ryburgh
<ul style="list-style-type: none"> • Drying Barley 	To ensure moisture levels of harvested product are correct to prevent reductions in germination and mould formation.
<ul style="list-style-type: none"> • Storing Barley 	Storing barley (on-site of off-site) prior to malting.
<ul style="list-style-type: none"> • Steeping 	The process of soaking / hydrating the barley to increase the moisture content to the desired amount (circa 2 days)

• Germinating	A process of germinating the barley under controlled temperature conditions (circa 4-6 days)
• Kilning	Halts germination, reduces moisture content and develops the required colour and flavour characteristics by blowing heated air through the grain bed. (circa 1-2 days)
• Roasting	The process of heating the malt either after germination or after kilning to produce speciality malts.
• Storing / Bagging Finished Malt	Either stored in silos or bagged and packed on to pallets.
• Transporting Finished Malt	Either by HGV of bulk finished product or by pallet as a bagged product for onward despatch.

The key activities at the Ryburgh maltings requires significant usage of natural gas, grid supplied electricity and fuel for transport.

The latest annual report and consolidated financial statements for the year ending 31 December 2021 published by Anglia Maltings (Holdings) Limited on 07 Oct 2021 include a Streamlined Energy and Carbon Reporting Framework (SECR). This sets out that

‘...During 2021, the operation of the combined heat and power unit at our Great Ryburgh malting plant continued to make a significant saving of CO₂e and the installation of a new kiln heating boiler at the same malting plant has further improved energy efficiency. The Board continues to review opportunities for improved energy efficiency and reduced GHG [green house gas] emissions within all operations and activities.’

A similar statement was made in the financial statements for year ending 31 December 2020. Given the scale of the proposals, these applications mark a potential important moment in setting an appropriate future direction for the maltings complex. These are significant investments enabling a substantial growth in production. If the Committee were minded to grant planning permission, then there should be an expectation in a climate emergency that the applicant/Crisp Malting Group demonstrates their stated commitment to doing everything reasonably possible to decarbonise the process of producing malt including at its largest facility in Great Ryburgh.

The maltings, via the ABC Growers Group, also has the significant potential to contractually influence how its key ingredients are produced and can help to drive and enhance farming standards. These practices can influence the look and feel of the countryside and present opportunities for wider biodiversity enhancements beyond the application site These commitments to delivering efficient and environmentally sustainable methods of production should be secured with the grant of any permission. These are the sort of objectives that the ‘Net Zero Strategy: Build Back Greener’ must surely be envisaging. In terms of specific detail, within Appendix A (Post-submission Consultation Material) of their Planning Statement (pdf page 74) the applicant points to examples of environmental practice and sets out that:

‘The replacement combined heat and power unit installed at our maltings 3 years ago has so far saved around 14,000 tonnes of carbon emissions.

Heat produced by our combined heat and power engine is used to warm air for the kilns (ovens).

Any new equipment we buy has to meet rigorous standards of energy / fuel efficiency, emissions and noise control – and has to support us in our mission to deliver goods in the most sustainable way possible.

We work closely with the Environment Agency and the site works under a Pollution Prevention and Control Permit (PPC). This involves regular reviews, reporting and targeting of improvements.'

The applicant has set out the sort of things that the application proposals will do to make a difference to their operations and help them to minimise their carbon footprint per tonne of malt including:

- 'Increasing storage of grain on site. This reduces "double-handling" of heavy materials with unnecessary HGV journeys to and from off-site facilities
- Creating new storage space on site to accommodate the growing range of malt products – and allow us to reduce 'double handling' of stock despite the increasingly complex orders from craft brewers
- Constructing new production facilities with the latest technological innovations'

The applicant was asked to provide further information and set out their case with regard to how the proposals can respond positively to a climate emergency. The Council have sought to work positively with the applicant to identify a range of opportunities to continue to reduce the carbon impact and the ecological impact of the proposal in the current Climate Emergency.

The applicant has submitted a Sustainability Statement (October 2022) which is attached at **Appendix D**.

The statement sets out that 'it is Crisp's long-term strategy to achieve net carbon zero throughout its own operations, including at the Great Ryburgh site, by 2050 or sooner'. The statement identifies 10 strategies for doing so including:

Strategy 1: ABC Grower Group

The applicant proposes a 'continued commitment to supporting and sustaining local agriculture through the ABC Grower Group..., whilst minimising food miles and carbon emissions. There is scope to further increase the number of Group members as part of the expansion proposals, subject to the barley types and varieties required by Crisp to satisfy consumer demands'.

Strategy 2: Sustainable Agriculture Initiative (SAI) Membership

The applicant has '...committed to maintaining its membership of the SAI Platform, to continue to work with the ABC Group to achieve Gold Level Certification and adopt sustainable agricultural practices'.

Strategy 3: Combined Heat and Power (CHP) Unit and Renewable Energy

The applicant has indicated that:

- 'With expansion, Crisp would generate demand to double the CHP capacity. This would generate an increase in CO2e savings of a further c.4650tonnes of CO2e per year and generate c.82% of the site's power requirement, and c.17% of the heat requirement. Subject to detailed design, there may be scope to increase the CHP's capacity even further with expansion of the wider site.

- Crisp are considering the introduction of renewable technologies to supplement the energy produced by the CHP unit. For instance, the use of solar panels on the roof of the proposed new warehouse is being explored. We understand that a planning condition could be applied to any planning consent to review and agree any renewable energy proposals associated with the development proposals prior to installation.
- Crisp will also consider new technologies when they are released, such as Hydrogen-fuelled CHP units. This technology is under development and will be considered when available.
- Electrical power supply used for all Crisp production facilities is certified as generated from 100% renewable sources by the energy supplier.'

Strategy 4: Use of Best Available Technologies

The applicant has indicated that:

- Best available technology will be instrumental in the design and equipment specification/selection for the proposed expansion, this is assessed by the EA permitting service and is a requirement for the granting of a PPC permit.
- It is proposed that the expanded Maltings will operate to the levels specified within the existing PPC and abstraction permits. Achieving these levels will require more efficient plant and machinery, with retrofitting of technology to existing plant. These measures are considered integral to the scheme and inherent mitigation, and as such these have been included within the earlier assessment of impacts. However, for clarity these measures will comprise:
 - The proposals for the Maltings include a significant upgrade to the effluent treatment plant, taking effluent from current and expanded operations. The upgraded plant could include phosphate removal technology and have sufficient capacity to ensure discharges are within the levels required by the existing PPC Permit.
 - Installation of approximately four additional dust collection filters to maintain emissions within the parameters set by best available technology and PPC permitting, these will be proven technology that is currently used in the processing.
 - New heating boilers or burners required for the kilning part of malt processing will operate to the Medium Combustion Plant Directive, and ensure that combustion sources operate within the existing PPC Permit levels or otherwise meet the standards of the Medium Combustion Plant Directive.
 - New machinery to increase the efficiency of water use and also greater re-use. For instance, a suite of measures are proposed to increase the efficiency of water use and also greater re-use, via new plant and retrofitting to the existing operations. The technological measures proposed are existing technologies and could comprise improvements to the following items and processes: the barley washer; steeping vessel design and the use of Optisteep technology, which circulates water, filters, cleans and oxygenates and returns to the steeping process; and water recovery technology using a membrane bio reactor followed by reverse osmosis, such that the treated water will be of sufficient quality to be re-used in the process (subject to customer agreement).

Strategy 5: Vehicle Fleet

The applicant has ‘...committed to minimising fuel consumption and emissions from its vehicle fleet by maintaining the practices outlined above. Furthermore, 4no. additional EV charging points are proposed as part of the expansion, giving a total of 7no. EV charging bays within the site when combined with the 1no. existing bay and 2no. proposed within the existing site’.

Strategy 6: Waste

The applicant has indicated that recycling ‘...will continue to be maximised. As explained above, the expansion proposals will require a significant upgrade to the on-site effluent treatment plant, taking effluent from current and expanded operations. The upgraded plant could include phosphate removal technology, and it will have sufficient capacity to ensure discharges are within the levels required by the existing PPC Permit. It should be noted that phosphate output from the site will not increase following delivery of the proposed expansion.

Strategy 7: Water Consumption

The applicant has confirmed that ‘...it is proposed that the expanded Maltings will operate to the levels specified within the existing PPC and abstraction permits. Achieving these levels will require more efficient plant and machinery, with retrofitting of technology to existing plant (specified within Strategy 4 above).

Strategy 8: Carbon Footprint Disclosure

The applicant has indicated that they are ‘...committed to maintaining its sharing of sustainability data with customers through Carbon Disclosure Programme and Environment Data Exchange initiatives’. This includes Scope 1 and Scope 2 emissions and will also include Scope 3 emissions for the purpose of calculating the carbon footprint of malt.

Strategy 9: Ethical Supply

The applicant has indicated that they are ‘...committed to maintaining its membership of the SEDEX ethical trading platform, so the expansion proposals will be audited alongside the existing site’. (The SEDEX platform is a reporting tool which allows transparent information exchange through the supply chain regarding sustainable sourcing, business ethics, health & safety and labour standards. Access to Crisp’s SEDEX information is made available to customers).

Strategy 10: Net Zero Carbon Strategy

The applicant has confirmed that they are ‘...committed to achieving net-zero carbon by 2050, in line with Government legislation. The measures set out within [the Sustainability] Statement form the foundations of a broader strategy to achieve net-zero carbon across the entire business, including operations associated with the Ryburgh site’.

The applicant is in agreement ‘...that a suitably-worded condition is applied to any planning consent to secure the submission and agreement of a Net-Zero Carbon Strategy Plan, to provide the local authority with comfort that the proposed expansion is being positively prepared to achieve net-zero carbon by 2050’.

Whilst undoubtedly the recent spike in the unit cost of energy in producing malted barley will itself act as a driver for energy efficiency improvements, Officers consider that the Sustainability Statement produced by the applicant provides clear evidence of a commitment to reducing the environmental impact of both the existing and proposed expanded site. Furthermore, the applicant's agreement for a planning condition to secure a Net-Zero Carbon Strategy Plan for the Ryburgh malting site is a first for the District and reinforces the commitments to review opportunities for improved energy efficiency and reduced green house gas emissions, as set out in the Streamlined Energy and Carbon Reporting Framework for Anglia Maltings (Holdings) Limited.

Officers consider that the commitments set out in the Sustainability Statement (Oct 22) can be secured as part of the permission (via planning conditions) and would comply with the requirements of Core Strategy Policy EN 6 (see Strategy 3) and should be afforded substantial positive weight in the planning balance.

6. Extensions to existing businesses in the Countryside

Core Strategy Policy EC 3 sets out that:

'Extensions to existing businesses in the Countryside will be permitted where it is of a scale appropriate to the existing development and would not have a detrimental effect on the character of the area.'

Whether or not an extension to an existing business in the countryside is of a scale appropriate to the existing development is ultimately a matter of planning judgment. However, such an assessment of whether the scale of a proposed extension is acceptable will be inextricably linked to whether the scale of the extension proposed results in detrimental effects on the character of the area.

In some cases, even a modest scale extension could result in a detrimental effect on the character of the area and so such planning judgment under Policy EC 3 will usually be location specific and based on site context.

The Ryburgh Neighbourhood Plan (as adopted) does not contain a specific policy relating to extensions to existing businesses in Ryburgh nor does it comment on the sort of scale that would be considered acceptable but does contain a series of policies akin to the 'detrimental affect' test of Core Strategy Policy EC 3. These are set out within the following individual policies:

Policy 1 - Traffic Safety;
Policy 4 - Landscape Character;
Policy 5 - Development Design;
Policy 6 - Dark Night Skies;
Policy 7 - Protection & Enhancement of Local Habitats (1);
Policy 8 - Protection & Enhancement of Local Habitats (2);
Policy 9 - Ecological Network; and
Policy 10 – Archaeology

The existing maltings complex occupies circa 7.12 hectares of developed land which rises to circa 10.42 hectares if adjoining land to the west is included which has planning permission to form a lorry park granted planning permission under application ref: PF/09/0966 (*Erection of 2 silos construction of lorry park with wash bay, associated surface water balancing pond, bunded fuel tank, storage container, office, staff car park and associated earthworks and landscaping*)

The Development Committee are being asked by the applicant to consider two separate planning applications on land comprising 8.25 hectares of land to the west of the existing maltings site (including land that would have formed part of the lorry park site).

Application ref: PF/20/0523 (warehouse and silos) would occupy circa 3.57 hectares of land whilst application ref: PO/20/0524 (Hybrid – New Access road (full) and expansion of the maltings to include proposals to increase the output tonnage of malt from 115,000 tonnes per annum to 175,000 tonnes per annum (outline) would occupy the remaining circa 4.68 hectares of land.

The applicant has provided drawing number: UDS38659_A1-1402 Revision B 'Development Framework Parameter Plan' which breaks down the 8.25 hectare proposals into three elements:

- Maltings Expansion (**Area Total: 3.45 ha**)
- Access Road and Planting Mitigation (**Area Total: 2.90 ha**)
- Proposed Commercial Extension Landscape and Open Space Framework (**Area Total: 1.90 ha**)

The two application proposals across 8.25 hectares of land would result in the maltings site increasing in size up to circa 15.37 hectares. Including the proposed new road, this represents a 48% increase in the size of the site or a 116% increase in size of the site excluding the previously permitted lorry park site. Even taking the lowest percentage increase in size of the site (48%), the proposals represent a significant addition to the developed area of the maltings site and would wrap around the north western edge of the village.

Factoring in the amount of growth and development that the maltings site has experienced within the current lifetime of the Core Strategy (since 2008) Officers consider it would be hard to describe the proposed growth as modest. These are significant expansions that would push the boundaries of the sort of extensions envisaged by Policy EC 3 in the countryside.

The scale of the extensions alone compared with the existing maltings site could be considered to amount to a departure from Policy EC 3. However, it is the degree to which the proposed scale of growth would result in detrimental effects on the character of the area that will guide the weight that could be afforded to any departure from Policy EC 3. The greater the degree of detrimental impacts, the greater the weight against the grant of planning permission and which would require the advancement of sufficient material considerations in favour to justify any departure from the Development Plan.

However, if the scale of the developments proposed do not result in detrimental effects and broadly accord with the development plan policies which are most important for determining the application (individually and cumulatively), then the proposal would likely be considered to accord with Policy EC 3.

An assessment of each proposal will therefore be undertaken within the remainder of this report in order to ascertain general compliance with Core Strategy Policy EC 3 and other relevant Core Strategy Policies.

7. Highway Safety

Highway Safety - Introduction

Both applications have the potential to impact upon highway safety in the immediate area including from movements associated with the transport of barley to site for malting and the transport of finished malt by larger vehicles including HGVs to customers.

Core Strategy Policy CT 5 considers the Transport Impact of New Development and states:

‘Development will be designed to reduce the need to travel and to maximise the use of sustainable forms of transport appropriate to its particular location. Development proposals will be considered against the following criteria:

- the proposal provides for safe and convenient access on foot, cycle, public and private transport addressing the needs of all, including those with a disability;
- the proposal is capable of being served by safe access to the highway network without detriment to the amenity or character of the locality;
- outside designated settlement boundaries the proposal does not involve direct access on to a Principal Route, unless the type of development requires a Principal Route
- the expected nature and volume of traffic generated by the proposal could be accommodated by the existing road network without detriment to the amenity or character of the surrounding area or highway safety; and
- if the proposal would have significant transport implications, it is accompanied by a transport assessment, the coverage and detail of which reflects the scale of development and the extent of the transport implications, and also, for non-residential schemes, a travel plan.’

Policy 1 of the Ryburgh Neighbourhood Plan (RNP) considers Traffic Safety and states:

‘To be supported, development proposals that will generate significant amounts of movement must be accompanied by a transport statement or assessment that demonstrates:

- There will be no likely sustained significant negative HGV related highway safety impacts of the development on Station Road, and on those parts of Bridge Road and Fakenham Road that are within or immediately adjacent to the settlement boundary in Annex 5; or,
- The proposals and mitigation measures necessary to reduce any likely sustained significant negative HGV related highway safety impacts of the development adjacent to the settlement boundary identified in Annex 5.’

For the purposes of this policy, the RNP sets out that ‘sustained’ HGV traffic means traffic that is ongoing and does not incorporate construction project related traffic.

For the avoidance of any doubt, a copy of the Annex 5 settlement boundary referred to in RNP Policy 1 is attached at **Appendix E**.

Section 9 of the National Planning Policy Framework considers transport matters.

Paragraph 104 of the NPPF states:

‘Transport issues should be considered from the earliest stages of plan-making and development proposals, so that:

- a) the potential impacts of development on transport networks can be addressed;

- b) opportunities from existing or proposed transport infrastructure, and changing transport technology and usage, are realised – for example in relation to the scale, location or density of development that can be accommodated;
- c) opportunities to promote walking, cycling and public transport use are identified and pursued;
- d) the environmental impacts of traffic and transport infrastructure can be identified, assessed and taken into account – including appropriate opportunities for avoiding and mitigating any adverse effects, and for net environmental gains; and
- e) patterns of movement, streets, parking and other transport considerations are integral to the design of schemes, and contribute to making high quality places.’

Paragraph 105 of the NPPF states:

‘The planning system should actively manage patterns of growth in support of these objectives. Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions, and improve air quality and public health. However, opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making.’

Paragraph 110 of the NPPF states:

‘In assessing...specific applications for development, it should be ensured that:

- a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
- b) safe and suitable access to the site can be achieved for all users; and
- c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code; and
- d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree’

Paragraph 111 of the NPPF states:

‘Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.’

Paragraph 112 considers the decision making context and states:

‘...applications for development should:

- ...
- c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;
- d) allow for the efficient delivery of goods, and access by service and emergency vehicles; and
- ...’

The applicant has considered Transport matters within Section 15 of the Environmental Statement dated March 2020 and which included a Transport Assessment at EIA Appendix 15.1 and 15.2.

Section 15 was amended as part of the Addendum Environmental Statement dated January 2021 including an Appendix 15.1A Transport Assessment Addendum.

As can be seen from representations received, the highway impact of the existing commercial operations in Great Ryburgh is a cause for significant concern locally particularly for residents of Fakenham Road, Station Road and Bridge Road. The Ryburgh Neighbourhood Plan sets out the context of these concerns resulting from ‘...the presence of industry in the centre of the village and the heavy volume of HGV’s passing to and from the Industrial Site [which] is incompatible with the safety of person and property.’

During the determination of these applications, a number of meetings have taken place involving the applicant, Norfolk County Council as Highway Authority and the District Council as Local Planning Authority in order to seek to understand and agree an acceptable highway solution in relation to the development proposals.

The Committee needs to be aware that there is a degree of disagreement between the Highway Authority and the applicant’s highway consultants in relation to the volume of traffic these proposals will generate with concern about traffic surveys taking place over just one day in October 2019 and questions being raised as to whether it is possible to make a full assessment based on a single day’s data alone. These traffic data figures do form an important component of the assessment of highway matters and also inform other assessments relating to noise. Nonetheless, in coming to their conclusions, the Highway Authority have used their local knowledge and experience to enable positive resolution.

The highway impact of each application is assessed below together with an assessment of cumulative impact considerations and phased delivery.

Highway Safety – Application 1 - Ref: PF/20/0523

Application 1 proposes the addition of 15 silos and a 5,574 sqm (60,000sqft) warehouse. The silos are designed to enable the storage of an additional 45,000 tonnes of grain on site (3,000 tonnes each). The warehouse is designed to enable the increased storage of bagged and palletised products on site associated with the speciality malt products.

The applicant sets out that application 1 is primarily about securing the efficiency of the existing operations and to discourage double handling of product due to insufficient storage facilities on site.

The applicant sets out at paragraph 2.1.2 of their Transport Statement Addendum that:

‘Currently Crisp Malting rent off site grain stores in the wider North Norfolk area for the storage of raw barley unable to be accommodated on site, and an off-site warehouse in the east of the village for bagged malt product. The detailed proposals are to provide addition raw barley storage in the form of extra silos to reduce the need for rented offsite storage. A bespoke warehouse suitable for the needs of Crisp Malting for storing bagged malt product on site is also proposed, again so that off-site storage for bagged product is not required.’

Officers consider that a main highway impact associated with Application 1 and the addition of the silos and warehouse is an expected change to the traffic profile of the site which would take place within the context of an already constrained highway network in and around Great Ryburgh and this is a view supported by the Highway Authority. However, the applicant’s

highway consultants and the Highway Authority are in disagreement about the degree and significance of the change to the traffic profile.

The Highway Authority set out in their response of 18 Feb 2021 that:

‘...the applicant’s assessment is that at harvest time there would be an increase of 1-2 additional HGVs per hour (4 HGV movements) to/from the east and west for 10-11 weeks of the year, concluding this would not be discernible on the ground.’

‘...the highway authority is concerned that increasing storage on site changes the traffic profile. The inability for HGV’s to pass freely would be made far worse than existing, as the frequency when two HGV’s meet is increased’.

‘The County Council believes the traffic figures will be slightly higher than those quoted by the applicants (more in the region of 2 – 3 HGV’s per hour)... Nevertheless, even using the applicant’s own figures of 2 HGV’s per hour, this still equates to an extra HGV movement every 15 minutes for 11 weeks starting at 6.30am in the morning and lasting until 18.00hrs. We regard this as significant.

Following discussions between the applicant, Highway Authority and Local Planning Authority, Application 1 for the warehouse and silos is only considered to be acceptable in highway terms on the basis of a phased delivery linked to the provision of the new access road under Application 2 – Ref: PO/20/0524. (See section below ‘Highway Safety – Conclusion’.

The Highway Authority have no objection to the delivery of the warehouse first subject to the use of the warehouse being restricted with a suggested condition along the lines of ‘the warehouse hereby permitted shall only be used for the storage of bagged malted grain product that has been produced at the Ryburgh site’

In addition, a S106 Obligation would be required to secure a financial contribution towards a Traffic Regulation Order process to restrict HGVs travelling through the village ‘except for access’ and also to secure the end of the use by Crisp Maltings of the off-site storage facility within Ryburgh village. The applicant has agreed to this proposal.

In order to minimise the highway impact and to make the proposal acceptable in planning terms, the proposed 15 silos would have to be tied to the delivery of the new access road under Application 2 – Ref: PO/20/0524.

The access road would be required to be constructed and available for use, prior to bringing into operational use the new silos. The Council’s preference is for the access road to be built first and all construction traffic for the silos using the new road in order to minimise disruption and impact on local residents.

Therefore, subject to these conditions and a S106 obligation, Officers consider that Application 1 can be made acceptable in planning terms and would accord with Development Plan policy in relation to highway matters (both North Norfolk Core Strategy Policy CT 5 and Ryburgh Neighbourhood Plan Policy 1).

Highway Safety - Application 2 – Ref: PO/20/0524

Application 2 proposes two distinct elements, those that are submitted for FULL approval (new HGV access road) and those that are submitted in Outline form with means of access only to be secured at this stage associated with the construction of buildings and structures required

to increase the maximum output tonnage of malt of the Maltings site in any one calendar year to 175,000 tonnes (currently 115,000 tonnes)

In respect of the proposed new access road, the applicant sets out across Section 3.2 of their Transport Statement Addendum that:

Para 3.2.1 - 'The aim of the new access road is to reduce the number of HGVs related to the Malting site passing through the village.'

Para 3.2.2 - 'From the west of the existing Malting site a 7.3m wide access road is proposed to pass through the Malting site extension and then continue west some 560m to then cross Highfield Lane, a Restricted Byway...The Restrict[ed] Byway would remain along its current route and have the same width, with the design of the crossing...agreed in principle with NCC Public Rights of Way Officer'.

Para 3.2.3 - 'The northern section of Highfield Lane would meet the new HGV access road at a priority junction, continuing to allow vehicular traffic to/from the farm to the north. To the south access to Highfield Lane would only be permitted for use by pedestrians, cyclists, horse riders, and horse and carts in accordance with the Restricted Byway requirements. This would be designed with a dropped kerb to enable level access from the access road to the Byway continuation south. The route of the Byway across the access road would also be delineated by an alternative carriageway surface treatment, to be agreed as part of the detailed design of the access road/crossing location.'

Para 3.2.4 - 'Forward visibility of 43m suitable for 30mph speed around the bend of the access road is achieved in the vicinity of the Restricted Byway, with the proposed acoustic fence set back accordingly'.

Para 3.2.5 - 'To the south east the existing Highfield Lane would be closed at the end of the public highway. Access for the residential properties on Highfield Lane to the south east would remain as existing, with access to Highfield Farm to the north to be via the new access road. The proposed HGV access road is proposed to remain private.'

Para 3.2.6 - 'The proposed new access road would not change or effect the existing public highway section of Highfield Lane. However, as the lane would now not continue beyond the end of the public highway a turning head is proposed at the end of the public highway...which would be offered for adoption as public highway'.

Para 3.2.7 - 'To the west of the Restricted Byway and Highfield Lane the proposed HGV access road continues south as a 7.3m wide road [towards] Fakenham Road some 300m to the south'.

Para 3.2.8 - 'The proposed access road would meet Fakenham Road at a priority junction immediately to the west of the village, and west of the existing field access. Visibility splays of 2.4m x 60m to the left and 2.4m x 160m to the right are proposed. The width of Fakenham Road in the vicinity of the HGV access is also proposed to be realigned to provide a constant 6m wide road width past the site access and continuing for around 65m to the west...'

Para 3.2.9 – 'The design of the HGV access junction is such that HGVs would be required to turn right out of the site west towards the B1146. Signage is also proposed on the HGV access road approach to Fakenham Road advising drivers to turn right at the junction to make sure HGVs do not then travel through the village to the east.'

In respect of usage of the new access road, the applicant has set out at para 3.2.10 of their Transport Statement Addendum that:

‘The proposed access road is to be for use by HGVs only. In association with the new access a Freight Management and Routing Strategy will be in place at Crisp Malting which would include the following routing requirements:

HGV Arrivals

- All Crisp Malting vehicles will be required to arrive to the site via the B1146 to the west. This means that all Crisp HGVs will only be permitted to use the new HGV access road proposed to the west of Great Ryburgh village;
- As part of the terms of contract all other third party HGV carriers visiting the site will be encouraged to advise their drivers to arrive to the site via the B1146 to the west. However, because of the way third party carriers operate and that they may not be employed by Crisp Malting directly it is not feasible to direct all non-Crisp Malting vehicles to solely travel from the west;
- Other third party HGV carriers arriving from the west will be required to then use the new HGV access road to the west of the village;
- Any other third party HGVs still arriving from the east will be permitted to continue to use Gate 1 at the Malting site, rather than travel through the full length of the village to use the new HGV access road to the west.

HGV Departures

- All HGVs will be required to leave the site via the HGV access road to the west of the village. At the HGV access road junction with Fakenham Road HGVs will then be required to turn right (west) towards the B1146 and this will be built into the junction design and signage provided.’

In respect of the outline elements relating to the construction of buildings and structures required to increase the maximum output tonnage of malt of the Maltings site in any one calendar year to 175,000 tonnes (currently 115,000 tonnes), as set out above in the introduction to highway matters, there is a degree of disagreement between the Highway Authority and the applicant’s highway consultants in relation to the volume of traffic these proposals will generate with concern about traffic surveys taking place over just one day in October 2019 and questions being raised as to whether it is possible to make a full assessment based on a single day’s data alone.

Having considered the revised proposals from the applicant, the Highway Authority raised a number of concerns including:

- Traffic will still approach from the east to use the weighbridge. The route shown on the applicants drawing is so convoluted there will be a significant temptation for drivers using the weighbridge to simply continue using gate 1 (either for entry or egress).
- Third party contractors will still approach from the east.

- The traffic management plan will require third party contractors to depart the site itself via the new access road, but it has no ability to ensure they subsequently turn west when they reach the adopted public highway. Having approached from the east it is inevitable at least some will still attempt to depart in that direction if that is the quickest route (the very reason they approach from that direction in the first place). The applicant's figures are based on 100% of HGV traffic heading west
- Vehicular access to the site is currently via three priority access points. Gate 1 to the west is the primary entry/exit for HGVs, however we are advised that following construction of the new road some HGVs will still need to enter/leave the site via Gates 2 and 3 due to the location of facilities and equipment including a hopper close to Gate 2.

During consideration of these applications, in order to reduce traffic within the village, the Highway Authority had asked the applicants to close their existing points of access and direct all traffic to approach from the west via their proposed new road. However, this was not a proposal that the applicant could agree to.

As an alternative to closing the existing access points, the Highway Authority indicated it would offer its support to this application if the applicants were to support, fund and secure a Traffic Regulation Order (TRO) banning HGVs to/from the east of the village. This would have a significant community benefit as it would prevent all HGV traffic travelling to/from Crisp Maltings from approaching the site from the east regardless of who owns the vehicles. However, this needs to be in place at the time the road opens and accordingly is a fundamental part of this application.

The Highway Authority recognise that there would still be several HGV's travelling between the new road and Gates 2 and 3, due to the location of facilities/equipment within the site including a hopper close to Gate 2, however with a TRO in place, the Highway Authority consider there would be an overall reduction in HGV traffic.

With all HGV traffic leaving the site and turning west, the Highway Authority note that there would be an increase in HGV traffic using the substandard junction where Fakenham Road gives way to the B1146. The visibility splay at this junction crosses over third party land. However, on balance, the Highway Authority consider that, subject to a TRO and the new road being provided at the same time, the positives gained from removing the Crisp Maltings traffic approaching from the east and reducing the dangers posed to pedestrians within the village, all outweigh the negatives posed by the visibility splay failing to comply in full with guidance standards.

The Highway Authority's support for Application 2 is strictly on the basis that the TRO will be provided prior to the development taking place and subject to the imposition of planning conditions including a Grampian style condition to secure the TRO. Without conditions and a traffic regulation order, the Highway Authority have indicated they would oppose the scheme.

The applicants have subsequently confirmed in writing that they will accept the Highway Authority's suggestion of a negatively-worded Grampian condition to secure the implementation of the proposed TRO, linked to the phased delivery of the development.

Therefore, subject to these conditions, Officers consider that Application 2 (both in terms of the new access road and the increase in traffic associated with an increase in output tonnage of malt) can be made acceptable in planning terms and would accord with Development Plan policy in relation to highway matters (both North Norfolk Core Strategy Policy CT 5 and Ryburgh Neighbourhood Plan Policy 1).

Highway Safety - Conclusion

Whilst there is disagreement between the applicant and the Highway Authority about the likely traffic associated with these proposals, after extensive discussions it is clear that in order to minimise the highway impact and to make the proposal acceptable in planning terms the applications will require a set of conditions, a legal agreement and a series of Traffic Regulation Orders which will ensure that traffic travelling through the village associated with these developments are kept at a minimum and so realise public benefits.

At the heart of the highway solution is a requirement for phased delivery of key parts of the projects. Whilst they are separate planning applications, the legal obligation would in effect tie the permissions together. Phasing is suggested along the following lines:

Phase 1

- Erection of Warehouse (PF/20/0523)
- Condition restricting use of warehouse along the lines of 'the warehouse hereby permitted shall only be used for the storage of bagged malted grain product that has been produced at the Ryburgh site'
- S106 obligation to secure a financial contribution towards a Traffic Regulation Order process to restrict HGVs travelling through the village 'except for access'
- S106 obligation to secure the end of the use by Crisp Maltings of the off-site storage facility within Ryburgh village.
- S106 obligation to restrict the construction and first use of the silos until the new road (under application PO/20/0524) is in place

Phase 2

- S106 obligation requiring applicants to support, fund and secure a Traffic Regulation Order (TRO) banning HGVs to/from the east of the village prior to first use of new road under PO/20/0524.
- Construction of new road (PO/20/0524)
- Construction and first use of silos (PF/20/0523) permitted once road constructed

Phase 3

- Implementation of first reserved matters linked to increase of the maximum output tonnage of malt of the Maltings site in any one calendar year to 175,000 tonnes (currently 115,000 tonnes) only after TRO secured and new road constructed in full accordance with agreed plans.

The applicant has indicated their broad agreement to the use of conditions and S106 obligations in order to deliver the project in a phased manner. Without the phased approach, the Highway Authority would not support the proposal and without the new road under application PO/20/0524, the silos under application PF/21/0523 would not be supported. Given that a split decision cannot be issued for application PF/20/0523, if Application 2 were to be refused then this would make Application 1 in its entirety unacceptable from a Highway perspective.

The entirety of these projects are therefore dependent on the new road and associated TROs being delivered which will bring with them the public benefits associated with reduction in HGVs through the village.

Subject to the imposition of conditions, a legal agreement and a series of Traffic Regulation Orders, Officers consider that both applications can be made acceptable in planning terms and would accord with Development Plan policy in relation to highway matters (both North Norfolk Core Strategy Policy CT 5 and Ryburgh Neighbourhood Plan Policy 1).

8. Impact on Landscape

Impact on Landscape - Introduction

Both applications have the potential to impact upon landscape character of the area.

Core Strategy Policy EN 2 considers Protection and Enhancement of Landscape and Settlement Character and states:

'Proposals for development should be informed by, and be sympathetic to, the distinctive character areas identified in the North Norfolk Landscape Character Assessment and features identified in relevant settlement character studies.

Development proposals should demonstrate that their location, scale, design and materials will protect, conserve and, where possible, enhance:

- the special qualities and local distinctiveness of the area (including its historical, biodiversity and cultural character)
 - gaps between settlements, and their landscape setting
 - distinctive settlement character
 - the pattern of distinctive landscape features, such as watercourses, woodland, trees and field boundaries, and their function as ecological corridors for dispersal of wildlife
 - visually sensitive skylines, hillsides, seascapes, valley sides and geological features
 - nocturnal character
 - the setting of, and views from, Conservation Areas and Historic Parks and Gardens.
- ...'

The Council adopted the North Norfolk Landscape Character Assessment Supplementary Planning Document in January 2021 (LCA). This provides an updated and detailed assessment of the elements and features which make up the distinctive landscapes in North Norfolk. It maps the landscape into two levels - Types and Areas. Key Characteristics are identified, along with Valued Features and Qualities, which would detrimentally change the landscape character if diluted or adversely affected. The LCA recognises forces for change that could have an adverse effect on a given landscape character and sets out an overall vision, with a strategy and guidance for conservation and enhancement of each landscape Type and Area.

The application site and surroundings are located within the River Valley Landscape Type (RV1 River Wensum).

River Valleys are noted as one of the most diverse and ecologically valuable sets of habitats in the District. Small fields around settlements are highlighted as a Valued Landscape Feature that contribute to the intimate contained rural character and historical sense of place. Consideration needs to be given as to whether the location, scale and nature of the various elements of the application proposals would have a negative impact on valued features to the detriment of landscape character.

Policy 4 of the Ryburgh Neighbourhood Plan considers Landscape Character and states:

'To be supported, proposals for development must demonstrate how they are informed by, and sympathetic to, the key characteristics and landscape guidelines of the Landscape Character Areas defined in the Ryburgh Landscape Character Assessment [Ryburgh Landscape Character Assessment, CJ Yardley Landscape, Survey Design & Management November 2019].

To be supported, all development proposals must include landscape planting that integrates with local existing natural features.'

Policy 6 of the Ryburgh Neighbourhood Plan considers Dark Night Skies (applicable to both assessment of landscape impacts and residential amenity) and states:

'Development proposals containing external lighting must demonstrate that the lighting is essential and that its design and operation will minimise impact on dark skies. In particular it must be demonstrated that the luminance level and period of illumination are the least necessary for the lighting to perform its function and that there will be no or minimum spillage beyond the property boundary'.

Paragraph 174 of the NPPF sets out that:

'Planning...decisions should contribute to and enhance the natural and local environment by:

- a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);
- b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;
- c) ...
- d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;
- e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and
- f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.'

The applicant has considered Landscape & Visual Effects within Section 11 of the Environmental Statement dated March 2020 and which included a number of related appendices.

Section 11 was amended as part of the Addendum Environmental Statement dated January 2021 including a response to the key landscape issues raised by NNDC at Appendix 11.8A.

The applicant sets out that the development has been revised with:

- The residential element of the scheme now omitted;

- More extensive landscape mitigation measures; and
- More detailed assessment work has been undertaken, informed by additional zone of theoretical visibility mapping, 3D modelling and photomontages illustrating the appearance of the Proposed Development from the key viewpoints.

The landscape impact of each application is assessed below together with an assessment of cumulative impact considerations and phased delivery.

Impact on Landscape – Application 1 - Ref: PF/20/0523

Application 1 proposes the addition of 15 silos and a 5,574 sqm (60,000sqft) warehouse. The silos are designed to enable the storage of an additional 45,000 tonnes of grain on site (3,000 tonnes each). The warehouse is designed to enable the increased storage of bagged and palletised products on site associated with the speciality malt products.

Details about the proposed silos and warehouse are set out above with 'THE APPLICATIONS' section of the report.

Silos - In summary the silos would:

- be arranged in three rows consisting of four, five, then six silos moving away from Fakenham Road direction.
- run in a west south west to east north east direction.
- each have a radius of circa 17m and would be approx. 20m tall.
- each stand on a base and have gantry equipment above.
- have a galvanised steel finish.

The applicant's submitted plans indicate a total height for the base, silo and gantry equipment at approximately 24m.

The applicant indicates that the proposed silos would sit circa 1.91m lower (to top of base) compared with existing silos on site, primarily as a result of lower land levels on the proposed site.

The applicant's submitted plans show the proposed silos would sit between circa 2.5m and 5.5m lower than existing silo and associated gantry equipment.

The applicant's position regarding the silos, as set out in their response at Appendix 11.8A to the key landscape issues raised by NNDC, is that:

'The existing silos are established features in the landscape. They are prominent from some viewpoints, in these cases the sensitivity of the view is reduced and the capacity of the landscape to accommodate additional silos is increased. There would be minimal change to the character or composition of the view as a result of the additional silos.'

From Viewpoints 6 [The Street, Clay Hill East of the Site]...and...8 [A1067 Northeast of the Site] the proposed silos would be screened by the existing silos.

From Viewpoints 1 [Fakenham Road Adjacent to Testerton Lodge], 10 [Highfield Lane West of the Site] and 11 [Middle Breck Wood Pensthorpe Nature Park] the new silos would be viewed against a backdrop of existing silos / large buildings within the maltings.

It is considered that from these distant locations the proposals would be barely perceptible to the casual observer and that 'more substantial mitigation measures' are not required and could not be justified.'

The applicant's position regarding the silos is, in many ways, one of seeking to diminish the quality of the existing landscape through the pre-existence of the Crisp Maltings site. Silos are already present and therefore, in the applicant's opinion, 15 additional silos would be barely perceptible in the landscape from a number of viewpoints.

The Council's Landscape Officer notes that:

'There is no mitigation proposed to minimise the appearance of the 15 new silos, relying on mirroring the appearance of the existing cluster of more recently installed silos, rather than proposing a finish that would be more recessive in the landscape. The galvanised appearance is far more visually intrusive than the original [brown/red] coloured set of silos and does not weather down in time, as is apparent from the four additional galvanised silos which have been in place for at least 5 years (PF/14/0579). The galvanised finish was accepted due to assurance that it would 'weather down' and this is not the case. Located on the western edge of the existing Maltings site, adjacent to woodland and rural farmland, a more muted appearance would assist in accommodating these anomalous features into their rural setting and limiting the impacts of the westward expansion of the whole site.'

The Council's Landscape Officer considers that landscape harm would arise from the presence of the grey/silver colour galvanised silos in the wider landscape contrary to the aims of Core Strategy Policy EN 2 and will result in detriment to the character of the area contrary to the aims of Core Strategy Policy EC 3. Whilst mitigation measures are possible to lessen the visual impact of the silos (such as agreeing the external colour of the silos) the applicant does not wish to consider an alternative finish with concerns about durability of alternative finishes.

Warehouse – In summary the warehouse would:

- have a footprint of 5,574 sqm (60,000sqft).
- be located on land to the west of the existing established maltings site approximately 25m away from the rear boundary with existing residential properties on Fakenham Road
- be a rectangular shaped building approximately 108.5m long and 51m wide
- present its longest side to Fakenham Road.
- have a pitched roof and, from slab level, the warehouse would have a height to eaves of approximately 7m and a height to ridge of approximately 12.5m. The warehouse would
- have roller shutter doors (one in the east elevation and two in the north elevation) to allow access.
- have as yet unspecified external materials to be used for the walls, roof or doors of the warehouse building.

The site slopes down from Fakenham Road (approximately 1 in 32 gradient) and the applicant proposes cutting into existing land levels in order to provide level access within the building. The applicant shows the warehouse building being circa 2.9m below existing ground levels at the Fakenham Road end and approximately 1m below existing ground level at its northern end.

The applicant has amended the landscaping scheme for the warehouse element of the proposal in order to create a planting belt with greater potential for successful take of plants A 23-25m warehouse screening belt is proposed (save for an area containing an existing sub-station) between the warehouse and residential dwellings on Fakenham Road comprising:

- existing vegetation,
- proposed native hedgerow (mix of common maple, common hazel, common hawthorn, spindle tree, common holly, common privet, blackthorn and guilder rose) and
- warehouse screening (comprising a mix of common maple, common alder, common hazel, common hawthorn, common beech, common holly, common provet, scots pine, wild cherry and english oak)

The warehouse would be separated from the warehouse screening belt by a 3m wide walkway.

Along the western boundary, a 13m wide planning belt is proposed comprising:

- proposed native hedgerow circa 4m wide (see above stated mix) and
- proposed screening woodland circa 9m wide (comprising a mix of common maple, common alder, common hazel, common hawthorn, common beech, common holly, common privet, wild cherry and english oak)

In terms of landscape screening the applicant has indicated that:

‘It would be possible to maintain a 10m wide dense woodland planting around the entire southern and western edges of the warehouse (plus additional planting on the cutting faces).

It is generally considered that 10m is the minimum width required to provide year-round screening in the short to medium term (if planted at 1m centres).

Based on conservative growth rates for the trees (300 to 400mm per year) it is entirely realistic that the warehouse could be effectively screened from the residents within 10-15 years.’

In respect of the warehouse proposal, The Council’s Landscape Officer has noted that:

‘The amendments to the landscape proposals include a minimum of 3m clear access around the warehouse, the use of gabion walls to facilitate slightly shallower slope gradients from 1 in 2 to 1 in 3, a minimum of 10m wide woodland planting belt on flat land and retention of the existing line of Cypress trees (G1 in the Arboricultural Report). These measures may assist in establishment of new planting on steep terrain, but the screening benefits of this planting will not be experienced by the 11 adjacent properties on Fakenham Road for at least 10 years. These receptors will therefore incur significant visual impact from the additional silos and the warehouse as a result of the development for a considerable period of time.’

In respect of external lighting, the Council’s Landscape Officer has noted that:

‘The updated External Lighting Statement by WLC, Issue 5, dated 12/01/2021 clarifies that the external lighting proposals for the warehouse (and the silos) meet the parameters for Environmental Zone E2: a rural area with low district brightness, as classified by the Institute of Lighting Professionals ‘Guidance Notes for the Reduction

of Obtrusive Light', 01/2020. The use of any external lighting should be strictly controlled, so that it is in use only when required.'

Officers consider that, whilst proposed mitigation planting for the warehouse would take a considerable length of time to establish and mature and screen the building from residential properties along Fakenham Road and some harm would arise, subject to the imposition of conditions to secure landscape mitigation planting and to agree the colour of external materials for the warehouse, once established, the overall impact of the warehouse building 1 is likely to be limited by the presence of planting. Such that, on balance, this element of application 1 is likely to be in accordance with the aims of Core Strategy Policy EN 2. However, the intervening period to establishment of the landscape planting would result in visual harm to adjacent residents and this harm has to be weighed in the planning balance.

Overall conclusion of Application 1 – Ref: PF/20/0523

The Landscape Vision within the River Valleys character type within the adopted Landscape Character Assessment is that 'New development should be appropriate in scale, unobtrusive and readily accommodated into its landscape setting'.

The applicant's position is that the proposed 15 silos and warehouse development would not result in significant landscape harm. The applicant, in part, seeks to diminish the overall quality of the existing landscape around the application site through the presence of the existing maltings development. The pre-existence of the maltings is used as a way to help justify further expansion. The applicant considers that the silos would be barely noticeable from various viewpoints and the impact of the warehouse would be reduced through landscape mitigation measures which over time would mature and screen the development.

Whilst the presence of the existing maltings in the landscape is a matter of fact, Officers consider that that the applicant has generally undervalued the existing landscape and underestimated the landscape and visual effects that the proposal will have, even accounting for the extant lorry park permission. Officers consider that the scale of development, particularly the 15 silos, would be harmful to the intrinsic character of the River Valley character type. The proposal is considered contrary to the aims of Core Strategy Policy EN 2 and is also not in accordance with Core Strategy Policy EC 3 because of the detrimental effect the proposal would have on the landscape character.

The identified conflict with the above Core Strategy policies indicates that Application 1 fails to accord with the aims of Policy 4 of the adopted Ryburgh Neighbourhood Plan.

The proposals would not therefore accord with Development Plan Policy and this weighs against the grant of planning permission and requires the exercise of planning judgement when considering the development as a whole under the planning balance exercise.

In respect of external lighting, subject to the imposition of conditions to agree the type, location and timing of when lighting is to be used, the lighting elements of the proposal would accord with the aims of Development Plan Policy (including the requirements of Ryburgh Neighbourhood Plan Policy 6 - Dark Night Skies).

Impact on Landscape - Application 2 – Ref: PO/20/0524

There are two distinct elements to application 2, those that are submitted for FULL approval (new HGV access road) and those that are submitted in Outline form with means of access only to be secured at this stage associated with the construction of buildings and structures

required to increase the maximum output tonnage of malt of the Maltings site in any one calendar year to 175,000 tonnes (currently 115,000 tonnes)

In respect of the proposed new HGV access road, the applicant has set out in Section 3 of their Planning Statement that:

‘3.8 The proposed access road connects to Fakenham Road to the West of the village. The path of the access road is proposed to wrap north and west around the existing village, to connect with the proposed expanded area of the Maltings site and creation of the New Maltings Facility under this application.... This road would be used as the principal access to the site.

3.9 The road would be a 7.3m wide carriageway with 2m wide verges adjacent, built to adoptable standards, but will remain within private ownership. This standard of carriageway will be able to accommodate two-way HGV traffic.

3.10 Part of the road will be bordered by an acoustic fence [280m long x 2.5m high] to mitigate noise impact from any night-time HGV movements to/from the expanded Maltings site.’

In respect of the buildings and structures required to increase the maximum output tonnage of malt, the applicant has set out in Section 3 of their Planning Statement that:

‘3.11 The proposed development would include the expansion of the existing maltings facility to increase the annual throughput from 115,000 to 175,000 tonnes per annum. The indicative masterplan comprises the following details:

- 1.85ha hectares of development land to the west of the existing Maltings. The precise details of development in this location, required to deliver the increased production capacity at the site, will be determined at the reserved matters stage, though it will remain in accordance with the parameters agreed at this outline stage;
- Enhanced landscaping proposals to screen the proposed access road and expansion land; and
- Drainage attenuation features forming part of the wider surface water drainage, to ensure the proposed development does not increase flood risk on site or elsewhere, as a result of the proposed development.’

Section 11 of the Addendum Environmental Statement dated January 2021 considers Landscape & Visual Effects.

The applicant has considered the main landscape effects of Application 1 and Application 2 together and sets out at para 11.93 that:

‘The main landscape effects are predicted to be the slight urbanisation of the semi-rural landscape along the northern edge of Great Ryburgh, adversely affecting the ‘North of Gt Ryburgh Small Field Landscape Character Area’ and the semi-wild low-lying wet area along the northern edge of the Site. However, despite the size and industrial scale/nature of the proposed silos and warehouses, it is predicted that the changes to the character of landscape/townscape would be comparatively small. This is due primarily to the presence of similar type/size structures immediately adjacent to the Site. The existing silos and buildings within the Maltings site are prominent features

which dominate the immediate surroundings and are an established feature of Great Ryburgh. In landscape terms the addition of further industrial structures of the same size and type would result in minimal change to the existing character of the village, or the surrounding landscape.'

In respect of the proposed new HGV access road, the applicant sets out at paragraph 11.94 that:

'The proposed access road and acoustic fence around the northern and western edges of the village would detract from the rural character of farmland around the settlement and would result in the localised loss of trees and hedgerows, although the majority of trees and hedges within the Site would be retained. The proposals would also result in the permanent loss of Grade 3 agricultural land, although this is not recorded as 'Best and Most Versatile Land' and overall with the mitigation measures proposed there would be an increase in the amount of native hedgerow and woodland compared to existing. The proposed timber acoustic barrier along the western part of the access road, designed to minimise the sound of vehicles from the nearby residents, would have an urbanising effect on the landscape around the western edge of the village. The proposal to establish a new native hedgerow and woodland along this section of road would, in time, minimise the adverse effects on the semi-rural farmland in the vicinity.'

In respect of the proposed road junction with Fakenham Road, the applicant sets out at paragraph 11.95 that:

'The junction of the proposed access road with Fakenham Road, which would divert Site traffic around the village, would result in the localised realignment of the highway and removal of approximately 70m of mature hedgerow on the northern edge of Fakenham Road. The changes would detract from the approach to the village (heading east along Fakenham Road, although the effects would be localised and would reduce as the proposed native planting adjacent to the junction and along the access road becomes established'.

In respect of the landscape effects as a whole, the applicant sets out at paragraph 11.96 that:

'...it is evident that the adverse effects identified would be very localised, and overall the changes to the setting of the village and the surrounding farmland would be relatively minor and would reduce further with the mitigation measures proposed.'

The Council's Landscape Officer has commented that:

'Revised planting proposals now include more vegetation adjacent to the access road. Native hedgerow up to 4m wide...and belts up to 8m width of screening woodland comprising broadleaf and evergreen species are proposed on both sides of the access road up to Highfield Lane. A native hedgerow is proposed on the west side of the acoustic fence which will be very ineffective in screening a solid 2.5m high timber acoustic fence which, despite the increased planting, will dominate the approach into the village from the west for at least 10 years until the screening woodland starts to mature.

Additional native hedgerow is proposed on the north side of the section of access road east of Highfield Lane, along with a small section of woodland planting close to where the road crosses the lane. This will assist in diluting the changed views that would be incurred from the PROW (Great Ryburgh RB4), but the acoustic fence, silos and

warehouse will be apparent for several years until any planting matures to provide effective screening.

The LVIA has underestimated the landscape and visual effects of the additional elements on the approach from the west along Fakenham Road. Further west from the VP1 [LVIA Viewpoint 1 (Fakenham Road Adjacent to Testerton Lodge)] ...the additional silos, the warehouse roofs and the access road will all be visible, in sequential views approaching the village, compounding the adverse impact of the expanded industrial site within this rural landscape setting. The conclusion within the LVIA of a Negligible Significance of Effect from VP1 is underestimated, both in terms of visual and landscape impact.

The impacts of the resulting infrastructure (indicatively shown as two warehouses) that will be required to service the increased output tonnage of the site, as a result of the new access road have not been quantified and therefore cannot be fully assessed within this hybrid application. The potential scale of the resulting development and siting within the rural landscape setting will raise fundamental issues such as landscape and visual impact...'

Overall conclusion of Application 2 – Ref: PO/20/0524

Officers consider that that the applicant has generally undervalued the existing landscape and underestimated the landscape and visual effects that the proposal will have. Officers consider that the scale of development, including the new access road, acoustic fencing and the construction of buildings and structures required to increase the maximum output tonnage of malt of the Maltings site in any one calendar year to 175,000 tonnes (currently 115,000 tonnes) would be harmful to the intrinsic character of the River Valley character type. The proposal is considered contrary to the aims of Core Strategy Policy EN 2 and is also not in accordance with Core Strategy Policy EC 3 because of the detrimental effect the proposal would have on the landscape character .

The identified conflict with the above Core Strategy policies indicates that Application 1 fails to accord with the aims of Policy 4 of the adopted Ryburgh Neighbourhood Plan.

The proposals would not therefore accord with Development Plan Policy and this weighs against the grant of planning permission and requires the exercise of planning judgement when considering the development as a whole under the planning balance exercise.

In respect of external lighting, again subject to the imposition of conditions to agree the type, location and timing of when lighting is to be used, the lighting elements of the proposal would accord with the aims of Development Plan Policy (including the requirements of Ryburgh Neighbourhood Plan Policy 6 - Dark Night Skies).

9. Noise Impacts

Noise Impacts - Introduction

Both applications have the potential to include noise impacts during construction and operation.

Core Strategy Policy EN13 considers Pollution and Hazard Prevention and Minimisation and states:

'All development proposals should minimise, and where possible reduce, all emissions and other forms of pollution, including light and noise pollution, and ensure no

deterioration in water quality. Proposals will only be permitted where, individually or cumulatively, there are no unacceptable impacts on;

- the natural environment and general amenity;
- health and safety of the public;
- air quality;
- surface and groundwater quality;
- land quality and condition; and
- the need for compliance with statutory environmental quality standards.

Exceptions will only be made where it can be clearly demonstrated that the environmental benefits of the development and the wider social and economic need for the development outweigh the adverse impact.

Development proposals on contaminated land (or where there is reason to suspect contamination) must include an assessment of the extent of contamination and any possible risks. Proposals will only be permitted where the land is, or is made, suitable for the proposed use.

...’

Paragraph 185 of the NPPF sets out that:

‘Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:

- a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life;
- b) identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason; and
- c) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.’

The noise impact of each application is assessed below together with an assessment of cumulative impact considerations and phased delivery under separate headings.

Noise Impacts – Application 1 - Ref: PF/20/0523

Section 13 of the Addendum Environmental Statement dated January 2021 considers Noise & Vibration.

In addition to construction noise and vibration the applicant has indicated the following potential noise:

15 No. Silos:

‘13.6 The Applicant’s current site generates noise from fixed plant and mobile noise sources. The operation of the new silos will create the following “new” sources:

- During filling and emptying of the silos with product, noise emissions will be from conveyors, elevators and lifts.
- When the silos are full, ventilation fans will operate to dry the product and regulate temperature.'

Warehouse:

'13.8 The new warehouse will [shield] the Applicant's site and some of the residential properties on Fakenham Road. As such it will act as a noise barrier reducing emissions to properties on the north of Fakenham road. However, it will also have the following associated impacts from "new" noise sources:

- Vehicle movements to and from the eastern access to the warehouse will emit noise to a few existing residents located immediately to the south of the Site.
- Loading and unloading of HGV in the north of the yard will cause noise emissions to nearby residents.'

Having considered the proposals, the Council's Senior Environmental Protection Officer has confirmed that, whilst further information will be required, impacts can potentially be addressed by conditions, with details to be agreed to include:

Silos:

- Confirming the fans and conveyors installation and details.

Warehouse:

- Provision of a suitable acoustic barrier of agreed height.
- Restrictions on hours of operations for fork truck movements to be agreed (in view of the 07.00 to 20.00 operating hours suggested by the applicant.
- Clarification of the hours of operation for Saturdays and Sundays
- Mitigation measures to include low noise non-tonal reversing warnings for forklift trucks.
- Suitable yard surfacing to reduce vehicle and material handling noise to be discussed.

Subject to acceptable details being submitted by the applicant and on the basis that the development is carried out in accordance with the approved details, the noise impact of the silos and warehouse would be considered acceptable and would accord with Development Plan policy.

Noise Impacts - Application 2 – Ref: PO/20/0524

In respect of the proposed new HGV access road the applicant has indicated that:

'13.10 Heavy Goods Vehicles (HGVs) moving on the new access road will be a source of noise which will impact residents

13.11 Less HGV traffic will pass through Great Ryburgh on the Fakenham Road as some HGVs will now use the new access road. This will mean an overall change in noise emissions to existing residents...'

Having considered the proposals, the Council's Senior Environmental Protection Officer has noted the disagreement between the applicant and the Highway Authority on traffic numbers

and traffic data associated with the proposals. The same traffic data used by the applicant in relation to highway matters is being used by the applicant to inform noise impact assessment conclusions. The Council's Senior Environmental Protection Officer is concerned that any inaccuracy associated with the traffic data could infect conclusions that rely on traffic data in relation to noise impact considerations.

The Council's Senior Environmental Protection Officer notes and acknowledges that there is the potential to improve highway safety via the developments proposed and, in terms of amenity, through reducing traffic noise within some areas of the village via traffic routing changes. However, careful assessment of the impact of vehicle noise on the HGV access road and its potential impact on nearby dwellings is required in order to ensure that unintended noise consequences do not arise.

Having regard to the Highway Authority requirements for project phasing, conditions, legal agreements and traffic regulation orders, once the proposed new road opens, the significant majority of existing maltings HGV traffic will cease to travel through the village and will instead turn west out of the junction on to Fakenham Road. The applicant notes that this will shift the noise profile of the site within the Addendum Environmental Statement:

'13.75 The changes in traffic flow which will have noise consequences are the following:

- The new road will be a significant noise source on the north of the village and will affect residential receptors both during day time and night time; and
- There will be a significant reduction in HGV traffic through Ryburgh village'.

In respect of the access road, the Council's Senior Environmental Protection Officer notes that night time vehicle noise levels are where the largest change and impact of noise levels are found. Whilst the provision of an appropriately designed acoustic fence is supported, it will be important also to understand the applicant's proposed hours for site access, particularly for the evening/night and early morning access. Officers recognise there may be a need for limited occasional emergency access usage of the proposed new road at night or early in the morning from time to time.

Whilst the Council's Senior Environmental Protection Officer would prefer to see more information provided on the access road prior to the grant of permission, particularly in relation to the traffic and noise associated with the proposed increase to the output tonnage of malt, Officers consider that, subject to conditions to secure details of the specification of the acoustic fence and conditions agreeing hours of use of the access road (in order to minimise night time activity and potential for disturbance to residents) the noise impact of the proposal new HGV road and increase in output tonnage is likely to be considered acceptable in planning terms and would accord with the aims of Development Plan policies.

This is particularly so when considering the noise impacts of the current operations on a number of residents currently living in proximity to the Maltings along Fakenham Road and Station Road that would benefit from the proposal in terms of few HGVs passing in the village.

Noise Impacts – Conclusion

Whilst the silos and warehouse and new access road and increase in output tonnage of malt would likely add additional noise sources, subject to the imposition of conditions to control activities on site, both Application 1 and Application 2 would be capable of being made acceptable in planning terms and would accord with Development Plan Policy.

10. Impact on Residential Amenity

Impact on Residential Amenity - Introduction

Both applications have the potential to impact the amenity of residents around the application site or along highway corridors.

Core Strategy Policy EN 4 considers Design but also considers the impact of development on residential amenity. It states:

‘All development will be designed to a high quality, reinforcing local distinctiveness. Innovative and energy efficient design will be particularly encouraged. Design which fails to have regard to local context and does not preserve or enhance the character and quality of an area will not be acceptable.

Development proposals, extensions and alterations to existing buildings and structures will be expected to:

- Have regard to the North Norfolk Design Guide;
- Incorporate sustainable construction principles contained in policy EN6;
- Make efficient use of land while respecting the density, character, landscape and biodiversity of the surrounding area;
- Be suitably designed for the context within which they are set;
- Retain existing important landscaping and natural features and include landscape enhancement schemes that are compatible with the Landscape Character Assessment and ecological network mapping;
- Ensure that the scale and massing of buildings relate sympathetically to the surrounding area;
- ...
- Create safe environments addressing crime prevention and community safety;
- ...
- Incorporate footpaths, green links and networks to the surrounding area;
- Ensure that any car parking is discreet and accessible; and
- Where appropriate, contain a variety and mix of uses, buildings and landscaping.

Proposals should not have a significantly detrimental effect on the residential amenity of nearby occupiers and new dwellings should provide acceptable residential amenity.

Development proposals along entrance routes into a settlement should have particular regard to their location...’ [emphasis added].

Residents living within Great Ryburgh will most likely already experience impacts from the existing maltings operations that have some potential for adverse impact on residential amenity including from the coming and goings of HGV traffic, noise from the chatter of conveyors, general hums and other noises from machinery, lighting across the site and odour from the maltings operations. This does not in itself justify additional impacts, so the impact of each application on residential amenity is assessed below together with an assessment of cumulative impact considerations and phased delivery, under separate headings.

Impact on Residential Amenity – Application 1 - Ref: PF/20/0523

Noise impacts from the proposed 15 silos and warehouse building are set out above including potential mitigation measures.

For both the warehouse and silos, the proposals would change the traffic profile of the site. Proposed phasing arrangements to address Highway concerns would enable the construction and operation of the warehouse first and this could mean an increase in smaller lorries carrying palletised products from the warehouse. However, double handling associated with current storage arrangements would be lessened following an end to the use of other off-site storage facilities in the village by the applicant (to be secured by legal obligation).

The most notable impact of the warehouse will be for residents living on Fakenham Road (in particular Nos 42 to 60 (evens) who would back on to the warehouse building and so experience the visual presence of the building for an extended period of time until proposed mitigation planting matured (circa 10+ years). These residents would also experience some operational noise.

Officers consider that, notwithstanding the mitigation measures proposed for landscaping and noise minimisation, the visual impact of the warehouse on these residents along Fakenham Road would be significant and, to a degree, overbearing until such time as the mitigation planting matures. Once matured, the visual impact would be considered acceptable and accord with the aims of Development Plan policy. The detrimental visual impact of the warehouse on the amenity of adjoining residents prior to mitigation planting maturing weighs against the grant of permission and has to be appropriately weighed in the planning balance.

For the most part the silos, albeit tall structures and a significant presence, would be sufficiently distant from residential properties not to result in overbearing impacts. However, impact from lighting on the silos (needed in the case of emergency) will need to be the subject of planning conditions to ensure that any lighting scheme is acceptable and will not result in light spill outside the site that could be detrimental to residential amenity.

Under the suggested phasing arrangements, HGV traffic associated with the new silos would be using the new HGV access road (see below)

Impact on Residential Amenity - Application 2 – Ref: PO/20/0524

Noise impacts from the proposed new HGV access road and the proposed increase to the output tonnage of malt are set out above including potential mitigation measures.

The new access road will have some adverse impact on residential amenity of residents closest to it. These residents may experience road noise impacts in their gardens or in their homes including residents on Highfield Lane and Highfield Close where they may currently not do so from the existing access routes along Fakenham Road associated with the maltings.

However, for those many residents living along Fakenham Road, Station Road and Bridge Road who currently experience regular HGV traffic noise and disturbance, a successful Traffic Regulation Order preventing HGV traffic turning east out of the new access road will bring an end to years of adverse impacts and will help to make those roads safer for residents to walk or cycle along. The residential amenity benefits for these residents will be significant and this positive benefit needs to be weighed in the overall planning balance.

In terms of the increase to the output tonnage of malt, this will add to the volume of traffic using the new road and this will further reduce the amenity of residents living near to the road. The proposed acoustic fence will go some way to help reduce noise impacts but there are likely to be additional impacts on amenity for those residents living both near to the road and the area earmarked for further development dependent on the development needed to support the increase to the output tonnage of malt and how any adverse impacts can be mitigated. Such matters would only be determined at reserved matters stage. However, the applicant

has set out a parameters plan which shows Building Heights up to 20 metres (excluding roof top plant and extract flues). This is comparable to the height of the proposed 15no. silos.

Other residential impacts from Application 2 include a considered reduction in amenity value of the land along Highfield Lane which is popular with dog walkers. The presence of the new road and development will add a significantly urbanising feature which will make walking in this area less attractive.

In understanding the value of Highfield Lane (from a Landscape perspective) the applicant has commented that 'Highfield Lane...is no doubt valued by the local community. However, the Council are overstating its importance. It is not a designated recreational route, or waymarked trail. It is not a through-route (i.e. it does connect to any other PRow)'. Officers consider that it is agreed that Highfield Lane is valued and used by the local community and that weight can be given to the reduction in amenity value of its use.

Impact on Residential Amenity - Conclusion

On its own, the proposed new access road would help make a positive impact on residential amenity, particularly for those many residents living along Fakenham Road, Station Road and Bridge Road who currently experience regular HGV traffic noise and disturbance. However, the application for the road also includes an outline proposal for significant increase in the output tonnage of malt and this brings additional traffic and potential for disturbance to residential amenity including for those wishing to walk along Highfield Lane for recreation purposes.

The silos are only considered to be acceptable once the new road is provided but again these will bring additional traffic impacts, particularly during the harvest period. The proposed warehouse also has potential to adversely affect the amenity of residents of Fakenham Road for an extended period until such time as landscape mitigation has matured.

When considered as a whole, the residential amenity impact of the development is in the main capable of being made acceptable in planning terms via planning conditions, legal obligations and traffic regulation orders. There are positive benefits through reductions in HGV traffic using Fakenham Road, Station Road and Bridge Road, to which significant weight should be given. However, these positive benefits overall need to be tempered by the impact of the warehouse for an extended period until landscape mitigation matures and as a result of the adverse impacts likely to arise as a result of the noise and disturbance impacts from the increase in the output tonnage of malt, including on the amenity value of the land along Highfield Lane.

11. Surface Water Drainage

Surface Water Drainage - Introduction

Both applications have the potential to impact surface water drainage.

Core Strategy Policy EN 10 considers Development and Flood Risk and states:

'...

A site-specific Flood Risk Assessment which takes account of future climate change must be submitted with appropriate planning applications (xli) in Flood Zones 2, 3a and 3b and for development proposals of 1 hectare or greater in Flood Zone 1.

Land in Flood Zone 1 that is surrounded by areas of Flood Zones 2 or 3 will be treated as if it is in the higher risk zone and a Flood Risk Assessment will be required to prove that safe access / egress exists for the development or that the land will be sustainable for the duration of the flood period.

Appropriate surface water drainage arrangements for dealing with surface water run off from new development will be required. The use of Sustainable Drainage Systems will be the preference unless, following an adequate assessment, soil conditions and / or engineering feasibility dictate otherwise.'

Paragraph 169 of the NPPF sets out that:

'Major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should:

- a) take account of advice from the lead local flood authority;
- b) have appropriate proposed minimum operational standards;
- c) have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development; and
- d) where possible, provide multifunctional benefits.'

The applicant has considered Flood Risk, Drainage & Water Quality within Section 10 of the Addendum Environmental Statement dated March 2022.

The applicant has identified the following potential impacts

'10.4 The River Wensum is located approximately 350m north-east of the Site, as the crow flies, flowing from north to south and is designated as a Special Area of Conservation (SAC)...Between the Site and the river there are a number of small watercourses which connect to an open drain prior to joining the river.

10.5 For a development of this quantum the existing surface water drainage pattern of the area will be affected as the balance of permeable and impermeable surfaces will be altered by the introduction of buildings and infrastructure on the Site.

10.6 The changes can lead to potential impacts from increased rates of overland flow within the development and its vicinity, increasing the risk of flooding and the potential for contamination from users of the Proposed Development, such as oil from vehicles being conveyed to groundwater and watercourses.'

In respect of surface water, the applicant has indicated:

'10.17 A watercourse runs through the Site from west to east, approximately 50 metres from the northern boundary of the main site area, connecting to the IDB [Internal Drainage Board] drain to the east, prior to discharging to the River Wensum. Generally, in the vicinity of the Site, the land falls from both the north and south towards the watercourse.

10.18 In addition to the watercourse, there are several flow routes and ditches which run perpendicular to the watercourse, conveying surface water flows from the higher land to the north and south.

10.19 Geological maps of the Site identify the potential for infiltration across parts of the Site. Testing undertaken on the Site has concluded that significant infiltration

occurs along sections of the proposed access road, but the main section of the Site has low permeability.

10.20 Considering the findings, it is assessed that currently rainfall events are discharged by a mix of infiltration, underground flow routes and overland flows to the local watercourse and onwards to the River Wensum.'

In terms of predicted impacts and flood risk the applicant has indicated that:

'10.24 The Proposed Development will introduce impermeable areas on to the Site, potentially alter gradients and flow routes and introduce a drainage system for the development. This will change the drainage characteristics of the Site.

10.25 The introduction of impermeable areas will generally increase the rate of flow of surface water runoff during rainfall events and potentially increase the total volume of runoff. This combined with changes to the flow routes and discharge points can increase the rate and volume of water entering the existing watercourse which will increase the risk of flooding within the Site and the wider catchment.

10.26 The drainage strategy identified for the Proposed Development incorporates a mix of infiltration and restricted discharge rates to the local watercourse to mimic the existing characteristics of the Site. As identified in the FRA [Flood Risk Assessment], the soil conditions and infiltration rates vary across the development and a range of different features have been identified in the surface water drainage strategy'.

In respect of surface water / water quality the applicant has stated that:

'10.36 During the operational phase of the Proposed Development, potential pollutants will be introduced to the Site from vehicles and human activity. There is potential for these pollutants to be conveyed by surface water into the local watercourses or groundwater resulting in an impact on water quality effecting the downstream catchment, which include the River Wensum.'

The issue of surface water / water quality and other factors that could affect the River Wensum SAC and SSSI are the subject of extensive considerations above in relation to Habitats Regulations Assessment and Appropriate Assessment. These issues are fundamental to the acceptability of these projects both individually and collectively.

The impact of each application on surface water drainage is assessed below together with an assessment of cumulative impact considerations and phased delivery under separate headings.

Surface Water Drainage – Application 1 - Ref: PF/20/0523

The proposed silos and warehouse proposals will require their own surface water drainage proposals. The applicant has set out their surface water drainage proposals within the SURFACE WATER DRAINAGE CALCULATIONS (REF 1152 DC REV B) by BMF Consulting dated February 2020 (submitted 08 April 2022) and as set out on Drawing Number: 1152/02/05 'PROPOSED EXPANDED MALTINGS SURFACE WATER DRAINAGE LAYOUT NETWORK 3' produced by BMF Consulting dated 02/20.

The applicant has indicated that the current applications will not impact on any of the existing drainage features required to attenuate or control flow rates associated with permission for the speciality malt plant approved under application reference: PF/15/0837.

The Water Management Alliance (Norfolk Rivers Internal Drainage Board) have commented that 'The proposals will require land drainage consent for the discharge of surface water into the Board's district, and for the alteration of a watercourse. As yet no consent has been granted...'

Norfolk County Council as Lead Local Flood Authority have raised no objection to the proposals subject to the imposition of a condition requiring detailed designs of a surface water drainage scheme to be submitted and agreed together with confirmation from the Internal Drainage Board that they have granted consent to discharge the surface water from this development site.

The Environment Agency have commented in respect of groundwater and contaminated land and have indicated that the site is located above Principal and Secondary (A and undifferentiated) Aquifers (Chalk and Lowestoft Formation) and the application overlies a Source Protection Zone 1 for the groundwater abstractions at the adjacent maltings, it also overlies a Water Framework Directive (WFD) groundwater body, and is also in a WFD drinking water protected area with an adjacent watercourse.

The site is considered to be of very high environmental sensitivity. The future use could present potential pollutant linkages to controlled waters. The Environment Agency have set out that consideration for the risk posed by surface water drainage will need to be undertaken.

The Environment Agency recommended the imposition of two conditions to protect and prevent the pollution of the water environment (particularly the Principal and Secondary (A and undifferentiated) aquifers, SPZ1, nearby groundwater abstractions and EU Water Framework Directive Drinking Water Protected Area).

In June 2022, further comments were received from the Environment Agency in relation to the March 2022 EIA Addendum. The EA note that, in relation to drainage, further details will be provided in the detailed design stage and that the potential surface water discharge impact from the proposed maltings expansion (network 3) will be assessed further as part of the EA's permit application process. The EA provided advisory comments in relation to drainage and groundwater and contaminated land.

The applicant has responded to the Environment Agency's comments and Officers are broadly content that drainage matters relating to application 1 are satisfactorily resolved and can be properly secured through the imposition of conditions.

Surface Water Drainage - Application 2 – Ref: PO/20/0524

The proposed new HGV access road will require its own surface water drainage proposals. The applicant has set out their surface water drainage proposals within the SURFACE WATER DRAINAGE CALCULATIONS (REF 1152 DC REV B) by BMF Consulting dated February 2020 (submitted 08 April 2022). The following plans are also submitted:

- Drawing Number: 1152/02/01 Revision B 'PROPOSED HGV ACCESS ROAD SURFACE WATER DRAINAGE LAYOUT NETWORK 1' produced by BMF Consulting dated 02/20;
- Drawing Number: 1152/02/03 Revision A 'PROPOSED HGV ACCESS ROAD SURFACE WATER DRAINAGE LAYOUT NETWORK 2' produced by BMF Consulting dated 02/20; and

- Drawing Number: 1152/02/05 'PROPOSED EXPANDED MALTINGS SURFACE WATER DRAINAGE LAYOUT NETWORK 3' produced by BMF Consulting dated 02/20.

No specific or detailed plans have been provided in relation to the construction of buildings and structures required to increase the maximum output tonnage of malt of the Maltings site in any one calendar year to 175,000 tonnes (currently 115,000 tonnes).

Similar to Application 1, the Internal Drainage Board and NCC LLFA both raised no objection subject to conditions and the Environment Agency appear content to rely on conditions and an updated Environmental (Pollution Prevention and Control) Permit for the additional development.

Having addressed water quality matters linked to Habitats Regulations Assessment and Appropriate Assessment, Officers are broadly content that drainage matters relating to application 2 are satisfactorily resolved and can be properly secured through the imposition of conditions.

Surface Water Drainage - Conclusion

Officers consider that surface water drainage matters in relation to Applications 1 and 2 are satisfactorily resolved, particularly in relation to Habitats Regulations matters, and the required mitigation measures can be secured through the imposition of appropriate planning conditions.

12. Impact on Ecology and Biodiversity

Impact on Ecology and Biodiversity - Introduction

Both applications have the potential to impact on ecology and biodiversity interest features.

Section 40 of the Natural Environment and Rural Communities Act 2006 (as amended through provisions within the Environment Act 2021 (Part 6)) places a general duty to conserve and enhance biodiversity (the general biodiversity objective). A public authority which has any functions exercisable in relation to England must from time to time consider what action the authority can properly take, consistently with the proper exercise of its functions, to further the general biodiversity objective. In practice, this means that decisions taken by a Local Planning Authority should have regard to the general biodiversity objective.

Core Strategy Policy EN 9 considers Biodiversity and Geology and states:

‘All development proposals should:

- protect the biodiversity value of land and buildings and minimise fragmentation of habitats;
- maximise opportunities for restoration, enhancement and connection of natural habitats; and
- incorporate beneficial biodiversity conservation features where appropriate.

Development proposals that would cause a direct or indirect adverse effect to nationally designated sites or other designated areas, or protected species, will not be permitted unless;

- they cannot be located on alternative sites that would cause less or no harm;

- the benefits of the development clearly outweigh the impacts on the features of the site and the wider network of natural habitats; and
- prevention, mitigation and compensation measures are provided.

Development proposals that would be significantly detrimental to the nature conservation interests of nationally designated sites will not be permitted.

Development proposals where the principal objective is to conserve or enhance biodiversity or geodiversity interests will be supported in principle.

Where there is reason to suspect the presence of protected species applications should be accompanied by a survey assessing their presence and, if present, the proposal must be sensitive to, and make provision for, their needs.'

Policy 7 of the Ryburgh Neighbourhood Plan considers Protection & Enhancement of Local Habitats (1) and states:

'Development proposals within, or which will have a likely impact on, the River Wensum (SAC and SSSI) habitat areas identified in Annex 6 'European Sites Map' will only be supported if the primary objective of the proposal is to conserve or enhance the habitat, or is otherwise provided for in national policy. Any development that may have an impact on the aquatic or terrestrial ecology of the River Wensum habitat areas must be accompanied by an ecological assessment, and any necessary Habitats Regulations Assessment, and demonstrate how any mitigation and/or compensation measures identified in an assessment will be achieved.'

Policy 8 of the Ryburgh Neighbourhood Plan considers Protection & Enhancement of Local Habitats (2) and states:

'To be supported, development proposals outside, and that will not have an impact on, the River Wensum (SAC and SSSI) habitat areas identified in Annex 6 'European Sites Map', and outside the settlement boundary identified on the map in 'Annex 5 - Settlement Boundary Map', must demonstrate how they enhance; and how they avoid, or adequately mitigate, or as a last resort compensate for; significant harm to wildlife-rich habitats and wider ecological networks with reference to the Ecological Report (August 2018), or more recent ecological appraisals or evidence.'

Policy 9 of the Ryburgh Neighbourhood Plan considers Ecological Network(s) and states:

'Development proposals that would lead to the enhancement of the ecological network, including where they would improve habitat connectivity, will be supported.'

Paragraph 175 of the NPPF sets out that:

'When determining planning applications, local planning authorities should apply the following principles:

- a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;
- b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh

- both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;
- c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists; and
 - d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.'

The applicant has considered Ecology within Section 9 of the Addendum Environmental Statement dated March 2022.

In terms of potential impacts on ecology the applicant has set out that:

'9.2 The potential impacts of the Proposed Development relate primarily to the development footprint and resultant changes in habitat areas and the use of the Site by species of conservation concern. Additional impacts may include pollution, in particular process water and surface water run off. Potentially relevant to the assessment are a number of ecological receptors known or potentially present within the Site, nearby or within a wider zone of influence, including: designated sites, habitats and individual plant species, bats, birds, great crested newts, reptiles, stream animals, invertebrates and other groups such as badgers, brown hares and hedgehogs.'

An amended Ecology Assessment was submitted as part of ES Addendum January 2021 Appendix 9.1a

Impact on Ecology and Biodiversity – Application 1 - Ref: PF/20/0523 and Application 2 – Ref: PO/20/0524 (issues taken together)

The Council's Landscape Officer (Ecology) has noted that 'The additional ecological survey work undertaken in 2020 has sought to address some of the gaps in the baseline information, for example the additional bat survey work along Common Lane and a further eDNA test for great crested newt (GCN) in a previously unidentified pond. Both the relevant chapter in the Environmental Statement and the Ecology Assessment (Hopkins Ecology Ltd) have been updated as a result of the further survey work and assessments'.

However, having considered the updated and additional information submitted, the Council's Landscape Officer (Ecology) remained concerned regarding the ecological assessment of the applications and the assessment of the impact of the development proposals on biodiversity. Although the EIA/EcIA process seeks to remove the subjectivity out of assessment, there remains a degree of professional judgement that is applied in the methodological process which can result in differences of opinion. The Council's Landscape Officer (Ecology) disagreed with the values attributed to the ecological features present on the site, and so disagreed with the significance of the impact and magnitude of effect in the ecological assessment. Furthermore, questions remained over the effectiveness of the mitigation and compensation measures proposed for identified biodiversity impacts. The assessment fails to justify how the proposed measures will adequately mitigate and compensate for the loss of ecological connectivity and foraging habitat as a result of the hedgerow and tree removal and the severing of ecological corridors through the introduction of the access road, crossing the ditch/stream and lighting requirements.

In addition, there remains a concern regarding the biodiversity value attributed to the development site when considered within the wider intensively farmed landscape and the connectivity with the River Wensum. The Council's Landscape Officer (Ecology) considered that the site has been undervalued and/or the assessment of the value of the site has not been sufficiently justified within the ES/Ecology Assessment. The Ryburgh Neighbourhood Plan, September 2020 (RNP) and the supporting documentation (Wild Frontier Ecology Report – Evidence Document 3) attributed a greater value to the connecting habitat and tributaries of the River Wensum than the applications ES/Ecology Assessment has. The RNP notes the importance of the River Wensum valley as a major corridor of movement for biodiversity, linking Pensthorpe Nature Reserve to the north and Sennowe Lakes to the south, and that the tributaries of the Wensum within the RNP area are important green corridors which extend the influence of the river across the RNP area. The policies within the RNP are intended to support the function and connectivity of all these corridors and to enhance them where possible.

In respect of Policy 7 of the RNP (Protection & Enhancement of Local Habitats (1)) the Council's Landscape Officer (Ecology) considered that the applicant has currently failed to demonstrate how the mitigation and compensation measures to avoid adverse effects on the River Wensum will be achieved and be effective.

With respect to Policies 8 and 9 of the RNP, the Council's Landscape Officer (Ecology) considered that there is currently insufficient justification within the application submission documents as to how the development meets with these policy requirements and provides sufficient and robust mitigation and compensation measures that will prove effective to mitigate the harm of the development proposals and provide enhancement in terms of the ecological functioning of the landscape and connectivity with the River Wensum.

The Council's Landscape Officer (Ecology) noted that the amended Design and Access Statement (DAS) states that 'the proposed planting mitigation strategy has evolved significantly to address many of the comments received from North Norfolk District Council in relation to landscape and ecology'. For example:

'additional native hedgerow and woodland screening planting is proposed to the west of the proposed warehouse', which the DAS states will form strategic green links with the surrounding vegetation. However, this new mitigation feature has not been put into context with the field data collected on species distributions throughout the site or given sufficient justification provided as to how this compensates for the removal of other connecting features, such as the plantation along common lane and common lane itself and how this links with the surrounding network given that the access road will be a significant barrier to dispersal.

'To the north of the proposed silos, additional tree planting is proposed to enhance the existing vegetation and mitigate the loss of vegetation due to the silo placement' however the value of this habitat for nocturnal species could be reduced due to the potential for light spill from the development. It is not clear whether this mitigation, and the attenuation basin and associated planting, will protect or enhance this tributary of the river and the connectivity with the River Wensum. Furthermore, the value of this habitat to badgers is greatly reduced due to the presence of the access road which will sever the links between suitable habitat in the area. No mitigation measures are proposed for the access road which could improve the connectivity for difference species, such as underpasses or un-wetted culverts.

'There are opportunities to increase biodiversity across the site, the proposals include wildflower rich wet meadow and pond edge mixtures' again these features have not been sufficiently justified as to how they will compensate for the loss of the semi-improved pasture and how these will provide enhancements or compensation for

different species given the disconnected nature of the feature with the other mitigation planting proposals?

The Council's Landscape Officer (Ecology) commented that, although the ES has attempted to quantify the loss of habitat and subsequent compensatory planting: 'the proposals will result in the total loss of 680m of hedgerow ... mitigation would include 1,800m of hedgerow planting, resulting in a net increase of 1,120m ... 0.90ha of woodland is proposed', the evaluation is considered to be too simplistic and does not adequately demonstrate either quantitatively or qualitatively that the mitigation measures are adequate or provide the biodiversity benefits anticipated.

Paragraph 174 of the NPPF states that development proposals should minimise impacts on and provide net gains for biodiversity, which is echoed in policy EN9 of the Core Strategy. While the NPPF does not stipulate how to measure or quantify if biodiversity net gains have been achieved it is considered that the applications have not demonstrated that the development proposals have achieved a net gain for biodiversity and further justification is required as to how the proposed mitigation measures provide sufficient compensation and biodiversity enhancements to meet with policy requirements. The Council's Landscape Officer (Ecology) notes that net gain is not just about providing alternative habitat to replace that lost but requires a strategic approach to ensure ecosystem functioning is either retained and/or enhanced.

The Council's Landscape Officer (Ecology) notes that it is not clear from drawing no. UDS38659-A1-0516 (Mitigation Planting Planning Application 1) and UDS38659-A1-0517 Rev A (Mitigation Planting Phase 2 Commercial) what mitigation planting would be delivered with each application and at what stage for the hybrid application.

The Council's Landscape Officer (Ecology) noted that paragraph 180 of the NPPF stipulates the need for development to adopt the mitigation hierarchy principle, where harm to biodiversity is in the first instance sought to be avoided. The Council's Landscape Officer (Ecology) considered that the Ecology Assessment has not followed the mitigation hierarchy as attempts to avoid impacts do not appear to have been considered and the compensation measures proposed do not address the ecological connectivity impacts arising from the development. The Council's Landscape Officer (Ecology) considers that it is not clear what measures seek to actually compensate for the loss of ecological features and what measures are provided as genuine enhancement proposals. It is not clear or sufficiently specific within the supporting information as to what function or functions the proposed mitigation and planting measures are providing for biodiversity, for example will certain features be managed and maintained to benefit certain species (e.g. BAP species such as turtle dove, barn owl, or bat species by providing enriched prey habitat) or re-create lost or degraded habitat, such as wet meadows. If a clear distinction can be provided by the applicant this could be taken into consideration when weighing up any benefits of the proposed development against the adverse impacts. However, unless these benefits are clearly set out, justified and are likely to be effective, then they cannot be taken into account.

In response to the concerns raised by the Council's Landscape Officer (Ecology) the applicant's ecologist has provided a rebuttal response a copy of which is attached at **Appendix F**.

Whilst the contents of the applicant's rebuttal response are noted, officers consider that the response has not necessarily addressed the overall concerns of the Council's Landscape Officer (Ecology) that well established habitat is being removed to accommodate the development or will be adversely affected by the proposals. The plans and proposals for replacement planting and habitat are not clear in terms of what constitutes mitigation (for the loss of existing and mature habitat) and what constitutes enhancement/additional benefit.

Without this clarification, the Council cannot reasonably apportion positive weight to biodiversity net-gain

Impact on Ecology and Biodiversity - Conclusion

In the current form and based on the existing supporting information, the Council's Landscape Officer (Ecology) considers that the development proposals for both applications would fail to accord with policy EN9 of the Core Strategy and other relevant local and national policies.

Policy EN 9 stipulates that all development proposals should protect the biodiversity value of land and minimise fragmentation of habitats; and maximise opportunities for restoration, enhancement and connection of natural habitats.

Paragraph 174 of the NPPF requires that the mitigation hierarchy principle to be applied to development. For the reasons stated above it is considered that the development proposals would not currently meet with these stringent policy requirements and that the harm to biodiversity through the loss and severing of habitat has been adequately compensated for. Policy EN9 further states that when development proposals cause a direct or indirect adverse effect on nationally designated sites or protected species and cannot be located on alternative sites, then they should only be permitted if the benefits of the development clearly outweigh the impacts on the features of the site and the wider network of natural habitats and prevention, mitigation and compensation measures are provided.

The Council's Landscape Officer (Ecology) considers that the applications do not adequately justify that the impacts have been mitigated for or satisfactorily compensated for and it is not clear what measures are compensation and what measures constitute enhancement and how the enhancement measures provide benefit to biodiversity and local ecological networks.

Officers acknowledge the concerns raised by the Landscape Officer and consider that, at present, the proposals would fail to accord with Development Plan policy requirements. Without adequate biodiversity mitigation, compensation and enhancement, these concerns would weigh very heavily against the grant of planning permission as part of the overall planning balance.

However, through the use of a Grampian condition it would be possible to secure the necessary ecological scheme with the aim to reduce impacts, remedy and offset/compensate where impacts on ecological features are unavoidable. Such a scheme to be agreed with the Local Planning Authority prior to commencement of development and implemented as part of any phased delivery would enable compliance with the objectives of Core Strategy Policy EN 9 and the general biodiversity objective set out within the Natural Environment and Rural Communities Act 2006.

MATTERS RELEVANT TO BOTH SCHEMES

13. Phasing of Delivery

As set out above in the Highway Section, at the heart of the highway solution is a requirement for phased delivery of key parts of the projects. In order to minimise the highway impact and to make the proposal acceptable in planning terms the applications will require a set of conditions, a legal agreement and a series of Traffic Regulation Orders which will ensure that traffic travelling through the village associated with these developments are kept at a minimum and so realise public benefits.

Whilst they are separate planning applications, the legal obligation would in effect tie the permissions together. Phasing is suggested along the following lines:

Phase 1

- Erection of Warehouse (PF/20/0523)
- Condition restricting use of warehouse along the lines of 'the warehouse hereby permitted shall only be used for the storage of bagged malted grain product that has been produced at the Ryburgh site'
- S106 obligation to secure a financial contribution towards a Traffic Regulation Order process to restrict HGVs travelling through the village 'except for access'
- S106 obligation to secure the end of the use by Crisp Maltings of the off-site storage facility within Ryburgh village.
- S106 obligation or condition to restrict the construction and first use of the silos until the new road (under application PO/20/0524) is in place

Phase 2

- S106 obligation requiring applicants to support, fund and secure a Traffic Regulation Order (TRO) banning HGVs to/from the east of the village prior to first use of new road under PO/20/0524.
- Construction of new road (PO/20/0524)
- Construction and first use of silos (PF/20/0523) permitted once road constructed

Phase 3

- Implementation of first reserved matters linked to increase of the maximum output tonnage of malt of the Maltings site in any one calendar year to 175,000 tonnes (currently 115,000 tonnes) only after TRO secured and new road constructed in full accordance with agreed plans.

The acceptability of these application proposals hinge entirely on the delivery of the new HGV access road. Without the new access road, Application 1 is considered to fail in respect of the highway impact associated with the silos. The Development Committee are not able to issue split decisions across the applications. If the Committee are minded to refuse Application 2 then they would also have to refuse Application 1 because of the concerns raised by the Highway Authority about the traffic impact of the silos. Officer advice is to secure phased delivery as set out above.

14. Cumulative Impacts

In light of the recommendations above in relation to phased delivery linked to matters of highway safety, either both applications would have to be approved (in order to realise the highway safety and amenity improvements) or both applications refused (if application 2 is refused).

Whilst the applicant's agent has indicated that their client wishes to see implementation of the warehouse element within Application 1 first, in cumulative impact terms, the applicant has presented their evidence within the Environmental Statement (initial and addendum Jan 2021 and March 2022) on the basis of both applications occurring together. Officers consider that cumulative issues are appropriately assessed.

However, in assessing the impact of individual elements of the proposal, it is less clear what elements of the project and associated mitigation would be delivered across those individual

phases. Therefore, if the Committee were minded to resolve to approve both applications and secure a phased delivery then Officers would recommend the imposition of appropriate conditions to ensure that appropriate mitigation measures are delivered within the phasing plans.

15. Material Planning Considerations

Economic Benefits

The applicant has considered the socio economic impact of the applications within Section 14 of the Addendum Environmental Statement dated January 2021.

Officers agree with the applicant's conclusion at paragraph 14.90 that 'The Proposed Development will create jobs during the construction and once operational'.

In terms of construction jobs across the entire project, the applicant indicates that there will be the equivalent of 106 full time construction jobs created by the Proposed Development based on a capital cost of the project, estimated by the applicant at that time to be circa £53.38 million (likely to have increased). Officers would advise some caution against this estimated capital cost as the project no longer includes a proposal for 50 residential dwellings yet the applicant has not adjusted this figure in the Addendum Environmental Statement. Nonetheless, the proposals across both applications would involve considerable construction activities much of it involving specialised activities. It would be perfectly reasonable for the Development Committee to apportion modest positive weight to the economic benefits associated with any construction phases.

Economic Benefits – Application 1 - Ref: PF/20/0523

The application form accompanying Application 1 indicates that no new employment would be created by the silo and warehouse proposals. The site currently employs 155 FTEs of which 113 are full-time and 2 are part-time. However, the provision of the warehouse and silos on the site would involve significant financial investment and this investment would help secure the long term future of Ryburgh site.

Furthermore, the continued operation of the maltings site strengthened by the silo and warehouse proposals will continue to provide economic and employment opportunities for the many supply chains that have contracts with the applicant (including businesses within the ABC Grower Group) to provide barley or to provide other goods and services.

It would be perfectly reasonable for the Development Committee to apportion moderate positive weight to the economic benefits associated with Application 1 through helping and strengthening the ability to retain existing employment levels on site and supporting wider supply chains including the agricultural sector.

Economic Benefits - Application 2 – Ref: PO/20/0524

The application form accompanying Application 2 indicates that 10 additional FTE posts would be created comprising 123 full-time and 2 part-time. However, paragraph 14.97 of the Addendum Environmental Statement clarifies that:

'Once operational, 10 FTEs in operator and maintenance roles will be created, but operational changes are likely to result in the loss of up to 4 jobs. Resulting in a **net increase of 6 FTE jobs**'. [emphasis added]

Furthermore, the continued and significantly expanded operation of the maltings site strengthened by the new HGV access road proposals and increase in output of malt by 52% will, in addition to new employment opportunities on-site, help provide a significant boost for economic and employment opportunities for the many supply chains that have contracts with the applicant (including businesses within the ABC Grower Group) to provide barley or to provide other goods and services.

It would be perfectly reasonable for the Development Committee to apportion significant positive weight to the economic benefits associated with Application 2 through helping and strengthening the ability to retain and expand existing employment levels on site and supporting the significant development of wider supply chains including across the wider agricultural sector in the region.

Crisp Maltings Ryburgh site would further enhance its reputation as the largest and most efficient malting's facility in the UK and this will continue to add to UK exports and help develop the global reputation of the region for producing the best malting barley in the world, for both yield and quality.

Other benefits

In terms of other benefits, the Crisp Malting site at Great Ryburgh is currently one of the Council's largest source of Business Rate income. Currently the Great Ryburgh Maltings has a Rateable Value of £715,000, leading to rates payable this year of £366,080.00. Of that figure, 40% retention goes to NNDC, 10% to NCC and 50% to government. Any increase/growth in rateable value as a result of either Application 1 or Application 2 would provide the same 40% retention. Currently on the above it is £146,432 for 2022/23. This is a significant net receipt for the Council which helps contribute to many number of services run by the Council and any further increase as a result of these proposals would attract modest positive weight in the planning balance.

16. Planning Balance

In coming to its decision, the Development Committee will have to weigh a number of material planning considerations in favour and against the proposals. Whilst the weight to be apportioned to material planning considerations is ultimately a matter for the decision maker, Officers have identified the following material considerations and have indicated the weight that is considered appropriate to be apportioned, be that positive weight (in favour), negative weight (against) the grant of permission(s) or neutral weight.

Material Considerations in Favour

Officers have identified the following material considerations to which **positive** weight can be attributed:

- **Economic Benefits of Application 1** (moderate weight) through helping and strengthening the ability to retain existing employment levels on site and supporting wider supply chains including the agricultural sector.
- **Economic Benefits of Application 2** (significant weight) through helping and strengthening the ability to retain and expand existing employment levels on site and

supporting the significant development of wider supply chains including across the wider agricultural sector in the region.

- **Economic Benefits from construction** (modest weight) associated with any construction phases.
- **Likely increase in Business Rate Income** (modest weight) linked to current 40% retention of business rates by NNDC which helps contribute to many number of services run by the Council
- **Realisation of amenity benefits associated with reductions in HGV traffic using Fakenham Road, Station Road and Bridge Road linked with the delivery of the new access road under Application 2** (significant weight reduced to moderate positive weight as a result of the noise and disturbance impacts from the increase in the output tonnage of malt, including on the amenity value of the land along Highfield Lane).
- **Provision of a Sustainability Statement (October 2022) with 10 point Strategy including securing a Net Zero Carbon Strategy to be secured as part of the application** will help to reduce the carbon impact and the ecological impact of the proposal in a Climate Emergency. This together with the significant positive influence that Crisp Maltings can have via the ABC Growers Group and Sustainable Agriculture Initiative to achieve Gold level certification will deliver positive benefits beyond the direct application site. (substantial weight)

Material Considerations Against

Officers have identified the following material considerations to which **negative** weight should be attributed:

- **Adverse Landscape impacts and failure to accord with the requirements of Core Strategy Policy EN 2 and RNP Policy 4** (moderate weight)
- **Failure to accord with the requirements of Core Strategy Policy EC 3 (Extension to Businesses in the Countryside)** (significant weight)
- **On its own and without the new access road provided by Application 2, the proposed 15 silos within Application 1 would change the traffic profile of the site which would have an adverse detrimental impact on the amenity and character of the locality and would exacerbate existing substandard highway conditions especially within Great Ryburgh village contrary to the requirements of Core Strategy Policy CT 5** (significant weight)

Planning Balance Conclusions

Through working with the applicant, Officers have sought to address consultee concerns and thus reduce many negative impacts associated with the proposed development. As such, whilst there remain collectively some environmental and social impacts associated with the development that weigh against the grant of permission, there are also many number of material considerations that attract positive weight in favour of the proposed development at the Crisp Maltings site and these comprise a range of economic, environmental and social benefits that collectively are considered to outweigh the negative impacts identified.

Habitats Regulations matters have now been satisfactorily addressed and therefore the Development Committee can lawfully consider the possibility of the grant of permission(s) when applying the planning balance.

17. Conclusion

Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out a statutory requirement that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

These are significant planning applications which individually and cumulatively have impacts on the surrounding area, some of which are negative impacts and which would amount to departures from the Development Plan but many are positive impacts that would collectively attract sufficient positive weight to outweigh the conflicts with the Development Plan and thus enable the conditional grant of planning permission.

The applicant has provided a significant volume of information within the Environmental Statement and Addendum Jan 2021 and Addendum March 2022 and across supporting documentation. This additional information has helped address key matters, including those linked to the understanding of the impact of the scheme on the River Wensum (SAC, SSSI), particularly those impacts associated with the increase in output tonnage of malt from 115,000 tonnes in any one calendar year to 172,000 tonnes, such that a positive way forward has been identified with the assistance of DTA Ecology.

In order to grant permission, the Development Committee would need to be satisfied that North Norfolk District Council, as a competent authority under the Habitats Regulations, has properly exercised its duty to help protect, conserve and restore European sites. Officers can now give that assurance to the Development Committee that HRA matters have been properly addressed.

These applications represent a significant milestone in the history of the Crisp Maltings site at Great Ryburgh. Whilst Crisp have a strong reputation for producing some of the finest malted barley in the world and have indicated ambitions to reduce environmental impacts, it is only right that, if permission is granted and operations significantly expand, that every effort is taken to secure commitments that ensure that expanded operations are undertaken in a way that reduces adverse impacts on the environment. The applicant's commitments set out in the Sustainability Statement (October 2022) to be secured as part of the permission(s) would provide a robust framework for delivery of the identified 10 strategies including a Net Zero Strategy that will aid the transition to achieving net-zero carbon by 2050, in line with Government legislation. These applications are the first in the District to secure such commitments and the applicant should be commended for their stated ambitions in this regard. These proposal will derive environmental benefits far beyond the application site and will help shape positive farming practices involved in all aspects of the production of barley to be used by the maltings.

Taking all of the issues into consideration, Officers can make, on balance, a positive recommendation for both applications.

RECOMMENDATIONS:

In light of recommendations about the phasing of development set out within the report, Officers consider this would affect the order that application decisions should be taken. Officers recommend that a decision on Application 2 is taken first and then Application 1 considered thereafter.

PO/20/0524 (Application 2) - Hybrid application for creation of HGV access road to serve an expanded Crisp Maltings Group site (Full Planning permission) and construction of

buildings and structures required to increase the maximum output tonnage of malt of the Maltings site in any one calendar year to 175,000 tonnes (currently 115,000 tonnes) (Outline application with all matters reserved except for access).

RECOMMENDATION: APPROVAL

Delegate **APPROVAL** to the Assistant Director for Planning subject to:

1. **No objection from Natural England in relation to Habitats Regulations matters or are comfortable for the Council as competent authority to discharge its duties under the Habitats Regulations;**
2. **The imposition of appropriate conditions** (detailed list of conditions to be provided to Development Committee ahead of the meeting);
3. **Any other conditions that may be considered necessary at the discretion of the Assistant Director for Planning; and**

PF/20/0523 (Application 1) - Construction of 15 no. grain silos and 1 no. 5,574 sqm (60,000sqft) warehouse with associated drainage, access and external lighting

RECOMMENDATION: APPROVAL

Delegate **APPROVAL** to the Assistant Director for Planning subject to:

1. **No objection from Natural England in relation to Habitats Regulations matters or are comfortable for the Council as competent authority to discharge its duties under the Habitats Regulations;**
2. **The completion of a S106 Obligation to secure:**
 - a. **Funding for 2 no. Traffic Regulation Orders linked to delivery of the warehouse and construction of the silos to manage and reduce HGV traffic within the village of Great Ryburgh**
 - b. **Cessation of use of the Off-Site Storage in connection with the first use of the warehouse to reduce HGV traffic within the village of Great Ryburgh**
4. **The imposition of appropriate conditions** (detailed list of conditions to be provided to Development Committee ahead of the meeting);
3. **Any other conditions that may be considered necessary at the discretion of the Assistant Director for Planning; and**
4. **In the event that the S106 Obligation cannot be secured within three months of the date of Committee resolution to approve, to return the matter to the Development Committee for further consideration.**

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RYBURGH PARISH COUNCIL

Our response to planning applications PF/20/0523 and PO/20/0524 as updated by Crisp in January 2022.

We objected on 18 June 2020 and 11 March 2021 to the Applications as originally drafted. Since our last Objection, we now refer to recent data as follows:

New Environment documents ref: 02.02.22, 08.04.22 and App 1.1aa.

Revised Highways ref: 08.12.2021

We continue to confirm our objections to both applications remain and state the following: -

1. We do not believe the amendments materially alter the substance of the previous applications, and therefore we remain opposed to both as now submitted.
2. We are disappointed that the Crisp amendments have not addressed or resolved the Objections arising from their Applications to date.
3. The Crisp proposals are not compliant with the Existing Plan, the Emerging Plan, the National Planning Policy Framework, or the Ryburgh Neighbourhood Development Plan (NDP) which is now formally approved by NNDC and strongly supported by the village community.
4. NCC Highways have highlighted, in very clear terms, their opposition to plans that would result in more than 50% additional Crisp HGV traffic in Great Ryburgh. The proposals will increase the annual quantity of malt by 52% from 115 to 175 thousand tonnes each year. This will significantly raise the following additional HGV traffic safety risks and hazards to all in Great Ryburgh: -
 - a. There is no passing provision in Station and Fakenham Road. HGV's have to drive on both footpaths placing all pedestrians, parents with pushchairs and children at risk as they have nowhere to escape. You will know that Ryburgh is a classic Linear Village configuration – NCC Highways advice to NNDC dated 18.02.21 SHCR 07 refers.
 - b. Property damage and risk of traffic accidents
 - c. Traffic noise
 - d. Vibration
 - e. Fumes
 - f. Pollution – particularly the River Wensum SSSI and SAC.

Photograph shows a Crisp Maltings HGV passing a stationary School Bus collecting pupils.



5. We believe that these Crisp plans also contain a provision to operate on a regular 24 hour working cycle and certainly represent no community benefit and in fact would reduce this village into an industrial zone, solely to the benefit of Crisp.
6. As to the Crisp revised proposals, we have the following specific comments: -
 - a. Landscaping
 - i. The ecological surveys are inadequate and miss several important species, e.g., great crested newts, slow worms and bats.
 - ii. The planting mitigation measures are insufficient and there will be a net loss of key habitat and landscape character.
This is contrary to NNDC Core Strategy EN2 and the Ryburgh Neighbourhood Development Plan, Policies 4 and 9.
 - iii. Loss of valuable semi-improved grassland is ignored.

- iv. There is no Construction Environmental Management Plan to be applied, which would ensure that the planting mitigation and its aftercare is properly carried out.
- b. Warehouse
 - i. The massive proposed new warehouse would loom over numerous nearby houses on Fakenham Road and will not be screened for at least 15 years, even if the planting is well cared for (see 6 aiii above).
 - ii. In addition, the outline application allows for any building infrastructure up to 20 meters high, plus roof top plant and additional lighting etc. across the whole 8-acre site. This data is set out in Crisp drawing No 12.4A dated 23.11.20 titled, "Cross-section thru' the Warehouse and Fakenham Road".
 - iii. Further, the current Crisp plan seems to enable this warehouse to be executed prior to any completion of the new relief road. This arrangement will result in a chaotic combination of local traffic clashing with Crisp service HGV's and construction traffic all simultaneously using the single narrow Fakenham and Station Road for a period likely to exceed 24 months.
 - c. Highfield Lane/ New Access Road
 - i. The Crisp plans contain no information on how the existing farming infrastructure, with sole access via Highfield Lane, is to continue operating when the New Access Road is being constructed and later in use.
 - ii. We do not believe that a private road should have priority over Highfield Lane.
 - d. Widening of Fakenham Road
 - i. This will result in the loss of important hedgerows and mature trees. This risk is not mentioned in the proposals – trees are not even marked on the Crisp plans.
 - e. Ground Water Protection Zone (GWPZ)
 - i. The applications are in breach, and would adversely affect, the GWPZ.
 - f. Flood Risk
 - i. The Crisp applications identify that the planned works increase the current risk level of flooding for the site and village environment.
 - ii. Flooding is also highlighted where the New Road crosses Highfield Lane.
 - g. TRO
 - i. Crisp suggest that they will... "Contribute towards TRO". It is not clear what form that "contribution" would take.
7. We have given the TRO proposal careful consideration and taken into account the views expressed by the Highways Authority in their letter ref. 9/1/20/0524 & 9/1/20/0523 dated 18.02.2021.
- We would welcome the introduction of the noted TRO's, but only in the circumstances whereby the construction of the new Access Road is completed,

and a TRO, banning all HGV's from using the bridge over the River Wensum, is in force before any Crisp application related works commence.



- 8.** We also wholeheartedly support the Highways Authority's conclusion that PF/20/0523 should be refused unless the stated TRO disciplines are applied by Crisp because of the additional 52% HGV traffic it would generate and the consequent danger to highway safety in the village.
It is a concern that Crisp appear unable to future control the routing of increased volume of HGV's and factory vehicles within the village. This would risk the continued use of 3 separate vehicle access/exit gateways in the middle of the village, even when/if the new relief road may be built or ever used.
- 9.** We would expect any Planning Permission in respect of these Applications to be in keeping with NNDC Policy CT5 and Ryburgh Neighbourhood Development Plan Policy 1 and all current national Environmental Protection legislation.
- 10.** We acknowledge and appreciate the difficult issues the NNDC Planning Committee and Highways have faced as they deal with the Crisp Applications particularly concerning environmental protection and public safety challenges over a number of years.
- 11.** In conclusion, we see the situation resting between two completely different outcomes:

 - a. To permit continuing development of the industrial complex in the village and all the irreversible consequential damage to the River Wensum, its Valley terrain and the village population.

Or,
 - b. A decision that the current industrial complex will not be allowed to grow any more and further overwhelm Great Ryburgh, and therefore protect the River Wensum, its Valley, surrounding countryside and the people living in Ryburgh.

Dated 24 May 2022



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HABITATS REGULATIONS ASSESSMENT

For proposed development subject of two planning applications, PF/20/0523 and PF/20/0524, at Crisp Maltings, land off Fakenham Road, Great Ryburgh, Norfolk

North Norfolk District Council (the Local Planning Authority, or LPA) is a competent authority under the EU 'Habitats' Directive 92/43/EEC, which is 'retained EU law' under sections 2-4 of the European Union (Withdrawal) Act 2018. Prior to, and since, the withdrawal of the UK from the European Union, the *Habitats Directive* is implemented into UK legislation by the Conservation of Habitats and Species Regulations 2017 as amended (referred to as the *Habitats Regulations*) and the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019. Under Article 6(3) of the Habitats Directive this LPA must consider if the project i.e. the development proposal, is likely to have a significant effect on the conservation objectives of a European Site (which form part of the national site network) or adversely effect the integrity of a European Site, alone and in combination with other plans or projects. This process is generally referred to as a Habitats Regulations Assessment (HRA).

The '*Integrity*' of a site is the coherence of its ecological structure and function, across its whole area, that enables it to sustain the habitat, complex of habitats and/or the levels of populations of species for which it was designated (NPG, 2019).

The HRA process is not defined in legislation but is used to address Articles 6(3) and 6(4) of the Habitats Directive, as implemented by Regulation 63 of the Habitats Regulations. In completing this HRA reference has been made to the information contained in the EC guidance document *Managing Natura 2000 sites: The provision of Article 6 of the 'Habitats' Directive 92/43/EEC (European Communities, 2018)*, *The Habitats Regulations Assessment Handbook (April, 2021)* (Tyldesley, D. & Chapman C.) by DTA Publications as well as relevant case law.

Description of the project (the development) and other relevant background information:

The project involves two planning applications (references PF/20/0523 and PO/20/0524) that seek approval for the following development:

- PF/20/0523: Full planning application for the construction of 15 no. grain silos and 1 no. 5,574m² warehouse with associated drainage, access and external lighting; and
- PO/20/0524: Hybrid planning application for the creation of a HGV access road to serve an expanded Crisp Maltings Group site (Full Planning permission) and construction of buildings and structures required to increase the maximum output tonnage of malt of the Maltings site in any one calendar year to 175,000 tonnes (currently 115,000 tonnes) (Outline application with all matters reserved except for access).

The above planning applications have been classified as EIA development under the 2011 EIA Regulations as a result of a Screening and Scoping Opinion carried out by NNDC (26th June 2017). The applications include the submission of an Environmental Statement and Non-Technical Summary.

A further planning application was also submitted as part of the EIA development for the erection of dwellings (ref. PO/20/0525) however this was subsequently withdrawn by the applicants and the Environmental Statement/Non-Technical Summary and other relevant documents updated to reflect this withdrawal.



Figure 1 Site Location Plan and development area identified by red line (extracted from the Environmental Statement, Non-Technical Summary)

The development site is located adjacent to, and partly within, an existing Maltings facility located in the small village of Great Ryburgh, which itself is located approximately 3km (Euclidean distance) to the south-east of the market town of Fakenham in north Norfolk (37km from Norwich). The development site as a whole covers an area of approximately 6.44ha (64,386m²) of mainly existing agricultural land, associated hedgerows and ditches but does include a point of access within the existing Maltings facility (see Figure 1).

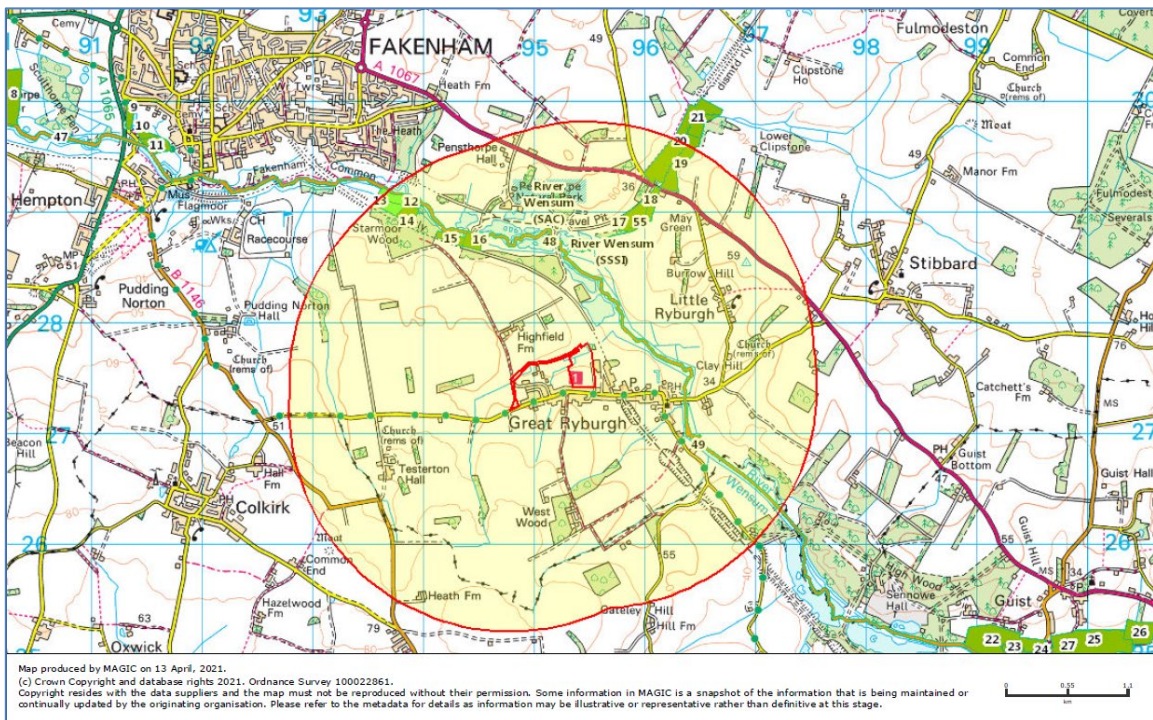


Figure 2 Magic Map: development site (outlined in red in centre of circle) and 2km search area for European, Ramsar and SSSI sites.

The development site is located 350m (at the closest distance) to the **River Wensum** Special Area of Conservation (SAC). The River Wensum SAC is part of the Emerald Network (Bern Convention) of sites within Europe designated for special conservation interest and previously formed part of the Natura 2000 sites designated for particular habitat and species features and as such is protected as a European Site under the Habitats Regulations. The **River Wensum** is also a Site of Special Scientific Interest (SSSI), which is divided into several units many of which fall within 2km of the development site (see Figure 2).

Table 1 provides a list of the documents/reports received in support of the planning application that provide detail necessary to inform the Habitats Regulation Assessment (HRA) and also comments received from relevant bodies that can also inform the HRA.

Organisation	Document	Date
For the applicant: BMF Consulting Ltd.	Flood Risk Assessment and Drainage Strategy – January 2020 (Ref 1152 FRA Rev A) revised and resubmitted as Appendix 10.3 of updated ES Addendum (Ref 1152 FRA Rev B)	18/03/20
For the applicant: BMF Consulting Ltd.	Plan: Surface Water Exceedance Flow Paths (Drawing No. 1152/02/09 Rev -, dated 31/05/20)	08/06/20
For the applicant: BMF Consulting Ltd.	Report: Surface Water Maintenance Plan, May 2020 (Ref 1152 MP Rev -)	08/06/20
For the applicant: BMF Consulting Ltd.	Letter: Response to consultation comments made by NNDC Landscape and Ecology Officer, relevant to flood risk and drainage aspects – Final Issue (Issue B)	13/08/20
For the applicant: Hopkins Ecology Ltd.	Shadow Habitats Regulations Assessment – although this document is entitled ‘Shadow HRA’, the document seeks to provide the information reasonably required by the competent authority enable it to undertake a HRA. To confirm the ‘Shadow HRA’ has not been commissioned by or on behalf of the competent authority	18/02/20
For the applicant: Hopkins Ecology Ltd.	Updated Shadow Habitats Regulations Assessment – see note above on Shadow HRA	17/12/20
For the applicant: Hopkins Ecology Ltd.	Ecological Report (Ecology Assessment)	18/02/20
For the applicant: Hopkins Ecology Ltd.	Updated Ecological Report (Ecology Assessment)	13/01/21
For the applicant: Hopkins Ecology Ltd.	<i>Responses and Additional Information Regarding the Draft Habitats Regulations Assessment</i>	02/06/21
For the applicant: Hopkins Ecology Ltd.	<i>Responses on Comments Regarding the Ecological Assessments (Other than the HRA)</i>	02/06/21
For the applicant: Hopkins Ecology Ltd.	Various documents to accompany response provided on 2 nd June, inc. environmental tracker, waste effluent data and procedures, permits and monitoring data	22/06/21
For the applicant: Hopkins Ecology Ltd.	Conference call between NNDC (KW), Applicant (Dr.GH) and Agent (JL - Bidwells) to discuss email sent by KW to GH on 17 th June in response to further information supplied on 2 nd June.	25/06/21
For the applicant: Hopkins Ecology Ltd.	Further information (document entitled ‘ <i>Additional Information Regarding the Draft Habitats Regulations Assessment Following the ‘Conference Call’ of 25 June 2021</i> ’, dated 2 nd July 2021) to assist LPA in HRA following conference call on 17 th June, including additional comments from Drainage Consultant	05/07/21

Natural England PF/20/0523 and PO/20/0254	Email: response to consultation – NE stated <i>no objection</i> subject to securing appropriate mitigation measures, however they considered that without appropriate mitigation the application would: <ul style="list-style-type: none"> • have an adverse effect on the integrity of River Wensum Special Area of Conservation • damage or destroy the interest features for which River Wensum Site of Special Scientific Interest has been notified. Furthermore they stated that in order to mitigate the adverse effects and make the development acceptable, the mitigation measures detailed in the shadow Habitat Regulations Assessment Screening Report (by Dr GW Hopkins CEnv MCIEEM dated 18 February 2020) will be required and should be secured by an appropriate planning condition or obligation.	21/05/21
Natural England PO/20/0524	Email: response to consultation – No further comments to those raised in their letter dated 21 st May 2020.	16/02/21
Natural England PF/20/0523	Email: response to consultation – “No objection - Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes”	22/02/21
Environment Agency PF/20/0523	Letter: response to consultation – No objection subject to conditions on groundwater and contaminated land and without these conditions, the proposed development on this site poses an unacceptable risk to the environment and they would object to the application. “This site is located above Principal and Secondary Aquifers (Chalk and Lowestoft Formation) and the application overlies a Source Protection Zone 1 for the groundwater abstractions at the adjacent Maltings, it also overlies a Water Framework Directive (WFD) groundwater body, and is also in a WFD drinking water protected area with an adjacent watercourse. The site is considered to be of very high environmental sensitivity. The future use could present potential pollutant linkages to controlled waters. Consideration for the risk posed by surface water drainage will need to be undertaken”.	28/05/20
Environment Agency PF/20/0523	Email: response to re-consultation – No further comments to those raised in their letter dated 28 th May 2020.	10/02/21
Environment Agency PF/20/0523	Email/letter: response to re-consultation and email from GL (11/02/21) – Reiteration of requirement for condition which stipulates that drainage strategy would need to be updated to determine what mitigation measures are required to provide sufficient treatment prior to discharge.	16/03/21

	<p>Also that the site is subject to an Environmental Permit (EPR/FP3037PA/V008¹) that currently places no restrictions on quality of surface water. If a pollution event occurs the EA would require the operator to take action to address this following the event. In 2020 the EA identified that phosphate pollution in the surrounding ditch network was occurring which arose from the site and required the operator to improve drainage and the management of the drainage system. The EA recommended that similar measures were incorporated into the drainage strategy to prevent related events occurring from the proposed development.</p> <p>The EA considered that the proposed development would be unlikely to address the existing phosphate pollution issues and “decrease the contamination” caused by existing operations at the site. Furthermore, that the effluent treatment plant has an emission limit of 1mg/l for phosphate (Total phosphorus as P).</p>	
Environment Agency PO/20/0524	Letter: response to consultation – No objection subject to conditions and without these conditions, the proposed development on this site poses an unacceptable risk to the environment and they would object to the application.	22/05/20
Lead Local Flood Authority (Norfolk County Council) PF/20/0523	Email: response to consultation – Object to the application in the absence of an acceptable Flood Risk Assessment (FRA) and Drainage Strategy relating to: <ul style="list-style-type: none"> • There is no evidence of permission or confirmation of the discharge rate from the IDB allowing discharge into their network • No information has been submitted to demonstrate what the exceedance routes are for flows in excess of a 1% AEP rainfall event plus 40% climate change allowance. • A maintenance and management plan has not been submitted as part of this drainage strategy. 	04/05/20
Lead Local Flood Authority (Norfolk County Council) PO/20/0524	Email: response to consultation – Object to the application in the absence of an acceptable Flood Risk Assessment (FRA) and Drainage Strategy (same as PF/20/0523)	15/05/20
Lead Local Flood Authority (Norfolk County Council) PF/20/0523 and PO/20/0254	Email: The applicant has provided an amended Flood Risk Assessment (FRA) and Drainage Strategy to account for the local flood risk issues and surface water drainage at this location, together with a Surface Water Maintenance Plan (Appendix 10.3A of ES Addendum). Following review of the amended FRA and other documents the LLFA remove their objection subject to securing conditions to prevent flooding.	03/08/20
Lead Local Flood Authority (Norfolk County Council)	Email: response to consultation –	10/02/21

¹ For clarity, the Environment Permit that is currently valid at the site is EPR/FP3037PA/V009 which was issued on 9th March 2021

PF/20/0523 and PO/20/0254	No further comments to those raised in their letter dated 3 rd August 2020.	
Norfolk Rivers IDB (Water Management Alliance) PF/20/0523 and PO/20/0524	Email: response to consultation – “We note that initial testing and investigations recommend a drainage strategy reliant on infiltration and attenuation features. The proposed restricted surface water discharge to be conveyed into the Board’s watercourse to the east (Great Ryburgh Drain, DRN096G0101) will require land drainage consent in line with the Board’s byelaws (specifically byelaw 3)... the ability to implement a planning permission may be dependent on the granting of these consents. As such we strongly recommend that the required consent is sought prior to determination of the planning application”	24/04/20
Norfolk Rivers IDB (Water Management Alliance) PF/20/0523 and PO/20/0524	Email: response to consultation – “The proposals will require land drainage consent for the discharge of surface water into the Board’s district, and for the alteration of a watercourse. As yet no consent has been granted, however we have received an application for these consents and we are in the process of assessing the proposals”	11/02/21
Norfolk Rivers IDB (Water Management Alliance) (Eleanor Roberts) – Notice of Intention to Grant Consent	Notice of Intention to Grant Consent to discharge surface water run-off from Land to north of Fakenham Road, Great Ryburgh. One-off surface water development contribution required to cover increased flow and volume based on an additional impermeable area of 31,035m ² discharging at 10.69l/s.	14/05/21
Anglian Water PF/20/0523	Letter: Suggested Informative Statements and Conditions Report - Anglian Water recommends that petrol/oil interceptors be fitted in all car parking, washing and repair facilities. Failure to enforce the effective use of such facilities could result in pollution of the local watercourse and may constitute an offence.	21/04/20
For the applicant: Jake Lambert (Bidwells)	Email with attachments containing additional information following conference call of 25 th June 2021 including an update from Dr Graham Hopkins with additional information to support HRA and in response to KW email sent 17 th June 21.	05/07/21

Table 1 List of documents and comments received for the planning application relevant to the Habitats Regulations Assessment (not including those submitted as part of Environmental Statement)

Natural England in their response to the planning applications did not indicate that a HRA (incorporating an appropriate assessment) would be required, however they stated that the development would have an adverse effect on the integrity of the River Wensum SAC and that mitigation would be required to make this acceptable. The implication that an adverse effect would occur and mitigation be required would suggest the need for such an assessment. To this end North Norfolk District Council, as the competent authority, has undertaken this HRA.

In addition, the Environment Agency (EA) in their comments dated 22nd May 2020 stated that the ‘*extensive proposals*’ of the development would involve “*substantial changes*” to the current Pollution, Prevention and Control (PPC) permit (ref. FP3037PA), which would require consideration and approval from the EA prior to implementation. The EA note that “*it is clear that, at this early stage, the operator has insufficient detail to compile a permit variation*” and as such the EA are not in a position to offer anything other than general advice on the application and that “*additional measures*” will be required to control the potential environmental effects of the planned expansion.

This HRA will assess the potential for:

- Direct impacts on **The River Wensum SAC** as a result of the construction and operation of the development, both alone and in combination with other plans or projects.

Further consideration will also be given to the River Wensum SSSI that is part of the European Site.

Is the project directly connected with or necessary for the management of the European Site?

No

Habitats site/s that may be affected by the development and a description of the site:

Name & UK ref No.	Description
Sites within 2km of development site:	
River Wensum SAC - UK0012647	A water course of plain to montane levels with floating vegetation often dominated by water-crowfoot. The river supports a rich and abundant invertebrate fauna, diverse mollusc fauna and a diverse fish community, including native freshwater crayfish, Desmoulin's whorl snail, bullhead and brook lamprey.

Nationally designated sites (Sites of Special Scientific Interest) and/or Ramsar sites that may be affected by the development, and a description of the site:

Name & reference	Description
Sites within 2km of development site:	
River Wensum SSSI	<p>The Wensum has been selected as one of a national series of rivers of special interest as an example of an enriched, calcareous lowland river. With a total of over 100 species of plants, a rich invertebrate fauna and a relatively natural corridor, it is probably the best whole river of its type in nature conservation terms, although short stretches of other similar rivers may show a slightly greater diversity of species.</p> <p>The upper reaches are fed by springs that rise from the chalk and by run-off from calcareous soils rich in plant nutrients. This gives rise to dense beds of submerged and emergent vegetation characteristic of a chalk stream. Lower down, the chalk is overlain with boulder clay and river gravels, resulting in aquatic plant communities more typical of a slow-flowing river on mixed substrate. Diversity of plant species is further enhanced by mills and weirs; upstream the river slows to produce characteristic deep water plant communities, whilst below the barriers they are replaced by species tolerant of swirling and turbulent water.</p> <p>Unusually for a lowland river in England, much of the adjacent land is still traditionally managed for hay crops and by grazing, giving a wide spectrum of grassland habitats some of which are seasonally inundated. The mosaic of meadow and marsh habitats, including one of the most extensive reedbeds in the country outside the Broads, provide niches for a wide variety of specialised plants and animals.</p> <p>The River itself supports an abundant and diverse invertebrate fauna including the native freshwater crayfish <i>Austropotamobius pallipes</i> as well as a good mixed fishery. Brown trout <i>Salmo trutta fario</i> form the major component of the fish community of the upper Wensum, whilst the middle and lower reaches are dominated by chub <i>Leuciscus cephalus</i>, pike <i>Esox lucius</i>, eel <i>Anguilla anguilla</i> and barbel <i>Barbus barbus</i>. Kingfisher <i>Alcedo atthis</i> and little grebe <i>Tachybaptus ruficollis</i> breed along the River, whilst the adjacent wetlands have good populations of reed warblers <i>Acrocephalus</i></p>

	<i>scirpaceus</i> , sedge warblers <i>Acrocephalus schoenobaenus</i> and barn owls <i>Tyto alba</i> .
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The qualifying features of the Natura 2000 site and/or the special interest features of any associated SSSI/Ramsar:

The Broads SAC	
Reference	Feature description
H3260	Water courses of plain to montane levels with the <i>Ranunculion fluitantis</i> and <i>Callitricho-Batrachion</i> vegetation; Rivers with floating vegetation often dominated by water-crowfoot
S1016	<i>Vertigo moulinsiana</i> - Desmoulin`s whorl snail
S1092	<i>Austropotamobius pallipes</i> - White-clawed (or Atlantic stream) crayfish
S1096	<i>Lampetra planeri</i> - Brook lamprey
S1163	<i>Cottus gobio</i> - Bullhead

River Wensum SSSI – units within 2km of the site			
SSSI Unit	Special Interest Feature	Condition Status	No. of adverse condition reasons
Unit 012 - 1023152 Great Ryburgh Common North	Fen, marsh and swamp - Lowland	Favourable	N/A
Unit 013 - 1023209 Great Ryburgh Common South West	Broadleaved, mixed and yew woodland - Lowland	Favourable	N/A
Unit 014 - 1023153 Great Ryburgh Common South East	Fen, marsh and swamp - Lowland	Unfavourable – recovering	2
Unit 015 – 1023116 Starmoor Plantation	Broadleaved, mixed and yew woodland - Lowland	Unfavourable – recovering	1
Unit 016 – 1023121 Spa Well Wood Meadow	Neutral Grassland - Lowland	Unfavourable – recovering	3
Unit 017 - 1023123 The Carr, Pensthorpe Makins	Neutral Grassland - Lowland	Unfavourable – recovering	1
Unit 018 - 1023154 Makins	Fen, Marsh and Swamp - Lowland	Unfavourable – recovering	1
Unit 019 - 1018795 Little Ryburgh Common	Fen, Marsh and Swamp - Lowland	Unfavourable – recovering	3
Unit 020 - 1023124 Kettlestone Common Kettlestone Poors Trustees	Neutral Grassland - Lowland	Unfavourable – recovering	4
Unit 048 - 1025552 Fakenham Mill – Great Ryburgh Mill	Rivers and Streams	Unfavourable – no change	9
Unit 049 - 1025554 Great Ryburgh Mill – Bintree Mill	Rivers and Streams	Unfavourable – no change	8
Unit 055 - 1028479 Langor Drain above confluence with Wensum	Rivers and Streams	Unfavourable – no change	9

Conservation Objectives for Natura 2000 Sites:

Conservation Objectives for the **River Wensum SAC** (Natural England, published 27th November 2018 – version 3):

- Subject to natural change, ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the Favourable Conservation Status of its Qualifying Features, by maintaining or restoring;
 - The extent and distribution of qualifying natural habitats and habitats of qualifying species
 - The structure and function (including typical species) of qualifying natural habitats
 - The structure and function of the habitats of qualifying species
 - The supporting processes on which qualifying natural habitats and the habitats of qualifying species rely
 - The populations of qualifying species, and,
 - The distribution of qualifying species within the site.

The Conservation Objectives are to be read in conjunction with the accompanying *Supplementary Advice* document.

Supplementary Advice/Site Improvement Plans (SIPs):

River Wensum

Supplementary advice on conserving and restoring site features for the River Wensum SAC was published on 25th January 2019 by Natural England. The document presents attributes which are ecological characteristics of the designated species and habitats within the designated site, and is to be read in conjunction with the SAC Conservation Objectives (CO). The listed attributes are considered to be those that best describe the designated site's ecological integrity and which, if safeguarded, will enable the achievement of the CO. Each attribute has a target which is either quantified or qualitative depending on the available evidence. The target identifies as far as possible the desired state to be achieved for the attribute.

The Supplementary Advice for River Wensum SAC is considered in the assessment of likely significant effects arising from the project.

A site improvement plan (SIP), published 8th October 2014, has also been produced for the River Wensum SAC. It raises six prioritised issues that are considered to be currently impacting or threatening the condition of the features and outlines the outstanding actions required to address them. The six prioritised issues identified for the River Wensum are:

1. Physical modification;
2. Inappropriate weirs, dams and other structures;
3. Siltation;
4. Invasive species;
5. Water pollution; and
6. Water abstraction

Siltation, water pollution (water quality) and water abstraction are considered to be of most relevance in this HRA.

Pre-assessment 'screening' stage - Test of Likely Significant Effect

The screening assessment will consider the potential for likely significant effects, alone and in combination with other projects or plans, for the construction and operation stages of the development. Decommissioning is not included in the assessment as there is no decommissioning schedule identified and the lifespan of the development is unknown.

The screening assessment has been informed in part by the 'Shadow Habitats Regulations Assessment' (Hopkins Ecology, Feb 2020 and updated Dec 2020), which provides an overview of the existing and proposed Crisp Maltings operations:

The existing Maltings receives deliveries of cereals, predominantly barley, and processes them to provide malt. The process chain is as follows: grain drying, steeping to stimulate germination, germination (to produce sugars from starch during the germination process) and kilning to stop germination and dry the grain to a moisture content of <5%. The finished malt is stored in silos before cleaning and grading after which it is delivered to customers. Effluent is produced predominantly from steeping, humidification and cleaning and is treated on site before discharge. Releases to air include combustion products and particulates from processing and fugitive sources.

The 'Shadow HRA' states that the aspects of the current site operation that are relevant to the River Wensum SAC include:

- Water discharges: treated effluent;
- Water discharges: accidental releases;
- Water discharges: surface water drainage;
- Emissions to air; and
- Abstraction.

In addition to the above, other aspects of the project that are considered relevant to the HRA include the effects of construction activities, including the potential for those arising through solids and other pollutants entering onsite water courses.

The elements and parameters of the project that have the potential for having significant effects on the River Wensum include:

- Size, scale, area and land-take;
- Physical changes that will flow from the development (e.g. from construction activities);
- Emissions and waste arising from construction and operation (e.g. disposal to land, water or air);
- Resource requirements (e.g. water abstraction for the development); and
- Cumulative impacts with other plans or projects.

The pathways of potential impact are set out in the table below:

Parameter/ Action of development	Pathway of potential Impact (changes)		Effect (consequence)	
	Construction	Operation	Construction	Operation
Size and scale of development and land-take	Direct loss and/or degradation of habitat feature, or supporting habitat resulting in a direct loss of species	n/a	Reduction or change in the extent and distribution of the feature (habitat loss), or a reduction or change in abundance of species as a result of the reduction or change in supporting habitat (habitat loss)	n/a
Physical changes (activities): noise/general disturbance	Increase in general noise and disturbance due to construction activities	Increase in general noise and disturbance due to operational activities	Reduction or change in the extent or distribution and/or population of the feature (displacement)	Reduction or change in the extent or distribution and/or population of the feature (displacement)
Physical changes (activities): dust/airborne chemicals	Increase in dust particles and airborne chemicals (air pollution) due to on-site preparation and construction activities leading to a reduction in air quality and water quality	n/a	Reduction or change in the extent or distribution and/or population of the feature (pollution)	n/a
Physical changes (activities): pollution events and changes to surface water drainage	Pollution of soil, groundwater and/or surface water due to run-off from construction activities leading to a reduction in ground and surface water quality and soil quality; potential release of endocrine disrupting chemicals and impacting on habitat integrity.	Pollution of surface water arising from accidental releases and from surface water drainage discharge leading to a reduction in water quality; potential release of endocrine disrupting chemicals and impacting on habitat integrity.	Reduction or change in the extent or distribution and/or population of the feature (pollution)	Reduction or change in the extent or distribution and/or population of the feature (pollution)

Emissions to water, including waste water (effluent) treatment and disposal	n/a	Increase in quantity and/or or change in quality of waste water requiring treatment and subsequent discharge into surface water leading to a reduction in water quality	n/a	Increase in nutrient and sediment loading resulting in changes to the supporting processes on which the features rely (pollution)
Emissions to air: airborne particles and chemical compounds arising from combustion processes and road traffic	Increase in airborne particles and pollutants (air pollution) due to construction traffic leading to a reduction in air quality	Increase in, or changes to airborne particles or chemical compounds (air pollution) due to operational combustion activities and road traffic generated by the development leading to a reduction in air quality	Increases in nutrient deposition/acidification resulting in changes to the supporting processes on which the features rely (pollution)	Increases in nutrient deposition/acidification resulting in changes to the supporting processes on which the features rely (pollution)
Resource requirements: water abstraction	n/a	Increase in demand for water leading to increased abstraction volumes resulting in un-naturalistic flow regimes.	n/a	Change to the natural hydrological regime of the river affecting the structure and function (including its typical species) and ability of the river to adapt and be resilient to environmental changes (hydrology)

<p>Cumulative Impacts with other plans or projects: in combination effects</p>	<p>n/a</p>	<p>In combination increases in releases to water, either through accidental releases, surface water drainage and/or treated effluent discharges into surface water leading to a reduction in water quality.</p> <p>In combination increases in airborne particles or chemical compounds (air pollution) due to combustion activities and/or agricultural sources (e.g. poultry farms) leading to a reduction in air quality</p> <p>In combination increases in demand for water leading to increased abstraction volumes resulting in un-naturalistic flow regimes.</p>	<p>n/a</p>	<p>Increases in nutrient and sediment loading, resulting in changes to the supporting processes (hydrology and pollution), reductions and/or changes in the extent and distribution of the features and changes to the hydrological regime (in combination effects)</p> <p>Increases in nutrient nitrogen deposition and acidification resulting in changes to the supporting processes on which the features rely (in combination effects)</p> <p>Changes to the natural hydrological regime of the river affecting the structure and function (including its typical species) and ability of the river to adapt and be resilient to environmental changes (in combination effects)</p>
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Assessment of the likely significant effects of the project on Natura 2000 sites:

Key to LSE Screening Matrix:

- C. Construction stage of development/project
- O. Operation stage of development/project
- ✓ A potential Likely Significant Effect cannot be ruled out
- ✗ A potential Likely Significant Effect has been ruled out
- Effect is not relevant to this feature at that particular stage of the project/development

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The River Wensum SAC												
EU Code: UK0012647												
Distance to development site: 0.35km												
European site features	Likely effect of project											
	Effect		Habitat Loss		Displacement		Pollution		Hydrology		In combination effects	
Stage of Development	C	O	C	O	C	O	C	O	C	O	C	O
3260 Water courses of plain to montane levels with the <i>Ranunculion fluitantis</i> and <i>Callitriche-Batrachion</i> vegetation	✗a	■	✗b	✗d	✗b ✓c	✓e (i, ii & iii) ✗e (iv)	■	✓f	■	■	✓g	■
1016 Desmoulin's whorl snail <i>Vertigo moulinsiana</i>	✗a	■	✗b	✗d	✗b ✓c	✓e (i, ii & iii) ✗e (iv)	■	✓f	■	■	✓g	■
1092 White-clawed (or Atlantic stream) crayfish, <i>Austropotamobius pallipes</i>	✗a	■	✗b	✗d	✗b ✓c	✓e (i, ii & iii) ✗e (iv)	■	✓f	■	■	✓g	■
1096 Brook lamprey, <i>Lampetra planeri</i>	✗a	■	✗b	✗d	✗b ✓c	✓e (i, ii & iii) ✗e (iv)	■	✓f	■	■	✓g	■
1163 Bullhead, <i>Cottus gobio</i>	✗a	■	✗b	✗d	✗b ✓c	✓e (i, ii & iii) ✗e (iv)	■	✓f	■	■	✓g	■

Evidence supporting conclusions (The River Wensum SAC):

The development site contains ditches and streams that connect with, but are outside of, the River Wensum SAC. The 'Shadow HRA' states that these surface water features do not support relevant vegetation and species [of the River Wensum SAC] and are not considered to be supporting habitat.

Effluent and wastewater from the malting and operational processes (primarily from steeping, the humidification system and cleaning) is treated on-site via an effluent treatment plant (ETP) prior to discharge into a stream which is a tributary of the River Wensum. The ETP uses screens, gravity settlement and aerobic treatment to reduce effluent biological oxygen demand (BOD) and suspended solids before being emitted to the river. Discharge from the effluent treatment plant is monitored as part of the PPC permit, with limits set for BOD, suspended solids, ammonia, total phosphorus, flow and pH.

The operational aspects of the development include the malting and roasting of grains, including in the speciality malting plant (SMP), combustion processes for the generation of hot water and hot air/steam with two combustion plants consisting of a natural gas fired thermal fluid boiler and a gas oil fired CHP. Releases from these installations include products of combustion and particulate matter. The emissions to air from these operational processes are monitored as part of the PPC permit, with limits set for nitrogen oxides and particulate matter.

Water pollution has been identified as one of the top three issues in all Natura 2000 rivers. The whole of the River Wensum (including SSSI units 48 and 49 nearest the development site) is currently in unfavourable condition due to the impacts of water pollution and physical factors such as channel morphology and turbidity. A diffuse pollution plan is in place for the river from its headwaters to the lowest limit of the SAC, within which the principle impacts on water quality are identified as agricultural run-off and consented point discharges, which includes the Crisp Maltings consent.

*The Crisp Maltings complex abstracts production water from its own borehole (under Abstraction licence 7/34/11*G/0319).*

Case law from the European Court of Justice (CJEU), People over Wind and Peter Sweetman v Coillte Teoranta, has ruled that measures intended to avoid or reduce the harmful effects of a plan or project on a European Site should not be taken into account at the 'screening stage' of the HRA in order to determine whether the plan or project would be likely to have a significant effect on a site. Measures intended to avoid or reduce the harmful effects of a plan or project on a European Site ('mitigation measures') should be taken into consideration as part of an appropriate assessment into the effects of the project and the integrity test.

a. Construction activities relating to the development, including routes for movement of associated plant, materials and personnel, will not occur within the SAC. No habitats, or supporting habitats, of the River Wensum SAC will be lost as a result of construction activities. A significant effect is ruled out.

b. The ES states that the greatest potential for impacts arising from dust and fine particles on air quality from on-site preparation activities and traffic associated with the construction activities will be in the areas immediately adjacent to the principal means of site access for construction traffic. In addition, that exhaust emissions from construction plant operating during the construction phase will contribute to local pollutant concentrations in the vicinity of the equipment/plant. A detailed IAQM assessment is undertaken where there are ecological receptors within 50m of the Site boundary, or within 50m of the route(s) used by construction vehicles on the public highway, or up to 500m from the Site entrance(s), as it is considered that within these distances the

impacts of dust soiling and increased particulate matter would have the greatest impact on local air quality at sensitive receptors. Where the need for a detailed assessment is screened out, the conclusion is that the level of risk to ecological receptors is considered to be 'negligible'. The ES states that there are no ecological receptors within the IAQM assessment criteria (stating that the River Wensum SAC/SSSI is approximately 350m to the north east of the Proposed Development) and therefore no requirement to consider ecological receptors in the assessment of construction phase effects. As the ES concludes that the level of risk to the River Wensum is 'negligible' a significant effect is ruled out

c. Construction activities could result in run-off into the soil, groundwater and surface water (connecting streams and ditches) during construction and mitigation will be required. A significant effect cannot be ruled out. **See Section 1 of Appropriate Assessment**

d. The development site is largely screened from the River Wensum SAC by the existing Maltings and trees and is over 350m from the development site. The existing Maltings facility exhibits a current level of general noise and disturbance associated with an industrial operation. The intervening vegetation/buildings and distance from the river, and the lack of reported disturbance related issues arising from the existing facilities, are considered sufficient to reduce any general or noise disturbance from the proposed development to a negligible level. The designated features are considered to be relatively insensitive to incidental or indirect disturbance. A significant effect is ruled out.

e (i). The 'Shadow HRA' considers that water discharge via accidental releases are considered a possibility during the operational phase of the development. The prevention and control of accidental releases is considered to constitute mitigation and a significant effect cannot be ruled out. The 'Shadow HRA' concludes that surface water run-off could potentially contribute a minor change to local hydrology and have deleterious impacts on water quality. A surface water drainage strategy will need to be implemented and although integral to the scheme, this would constitute mitigation. A significant effect cannot be ruled out. **See Section 2 of Appropriate Assessment**

e (ii). The 'Shadow HRA' considers that the treatment of effluent required as part of the operational aspects of the development proposal is considered to constitute mitigation. A significant effect cannot be ruled out. **See Section 3 of Appropriate Assessment**

e (iii). Of the existing and proposed development, the 'Shadow HRA' identifies the following elements as contributing to releases to air: "*combustion products from natural gas in the production of hot water and hot air, and fugitive releases*". The Shadow HRA goes on to state that "*the level of emissions is not thought sufficient to be included within the scoping of the scheme's EIA, either for nature conservation or adjacent and nearby residential receptors*". However, the Shadow HRA Stage 1 'screening' section identifies pathways of potential impact for releases to air during the operational phase of the development as "*dust and particulate releases*" and concludes that even in the absence of dust control measures the release of dusts and other materials would not impact the integrity of the River Wensum SAC given the distance between the site and the river. The Shadow HRA uses the terms '*combustion products from the production of hot water and hot air*', '*fugitive releases*', '*dusts*' and '*particulate releases*' in different sections of the assessment process when referencing releases to air and it is not clear which, or if all, of the potential impact pathways for releases to air have been adequately assessed in the Shadow HRA for likely significant effects.

The PPC permit for the existing Crisp Maltings site identifies a number of point source emissions to air, which covers both *combustion* emissions and *dust* emissions. It therefore seems reasonable to use these terms as the potential impact pathways for emissions to air for the operational aspect of the development (other than those generated by road traffic and assess in section e(iv) below). Not all of the point source emissions identified in the PPC Permit have limits set or are monitored, however, the CHP generation plant and the Wanson Thermal Fluid Boiler have monitoring requirements for oxides of nitrogen and carbon monoxide with limits set for oxides of nitrogen. The Speciality Malt Plant (abated by wet scrubber) has monitoring and limits set for total particulate matter. With respect to the potential impacts of these identified releases to air on the natural environment, oxides of nitrogen will contribute to nitrogen deposition which is a major growth nutrient. Nitrogen enriches and acidifies the soil and can lead to the eutrophication of water bodies. Too much nitrogen is accepted as one of the main drivers of biodiversity change across the globe and a critical level for all vegetation types from the effects of nitrogen oxides has been set as $30\mu\text{g}/\text{m}^3$ (APIS, 2021). The River Wensum SAC is identified as being sensitive to elevated levels of air pollutants and exceeding critical values could modify the chemical status of the substrate, accelerating or damaging plant growth, altering vegetation structure and composition and causing the loss of sensitive typical species associated with it. The impacts of dust emissions on the features of the River Wensum are less clear.

However, dust and particulate control measures are in use at the Maltings, which could constitute mitigation, and emissions are considered to be sufficiently detrimental to the environment as to warrant monitoring as part of the PPC permit. The effect of the proposed increase in the output tonnage of malt produced as part of the Maltings site, from 115,000 tonnes to 175,000 tonnes in any one calendar year, on emissions to air is currently unknown. Without a conclusive screening assessment of the impacts of the development from emissions to air and given the sensitive nature of the River Wensum SAC to air pollution together with the identification of potential impact pathways, a significant effect cannot be ruled out. **See Section 4 of Appropriate Assessment**

e (iv). The ES states that the completed development will result in traffic travelling to and from the site and as such will have an impact on local pollutant concentrations, both on and around the site. The main pollutants of concern for road traffic are typically considered to be NO_2 , PM_{10} , and $\text{PM}_{2.5}$. The ES acknowledges that of these pollutants, emissions of NO_2 and PM_{10} are most likely to result in exceedances of the statutory air quality standards and objectives. In terms of ecological receptors, the ES has made reference to Natural England's guidance on advising competent authorities on the assessment of road traffic emissions under the Habitats Regulations (NEA001), which draws upon the threshold criteria contained within Highways England's Design Manual for Roads and Bridges and requires screening against threshold criteria both 'alone' and 'in-combination' with other Plans and Projects. The River Wensum SAC/SSSI is approximately 350m to the north east of the Proposed Development. The Site is largely screened from the River Wensum SAC by the existing Maltings and trees and is over 350m from the development site. However, no exceedances of the relevant threshold criteria (Page 12, Figure 2 of Natural England's guidance) are predicted on roads which fall within 200m of the SAC 'alone'. Furthermore, as no growth is forecast on the local road network between the baseline and 2022 (the anticipated opening year of the Proposed Development), the relevant threshold criteria are not predicted to be exceeded 'in combination'. On this basis, the ES concluded no further assessment of the effects of changes in traffic due to the operation of the Proposed Development on River Wensum SAC/SSSI was considered necessary and a significant effect is ruled out.

f. The ‘Shadow HRA’ states that any increases required in the quantity of water to be abstracted as a result of the proposed development will be under the current abstraction permit. The ‘Shadow HRA’ concludes that the control of the abstraction volume under the existing permit is considered to constitute mitigation and a significant effect cannot be ruled out. **See Section 5 of Appropriate Assessment**

g. The ‘Shadow HRA’ identifies that the Appropriate Assessment carried out by the Environment Agency for the various discharge consents for the River Wensum identified an in combination effect on the SAC, based on levels of phosphorus exceeding targets as determined via modelling. In addition, the current abstraction licence was also subject to an Appropriate Assessment by the Environment Agency and potential impacts on the River Wensum SAC were identified in combination with other abstraction licences. The River Wensum SAC is sensitive to elevated levels of air pollutants and exceeding critical values effect vegetation structure and composition causing the loss of sensitive typical species associated with it. A number of activities and operations are permitted to emit releases to air which could, in combination, lead to elevated levels of nutrient nitrogen deposition/acidification and a reduction in air quality. As a result a significant effect cannot be ruled out in combination with other operations and activities (plans or projects). **See Section 6 of Appropriate Assessment**

Have any likely significant effects from the development, alone or in combination with the other plans or projects, on the qualifying features of the European sites listed above identified?

Yes	Proceed with next stage and if not yet consulted, consult Natural England (under Regulation 63(3)) and proceed with Stage 2 - Appropriate Assessment
No	Proceed with next stage
Unsure/Unclear	Ask for additional information from application and return to step 1

Stage 2 - Appropriate Assessment

What are the implications of the plan or project on the conservation objectives of the European Sites listed above?

Potential for adverse effect on integrity – The River Wensum SAC and the River Wensum SSSI	
1	<p>Pollution of soil, groundwater and/or surface water due to run-off from construction activities leading to a reduction in ground and surface water quality and soil quality</p> <p>The HRA screening stage has identified that construction activities associated with the project could result in run-off into the soil, groundwater and surface water (connecting streams and ditches) during construction and mitigation will be required.</p> <p>The 'Shadow HRA' asserts that as a result of construction works it is possible that solids and other pollutants could enter the stream during the construction period, either from the main development works and/or at the crossing-point of the access road over the stream and as part of other infrastructure works. In terms of suspended solids, the deposition of suspended solids in the River Wensum would be detrimental to the Annex 1 habitat (H3260 Water courses of plain to montane levels with the <i>Ranunculion fluitantis</i> and <i>Callitriche-Batrachion</i> vegetation) through the smothering of plants and by limiting photosynthesis (Dr Hopkins, July 2021). Also to the qualifying features of Brook lamprey (S1096 <i>Lampetra planeri</i>) by altering the characteristics of the sandy berms they utilise as habitat and also Bullhead (S1163 <i>Cottus gobio</i>) by reducing the quality of the riffle habitat and through an increase in silt limiting water flow through the course substrate where they shelter. Furthermore, high levels of suspended solids in the water column would limit the availability of light to aquatic plants which could affect their growth, this includes vegetation associated with the Annex 1 feature of H3260 (Dr Hopkins, July 2021).</p> <p>High sediment loads in surface water run-off can also smother gravels and other features used by white-clawed crayfish (S1092 <i>Austropotamobius pallipes</i>) for shelter; high turbidity can also block their gills (Natural England, Jan 19).</p> <p>Dr Hopkins states that occasional exceedances of suspended solids are only likely to have a minor effect on river ecology and that the significance of the effect would vary with season, river flows and stages of plant growth. Furthermore, that alternative sources of solids, such as field and road run-off, are likely to be the major contributors, which is acknowledged by Natural England.</p> <p>The Conservation Objectives Supplementary Advice (COSA) for the River Wensum SAC (Natural England, Jan 2019) lists the <i>sediment regime</i> as a structure and function attribute of the Annex 1 H3260 feature, and has a target of restoring the natural supply of coarse and fine sediment to the river. The natural supply of coarse sediments to the river are limited in extent and excessive fine sediment supply can lead to the smothering of coarse substrates and the loss of flora and fauna dependent on them. The COSA and the Site Improvement Plan (SIP) (Natural England, 2014) identifies that the catchment of the river is currently characterised by excessively high levels of fine sediment and sand entering the river from roads, tributaries and agriculture. River units 48 and 49 of the SSSI were in unfavourable condition at the last assessment (2010) and targets for turbidity and siltation were not being met, although mechanisms to address some of the issues had been identified and were in the implementation stage.</p> <p>The COSA also identifies <i>water quality</i> as a supporting process attribute of the Annex 1 H3260 feature with a target of achieving at least 'good' chemical status (i.e. compliance with relevant Environmental Quality Standards), with values to be applied throughout the site and not just at</p>

	<p>routine sampling points. Following the last assessment of the River Wensum SSSI (2010) water quality was recorded as <i>favourable</i> and the chemical status was <i>good</i>. However, the SIP suggests that water quality is an issue that affects all SAC features with adverse impacts arising from discharge, pesticides and nutrients entering the river from the catchment, including from roads and from land within the catchment.</p> <p>Based on the above assessment, without mitigation, occurrences of sediments and pollutants entering the river from the construction element of the development, however intermittent or minor, could undermine the ability to achieve the conservation objectives of the qualifying features of the SAC by affecting the extent, distribution, structure and function of the features and the supporting processes on which the features rely. Failure to meet the conservation objectives will result in an adverse effect on the integrity of the designated site.</p>
<p>2</p>	<p>Pollution of surface water arising from accidental releases during operation and from surface water drainage discharge leading to a reduction in water quality</p>
	<p>The HRA screening stage has identified that the pollution of surface water via accidental releases into the surface water drainage system is considered a possibility during the operational phase of the development. The prevention and control of accidental releases is considered to constitute mitigation and therefore requires consideration through an appropriate assessment.</p> <p>In addition, the screening stage concludes that surface water run-off could potentially contribute a minor change to local hydrology and have adverse impacts on water quality. A surface water drainage strategy will need to be implemented and would constitute mitigation.</p> <p>The project (development) encompasses two different planning applications that seek full permission for the erection of a warehouse and 15 silos, a HGV access road and associated drainage, as well as outline permission (with all matters reserved) for the expansion of the output of the malting process.</p> <p>The extent of the land area which will be exposed to potential pollutants will increase as part of the project beyond the boundaries of the existing maltings site into what is currently a greenfield site (field/pasture). The site will also extend beyond the existing boundaries covered by the PPC permit. Pollution could occur through the new proposed land use including through the provision of the new HGV access road, as well as through the warehouse and silo provision, the increase in the service yard area and the increase in the maltings output and operations facility.</p> <p>The development proposes a Drainage Strategy to deal with the surface water arising from the development proposals and new impermeable areas, this is set out in the planning application documentation (and Environmental Statement), including in the <i>Flood Risk Assessment and Drainage Strategy (1152 FRA Rev B)</i>, the document entitled <i>Surface Water Drainage Calculations (1152 DC Rev A)</i> and the <i>Surface Water Maintenance Plan (1152 MP Rev A)</i>. The application sets out that the Drainage Strategy has been designed in accordance with Sustainable Urban Drainage System (SuDS) principles and proposes a design strategy that incorporates both infiltration and also discharge to a local watercourse. The drainage strategy consists of three separate networks:</p> <ul style="list-style-type: none"> • Network 1 – HGV access road between Fakenham Road and Highfield Lane; • Network 2 – HGV access road from Highfield Lane to the proposed expanded site area; and • Network 3 – Warehouse, silos and access road (detailed) and proposed Maltings expansion area. <p>With Networks 1 and 3 discharging to a watercourse (tributary of the River Wensum) and Network 2 discharging by infiltration.</p>

	<p>The development has the potential to release pollutants into the local surface water network and groundwater via the proposed drainage strategy, including pollutants associated with the new road and other impermeable surfaces (i.e. warehouse, silos, service yards, parking areas) as well as from contamination of the surface water drains arising from future operational requirements associated with the expansion of the malting process. The release of pollutants could occur through accidental releases, flood events or from the general day to day operation of the malting plant.</p> <p>The three main elements of pollutants of surface water runoff associated with the road drainage network are considered to be suspended solids, metals and hydrocarbons. The PPC permit identifies the potential chemical pollutants from the existing maltings site as fuel oil, sodium hypochlorite, polyaluminium chloride, gibberellic acid, sulphur, oils and greases, Propane, and various laboratory chemicals. The 'Shadow HRA' suggests that the range of potential pollutants from the development is unlikely to change or increase for the proposed future operations (expansion of malting process) from the existing processes.</p> <p>There is a direct pathway for pollutants to enter the River Wensum SAC from the road and other impermeable areas, including potential pollutants arising from the expansion of the malting process, either accidentally or intentionally, by infiltration through soils/groundwater and through discharges into surface water via the surface water drainage system.</p> <p>As stated in Issue 1 above, the COSA for the River Wensum SAC states that a wide range of pollutants may impact on habitat integrity depending on local circumstances. In order to meet the required <i>water quality</i> attribute target the river would need to comply with relevant Environmental Quality Standards (EQS) and achieve at least a 'Good' chemical status.</p> <p>No recent or up to date data has been submitted with the planning applications as to what the current chemical status of the river is, either locally around the development site, or as a whole. As stated previously, the 2010 condition assessment for Units 48 and 49 of the River Wensum SSSI states that the water quality is <i>favourable</i> and the chemical status is <i>good</i> (which is also presented in Table 4 of the 'Shadow HRA'), yet these units remain in <i>unfavourable</i> condition with targets for turbidity and siltation not being met. The 'Shadow HRA' acknowledges that water pollution could, in part, be responsible for the unfavourable condition status (this view is supported by Natural England in the <i>Diffuse Water Pollution Plan</i>, 2015) but attributes this mainly to elevated levels of phosphorus and suggests that other pollutants are present but not at levels that are "<i>thought to exceed common standards monitoring</i>" and it is evident that, in 2010 at least, the CSM target was being met for '<i>other pollutants</i>' (as opposed to phosphorus pollution targets).</p> <p>Given the lack of up to date monitoring data on the water quality status of the river and the potential impact that pollutants would have on habitat integrity, the precautionary principle is applied and it is anticipated that any surface water discharges arising from the development that contain pollutants of any amount could undermine the conservation objectives of the SAC.</p> <p>Based on the above assessment and without mitigation occurrences of sediments and pollutants, from either accidental releases or the day to day operation of the development, entering the river via the surface water drainage network, however intermittent or minor, could undermine the ability to achieve the conservation objectives of the qualifying features of the SAC by affecting the extent, distribution, structure and function of the features and the supporting processes on which the features rely. Failure to meet the conservation objectives will result in an adverse effect on the integrity of the designated site.</p>
<p>3</p>	<p>Increase in waste water quantity requiring treatment and subsequent discharge into surface water leading to a reduction in water quality</p>

The HRA screening stage has identified that the treatment of effluent required as part of the operational aspects of the development are considered to constitute mitigation and an appropriate assessment is required.

Part of the development (hybrid planning application: ref. PO/20/0524) in outline form includes the expansion of the Maltings facility to increase the maximum output tonnage from 115,000 tonnes to 175,000 tonnes in any one calendar year. This increase in output would require additional buildings and infrastructure, as indicated in Section 5.13 of the ES Addendum and on the indicative master plan Appendix 5.1A Parameters Plan, however the precise details of the development in this location is to be determined at the reserved matters stage. Drainage attenuation features for this part of the development form part of the wider surface water drainage system (as detailed in Issue 2 above). The increase in the maltings process output is likely to result in increases in emissions to air and water, although the full details are currently unknown. Details of the existing maltings process is provided in the Introductory Note for the current permit (re. EPR/FP3037PA). Essentially the maltings process includes drying, storing, steeping, germination and kilning of grain to provide malted cereals in bulk or as a bagged product. A recent variation to the PPC permit has included a Speciality Malt Plant (SMP) in the process, which adds an additional step of roasting to provide speciality malts. Some of these processes result in waste water being generated.

Information for the HRA provided by Dr Hopkins (1st June 2021) states that in order to increase the output capacity at the maltings, the capacity of the effluent treatment process (further details provided below) on the development site would need to be increased with new plant and structures, but it is likely that these will be similar to the existing treatment process with appropriate improvements in technology and capacity incorporated into the design (to be agreed at the detailed design stage). The location of any additional requirements to the treatment process will be determined at the detailed design stage but these are likely to be situated close to the existing facility. Furthermore, it is likely that the same discharge point for the treated effluent, or a second discharge point into the same watercourse, will be used for any new/additional treatment processes. It is stated that any quantitative changes to effluent arising as a result of the increase in maltings process will be dependent on the final level of operations. And in terms of qualitative changes, although the level of output would depend on the processes undertaken, a significant change in pollutants from the existing operations is not expected as the raw product would continue to be barley and the onsite processes would continue to relate to malt production. The applicant expects that efficiencies and new technology in the maltings/effluent treatment process would mean that expansion levels would not scale up directly from current levels.

Details of the existing Effluent Treatment process have been provided in Appendix 3 of the document entitled '*Responses and Additional information Regarding the Draft Habitats Regulations Assessment*' (Dr Hopkins, 1st June 2021). In summary: all process water is treated in the effluent plant, which consists of two treatment tanks, one holding tank and a v-notched weir. The treated effluent is then discharged in a controlled manner into a local watercourse which is a tributary of the river Wensum. The treatment tanks contain activated sludge (aerobic micro-organisms that digest organic matter) with which the process water is mixed with oxygen by aeration, this process reduces the amount of total suspended solids (TSS) in the effluent. A period of settlement follows the aeration in which the activated sludge settles to the bottom of the tank leaving low TSS water at the top of the tank. The sludge is periodically removed from the bottom of the tank and taken off site by lorry, while the water from the top of the tank is drawn off by a floatation device and is subsequently discharged via the weir to the river Wensum tributary. The water over the weir is monitored by instrumentation for discharge volume and TSS levels. TSS levels are to be kept within the PPC permitted levels (25mg/l), if levels go above 20mg/l the discharge is halted and the treated effluent diverted back to the treatment tanks for further treatment. Daily volume limits are set by the PPC permit at 1400m³, once the set point of 1390m³ has been reached the treated effluent is

diverted to the holding tank until further discharge can proceed within permitted levels. The effluent plant is fully automated and controlled using an electronic control system and will alarm if any issues occur within the process.

As part of the PPC permit, there is a requirement to self-monitor all of the equipment used for effluent monitoring on a regular basis, which is audited yearly as part of the Environment Agency's 'M-Certs' monitoring scheme, which ensures that the monitoring standard and method complies with either the British Standard or ISO standard. The weekly effluent data for January 2020 to May 2021 has been provided to the Local Planning Authority (LPA), which provides data from the effluent monitoring system for pH, Ammonium (as N), Ammoniacal Nitrogen, Biological Oxygen Demand (BOD), Chemical Oxygen Demand (COD), TSS, Aluminium and Phosphorous. The data includes that monitored and recorded by Crisp Maltings Group and that from an external laboratory. The PPC permit sets limits and monitors the effluent discharge at discharge point W1 (the weir). The parameters monitored within the treated effluent are BOD, Suspended Solids, Ammonia, Total Phosphorus as P, Flow and pH.

In Section 3 of the document entitled '*Responses and Additional information Regarding the Draft Habitats Regulations Assessment*' (Dr Hopkins, 1st June 2021), Dr Hopkins presents a summary of the effluent discharges for the existing maltings and seeks to relate this to aspects of the River Wensum ecology, specifically how the discharge interacts with other factors and PPC permit levels with particular focus on phosphate inputs.

The 'Shadow HRA' and the ES both acknowledge that phosphate is a significant pollutant for the River Wensum and that the orthophosphate level targets are exceeded at most monitoring sites, however, the Shadow HRA states that industrial sources only contribute to 1% of the apportioned phosphate sources, with agriculture and sewage treatment works contributing approximately 70% between them. These assumptions have been made based on data that has been extracted from the *River Wensum SSSI Exemplar Diffuse Water Pollution Plan (DWPP) and Action Plan* (Natural England, 2015), and relates to the percentages as averaged for the overall river catchment. The DWPP provides a further breakdown of the apportionment of phosphate over different sections along the length of the whole river and there are significant differences for how much phosphate pollution can be attributed to industry in the section of the river around Great Ryburgh (see Figure 2.2 of DWPP). This is acknowledged by Dr Hopkins in his response of the 1st June 2021, in that the length of river from ~ 15 to 21km (and the point at which Fakenham WWTW discharges into the river and is the greatest contributor to phosphate levels) the phosphate concentrations apportioned to industry is greater than that attributed to agriculture, and it is considered that this is largely attributable to Crisp Maltings. Also that the management target for the concentration of phosphorus (CSM target) is shown to be exceeded at the point of the river where Crisp Maltings discharges.

Phosphate pollution, together with increases in other nutrients, has been identified as a particular concern for the River Wensum SAC, with elevated nutrient levels leading to dominance by attached forms of algae and a loss of characteristic plant species, which in turn may alter the balance of species that live in the river or supporting habitats.

Monitoring data (2007 to 2013) collected for the River Wensum at Great Ryburgh Bridge demonstrates that the river is not complying with the 2014 SSSI phosphate targets and the SSSI river units nearest to the development site are in *unfavourable* condition due to, *inter alia*, elevated phosphate levels.

The conservation objective target for *water quality* is to restore the natural nutrient regime of the river, with any anthropogenic enrichment above natural background levels limited to levels at which

	<p>adverse effects on characteristic biodiversity are unlikely. Although phosphate from industry accounts for a smaller proportion of the overall total phosphate input into the whole river, without mitigation (i.e. treatment) the process water from the maltings process is likely to contain sufficient levels of phosphorus that are likely to alter the characteristic vegetation communities of the Annex 1 habitat (H3260) and undermine the ability to meet conservation objectives of the SAC. The most recent monitoring date for the river highlights that current phosphate targets are not being met, therefore without mitigation any untreated discharges from Crisp Maltings is likely to contribute, either alone or in combination with other sources, to the existing unfavourable condition status of the River Wensum. Failure to meet the conservation objectives will result in an adverse effect on the integrity of the designated site.</p>
<p>4</p>	<p>Increase in airborne particles or harmful chemical compounds (air pollution) due to operational combustion activities leading to a reduction in air quality</p>
	<p>The HRA screening stage has identified that releases to air from the operational phase of the development could result in potential impacts on the River Wensum SAC. Furthermore, that the River Wensum is sensitive to elevated levels of air pollutants and exceeding critical values could modify the chemical status of the substrate, accelerating or damaging plant growth, altering vegetation structure and composition and causing the loss of sensitive typical species associated with it.</p> <p>The Shadow HRA does not consider that the release of dusts and other material from the operation of the development would impact the integrity of the River Wensum SAC. It is not clear whether the Shadow HRA has taken into consideration the effects of nitrogen oxides in this assessment, even though the River Wensum SAC is sensitive to elevated levels of nitrogen, as the Shadow HRA does not specifically reference the specific pollutant components within the emissions to air arising from the combustion processes. The Ecology chapter in the ES states that <i>“the level of emissions [to air] is not thought sufficient to be included within the scoping, either for nature conservation or adjacent and nearby residential areas as receptors. It is not, therefore, thought that the impact of emissions to air will be significant and they are assessed as being of negligible magnitude and of negligible significance”</i>.</p> <p>In addition, the Air Quality, Odour and Dust chapter of the ES has also not considered the impact of the combustion emissions arising from the operation phase of the development (expansion of the output of the maltings process) on the River Wensum although the Scoping Report did identify the River Wensum as a sensitive receptor for air quality. The Scoping Report stated that the air quality section of the ES would <i>“assess the potential effects of the proposed development on local air quality due to... NOx and particulate matter (PM₁₀ and PM_{2.5}) emissions from additional vehicle movements associated with the proposed development once operational and any energy generation plant included within the proposals; and the potential impact of the proposed development on traffic using the local road network, and consequently on ambient concentrations of NOx and nutrient nitrogen deposition, and subsequent effects on the River Wensum (SSSI/SPA[SAC]) will be considered in the assessment should the changes in traffic flows along the local road network be significant”</i>. Consequently, although at the Scoping stage of the EIA process the potential air quality impacts arising from the combustion emissions of the development on the River Wensum were scoped in, neither the Ecology chapter nor the Air Quality, Odour and Dust chapter of the ES have included this in the assessment. This means that the potential effects on the River Wensum have not been properly assessed as part of the EIA process, which subsequently should, in a co-ordinated manner, inform the HRA. As a result of the omission of any assessment within the Shadow HRA and the ES of the operational effects of the development and the for potential reductions in air quality and subsequent impacts on the River Wensum; together with the identified sensitivities of the River Wensum to elevated levels of air pollutants; the following assessment will take a precautionary approach in reaching a conclusion and decision.</p>

This HRA has screened out likely significant effects on the River Wensum SAC due to nutrient nitrogen deposition arising as a result of changes/increases to traffic flows arising from the development. However, changes in local air quality arising from releases of nitrogen oxides from the operational energy generation requirements of the development (expansion of the Maltings facility to increase the maximum output tonnage from 115,000 tonnes to 175,000 tonnes) have not been screened out and the LPA considers that an appropriate assessment is required to assess the need for, and efficacy of, any avoidance and/or reduction measures.

The operational aspects of the development include the malting and roasting of grains, including in the speciality malting plant (SMP) and requires the generation of hot water and hot air/steam from combustion plants. Releases from the two combustion plants (the natural gas fired thermal fluid boiler and gas oil fired CHP) include products of combustion and particulate matter and the increase in the maltings process output is likely to result in increases in these emissions, although the full details are currently unknown. It is not clear whether an additional combustion plant will be required to increase the output of the maltings plant. The 'Shadow HRA' identifies that measures to reduce releases include cyclones and filters and general best available technology and that proposed future operations would operate with similar technology.

The Conservation Objectives Supplementary Advice (COSA) for the River Wensum SAC identifies *air quality* as a supporting process attribute of the Annex 1 H3260 feature, the S1016 feature and the S1092 feature, with a target of restoring the concentrations and deposition of air pollutants to at or below the site-relevant Critical Load or Level values given for the feature on the Air Pollution Information System (www.apis.ac.uk). The COSA states that elevated nutrient levels interfere with competitive interactions between higher plant species and between higher plants and algae, leading to dominance by attached forms of algae and a loss of characteristic plant species (which may include lower plants such as mosses and liverworts). In addition, through changes to plant growth and plant community composition and structure they also affect the wider food web, altering the balance between species with different feeding and behavioural strategies. The respiration of artificially large growths of benthic or floating algae may generate large diurnal sags in dissolved oxygen and poor substrate conditions (increased siltation) for fish and invertebrate species. The COSA recognises that while the management focus is typically on phosphorus in rivers, on the assumption that it can be more easily controlled at levels that limit the growth of plant species, nitrogen may also be important in river eutrophication and ideally co-limitation would be the management aim.

In addition it is noted in the COSA that acid deposition can cause major changes to flora, fauna and ecosystem functioning and affects organisms as diverse as diatoms, invertebrates and fish. Acidification lowers dissolved organic carbon in these waters, reducing the buffering capacity and altering ecosystem functioning. For the S1016 feature (Desmoulin's whorl snail) the COSA identifies that at the time of writing, the fen, marsh and swamp habitats have an atmospheric Nitrogen deposition exceedance of 6-11 kgNha⁻¹ yr⁻¹. And for the S1092 feature (white-clawed crayfish) the COSA identifies the maximum and average NO_x and SO₂ deposition are below critical levels for river supporting habitat. Average nitrogen deposition is 14.3kg/ha/yr and acid deposition Nitrogen|Sulphur 1.02|0.29 keq/ha/yr. No critical loads have been established for the site for nitrogen or acid deposition. Although there no critical loads for acid deposition this remains a concern due to the increased solubility of toxic Al³⁺ ions with reduced pH having the potential to harm crayfish and other aquatic animals.

The Air Pollution Information System (APIS) states that the H3260 habitat feature is sensitive to nitrogen deposition, however no comparable habitat with established critical load estimates are available. Therefore no Critical Load has been assigned to the EUNIS classes for meso/eutrophic systems. APIS does state that these systems are often P limited (or N/P co-limiting), therefore

	<p>decisions should be taken at a site level. In addition, consideration should also be given to other sources of N i.e. discharges to water, diffuse agricultural pollution etc. These values are also equally applicable to the species features of the SAC that are dependent on the broad habitat type of the SAC. With respect to H3260 habitat sensitivity to nitrogen oxides, APIS states that site specific advice should be sought however the Critical Level set for all vegetation is 30 µg NOx/m³ annual mean and the Critical Level set for all vegetation is 75 µg NOx/m³ 24-hour mean.</p> <p>No data has been submitted with the planning applications as to what the background levels for nutrient nitrogen, acidity or nitrogen oxides are for the river (or local area) and supporting habitats or how these relate to the Critical Loads or Levels and site specific advice has not been sought. The Site Improvement Plan for the River Wensum SAC does not list air pollution as a priority issue for the site, however it is evident from the information within the COSA that air pollution is a contributory factor to the nutrient levels within the river but that phosphate pollution arising from water pollution is the main concern. However, nitrogen has been cited as important in river eutrophication and co-limitation is the management aim, therefore it is considered that significant levels of nitrogen deposition could be considered as having an adverse effect on the integrity of the River Wensum, either alone or in combination with other pollutant sources.</p> <p>The 2010 condition assessment for Units 48 and 49 of the River Wensum SSSI state that the water quality is <i>favourable</i> and the chemical status is <i>good</i>, however the units remain in <i>unfavourable</i> condition with targets for phosphates, turbidity and siltation not being met.</p> <p>Given the lack of up to date monitoring data on the water quality status of the river and the potential impact that air pollutants would have on habitat integrity, the precautionary principle is applied and it is anticipated that emissions to air arising from the development, alone or in combination, could contain levels of nitrogen oxides that will contribute to the nutrient loading of the river and undermine the conservation objectives of the SAC.</p> <p>Based on the above assessment and without mitigation, the emissions to air arising from the day to day operation and combustion processes of the development, could undermine the ability to achieve the conservation objectives of the qualifying features of the SAC by adversely affecting the supporting processes on which the features rely. Failure to meet the conservation objectives will result in an adverse effect on the integrity of the designated site.</p>
<p>5</p>	<p>Increase in demand for water leading to increased abstraction volumes resulting in changes to the natural hydrological regime of the river</p>
	<p>The HRA screening stage has identified that the control of the abstraction volume under the existing permit is considered to constitute mitigation and an appropriate assessment is required.</p> <p>The day to day operational requirements of the development (expansion of the Maltings facility to increase the maximum output tonnage from 115,000 tonnes to 175,000 tonnes) will require additional water consumption. Washing, steeping and other operational requirements of the maltings process requires water and it is considered that the expansion of the facility will increase water consumption, although the specific amount of additional water required to enable the expansion is not "<i>fully known</i>" (Dr Hopkins, June 2021). However, Dr Hopkins asserts that greater levels of water re-use and efficiency technologies can be employed in the maltings process which will result in a reduction in per unit requirements. Crisp Maltings Group Limited currently abstracts water from two boreholes, within the development site, under an Environment Agency Licence (ref. Great Ryburgh Maltings 7/34/11/*G/0319). The licence limits abstraction to 455,000 cubic meters per year, 1591 cubic meters per day, 64.80 cubic meters per hour and 18 litres per second.</p> <p>The Conservation Objectives Supplementary Advice (COSA) for the River Wensum SAC lists the <i>Water Course Flow</i> as a structure and function attribute of the Annex 1 H3260 feature, and has a target of restoring the natural flow regime of the river, with daily flows as close to what would be</p>

	<p>expected in the absence of abstractions and discharges (the 'naturalised flow'). Targets are set and agreed as part of the Environment Agency's River Basin Management Plan (RBMP). The natural flow regime both shapes and sustains characteristic biotope mosaics, affecting factors such as current velocities and bed hydraulics, water levels and depths, wetted area, temperature regime and dissolved oxygen regime. Abstraction can also affect the natural thermal regime of the river (exacerbated by climate change), which is a structure and function attribute, and also the resilience of the river and ability to adapt to wider environmental change (a supporting process attribute). Temperature fluctuations in the river can impact on the species features of the SAC.</p> <p>In addition, abstraction can affect water tables which in turn can impact on the supporting habitat of the S1016 feature, Desmoulin's whorl snail, which relies on a water table at, or slightly above or below, ground surface level throughout the year. The COSA identifies that the overall water resource management for the river is guided by the Broadland Rivers Catchment Abstraction Management Strategy (CAMS) and the Environment Agency's Review of Consents (RoC), and that the Environment Agency's River Basin Management Plan (RBMP) describes the approach to meeting SAC standards for river flows which are to be delivered through subsequent Asset Management Plans (AMP). Water quantity targets (supporting process) for the S1016 feature are to restore the quantity to a standard which provides the necessary conditions to support the feature.</p> <p>The COSA and the Site Improvement Plan (SIP) (Natural England, 2014) identifies that abstraction is adversely impacting the flow regime of the river and as a result changes to abstraction licences to relieve pressure on the river were identified through the Review of Consents process. The actions identified in the SIP applied to abstraction by Anglian Water, with reductions secured through the Water Industry Asset Management Plan (AMP) between 2014 and 2021, and commitments to implement measures identified in the Restoring Sustainable Abstraction Programme (which has a timescale to 2027). A further action to investigate or identify actions to meet the conservation objectives for flow is highlighted for the third round of the RBMP from 2021. This action could affect abstraction limits for existing and/or proposed licences.</p> <p>River units 51 to 54 of the SSSI, downstream of the development site, were in unfavourable condition at the last assessment (2010) due to abstraction (in addition to other reasons).</p> <p>Based on the above assessment and without mitigation the additional water consumption requirements for the day to day operation of the development, could undermine the ability to achieve the conservation objectives of the qualifying features of the SAC by affecting the structure and function of the feature and the supporting processes on which the features rely. Failure to meet the conservation objectives will result in an adverse effect on the integrity of the designated site.</p>
<p>6</p>	<p>In combination effects of emissions to water and air, and effects of abstraction leading to a reduction in water and air quality and natural flow regimes.</p>
	<p>The HRA has identified that the Appropriate Assessment carried out by the Environment Agency for the various discharge consents and for the abstraction licence for the River Wensum identified an in combination effect on the SAC, based on levels of phosphorus exceeding targets as determined via modelling and the river being 'over-licenced'. Furthermore, the River Wensum is sensitive to nitrogen deposition and acidification and the development contributes oxides of nitrogen to the atmosphere which are monitored as part of the PPC Permit.</p> <p>The potential for in combination effects arise from:</p> <ul style="list-style-type: none"> • Water pollution – diffuse pollution from farming (nutrients/suspended solids), other industry, water recycling centres (increasing phosphates and nitrogen), as well as other pollution from

	<p>urban run-off (suspended solids, metals and hydrocarbons), leading to a reduction in water quality of the River Wensum;</p> <ul style="list-style-type: none"> • Air pollution – from nearby poultry farming and other licenced bodies that result in a reduction in air quality and increased nutrient nitrogen deposition and acidification, which could result in changes to the vegetation composition and structure of the river and supporting habitats; and • Abstraction – other licenced abstraction points, which could adversely affect the natural flow regime of the river. <p>Based on the previous assessment (Issues 1 to 5 above) and without mitigation, the releases to water and air arising from the construction activities and the day to day operation of the development, together with the water abstraction requirements for the maltings, could undermine the ability to achieve the conservation objectives of the qualifying features of the SAC by adversely affecting the extent, distribution, structure and function of the features and the supporting processes on which the features rely, either alone or in combination. Failure to meet the conservation objectives will result in an adverse effect on the integrity of the designated site.</p>
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Based on the best scientific knowledge available, will the plan or project adversely effect the integrity of the European Site?

Yes	Proceed with next stage to assess mitigation measures
No	Proceed with application as normal
Unsure/Unclear	Ask for additional information from application and return to stage 2

Are there any mitigation measures proposed or embedded within the project that will avoid adverse effects on the integrity of the European site?

Case law from the Court of Justice of the European Union (CJEU), the *Coöperatie Mobilisation for the Environment UA and Others v College van gedeputeerde staten van Limburg (C-293/17 & C-294/17)* [2019] Env LR 27 (otherwise known as the Dutch Nitrogen cases), on the interpretation of the Habitats Directive with respect to the impacts of agricultural nitrogen pollution on European sites is relevant to this HRA. The Dutch Nitrogen cases relate to strategic approaches to dealing with nitrogen and considers the approach to take when new plans/projects may adversely affect the ecological situation where a European site is already in unfavourable conservation status and the case considers the acceptability of mitigation measures whose benefits are not certain at the time of the assessment. The CJEU gave guidance in relation to mitigation at the appropriate assessment stage and made it clear that, if the expected benefits or mitigations are “uncertain” at the time of the appropriate assessment, either because the procedures needed to accomplish them have not yet been carried out or because the level of scientific knowledge does not allow them to be identified and quantified with certainty, then they cannot be taken into account (see [130]).

The High Court recently considered the Dutch Nitrogen cases in *Abbotskerswell Parish Council v SSHCLG* [2021] EWHC 555 (Admin) and *R(Wyatt) v Fareham Borough Council & Others* [2021] EWHC 1434 (Admin). The *Abbotskerswell* case confirmed that when an outline permission is being sought, the level of detail required is not the same as for a full permission, but the competent authority must make a judgment as to whether the information available is sufficient to dispel all reasonable scientific doubt as to avoidance of adverse effects to the integrity of the site (see [152]-[155]). The *Wyatt* case confirmed that the competent authority must, prior to authorisation, be satisfied that there is no reasonable scientific doubt as to the absence of adverse effects of each plan or project on the integrity of the site concerned and in practice this requires a case-specific assessment by the competent authority applying rigorous scientific principles to the endeavour (see [34]).

The documents/report to which reference has been had in conducting that assessment are set out in Table 1. In order to obtain further detailed information, NNDC provided the applicant with a draft HRA to which the applicant was invited to respond; a conference call was held with the applicant on 25/6/21 and the applicant’s environmental consultant, Dr Graham Hopkins, provided a further document on 5/7/21 which included additional comments from the applicant’s drainage consultant.

With respect to the EA environmental permitting process, the Council acknowledge that an existing Environmental Permit can be considered as mitigation. However, it is considered that the existing PPC Permit for the Maltings is not mitigation for the proposed development because it does not cover the development or the site and a varied or new permit would be required. In light of the *Dutch Nitrogen* cases and the earlier domestic case of *R(Preston) v Cumbria County Council* [2019] EWHC 1362 (Admin), the existence and powers of the EA permitting process, cannot, without more, be regarded as being objective information which is sufficiently certain to establish that there would not be a potential significant effect. The HRA addresses in various places how the applicant has sought to rely on the potential new/varied permit as mitigation.

Mitigation measures required to avoid an adverse effect on integrity – The River Wensum SAC and the River Wensum SSSI	
1	<p>Pollution of soil, groundwater and/or surface water due to run-off from construction activities leading to a reduction in ground and surface water quality and soil quality</p> <p>The ‘Shadow HRA’ considers that an integral part of the construction activities would involve mitigation measures to prevent pollution and to minimise impacts on surface water, by adhering to appropriate good practice working methods and recommendations such as those within ‘<i>Works and Maintenance In or Near Water: GPP 5</i>’.</p> <p>Furthermore, the ‘Shadow HRA’ suggests that across the River Wensum catchment, agriculture and bank erosion are the main sources for soil entering the run-off, and urban areas are also recognised as sources of diffuse pollution for a range of other compounds, therefore in the context of the development, any such inputs during construction are likely to be relatively minor at a catchment scale and an impact on site integrity would not occur subject to adhering to the best practice working methods.</p> <p>The construction requirements are considered to be of a nature and scale that can be completed using standardised methods and procedures for construction and do not present any unexpected elements of risk either from materials, transportation or site specific requirements. While the receiving environment is highly sensitive with its connectivity with the River Wensum, given that standard good practice construction measures can be employed (which will be secured via a condition of planning), which can be identified and quantified with certainty and are likely to be effective at preventing and reducing the effects of any accidental releases during construction, it is considered that an effect on the integrity of the River Wensum will not occur.</p> <p>Best practice construction methodologies required: to be secured through appropriate conditions including a Construction Environment Management Plan.</p>
2	<p>Pollution of surface water arising from the day to day operation of the project either through accidental releases and/or from surface water drainage discharge leading to a reduction in water quality</p>

In order to meet the conservation objectives of the SAC and to avoid an adverse effect on the integrity of the river from pollution events arising from accidental releases and/or through the day to day operation of the surface water drainage system, mitigation measures will need to be implemented. These mitigation measures will need to be identified and quantified with certainty and ensure that adequate safeguards and systems are in place to prevent accidental discharges from entering the surface water drainage system and, if this is not possible, allow for their attenuation and safe removal following an event. In addition, the surface water drainage system i.e. the Drainage Strategy, itself is a mitigation measure for the day to day operation of the development, and in order to be deemed *mitigation* must be fit for purpose and be designed to meet water quality and quantity (discharge rate) standards based on the level of the hazard occurring from the specific land use (Woods Ballard, B *et al* CIRIA 2015).

The site is subject to an Environmental PPC Permit (ref. EPR/FP3037PA/V009), with the point source emissions to water (other than sewer) and land, together with emission limits and monitoring requirements, set out in Table S3.2 in the permit. This identifies one discharge point relating to the effluent treatment plant and two discharge points (W2 and W3) relating to the site drainage, all of which drain into tributaries of the River Wensum. Both site drainage emission points (W2 and W3) have no limits set for any parameters and have no monitoring. Conditions are stipulated within the PPC permit that cover emissions of substances not controlled by emission limits (such as the site drainage). The conditions state that emissions should not cause pollution and in the event of a pollution incident, the operator must, if notified by the EA, implement an approved emissions management plan. If a pollution event occurs that significantly affects the environment then the PPC permit stipulates that the operator must inform the EA and take measures to limit the consequences of the incident or accident.

With respect to accidental releases, the 'Shadow HRA' states that measures to reduce the effects of accidental releases from the operation of the existing Maltings plant include protection measures such as bunding and double skins, as appropriate, on storage tanks for oil and reagents, and as part of the existing PPC permit, an accident management plan is maintained and reviewed. The 'Shadow HRA' states that current operations at the Maltings are expected to adhere to the PPC permit requirements and follow appropriate best practice with respect to accident management and avoidance of pollution incidents.

Crisp Maltings Group currently operate under an 'Emergency Preparedness and Response Plan' (27th March 2019), the purpose of which is to "*formalise the response of the Great Ryburgh site to any major environmental emergency e.g. fire, explosion or a major release of material that occurs to land, water or air*" and to ensure compliance with the various environmental and health and safety regulations under which the Maltings operate. The applicant has provided a Hazardous Substances Inventory that lists all of the potential pollutants that occur on the existing site, the type of containment and storage location for them. Substances include up to 75,000ltrs of fuel oil, 600ltrs of Gibberrillic acid, 2000ltrs of Sodium Hypochlorite, 4000ltrs of Poly Aluminium Chloride, oils and greases and various laboratory chemicals. The 'Shadow HRA' proposes that the range of potential pollutants is unlikely to increase or change for the proposed future operations associated with the expansion of the maltings and that best practice is anticipated to be followed. Dr Hopkins (June 21) states that the *Emergency Preparedness and Response Plan* retains flexibility over relevant actions to different scenarios and that the locations of activities that might generate pollutants would be established once the outline scheme was designed in greater detail and the Plan updated.

As detailed previously, in terms of the detailed elements of the development, i.e. the access road, warehouse and silos, the three main pollutants that could occur via accidental releases are established as suspended solids, metals and hydrocarbons, such as oil and diesel and spilled grains. The applicant states that accidental releases from these areas of the development would

be covered by the *Emergency Preparedness and Response Plan*, which seeks to prevent spills from entering the surface drains. Furthermore, although the drainage system for the access road does not seek to provide for accidental large spills, there is no direct run-off to watercourses, which would mean that any spills would be contained within either the swales and/or the attenuation lagoons providing opportunity to remove concentrated spills prior to onward transmission to the watercourse. This would limit the risk of impacts on the SAC (Hopkins, June 21).

Dr Hopkins (June 21) considers, based on the existing uses, that the proposed development does not represent any significant issues or resultant risks considering the '*type and frequency of use*', and suggests mitigation measures such as trapped gullies, cut off valves to high risk areas, localised "spill volume" attenuation can intercept any spill prior to discharge. For example the current site has penstock isolation valves to isolate the site if required.

The information accompanying the application states that the Drainage Strategy for the project has been design to include capacity for treatment and conveyance for all elements of the development subject to the detailed and outline planning applications. However, the applicant acknowledges that further assessment will need to be undertaken for the content of the outline aspects to ensure that pollutants do not exceed the treatment level provided by the strategy design, for example if HGV parking areas were required further treatment/containment measures would be required. These measures could be targeted towards the areas of greater risk and prior to connection to the main drainage network and include measures such as oil interceptors and/or localised mechanical or filtration devices installed in manholes.

With respect to the day to day operation of the development, the surface water drainage strategy is the mitigation measure required to ensure that all the surface water draining into the River Wensum from the maltings facility and the HGV haul road is of sufficient quality and discharged at the correct rates to protect the features of the SAC/SSSI. In order for the mitigation measure to be deemed effective and reliable, the surface water drainage strategy should be designed to meet with stringent water quality and quantity standards set by industry good practice, which includes Sustainable Drainage System (SuDS) principles as set out in the CIRIA C753, The SuDS Manual (Woods Ballard, B *et al* CIRIA 2015).

Information relating to the Surface Water Drainage Strategy is included in Chapter 10 of the Environmental Statement (and relevant updates) and accompanying appendices, which include a *Flood Risk Assessment and Drainage Strategy* (ref. 1152 FRA Rev B), *Surface Water Drainage Calculations* document (Ref. 1152 DC Rev A) and a *Surface Water Maintenance Plan* (Ref. 1152 Rev A) all which have been prepared by BMF Consulting. The Environmental Statement advises that the Surface Water Drainage Strategy has been designed to align with the CIRIA C753 SuDS Manual and the Sewers for Adoption and Building Regulations (ES, 10.49, page 108).

The Flood Risk Assessment (FRA) (section 5.1.5) states that the Drainage Strategy has been designed to provide a better than sufficient level of treatment to remove pollutants to flows being discharged to watercourses which lead to the River Wensum, which is acknowledged as a receptor of high sensitivity. The FRA states that the risk presented by the HGV access road and the warehouse and silos (i.e. the detailed part of the planning applications) will be *low* and that the minor levels of traffic and HGV traffic can be accommodated in treatments such as swales, detention basins, filter drains and bio-retention features, but that any HGV parking (which could potentially be part of the outline application) would require an oil interceptor to be installed.

As stated in the FRA, the Surface Water Drainage Strategy comprises the following elements:
Network 1

- 1) *This network consists of the initial section of access road. The predicted traffic numbers using the access are less than 300 movements a day, classing it as a low pollution hazard in table 26.2 of The SuDS Manual.*
- 2) *For this network it is considered appropriate to collect runoff in vegetated swales with check dams to slow velocities and aid treatment with the main treatment being provided in permanent treatment storage at the base of the attenuation detention basin.*
- 3) *The correct use of gradients and check dams will enable the interception volume to be held. It is proposed that the road will mainly be un-kerbed allowing direct runoff to the swales.*
- 4) *The use of vegetated swales check dams and treatment storage in the detention basin will provide a level of treatment in excess of the recommended minimum.*

Network 2

- 1) *This is approximately 550m of access road classified as low pollution hazard in accordance with table 26.2 of the SuDS Manual, in an area where infiltration is viable.*
- 2) *An effective means to collect runoff would be the use of swales, potentially with check dams to reduce velocities and permit interception volumes to be held. The SuDS Manual states that vegetated swales with a suitable soil beneath would provide a higher than required treatment level, subject to meeting design requirements.*
- 3) *If required, additional treatment could be provided in lined treatment detention basins located at intervals along the road.*

Network 3

- 1) *The drainage network will serve the expansion of the Maltings facility, potentially including storage and warehouse facilities, silos and HGV parking. The main weighbridge and lorry activities are located within the existing site and it is considered most of the activity in this area of the site will be low traffic generating.*
- 2) *The risk of the proposed activities will have to be considered further as part of the detailed design as the use is identified, but initially it is considered that the area will consist of roof runoff, the road, small external areas accessing the warehouses, a concrete slab under the silos and a small amount of car parking. In accordance with table 26.2 of the SuDS Manual, these intended uses will be low risk, with a possible medium risk if a more intense use of the external areas is apparent. The exception to this is the potential to provide HGV parking. Due to the limited numbers, the risk is unlikely to be high, but the use of an oil interceptor within the system should be considered.*
- 3) *The discharge from this network will be to the watercourse via a detention basin, which could include a permanent treatment storage which would provide a high level of treatment. Close to the watercourse, ground water levels are higher and it is proposed the detention basin will be lined.*
- 4) *In line with guidance, prevention of pollution is an important stage of the system and sealed downpipes and trapped gullies should be considered to address potential contamination from spills or similar concentrated pollution.*
- 5) *The size of the buildings offer potential to collect roof water in swales or filter drains with shallow gradients enabling treatment. The same principle can also be applied around the perimeter of the silo's slab, again providing treatment and interception storage.*
- 6) *It is proposed the external areas will be collected by trapped gullies, transferred to a swale or the detention basin for further treatment. Small car parking areas could be in permeable paving subject to gradients.*

The 'Shadow HRA' states that the overall surface water management strategy will follow industry best practice as contained within the CIRIA SuDS Manual and will feature an appropriate mitigation train which acknowledges the highly sensitive receiving water of the River Wensum SAC. Furthermore that the proposed surface water strategy will not increase run-off rates in comparison to existing rates, with any increase in run-off volume mitigated through local infiltration or contained (attenuated) within the SuDS features. It goes on to state that the SuDS will be integral to the

development proposals and although it will be subject to detailed design there is sufficient confidence to conclude that that the surface water discharge will be at a level, in terms of both quality and quantity, that there will not be an adverse impact on the site integrity of the River Wensum SAC.

It should be noted that the current PPC permit would need to be varied/modified to include the additional elements of the proposed development and the extended land of the proposed Maltings expansion including the indicative surface water drainage strategy areas and discharge points. As the current PPC permit has no limits set or monitoring requirements for site drainage, it is unclear whether any future PPC permit or variation would include any limits or a requirement for monitoring.

The assumption within the Shadow HRA that an adverse impact on the site integrity of the River Wensum SAC will not occur is based on the supposition that as long as the development implements a drainage strategy that has been designed in compliance with the industry's best practice SuDS guidance, that this would be effective mitigation for the potential impacts on water quality arising from the day to day operation of the facilities. Therefore in order to have confidence in the Shadow HRA conclusions and to assess the appropriateness of the mitigation measures, the proposed surface water drainage strategy has to be critically appraised to ensure that it does actually meet with the CIRIA SuDS Manual guidance. If, for example, the assumptions and figures used in the drainage strategy calculations and the use of the *Simple Index Approach* are incorrect/over simplified then there is the possibility that the mitigation in the SuDS treatment train would not be sufficient and further treatment measures may be required to ensure effective mitigation.

The CIRIA SuDS Manual (Section 4.3.2.) states, with respect to water quality standards, that the *"extent of treatment required will depend on the land use, the level of pollution prevention in the catchment and for groundwater the natural protection afforded by underlying soil layers...land use will also dictate the likely significance of different types of contaminants in the runoff, and this may influence the treatment processes that need inclusion within the treatment system"*. The Manual goes on further to state that most sites will be relatively low risk and that the risk can be mitigated by implementing SuDS components close to the source of the runoff and in sequence. However, the Manual stipulates that in England and Wales, reference should be made to local planning documents to identify if any further protection is required for sites due to habitat conservation and that the implications of development on or in close proximity to such sites, e.g. SSSIs, should be considered via consultation with Natural England. In addition, the Manual states that *"discharges from some land uses (e.g. industrial sites) may be considered particularly high risk, in which case the drainage system will need to be designed to meet the requirements established by a site-specific risk assessment and agreed with the environmental regulator"*.

In light of the above advice provided in the SuDS Manual and as part of the Council's appropriate assessment, a series of questions were raised and further clarification sought regarding the drainage strategy from the applicant. These were stated in an email to Dr Hopkins from Kerys Witton (NNDC, Landscape Officer) on 17th June 2021 and discussed further in a telephone conference call between the two parties and also Jake Lambert (Bidwells, planning agent for the applicant) on 25th June 2021. A follow up response and additional documents were subsequently received, including comments specifically on the drainage strategy from the applicant's consulting drainage engineer (BMF Consulting) which are presented in Appendix 1 of the document entitled *'Additional Information Regarding the Draft Habitats Regulations Assessment Following the 'Conference Call' of 25 June 2021'* dated 2nd July 2021.

With respect to the design of the drainage strategy and the question as to whether the surface water drainage strategy is appropriate to the risk presented by the day to day operation of the HGV haul road and the expected run-off from the service yards, warehouse roof and silos associated with the expansion of the maltings, the applicant's consulting drainage engineer has stated that *"the SW*

design provides treatment to surface water runoff from rainfall which will include pollutants that are present on the drained surfaces. An example of this is hydrocarbons on roads deposited by vehicles or debris/dust/soil wash off" ... "the ethos of the SuDS Manual is about treating these known pollutants using tried and tested features to avoid downstream impacts and hence it is not necessary to undertake detailed assessments or impacts unless there is a potential contaminant that is not covered". In the response to the queries raised by the Council, the drainage engineer has sought to clarify why the Drainage Strategy is acceptable and complies with the CIRIA SuDS Manual. For example, with respect of justifying the use of the Simple Index Approach in determining the hazard posed by the development, the drainage engineer states that *"the land uses are appropriate, e.g. roads, commercial roofs, service yards parking etc. The review as identified low risk areas discharging to ground water and low to medium areas discharging to water courses, and the method is therefore valid. It is noted that other uses may increase the risk index, but this can be mitigated by additional features. The reference to a risk assessment is unquantified, mainly, as included in the reports, higher risks could occur and can be mitigated... Any assessment has to be appropriate to the scale and risk, this development, in terms of SW drainage is small with comparable low pollutant levels of known characteristics".* The approach taken by the drainage engineer in designing the drainage strategy therefore suggests that the type and level of pollutants expected from the drained surfaces are not considered to be either unusual or excessive in quantity to such a degree as to warrant a detailed assessment as prescribed in the CIRIA SuDS Manual.

The engineer does acknowledge that the *"only potential unknown hazards are from the commercial processes, which should be covered by the EA and PPC permit as even accidental discharge to the SW system should be considered as part of that scope".* This suggests that there are potential hazards arising from the proposed land use (the commercial processes) that have not been accounted for in the surface water drainage design, but that these will be considered as part of the PPC permitting process. In the response from the drainage engineer, it is not clear whether the potential unknown hazards relate solely to accidental discharges or to the day to day operation of the maltings, or both, and whether these have been accounted for in the drainage strategy? Although the drainage engineer does indicate that the use of shut off valves can be employed in the drainage system to prevent pollutants entering the system or water course and that higher treatment values and additional measures can be provided without requiring significant additional land.

The EA (letter dated 16/03/21) have suggested that in addition to the SuDS proposals, physical and management measures recently implemented to the existing surface water drainage system to address phosphate pollution arising from the operational activities at the site should be employed in the proposed drainage system, but it is unclear whether these measures have been included as part of the drainage strategy. In addition, the current PPC permit does not place any restrictions on the quality of the water arising from the surface water drainage system and subsequently discharged into the tributaries of the River Wensum, and only requires the operator to take action after a pollution event occurs. The applicant has placed substantial weight on the PPC permitting process to ensure that the surface water drainage is of a sufficient quality to prevent adverse impacts on the river, but this does not take into consideration that the PPC permit does not monitor the levels of pollutants entering the river (or the contribution this may have to phosphate levels in the river or overall levels of phosphate arising from the Maltings Plant) and can only require the operator to take action after a pollution event has occurred.

The CIRIA SuDS Manual provides guidance in the form of a Table on how to determine the minimum water quality management requirements for discharges to receiving surface waters and groundwater (Table 4.3 of the CIRIA Manual, replicated in Figure 3 below). It is evident that the applicant is placing the proposed development in either the *low* or *medium* land use pollution hazard level categories which would appear to justify the *Simple Index Approach* in the design of surface water drainage strategy. However, while it is acknowledged that the CIRIA Manual states that most

sites will fall into the low risk categories, the guidance in Table 4.3 does list sites with heavy pollution such as haulage yards, lorry parks and highly frequented lorry approaches to industrial estates as a land use with a *high* pollution hazard, and that these discharges may require an environmental licence or permit and that risk assessment is likely to be required. The development does fall into the category that an environmental permit is required, therefore it is questionable that the applicant has not sought pre-permitting advice of the environmental regulator or undertaken a detailed risk assessment for the drainage strategy design.

TABLE 4.3 Minimum water quality management requirements for discharges to receiving surface waters and groundwater			
Land use	Pollution hazard level	Requirements for discharge to surface waters, including coasts and estuaries ²	Requirements for discharge to groundwater
Residential roofs	Very low	Removal of gross solids and sediments only	
Individual property driveways, roofs (excluding residential), residential car parks, low traffic roads (eg cul de sacs, home zones, general access roads), non-residential car parking with infrequent change (eg schools, offices)	Low	Simple index approach ³ <i>Note: extra measures may be required for discharges to protected resources¹</i>	
Commercial yard and delivery areas, non-residential car parking with frequent change (eg hospitals, retail), all roads except low traffic roads and trunk roads/motorways	Medium	Simple index approach ³ <i>Note: extra measures may be required for discharges to protected resources¹</i>	Simple index approach ³ <i>Note: extra measures may be required for discharges to protected resources¹</i> In England and Wales, Risk Screening ⁴ must be undertaken first to determine whether consultation with the environmental regulator is required. In Northern Ireland, the need for risk screening should be agreed with the environmental regulator.
Trunk roads and motorways	High	Follow the guidance and risk assessment process set out in HA (2009)	
Sites with heavy pollution (eg haulage yards, lorry parks, highly frequented lorry approaches to industrial estates, waste sites), sites where chemicals and fuels (other than domestic fuel oil) are to be delivered, handled, stored, used or manufactured, industrial sites	High	Discharges may require an environmental licence or permit ³ . Obtain pre-permitting advice from the environmental regulator. Risk assessment is likely to be required ⁵ .	

Figure 3 Table 4.3 extracted from CIRIA C753, *The SuDS Manual* (Woods Ballard, B et al CIRIA 2015)

The drainage engineer has stated that the potential unknown hazards arising from the commercial processes will be covered by the EA/PPC permitting process, therefore it is clear that a new or modified PPC will be required for the development (this has been confirmed by the EA but not made clear within the planning application/Shadow HRA). As noted previously, the current PPC permit is restricted to activities contained within the land as shown on Schedule 7 of the permit, which does not extend to the development site area being considered as part of the two planning applications. The current PPC permit identifies two emission points: W2 – site drainage from site via an interceptor

and W3 – site drainage, these emission points are to tributaries of the River Wensum. No limits or parameters are set for the discharge points on the current PPC permit therefore the PPC does not monitor the quality or quantity of the discharge from the current surface water drainage system. Therefore, if the PPC is modified or renewed to include the development proposals, it is not clear if the water being emitted will be of sufficient quality as to avoid any adverse effects on the river or how or if this will be monitored by the EA because the current permit does not monitor the surface water drainage emission points.

It is noted that both the Environment Agency (EA) and Natural England (NE) have provided comment on the planning applications. The EA have “*no objections in principle to the proposals*” however, have stated that the proposals will involve substantial changes to the current [PPC] permit and that any new activities associated with the proposals should not take place until the permit variations have been considered and approved “*when and if they are deemed acceptable*”. This response suggests that there are no assurances that the EA would permit the proposed activities. Again, NE stated no objection to the proposals subject to securing “*appropriate*” mitigation measures without which they consider that the development proposals would have an adverse effect on the integrity of River Wensum Special Area of Conservation and damage or destroy the interest features for which River Wensum Site of Special Scientific Interest has been notified. The ‘no objection’ response from NE relies heavily on securing mitigation measures which are effective (i.e. appropriate) and which they considered to be those stipulated in the Shadow HRA. However, it is not conclusive that the surface water drainage system has been designed in accordance with the CIRIA SuDS Manual guidance and therefore could be considered an ‘appropriate’ mitigation measure. As part of the HRA process, NE will be sent a copy of this appropriate assessment for comment. If it cannot be comprehensively and conclusively demonstrated in the appropriate assessment that any discharges or emissions arising from the development proposals will not enter or adversely effect the River Wensum SAC or SSSI then the precautionary principle should be applied and the proposals should be considered under a worst case scenario, which in respect of the surface water drainage strategy could mean requiring a detailed risk assessment to inform the mitigation requirements.

In addition, concerns have been raised regarding the effectiveness of the drainage strategy to deal with flood events. Surface water flooding is shown to occur in the location of the proposed attenuation basin (Network 3) and during extreme rainfall events the proposed drainage infrastructure will exceed capacity and excess surface water will surface flow towards the receiving water course (Section 5.10.1 Appendix 10.1 ES). This could potentially lead to contaminated and polluted water (such as from HGVs) entering into the River Wensum SAC. The Flood Risk Assessment (FRA) and surface water drainage strategy states that this will not present an enhanced risk to the wider catchment. However, as the full details of the development are unknown at this stage and if the development includes high risk activities, such as HGV parking, this could result in contaminated surface water entering the river in extreme rainfall events.

In response to this concern, the applicant’s drainage engineer provided a response (dated 13th August 2020), which states that the drainage strategy has been designed for events with a probability of occurring up to 1 in 100 years (plus climate allowance) and that during such extreme events there would be significant flooding in the catchment. This would result in any contaminants on the site being significantly diluted by the high run-off volumes and are “*very unlikely to result in any lasting elevated pollutant values even if they are not retained by the design features*”.

The Lead Local Flood Authority (LLFA) have provided comment on the Flood Risk Assessment (FRA) and surface water drainage strategy. Although initially objecting to the development proposals, the LLFA subsequently withdrew the objection as the applicant provided an amended FRA and Drainage Strategy which took account of the local flood risk issues and surface water

drainage at the location, together with the submission of a Surface Water Maintenance Plan that sets out measures to maintain the proposed surface water drainage system to ensure its functionality and operation (Appendix 10.3A of ES Addendum). While it is acknowledged that the removal of an objection from the LLFA is reassuring with respect to the flood amelioration aspects of the strategy, it is not clear in the LLFA response whether they have considered water quality, and any potential effects on receiving water bodies, as part of the assessment of the surface water drainage strategy.

Furthermore, the Council have raised concerns over the adequacy of the IDB drainage network outside of the development site (downstream of the discharge points) and the ability of the network to accommodate additional flows that may arise from the development proposals. Previous concerns have been highlighted by the IDB about the capacity of the network, and as part of a 2015 planning application at the site (ref. PF/15/0837), an issue arose over an IDB culvert that takes the receiving water from development site as being unfit for purpose and without capacity to take additional flows. The IDB stipulated that additional flows generated by development at Crisp Maltings should be attenuated on site and released at greenfield run-off rates. The surface water drainage strategy for the development proposals have accounted for this and the IDB have subsequently provided a *Notice of Intention to Grant Consent* (dated 14th May 2021), subject to conditions, for an application by Crisp Malting Group Ltd to discharge surface water run-off from their site based on the indicative surface water drainage strategy and a discharge rate of 10.69 l/s. However, the applicant has not formally accepted the conditions therefore the *Notice* is no longer valid. The letter from the IDB does state that the *Notice* should provide assurances that, at the time of the submission, the IDB considered that the catchment had capacity for the proposals. The *Notice* also stipulates that the IDB would not have ongoing maintenance responsibilities for the drainage system served by the connection point from Crisp Maltings (the outfall) and that it would be the responsibility of Crisp Maltings to ensure that the responsibility for ownership, maintenance and operation of each and every element of the drainage system served by the outfall is clearly defined.

The outline elements of the development proposals retain a level of uncertainty about the precise nature and quantity of the potential pollutants and level of risk. However the applicant has suggested that effective mitigation measures can be put in place to deal with the specific risks associated with accidental releases, but that these will need to be assessed at the detailed reserved matters stage. The applicant's drainage consultant has stated that all potential contaminants have been considered as part of the Drainage Strategy and although the final mitigation measures will be dependent on the final processes and use on the site, the mitigation measures can be designed accordingly to "*fully mitigate against such impacts once the final processes and uses are agreed*" (Appendix 1, Hopkins, July 21). However the drainage consultant has also indicated that there are potential unknown hazards associated with the commercial processes but that these will be covered by the EA/PPC permitting process.

The 'Shadow HRA' considers that the accident management measures are sufficient to conclude that accidental releases can be contained to a level where it can be reasonably concluded with sufficient confidence, that accidental releases will not impact the site integrity of the River Wensum SAC.

Relevant guidance suggests that in order to avoid an adverse effect on integrity, the conservation status of a habitat must, if favourable, be preserved and, if unfavourable, must not be further harmed or rendered more difficult to restore to a favourable status (Tyldesley, D. and Chapman, C., 2021). Furthermore, '*integrity*' is defined as the coherent sum of the site's ecological structure, function and ecological processes across its whole area, therefore the effects of the development on site integrity must be considered across the whole site. Although the SSSI units for River Wensum near to the Maltings site (48 and 49) are currently in *unfavourable-no change* condition, a large proportion of

the SSSI is either in *unfavourable-recovering* or in *favourable* condition (48% in *unfavourable-recovering* and 11% in *favourable* condition). In addition, in 2015 the conservation condition of the River Wensum SAC was recorded as *good* according to the Natura 2000 Standard Data Form. This suggests that there has been some success in the conservation efforts aimed at restoring the river to favourable conservation status and that any subsequent consents should not undermine these efforts.

The conservation objectives for the Annex 1 feature H3260 of the River Wensum are to ensure that the in-channel vegetation is dominated by named species; that flows are sufficient to sustain natural river processes; that spring flows should be maintained; and that the river substrate should continue to be clean gravels. This HRA has determined that polluted water discharging from the development into the River Wensum would undermine these conservation objectives through changes in the vegetation structure and the river substrate, affecting the extent and distribution and the supporting processes of the feature. Although, elements of the mitigation proposed for the project (such as the Emergency Preparedness and Response Plan and aspects of the drainage strategy as outlined above) should, in normal circumstances, prevent accidental releases of pollutants from entering the river and undermining the conservation objectives, there remains an element of uncertainty regarding the potential pollutants and level of pollutants that could arise as part of the outline aspects of the development and also regarding the efficacy of the surface water drainage system or reliance on the Environmental Permitting process to prevent adverse effects occurring.

In light of the *Dutch Nitrogen* cases and the earlier domestic case of *R(Preston) v Cumbria County Council* [2019] EWHC 1362 (Admin), the existence and powers of the Environment Agency, cannot, without more, be regarded as being objective information which is sufficiently certain to establish that there would not be a potential significant effect. Also, the *Dutch Nitrogen* cases establish generally that mitigation cannot be taken into account if it is “uncertain” at the time of the appropriate assessment, including where the mitigation measures have not been identified and quantified with certainty.

In light of *Wyatt*, the Council must, prior to authorisation, be satisfied that there is no reasonable scientific doubt as to the absence of adverse effects of each plan or project on the integrity of the site concerned, which requires application of rigorous scientific principles to the endeavour. To summarise, the Council requires the following questions to be adequately addressed in order to have sufficient information to appropriately assess the impact of the development and the effect on the integrity of the River Wensum:

- 1) Is there a clear understanding as to what type of pollutants, and the quantity of these pollutants, that could be expected to occur and enter the surface water drainage system, either accidentally, during extreme weather events, or under normal circumstances, as a result of project?
 - a. In the main, the applicant has demonstrated the type and quantity of pollutants that are likely to occur as a result of the development, however, there remains some uncertainty over the outline aspects of the development in terms of potentially high risk activities such as HGV parking and unknown hazards from the proposed commercial processes.
- 2) Is there a clear understanding of how the surface water drainage system will contain and treat any pollutants that may enter the surface water drainage system?
 - a. Although the Drainage Strategy submitted by the applicant is indicative at this stage, the Drainage Strategy is reasonably clear as to how it will function for the detailed elements of the application. There remains some uncertainty over the outline aspects of the development, although the applicant has indicated that additional treatment measures can be incorporated into the strategy if necessary.

	<p>3) Does the surface water drainage system meet with industry best practice (i.e. CIRIA SuDS principles)?</p> <p>a. There remains some uncertainty that the water quality management requirements and land use and pollution hazard levels, as specified in the SuDS Manual, have been correctly applied in the methodology/design of the Drainage Strategy.</p> <p>4) In the case of accidental spills, can these be prevented from entering the river?</p> <p>a. The evidence suggests that under normal circumstances accidental spill events can be controlled, attenuated and cleared in accordance with an Emergency Preparedness and Response Plan and prevented from entering the river system. However, there remains some uncertainty over the outline aspects of the development in terms of potentially high risk activities such as HGV parking and unknown hazards from the proposed commercial processes.</p> <p>5) Do the expected pollutants arising from the development present such a high degree of risk that should the mechanisms to prevent those pollutants entering the river fail, cause significant harm and affect the ability to meet the conservation objectives for the river?</p> <p>a. The type of pollutants that could occur from the development are such that should they enter the water course would undermine the ability to meet the conservation objectives for the River Wensum SAC.</p> <p>Case law has established that all ‘mitigation measures’ should be effective, reliable, timely, guaranteed to be delivered and as long term as they need to be to achieve their objectives, in order to be taken into consideration as part of the appropriate assessment and integrity test.</p> <p>Because of the level of uncertainty that remains regarding the proposed mitigation measures, i.e. the effectiveness of the surface water drainage system, and the outline elements of the development and because of the sensitivity/status of the receiving water body, the precautionary principle should be applied.</p> <p>Based on the best available evidence, there is the potential that the surface water discharges arising from the development (either accidentally or through the normal day to day operation) could contain pollutants that could further harm, or make it more difficult to restore, the river to favourable status and would result in an adverse effect on the integrity of the River Wensum SAC. It has not been demonstrated comprehensively or conclusively at this stage in the process that the proposed measures to prevent this happening will be adequate to mitigate the potential impacts.</p>
<p>3</p>	<p>Increase in waste water quantity requiring treatment and subsequent discharge into surface water leading to a reduction in water quality</p>
	<p>The effluent treatment process is designed to reduce the potential pollutants within the process water to acceptable levels to ensure that when discharged into the River Wensum an adverse effect on the integrity of the river is avoided. The effluent treatment process therefore acts as a mitigation measure for the proposed increase in output capacity for the day to day operation of the development. As stated previously, in order to be deemed <i>mitigation</i> and applied in the integrity test, the measure must be effective, reliable, timely, guaranteed to be delivered and as long term as it needs to be to achieve the objective.</p> <p>With regard to the impact of the development on the River Wensum, Section 9.93 of the ES Addendum concludes that the magnitude of impact is <i>negligible</i> with <i>negligible</i> significance. This conclusion appears to be based on the assumption that the future operations of the Maltings will operate under the current PPC permit, which has been assessed by the Environment Agency (EA) and concluded to have no adverse effect on the integrity of the River Wensum. However, the ES does not state specifically that the expansion of the Maltings facility will be able to be undertaken under the current PPC permit.</p>

As part of the appropriate assessment section of the 'Shadow HRA', the assessment states that effluent from the development will be treated within the current licencing regime and the PPC permit which has already been subject to an appropriate assessment within the *River Wensum Site Action Plan*. The 'Shadow HRA' therefore concludes an impact on the integrity of the River Wensum would not occur subject to adhering to the PPC permit.

The LPA does not concur with the conclusions of the both the ES and the Shadow HRA as the increase in the output of the maltings process will require either a modified or a new PPC permit therefore additional assessment under the Habitats Regulations is required and previous assessments cannot be relied upon. Previously when additional development occurred on the site, it appears that the changed process operated for nearly two and a half years before the permit was updated. The permitting body, the EA, in their letter (May, 2020) confirm that the extensive expansion proposals would involve substantial changes to the current permit and that any new activities should not commence until the permit variations have been considered and approved "*when and if they are deemed acceptable*". This introduces uncertainty as (a) the requisite permit is not in place; (b) it is clear any variation of the existing permit would be extensive; (c) the timeframe in which such a variation could realistically be obtained is unclear and (d) it is therefore unclear whether it would be reasonable to impose a condition preventing commencement of development or commencement of activities until the permit variations have been considered and approved.

During a previous review of the PPC permit by the EA, the EA stipulated that it was not possible to rule out adverse impacts on the River Wensum, due to elevated phosphate levels in the river, which resulted in a reduction in the permitted phosphate concentrations on the PPC permit. Any changes required to the PPC permit (or application for a new PPC permit) due to the expansion of the Maltings would require further assessment under the Habitats Regulations by the permitting body (the EA) but it is unknown at this stage whether a new/modified PPC permit would be based on existing permitted phosphate concentrations or changes to the permitted levels (because of the lack of up to date data provided on the current nutrient levels within the river) due to the concern regarding phosphate and other nutrient levels in the River Wensum. It therefore follows that it is unclear what mitigation measures would be required to meet future required permit levels as the permit levels are also unknown.

In the additional information provided by the applicant via Dr Hopkins (June and July 2021) much emphasis is placed on the implementation of additional plant, new technologies and efficiencies in the malting process and effluent treatment process that will improve the quality, and limit the quantity, of the treated effluent to be discharged into the river. Mitigation measures to regulate effluent volumes and nutrient levels include: additional buffer tanks to regulate discharge volumes to 1400m³ per day; phosphate removal via various dosing and settlement technologies to reduce concentrations; water recovery technologies; and centrifuge technologies to reduce particulate levels and for the dewatering of sludge. Examples of such technologies have been provided in the submitted information including references to the Water Industry Journal website and GEA Environmental decanter lines. Dr Hopkins asserts that "more malt can be processed with the same effluent volumes and concentrations" (July 2021).

Based on the submitted information it is apparent that there is no certainty at this stage of the consenting process what the quantity of treated effluent will be as a result of the increase in maltings output or what the nutrient levels will be within that treated effluent. However, it is considered that the quantity of treated effluent will increase, although the applicant suggests that this increase can be stored in holding tanks and discharged at existing permitted levels. With respect to the quality of the treated effluent, while improved phosphate stripping technologies are available to reduce phosphates in the effluent and reduce particulate levels, the applicant has not provided any certainty

that the phosphate concentrations or suspended solids can be reduced to within the existing permitted levels.

Furthermore, the applicant suggests that it is the permitting body (the EA) that will decide what volume of treated effluent, and the concentrations of different compounds within the treated effluent, is acceptable through the permitting process. And, as part of that process, the EA will undertake an appropriate assessment which will include both in isolation and in combination impacts, and include the use of modelling and take into consideration other activities in the wider catchment (July 2021). The applicant has sought to satisfy the LPA that they consider that any future requirements of a new or modified PPC permit can be met through the use of water efficiency measures and improved technologies. The applicant states that *“there is a very high degree of certainty, with proven technology available, that the Crisp Maltings operations can be made more efficient with respect to water use and effluent management, and that this increased efficiency constitutes mitigation”* (July 2021). Furthermore, the applicant has stressed that there is currently some headroom in the existing PPC permit levels with respect to phosphorus levels and the quantity of treated effluent discharged. In addition, Dr Hopkins states that Crisp Maltings is not the major source of nutrient enrichment in the river and that waste water treatment works, agriculture and urban sources are major contributors and that as part of any future PPC permit application, the regulator (the EA) would undertake catchment-wide modelling to determine appropriate PPC levels.

This HRA has established that without mitigation, emissions to water arising from the maltings process is likely to have an adverse effect on the integrity of the River Wensum SAC.

This development will result in an increase in the maltings process and the output capacity of the plant, however:

- It has not been conclusively established how much the volume of effluent will increase by or what the quality (components) of that treated effluent will be;
- It has been established that new plant and structures will need to be installed as part of an improved effluent treatment system, and it is possible that a new discharge point may be required;
- It has not been conclusively established that an improved effluent treatment system can restrict the daily volumes of treated effluent discharge to within the existing permit level, or achieve the quality of treated effluent to within existing permit levels;
- It has been established that a new or modified PPC permit will be required;
- It has not been established that the existing permit levels for volume and quality will apply to a new permit or modified permit;
- In light of the *Dutch Nitrogen* cases and the earlier domestic case of *R(Preston) v Cumbria County Council* [2019] EWHC 1362 (Admin), the existence and powers of the Environment Agency, cannot, without more, be regarded as being objective information which is sufficiently certain to establish that there would not be a potential significant effect. Even with the information from Dr Hopkins based on the current PPC permit and potential future action by the Environment Agency, there is insufficient certainty to amount to an adequate mitigation measure;
- It is acknowledged that holding tanks and improved technologies can restrict discharge rates and improve the treatment process, but it has not been established that the proposed increase in the maltings output capacity can be realistically achieved if the maltings process has to be halted to allow discharge at existing permitted levels;
- It has been established that the existing maltings process and emissions to water are, in the main, operating within the existing permitted levels.

The amount of uncertainty raised in the above points brings into doubt the effectiveness and reliability of the mitigation measures. The LPA is therefore unable to take into account these

	<p>mitigation measures in the integrity test until the uncertainties are addressed. It is not considered that Outline planning permission can be granted (either by reason of conditions and limitations to which outline planning permission can be made subject) as it is not possible to conclude that the development would not adversely affect the integrity of the River Wensum SAC.</p>
<p>4</p>	<p>Increase in airborne particles or harmful chemical compounds (air pollution) due to operational combustion activities leading to a reduction in air quality</p>
	<p>As a result of the lack of detail contained within the Shadow HRA and the ES regarding the impact of combustion emissions on the River Wensum, the LPA requested further information to help inform the HRA (email from Geoff Lyon, dated 30th April 2021, and copy of Draft HRA, dated May 2021, provided to applicant). The applicant, through their ecological consultant Dr Hopkins, subsequently provided additional information dated 1st June 2021. Dr Hopkins asserts that the expansion of the maltings plant to increase the output of the malting product would use the best available technology which would equal or improve levels of emissions to the current plant. Dr Hopkins states that the PPC Permit outlines the existing measures to minimise dust releases, which include cyclones and fabric filters, and that any changes in releases as a result of the expansion would be negligible. This information would infer that dust emissions can be controlled and limited by existing technology and that impacts on the River Wensum from dust particles are not considered to be sufficient to have an adverse effect on the integrity of the river.</p> <p>In addition, Dr Hopkins states that the monitoring standards for emissions to air are set by the PPC permit and should adhere to Environment Agency’s MCerts Certification Scheme, and a copy of the most recent PPC permit was provided.</p> <p>The current PPC permit lists nineteen point source emissions to air, of which six are combustion emissions and the remaining are dust emissions. Two of the combustion emission sources have parameter limit levels set for oxides of nitrogen (as NO₂), whereas only one dust emission source (A42) has limits set for total particulate matter during high and sometimes low temperature production (set at 100mg/m³ to be monitored annually). The two combustion source emissions that have parameter limits set are the CHP generation plant (emission point A3/A4 of the PPC permit) and the Wanson Thermal Fluid Boiler (operating on natural gas) (emission point A8 of the PPC permit). The limits set are 190mg/m³ for the CHP plant and 100mg/m³ for the Wanson Boiler, to be monitored annually.</p> <p>Dr Hopkins suggests that as part of the expansion of the maltings a new PPC permit would be required and that the “<i>best available technology</i>” would be installed to “<i>provide equal or improved emission levels</i>”.</p> <p>Although the information from Dr Hopkins (dated 1st June 2021) suggests that the APIS guidance was used during the screening of the impacts on the River Wensum in the ES, the LPA considered that this was based on the impacts arising from road traffic emissions and not those for emissions arising from the combustion processes.</p> <p>Further questions were raised in an email from Kerys Witton (NNDC Landscape Officer) dated 17th June 2021, and discussed in a telephone conference call (25th June 2021), which were considered necessary to be addressed in order to complete the HRA. These are summarised below:</p> <ol style="list-style-type: none"> 1. APIS states that specific advice should be sought as to whether the habitat (H3260) is sensitive to nitrogen oxides - this does not appear to have been undertaken for combustion emissions. The ES screens out impacts on the River Wensum on the basis that the threshold criteria identified in the NE guidance document for assessing road traffic emissions is not exceeded. Yet

this is not relevant with respect to emissions from other sources (e.g. the Maltings combustion processes) and does not address the site specific advice required for Critical Loads and Levels as stated in APIS website. There is no understanding as to whether the River Wensum is sensitive to elevated nitrogen oxides or any potential increases in nitrogen oxides arising from the combustion process?

2. Recent monitoring data is required to identify the level of emissions from the existing Maltings operations to establish if the existing limits are being met and what available headroom there is within the PPC target.

3. In Point No.15 (in the table) in Appendix 1 you state that the best available technology will be installed as part of the proposed Maltings expansion that will provide equal or improved emission levels. Can you confirm that there will be no increases in the levels of point source emissions to air arising from the proposed Maltings expansion (from 110,000 tonnes to 175,000 tonnes per annum and included as part of the hybrid planning application)?

In response to this and the telephone conference, another additional document, dated 2nd July 2021, was also submitted by Dr Hopkins.

In this document, *Additional Information Regarding the Draft Habitats Regulations Assessment Following the 'Conference Call' of 25 June 2021* (2nd July 2021) Dr Hopkins provides the following information:

- *The PPC Permit provides a level of 100 mg/m³ of oxides of nitrogen (expressed as NO₂). The accompanying report shows the levels to be an average of 79.2mg/m³ and in the range 62.3 - 87.92 mg/m³*
- *A concentration value for the CHP plant was not set in the original PPC permit, but only in the amendment of 09 March 2021 as once per year frequency at a level of 190 mg/m³ of oxides of nitrogen (expressed as NO₂). Monitoring has been commissioned but the data are not available.*

An independent MCerts certificate (dated 28/3/2020) for emissions testing of the Wanson Thermal Fluid Boiler stack was also provided (email from Jake Lambert, 5th July 2021). This illustrates that the level of oxides of nitrogen (as NO₂) emitted was within the permitted PPC level of 100mg/m³ (the actual figure was 62.3 mg/m³). No data or MCerts certificate has been provided for the CHP generation plant, which according to the information by Dr Hopkins is because the requirement to monitor has only recently been introduced as a result of the latest permit variation.

However, no additional information or confirmation was provided to address the questions raised in points 1 and 3 above.

The LPA has therefore no understanding as to:

- What the level of oxides of nitrogen are predicted to be emitted and released to the air as a result of the increase in the output of the Maltings facility (together with the existing operations, including the unmonitored sources of combustion listed on the PPC permit). In relation to the unmonitored sources of combustion, it is not known what pollutants these sources contribute to air quality issues, and if so how much pollution is caused, nor is it clear why these sources should be assumed to be mitigated by any future permit when they are not currently subject to any parameters or limits.
- What, if any, additional measures will be required to reduce levels of oxides of nitrogen being emitted to the air.
- What the implications are of any potential increases in emissions of oxides of nitrogen on the habitats and species features of the River Wensum SAC and what effect, if any, this would have on meeting the conservation objectives for the river, both alone and in combination with other

	<p>sources of pollutants. Taking into account any specific advice provided regarding the current site relevant Critical Loads and Levels for the river.</p> <p>As above, in light of the <i>Dutch Nitrogen</i> cases and the earlier domestic case of <i>Preston</i>, the information from Dr Hopkins based on the current PPC permit and potential future action by the Environment Agency is not sufficiently certain to amount to an adequate mitigation measure, particularly as a significant number of point sources of emissions to air are not subject to any parameters or limitations in the current permit.</p> <p>The information required by the LPA to adequately assess the implications of the development on the River Wensum SAC, in view of the site's conservation objectives, is currently incomplete. The LPA cannot therefore determine without reasonable scientific doubt that airborne emissions from the proposed development will, either alone or in combination, have an adverse effect on the integrity of the River Wensum SAC.</p>
5	<p>Increase in demand for water leading to increased abstraction volumes resulting in changes to the natural hydrological regime of the river</p>
	<p>The 'Shadow HRA' states that any increases required in the quantity of water to be abstracted as a result of the proposed development will be under the current abstraction permit. The 'Shadow HRA' concludes that the control of the abstraction volume under the existing permit is considered to constitute mitigation.</p> <p>It is currently unclear how much additional water will be required for the expansion of the maltings output or if any additional water requirements will be able to be met under the existing water abstraction licence or if additional water sources will be investigated (e.g. mains water). The LPA requested further information to help inform the HRA (email from Geoff Lyon, dated 30th April 2021, and copy of Draft HRA, dated May 2021, provided to applicant). Dr Hopkins, subsequently provided additional information, this included the document entitled '<i>Responses and Additional Information Regarding the Draft Habitats Regulations Assessment</i>' dated 1st June 2021, a summary of the <i>Environmental Water Management Strategy</i> for the maltings, an extract of the Abstraction Licence (taken from the <i>Gov.uk</i> website) and borehole abstraction data (monthly abstraction rates from January 2019 to April 2021).</p> <p>Dr Hopkins states that the abstraction volume for 2018 was 414,392m³, for 2019 it was 415,302m³ and for 2020 the figure was 338,730m³ (June 2021). The borehole abstraction data provided (excel spreadsheet) illustrates that the maltings is currently operating within its existing annual abstraction limit, at appropriately 90% capacity of the abstraction licence limit. Dr Hopkins (June 2021) suggests that the typical water requirements per metric tonne (MT) of finished malt product is 3.7m³ and indicates that a simple extrapolation of this requirement would suggest that an additional 222,000m³ of water is required to meet the maltings expansion requirements. This would clearly not be possible within the remaining headroom of the existing permit. However, Dr Hopkins states that this additional water requirement does not take into consideration the water efficiency technologies that could be employed in the new plant to reduce the water requirements. Furthermore that world leading new malting plants can achieve a water ratio in the range of 2.0 to 2.5m³/MT of finished malt (although this is dependent on a number of variables such as the type of finished malt required, barley variety and/or harvest and ambient conditions).</p> <p>A number of water efficiency/re-use technologies are provided as examples of what is currently available in the industry and as such Dr Hopkins indicates that there is a high degree of confidence that substantial water use efficiency measures can be implemented for the development. The LPA considers that this would constitute mitigation. It is not clear whether these technologies can be retrofitted to the existing plant or whether they can only be implemented as part of the infrastructure required for the expansion of the maltings facility. Therefore a definitive figure on water consumption</p>

requirements for increasing the output of the maltings facility from 115,000 tonnes to 175,000 tonnes per annum has not been provided.

Dr Hopkins states (June 2021) that any requirement for an increase in abstraction will be assessed by the permitting body (the Environment Agency) as part of any future modification to the existing abstraction licence, thereby suggesting that the current abstraction licence will need to be modified and the development cannot be undertaken within the existing licence (as stated in the Shadow HRA). Dr Hopkins further states that the current abstraction licence was subject to an Appropriate Assessment by the Environment Agency and that potential impacts on the River Wensum SAC were identified in combination with other abstraction licences (over 70) but not in isolation and cites the document '*River Wensum SAC – Site Action Plan, Version 5*' by R. Rees and I. Pearson (Environment Agency, 2010) as the source of this information. The *River Wensum SAC - Site Action Plan* is an unpublished document and this LPA has not been provided with the document to verify the information or assess the detail of the abstraction licence's appropriate assessment. As above, in light of the *Dutch Nitrogen* cases and the earlier domestic case of *Preston*, the information provided and the potential for future action by the Environment Agency is not sufficiently certain to amount to an adequate mitigation measure.

Dr Hopkins asserts that ecological data suggest that the development site is not in a "*disproportionally sensitive location with respect to abstraction in the catchment*", with SSSI flow indicators for units downstream of Great Ryburgh compliant and macroinvertebrate assemblages in *good condition* in respect of any sensitivities towards low flows. Furthermore, that there are no SAC land parcels identified as being at *medium* risk from water abstraction and relevant for Desmoulin's whorl snail within 3km of the maltings extraction point, although it is within 2km of *low* risk land parcels (again citing Rees & Pearson as the source of this information).

With respect to the effects of any increase in water abstraction (as part of the existing or a modified Crisp Maltings Licence) on the ability to meet the conservation objectives of the SAC, Dr Hopkins states that the existing licence was previously [appropriately] assessed and any subsequent abstraction licence application would also undergo a similar assessment. Furthermore, that this assessment would take into consideration water efficiency measures in operation at the existing and/or proposed plant and also additional factors such as the "*current level of abstraction versus current licencing*". Dr Hopkins cites the Diffuse Water Pollution Plan, stating that the modelling undertaken by the Environment Agency for the Review of Consents concluded that "*in relation to the Fakenham and Swanton Morley gauging stations, although the river is 'over-licensed' at the present time, it is not 'over-abstracted'*" (Paragraph 6.3.2).

However, the LPA notes that the DWPP goes on further to state that the over-licensed issue "*could be addressed through a policy of 'claw back' as licenses come up for renewal*". So while it is acknowledged that the Maltings is currently operating below its current abstraction licence limit and that the Maltings industry is continuing to make advances in reducing water consumption and improving water efficiencies in its processes, the potential water requirements of the Maltings expansion is likely to exceed any remaining abstraction headroom in the current licence. Furthermore, that on review, there is no guarantee that additional abstraction capacity will be granted given the in combination effect of abstraction on the river and the 'over-licensed' status of the river.

As a result of these concerns expressed by the LPA (in an email from Kerys Witton (NNDC) to Dr Hopkins dated 17th June 2021), and during the telephone conference call of the 25th June 2021, Dr Hopkins notes that in theory Crisp Maltings Group could use mains water to ensure abstraction from Crisp's own boreholes is not increased. However, the LPA consider that this is not a long-term feasible mitigation option given the cost of sourcing mains water for the maltings process.

	<p>In the document, <i>Additional Information Regarding the Draft Habitats Regulations Assessment Following the ‘Conference Call’ of 25 June 2021</i> (2nd July 2021) Dr Hopkins states that the technology exists to both reduce the volume of water required during processing and also re-use water within the operational processes so that more malt can be produced with less water. Furthermore, that the permitting regime will be decided by the Environment Agency, who will decide what level of abstraction is suitable and will undertake an Appropriate Assessment (utilising a range of modelling methods and including other abstraction activities in the wider catchment) to consider both in isolation and in combination impacts. Dr Hopkins concludes that <i>“there is a very high degree of certainty, with proven technology available, that the Crisp Maltings operations can be made more efficient with respect to water use ... and that this increased efficiency constitutes mitigation. This means that they could process more malt within the current PPC and abstraction regimes”</i>.</p> <p>Based on the information submitted by the applicant to inform the HRA, there is currently no certainty as to what the water consumption requirements will be for the development (increase in maltings output by 60,000 tonnes per annum), however it is acknowledged that water efficiency and re-use technologies exist that can reduce the amount of water required per unit of processed malt. It is not clear however if these measures can be retro-fitted to existing production measures or if these apply only to the expansion of the maltings process, which will affect how much water will be required and whether there is sufficient headroom in the current abstraction permit to meet the demands, or if not how much additional water will be required as part of a future abstraction licence application.</p> <p>It is not clear what the implications are of increasing the abstraction quantity/rate on the habitats and species features of the River Wensum SAC and what effect, if any, this would have on meeting the conservation objectives for the river, both alone and in combination with other abstraction requirements. The LPA has no understanding as to whether any additional abstraction requirements for the development will affect the flow targets required to attain high ecological status, which are required to be met to avoid deterioration and for restoration, in accordance with the River Basin Management Plan.</p> <p>The LPA cannot therefore determine without reasonable scientific doubt that any additional water abstraction requirements to serve the proposed development will, either alone or in combination, have an adverse effect on the integrity of the River Wensum SAC.</p>
<p>6</p>	<p>In combination effects of emissions to water and air, and effects of abstraction leading to a reduction in water and air quality and natural flow regimes.</p>
	<p>The Shadow HRA references the last condition assessment of the River Wensum SSSI (those units within the SAC) by Natural England (data from the <i>‘River Wensum SSSI – Exemplar Diffuse Water Pollution Plan and Action Plan’</i> 2015), stating that the river was at the time of the assessment in <i>‘Unfavourable Condition’</i>. The reasons stated for this included: inappropriate water levels; inappropriate weirs and dams and other structures; invasive species; siltation; water abstraction; water pollution (agricultural run-off); and water pollution (discharges).</p> <p>The Shadow HRA further cites the <i>‘River Wensum SAC Site Action Plan’</i> report by Rees and Pearson (2010) which provides the details of the water discharges to, and abstractions from, the River Wensum SAC from various sources and summarises the appropriate assessments for the various pathways of potential impact that result from these discharge/abstraction points. As noted previously, the LPA has not had access to or seen this document. However, the Shadow HRA states that this document suggests that the appropriate assessment for the Crisp Maltings PPC permit did not identify an adverse effect on [SAC] site integrity alone but did in combination, based on levels of phosphorous exceeding targets as determined via modelling. In addition, the Crisp</p>

	<p>Maltings Abstraction Licence is one of 71 abstraction licences <i>'for which there may be an in-combination impact'</i>.</p> <p>In addition, it is established that the H3260 habitat feature of the River Wensum SAC is sensitive to airborne nitrogen deposition, which together with other sources of phosphate and nitrogen pollution could result in river eutrophication.</p> <p>With respect to water pollution, air pollution and abstraction, this HRA has been unable to determine that an adverse effect on the integrity of the River Wensum will not occur as a result of the development alone. The Shadow HRA references documentation which would indicate that in combination effects could arise from other consented discharge and abstraction points. Furthermore, it is acknowledged phosphate pollution derived from agriculture is a significant pollutant for the River Wensum and that the orthophosphate level targets are exceeded at most monitoring sites. Mitigation measures such as catchment and land management initiatives are required to meet the conservation objectives for the site.</p> <p>The Shadow HRA suggests that an adverse effect on the integrity of the River Wensum will not occur as a result of the development alone due to the cited mitigation measures and does not therefore assess the in combination effects of the development with other plans or projects.</p> <p>The LPA does not therefore have sufficient information to determine without reasonable scientific doubt that the proposed development will not, in combination with other plans or projects, have an adverse effect on the integrity of the River Wensum SAC.</p>
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Will the mitigation measures listed above reduce the effect of the plan or project so that the integrity of the European Site is not adversely affected?

Yes	Proceed with application ensuring that mitigation measures are embedded with any planning consent granted
No	Seek legal advice before proceeding further
No/Unsure/Unclear	<ol style="list-style-type: none"> 1. Consult Natural England (under Regulation 63(3)); then 2. Ask for additional information/clarification from the applicant, having had regard to any representations made by Natural England; then 3. Return to stage 2 to repeat the assessment.

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ADVICE TO NORTH NORFOLK DISTRICT COUNCIL

Addendum to inform the Habitats Regulations
Assessment of North Norfolk District Council –
Crisp Maltings Ltd.

STATUS: CONSULTATION FINAL VERSION

**BY
DTA ECOLOGY**



Rectory Farm
Finchampstead
Wokingham
Berkshire
RG40 4JY

Tel 0118 973 4700
caroline@dt-a.co.uk
🌐 Website: www.dt-a.co.uk

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1 Introduction

1.1 Brief and scope of work

1.1.1 North Norfolk District Council (the Council) completed a HRA in November 2021 for two planning applications collectively referred to as Crisp Maltings (the Project) as follows:

- Application ref: **PF/20/0523** - Construction of 15 no. grain silos and 1 no. 5,574 sqm (60,000sqft) warehouse with associated drainage, access and external lighting at Land North Of Fakenham Road Great Ryburgh Fakenham NR21 7AN.
- Application ref: **PO/20/0524** - Hybrid application for creation of HGV access road to serve an expanded Crisp Maltings Group site (Full Planning permission) and construction of buildings and structures required to increase the maximum output tonnage of malt of the Maltings site in any one calendar year to 175,000 tonnes (currently 115,000 tonnes) (Outline application with all matters reserved except for access) at Land North Fakenham Road Great Ryburgh Fakenham NR21 7AS.

1.1.2 The Council were unable to conclude that there would be no adverse effect to the integrity of the River Wensum SAC. A number of issues were outlined, and the applicant asked for additional information in order for the Council to complete its appropriate assessment. The applicant has since submitted an updated Environmental Statement, and associated documentation, which are offered to address the concerns raised in the original HRA.

1.1.3 DTA Ecology has been commissioned to produce an addendum to the existing HRA on the basis of the new information provided, to allow the Council to update the existing HRA.

1.2 Scope of the Assessment

1.2.1 The method to this HRA addendum, has been approached by way of DTA Ecology referring to the original HRA¹, the conclusions of which are assumed to be correct and are not themselves subject to independent review. Our addendum logically follows to determine the extent to which the additional information submitted by the applicants has addressed the concerns which precluded the Council from being able to ascertain no adverse effect to site integrity. The applicant were not asked for any additional information on Issue 1, so this review starts from Issue 2 onwards.

1.2.2 In undertaking the addendum DTA Ecology have based the assessment on the framework within the Habitats Regulations Assessment Handbook published by DTA Publications².

1.3 Documentation made available

1.3.1 The following documents have been made available to DTA Ecology.

- ES Addendum Vol 1 Main Report March 2022 16558948
- ES Addendum Vol 3 Non Technical Summary March 2022 1658940
- Appendix_1.1AA_Further_Information_request-1658938

¹ HABITATS REGULATIONS ASSESSMENT For proposed development subject of two planning applications, PF/20/0523 and PF/20/0524, at Crisp Maltings, land off Fakenham Road, Great Ryburgh, Norfolk November 2021

² www.dtapublications.co.uk

- Appendix 5.1 AA Applicant Existing Emergency Procedures 1658952
- Appendix 5.2 AA Applicant Maintenance Management System 1658952
- Appendix 10.1 AA FRA 1658956
- Appendix 10.2AA Surface water drainage Calculations 1658939

1.3.2 Additional information has been provided to DTA Ecology by way of;

- A meeting with the applicants 5th September 2022 – providing clarification of a number of matters, and
- Nutrient Budget Calculator Summary for Crisp Maltings Expansion.

1.4 Limitations

1.4.1 DTA Ecology has specific expertise in respect of the interpretation and application of the Habitats Regulations. The advice is therefore provided on the basis of the following limitations:

- Advice is restricted to matters of HRA compliance and the interpretation and application of the Habitats Regulations;
- All technical information provided by the applicant is assumed to be correct – DTA Ecology does not have the expertise to review the underpinning methodologies beyond drawing on any ‘common sense’ observations or relevant experience which may, incidentally, be held depending on the nature of the effects concerned. Technical appendices and annexes have not been subject to detailed review, but have informed conclusions; and
- Advice is provided on the basis of the information subject to review. It is acknowledged that some comments and observations identified in this advice may be addressed by information which has not been subject to review and DTA Ecology reserves the right to amend this advice in light of further information, or further clarification, which is provided in response.

2 Background

2.1 The Project

2.1.1 It is important, for reasons of procedural correctness, to clearly define the 'project' for the purpose of the HRA. Recognising that this is a multi-stage project applying for outline planning permission, we describe here the project in summary with reference to the documents provided and updates from applicants.

2.1.2 The project consists of

- Application 1: Construction of 15no grain silos and 1no. 5,574sqm (60,000sqft) warehouse with associated drainage, access and external lighting (Ref: PF/20/0523);
- Application 2: Hybrid application for creation of HGV access road to serve an expanded Crisp Maltings Group site (full planning permission) and construction of buildings and structures required to increase the maximum output tonnage of malt of the Maltings site in any one calendar year to 175,000 tonnes (currently 115,000 tonnes) (Outline application with all matters reserved except for access) (Ref: PO/20/0524);

2.1.3 Following submission of the ES in March 2020, the LPA raised a number of issues in relation to the applications which resulted in a number of changes to the proposed development which included:

Application Ref: PF/20/0523

- Revised landscaping proposals to the rear of the proposed warehouse; and
- Updated highway mitigation package.

Application Ref: PO/20/0524

- Revised alignment of the new access road at the interface with Highfield Road, to avoid the requirement to divert the restricted byway;
- Widening of Fakenham Road within the vicinity of the HGV access to provide a consistent 6m wide road;
- Revisions to Networks 2 and 3 of the proposed Surface Water Drainage Strategy;
- Enhancement of passing bays between the B1146 / Fakenham Road junction and the proposed new access road; and
- Enhanced landscape screening along the route of the new access road, and to the western boundary of the proposed expansion area.

2.1.4 Furthermore in response to additional information request (made in February 2022) the applicants provided further detail (March 2022) relating to the proposed Surface Water Drainage Strategy incorporating revised calculations and the assessment of pollutant risk for proposed activities as part of the proposed development and the proposed water quality mitigation:

- Justification as to why there will be no impacts to the River Wensum SAC as a result of oxides of nitrogen;
- Further detail on the discharge of effluent and how the Proposed Development will continue to operate under the existing Pollution Prevention and Control Permit; and

- Measures proposed to reduce impacts on the River Wensum as a result of water abstraction and how the proposed development will continue to operate under the existing water abstraction permit.

Lastly on 5th October 2022 the applicant provided a nutrient budget calculator based on Natural England’s updated advice on Nutrient Neutrality.

2.2 The Site - River Wensum SAC

2.2.1 The qualifying features for which the River Wensum SAC has been designated are:

- H3260 Water courses of plain to montane levels with the Ranunculion fluitantis and Callitriche-Batrachion vegetation;
- S1016. Vertigo moulinsiana; Desmoulin’s whorl snail ;
- S1092. Austropotamobius pallipes; White-clawed (or Atlantic stream) crayfish;
- S1096. Lampetra planeri; Brook lamprey; and
- S1163. Cottus gobio; Bullhead .

2.2.2 The conservation objectives³ for the River Wensum SAC are to:

Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the Favourable Conservation Status of its Qualifying Features, by maintaining or restoring;

- The extent and distribution of qualifying natural habitats and habitats of qualifying species
- The structure and function (including typical species) of qualifying natural habitats
- The structure and function of the habitats of qualifying species
- The supporting processes on which qualifying natural habitats and the habitats of qualifying species rely
- The populations of qualifying species, and,
- The distribution of qualifying species within the site.

2.2.3 In accordance with regulation 63, any assessment under the Habitats Regulations needs to be made ‘in view of the conservation objectives’, which are therefore central to the assessment process.

2.2.4 The published conservation objectives for the River Wensum SAC are often referred to as ‘high level’ objectives. In practice, it is not always straightforward, in undertaking an assessment in view of these high level objectives, to fully understand how the effects associated with a given plan or project might undermine the objectives (or not). For this reason the published conservation objectives are explicit that:

‘This document should be read in conjunction with the accompanying Supplementary Advice document, which provides more detailed advice and information to enable the application and achievement of the Objectives set out above.’

³ <http://publications.naturalengland.org.uk/publication/5908284745711616?category=6581547796791296>

- 2.2.5 Natural England's Supplementary Advice on conserving and restoring site features must be read in conjunction with the conservation objectives. The introductory text explains:

'You should use the Conservation Objectives, this Supplementary Advice and any case-specific advice given by Natural England, when developing, proposing or assessing an activity, plan or project that may affect this site. Any proposals or operations which may affect the site or its qualifying features should be designed so they do not adversely affect any of the attributes listed in the objectives and supplementary advice.'

This supplementary advice to the Conservation Objectives describes in more detail the range of ecological attributes on which the qualifying features will depend and which are most likely to contribute to a site's overall integrity. It sets out minimum targets for each qualifying feature to achieve in order to meet the site's objectives.'

- 2.2.6 Both the conservation objectives and the Supplementary Advice are therefore clear that, when considering the implications of any plan or project on a European site, it will be necessary to refer not only to the conservation objectives, but also to the more detailed information available in the Supplementary Advice. The Supplementary Advice is important as it provides attributes and targets, against each qualifying feature, which contribute towards the integrity of the site. In considering the implications of a plan or project for a European site these attributes and targets frequently provide site specific and quantitative information in light of which the implications of potential effects arising from any given proposal might be fully understood. The Supplementary Advice for the River Wensum SAC is available [here](#).

- 2.2.7 It is also appropriate to recognise the condition of the site (as recorded in respect of the SSSI common standards monitoring) which can provide an important indication of any existing threats or concerns which might be of relevance to the HRA. It also provides the baseline against which projects are assessed. The SSSI unit closest to the current project location was assessed (in 2010) as being in an UNFAVOURABLE NO CHANGE condition. The comments against the unit are as follows:

Box 2.1 Extract from Common Standards Monitoring data for River Wensum SAC

Unit 48 has been assessed as UNFAVOURABLE NO CHANGE on the basis of the following

Extent: no loss of river habitat.

Hydrology, turbidity, siltation & phosphate targets are not being met for these to be regarded as favourable, but mechanisms are in place to address these issues.

Water quality is favourable: EA biological GQA data is good (A), chemical is good (A/B). The River Wensum Restoration Strategy has concluded that the channel in Unit 48 varied from near natural channel form downstream of Fakenham Mill, and through the Pensthorpe Estate (potential to reconnect a meander loop at Great Ryburgh). However, upstream of Great Ryburgh Mill, the river is over-widened and over-deepened, and the impoundment affects upstream reaches for several kilometres. The vegetation on this sampling point had the following characteristics: Resectioned, glide dominated section through wildfowl park with rough grazing land on the left bank and gravel pits on the right. Channel substrate predominantly sand and silt deposited thickly over gravel pebble. Channel plants covering approximately 60% of channel and dominated by *Potamogeton pectinatus*, *Myriophyllum spicatum* and *Sparganium emersum*, with some *Elodea canadensis*, *Callitriche stagnalis* and *Schoenoplectus lacustris*. Some good fringing reed beds present, and water voles observed near these. Filamentous algae and diatomaceous scum extensive over substrate and plants in some areas. White-clawed crayfish was recorded under Great Ryburgh Bridge, at Pensthorpe, & immediately downstream of Fakenham Mill. Unfavourable riparian zone. No invasive species recorded. There are significant barriers to fish passage at Fakenham Mill and Great Ryburgh Mill. However, barriers are also present downstream at Bintree Mill, North Elmham Mill, Swanton Morley Mill and Elsing Mill, Lyng Mill, Lenwade Mill, Taverham Mill, Costessey Mill, Hellesdon Mill and, New Mills. These barriers may impairing characteristic migratory species from essential life-cycle movements on this reach of the river.

- 2.2.8 Beyond the site level reporting at SSSI unit level, UK Government is required to report on implementation of measures taken under the Regulations. Prior to leaving the EU this report identified any necessary management measures as well as an evaluation of the impact of such measures on the 'conservation status' of the Annex 1 habitats and Annex 2 species (the habitats and species for which Special Areas of Conservation are designated).
- 2.2.9 At a habitat level (rather than a site level) Favourable Conservation Status is defined by reference to four parameters: 'range'; 'area'; 'structure and function'; and 'future prospects'. The agreed method for the evaluation of conservation status assesses each of these parameters separately and then combines these assessments to give an overall assessment of 'conservation status'. A similar approach is adopted for species features, but the four parameters used are modified accordingly to 'range', 'population', 'habitat for the species' and 'future prospects'.
- 2.2.10 A summary of the information contained in the 4th UK Habitats Directive report (submitted in 2019) in relation to the qualifying habitats across the UK for which the River Wensum SAC is designated is set out below.

Qualifying Habitat Feature	Range	Area	Specific structures and functions	Future Prospects	Overall Assessment	Overall trend
H3260 Water courses of plain to montane levels with the Ranunculion fluitantis and Callitricho-Batrachion vegetation	Favourable	Unfavourable (inadequate)	Unfavourable (Bad)	Unfavourable (Inadequate)	Unfavourable (Bad)	Improving (+)

2.2.11 Measures required to tackle the unfavourable conservation status of Rivers include;

- Reduce diffuse pollution to surface or ground waters from agricultural activities (CA11);
- Reduce diffuse pollution to surface or ground waters from forestry activities (CB10);
- Reduce impact of hydropower operation and infrastructure (CC04);
- Management, control or eradication of established invasive alien species of Union concern (CI02);
- Reduce impact of mixed source pollution (CJ01);
- Restore habitats impacted by multi-purpose hydrological changes (CJ03);
- Adopt climate change mitigation measures (CN01);
- Implement climate change adaptation measures (CN02).

Qualifying Species Feature	Range	Population	Habitat for the species	Future Prospects	Overall Assessment
S1016. <i>Vertigo moulinsiana</i> ; Desmoulin's whorl snail	Favourable	Favourable	Favourable	Favourable	Favourable
S1092. <i>Austropotamobius pallipes</i> ; White-clawed (or Atlantic stream) crayfish	Unfavourable -Bad	Unfavourable -Bad	Favourable	Unfavourable -Bad	Unfavourable -Bad
S1096. <i>Lampetra planeri</i> ; Brook lamprey	Favourable	Unknown	Unknown	Unknown	Unknown
S1163. <i>Cottus gobio</i> ; Bullhead	Favourable	Favourable	Unknown	Favourable	Stable

2.2.12 It is important to note that the Article 17 report relates to a ‘feature level assessment’ in respect of the distribution of the feature across the UK. As such, whilst this information is of some relevance to the development of a *project specific* HRA, it is not an indication of the conservation status of each feature within the River Wensum SAC, at a site level. At a site level Natural England have published their Site Improvement Plan, with actions required to ensure long term sustainability of the SAC, and its ability to contribute to FCS.

3 Legal and Policy Background.

3.1 Context

3.1.1 For purposes of framing our Appropriate assessment addendum, it is important to set out some key elements that are relevant to the assessment of a) an outline planning application and b) a project which requires the consent, permission or other authorisation of more than one Competent Authority.

3.1.2 Firstly, it is helpful to reiterate some key principles which apply when undertaking an appropriate assessment. Principles C.13, C.15 and C.16 of section C.9 'An Appropriate assessment' of the HRA Handbook provide generally;

Principle 13

The appropriate assessment should be technically sound, based on up-to-date information, rigorous and robust and it must include a reasoned account of its conclusions. It must be complete, sufficiently precise and draw definitive conclusions which are capable of informing the 'integrity test'.

Principle 15

However, the assessment should be proportional to the scale and degree of risk of effects on the site and the relative complexity of the ecological judgements that need to be made.

Principle 16

... case law has established that an assessment cannot be regarded as 'appropriate' if it:

- a) is merely a summary or broad-brush assessment of the implications;*
- b) is a selective examination not taking account of all material points;*
- c) is incomplete;*
- d) leaves important matters still to be assessed;*
- e) does not contain a complete list of the interest features present in the site;*
- f) contains findings that are preliminary in nature, lacking definitive conclusions;*
- g) lacks sufficient precision;*
- h) fails to provide conclusions capable of removing all reasonable scientific doubt as to the effects on the site where the competent authority is minded to proceed with the plan or project;*
- i) lacks adequate information or reliable and updated data concerning the interest features.*

3.2 Multi stage consents - outline planning permission

- 3.2.1 It is important to approach the Appropriate Assessment of an outline planning permission carefully. In its Waddensee ruling (C-127/02 paragraphs 52-54, 59) the Court of the European Union emphasized the importance of using the best scientific knowledge when carrying out the appropriate assessment in order to enable the competent authorities to conclude with certainty that there will be no adverse effects on the site's integrity. It is consistently held that an appropriate assessment should contain complete, precise and definitive findings and conclusions capable of removing all reasonable scientific doubt as to the effects of the works proposed on the site concerned. Outline planning applications, are by their very nature general, and leave specific details to be determined at a later time. The council needs to be cautious in approaching the appropriate assessment. Regulation 70 of the Regulations includes the following paragraphs which relates to outline planning applications:

'(2) Where the assessment provisions apply, the competent authority may, if it considers that any adverse effects of the plan or project on the integrity of a European site or a European offshore marine site would be avoided if the planning permission were subject to conditions or limitations, grant planning permission or, as the case may be, take action which results in planning permission being granted or deemed to be granted subject to those conditions or limitations;

'(3) Where the assessment provisions apply, outline planning permission must not be granted unless the competent authority is satisfied (whether by reason of the conditions and limitations to which the outline planning permission is to be made subject, or otherwise) that no development likely adversely to affect the integrity of a European site or a European offshore marine site could be carried out under the permission, whether before or after obtaining approval of any reserved matters;

'(4) In paragraph (3), "outline planning permission" and "reserved matters" have the same meanings as in section 92(16) of the TCPA 1990 (outline planning permission).'

- 3.2.2 Consequently, outline planning permission must not be granted unless the competent authority has met the requirements of the integrity test. The authority must be convinced that, in the face of details to be determined, the grant of outline planning permission is sufficiently constrained by conditions or a planning obligation that no matter what is (legitimately) applied for in applications for approval of reserved matters, the grant of outline planning permission cannot lead to any development that would have an adverse effect on the integrity of a European site.
- 3.2.3 It is likely that in order to meet this requirement where a proposed development, which is the subject of an outline planning application, could have a significant effect on a European site, the planning authority will need to impose very precise conditions on the permission and / or require, pursuant to Article 3 of the Town and Country Planning (General Development Procedure) Order 1995, that all or certain of the reserved matters be

submitted for consideration as part of the outline planning application so that their effects can be subject to appropriate assessment.

- 3.2.4 It is important when dealing with outline planning applications to bear in mind the principles also relating to 'multi-stage consents', because the process of granting outline planning permission followed by the determination of applications for approval of reserved matters should be treated as a form of multi-stage consent. An application for approval of reserved matters might subsequently need to be refused in the event that the outline planning application did not properly and fully assess the effects of a proposed development.
- 3.2.5 This approach reflects the principles established in Smyth (Court of Appeal), another case of multi-stage consents was considered by the High Court, where it states in paragraph 87 of Devon Wildlife Trust (28th July 2015):

'87. The permission in this case is outline, and therefore is part of a multi-stage consent process. As at 23 September 2014, the Committee did have sufficient information to enable it to be satisfied that outline planning permission would not be granted under delegated powers unless and until the delegated officer was satisfied that the mitigation could be achieved in practice. As at 10 October 2014, Mr Davies (as the officer to whom the decision had been duly delegated) was so satisfied: he considered that he had sufficient information to enable him to be satisfied that the proposed mitigation could be achieved in practice (see paragraph 16 of his statement of 21 May 2015). Until all reserved matters applications were approved, the development could not begin on the ground; and there was thus no possibility of the SAC (or the objectives of the Habitats Directive) being compromised by the outline decision made. Exercising their planning judgment, both the Committee and Mr Davies were entitled to come to those conclusions and decisions. Neither of those decisions in any way jeopardised later decisions which could (and, in practice, would) ensure that the integrity of the SAC was maintained. Of course, now, a section 106 agreement has been entered into ensuring the appropriate mitigation measures are performed'

- 3.2.6 DTA Ecology would raise the implications for the Council in undertaking their Appropriate Assessment and subsequently making their decision on adverse effects on the integrity of the site, that any areas where a lack of detail might prevent a sufficient level of certainty (beyond reasonable scientific doubt), that the decision is made very carefully, with all restrictions in place that prevent adverse effects on site integrity.

3.3 Decisions of another authority

- 3.3.1 Crisp Maltings is operating under an existing PPC permit and water abstraction licence. The Competent authority for both, and having undertaken their own Appropriate assessment for these existing authorities, is the Environment Agency. The new PPC permit will be required to able the facility to operate on land adjacent to its existing footprint. The joint government guidance published on-line in February 2021, which the Council should be aware includes the following guidance on the adoption of another Competent Authority's assessment;

‘Use the HRA of another competent authority’

‘You can use an HRA previously carried out by another competent authority for the same proposal if:

- *there’s no new information or evidence that may lead to a different conclusion;*
- *the assessments already done are relevant, thorough and correct;*
- *the conclusions are rigorous and robust;*
- *there’s no new case law that changes the way an HRA should be carried out or interpreted.*

‘If you decide to use a previous HRA’s evidence and conclusions, you should still make sure your final decision will have no negative effect on the European site. The final decision is your responsibility.’

3.3.2 Furthermore, since the project will require an updated PPC the Environment Agency will also need to comply with their obligations under the Regulations. Regulation 67(1) sets out the requirements where a project requires the consent permission or other authorisation of more than one competent authority, such as is the case in the current circumstances;

67.—(1) This regulation applies where a plan or project—

(a) is undertaken by more than one competent authority;

(b) requires the consent, permission or other authorisation of more than one competent authority; or

(c) is undertaken by one or more competent authorities and requires the consent, permission or other authorisation of one or more other competent authorities.

(2) Nothing in regulation 63(1) or 65(2) requires a competent authority to assess any implications of a plan or project which would be more appropriately assessed under that provision by another competent authority.

(3) The appropriate authority may issue guidance to competent authorities for the purposes of regulations 63 to 66 as to the circumstances in which a competent authority may or should adopt the reasoning or conclusions of another competent authority as to whether a plan or project—

(a) is likely to have a significant effect on a European site or a European offshore marine site; or

(b) will adversely affect the integrity of a European site or a European offshore marine site.

(c) The competent authorities concerned must have regard to any such guidance.

(5) In determining whether a plan or project should be agreed to under regulation 64, a competent authority other than the Secretary of State or the Welsh Ministers must seek and have regard to the views of the other competent authority or authorities involved.

3.3.3 The joint government guidance continues to helpfully set out some guidance over competent authority coordination. It states (our emphasis) :

Make decision making quicker;

To make it quicker to decide if a proposal can go ahead, you can:

- *...keep duplication to a minimum, for example, you may be able to use information from the HRAs of previous similar decisions if they're still relevant and up to date.*

Coordinate with other competent authorities;

When there's more than one competent authority carrying out an HRA for the same proposal, you should work together on the assessment. For example, a mineral extraction proposal may need the permission from the local authority and the Environment Agency or Natural Resources Wales.

Agree a lead competent authority where responsibilities overlap;

Where a proposal overlaps with other competent authorities' areas of responsibility, you should agree who is the lead competent authority.

For each proposal, decide which authority should lead, based on who has the:

- *best technical expertise - when a technical issue is the most important factor in assessing the impact of the proposal*
- *main interest in cross-boundary cases*
- *capacity to manage where there are many complex and cross-boundary issues*

The lead competent authority will need to:

- *act as the single point of contact for the HRA*
- *make sure each competent authority understands their role and responsibility*
- *agree a decision timetable*
- *make sure all SNCBs are consulted and appoint a lead body where there are split responsibilities*
- *share existing evidence and identify evidence gaps*
- *prepare the HRA on behalf of the other competent authorities*
- *coordinate consultations and any recommendations*
- *set up a memorandum of understanding between all parties - for complex cases*

Use the HRA of another competent authority.

You can use an HRA previously carried out by another competent authority for the same proposal if:

- there's no new information or evidence that may lead to a different conclusion*
- the assessments already done are relevant, thorough and correct*
- the conclusions are rigorous and robust*
- there's no new case law that changes the way an HRA should be carried out or interpreted*

If you decide to use a previous HRA's evidence and conclusions, you should still make sure your final decision will have no negative effect on the European site. The final decision is your responsibility.

You should not assess any part of a proposal that another competent authority has a role to assess. The relevant competent authority will do their own assessment.

When you make your decision on whether a proposal can go ahead or not, you should record that you've used all or part of an HRA carried out by another authority.

- 3.3.4 NNDC can therefore use the HRAs of the Environment Agency, but should confirm that there are no changes that would be contrary to the above guidance. Also, where there are new matters to be determined under an amended PPC, where the Environment Agency is a more appropriate authority, with the necessary technical expertise the Council can rely on that HRA.

4 HRA Assessment work to date

4.1 Issues

- 4.1.1 The HRA undertaken by NNDC essentially concluded that it was not possible to definitively draw conclusions on the basis of impacts on the site conservation objectives. A number of issues were raised, for which further information has been requested from the applicant.
- Issue 2: Pollution of surface water arising from the day-to-day operation of the project either through accidental releases and/or from surface water drainage discharge leading to a reduction in water quality
 - Issue 3: Increase in wastewater quantity requiring treatment and subsequent discharge into surface water leading to a reduction in water quality
 - Issue 4: Increase in airborne particles or harmful chemical compounds (air pollution) due to operational combustion activities leading to a reduction in air quality
 - Issue 5: Increase in demand for water leading to increased abstraction volumes resulting in changes to the natural hydrological regime of the river

4.2 Approach to addendum

- 4.2.1 For each issue, DTA Ecology has reviewed the additional information required by NNDC and evaluated whether it can adequately provide the requirements to be compliant with the legislation. For each issue we draw our conclusions and make recommendations. The addendum will be clear and explicit that the findings of the original HRA are assumed to be correct and have not been subject to independent review. The addendum will follow logically from the original HRA and address the extent to which the additional information submitted has addressed the concerns which precluded the Council from being able to ascertain no adverse effect to site integrity.
- 4.2.2 Once each issue is considered we then provide an overall conclusion – which will take account of the recommendations.

5 Issues

- 5.1 Issue 2: Pollution of surface water arising from the day to day operation of the project either through accidental releases and/or from surface water drainage discharge leading to a reduction in water quality

Summary of issue

The NNDC HRA identified concerns regarding the pollution entering the River Wensum from the project proposal, with concerns that the surface water drainage network strategy would not provide adequate mitigation to ensure long term conservation objectives of the features of the SAC.

Council requested from the applicants additional information on the nature of the high risk activities, and more details on the design and treatment measures that would be incorporated into the surface water drainage system and whether they were designed to meet the CIRIA SuDS Manual guidance.

Background

- 5.1.1 The current draft of the surface drainage report has been shared with DTA Ecology. The applicant has made clear that it is still a draft document. The updated ES states that

'The drainage strategy included in the FRA in Appendix 10.1AA details the assessment of pollutants which could enter the surface water drainage system and identifies Hazard rating based on proposed activities. The assessment is based on the expected development content, but this will need to be reviewed at the detailed design stage to ensure the correct treatment measures are provided for the proposed content of the outline application area.'

- 5.1.2 The strategy sets out a range of measures which could be added to the proposed system if deemed necessary at later stages. These features include filter drains, permeable paving and other measures including oil separators/ vortex separators on manholes.

'Performance of these products vary, but used in conjunction with the swales, oil interceptor and pond, they can provide a high level of treatment which would surpass the current design treatment levels.' ... 'The features include swales, filter drains and ponds, together with an oil interceptor. Combined in a treatment train, the features exceed the level of treatment required to mitigate water quality issues to groundwater and local watercourses.'

- 5.1.3 The assessment has identified additional features and products that can be added to the drainage design to increase the level of treatment if higher hazard rating development comes forward as part of the outline application.

- 5.1.4 The HRA Handbook states in relation to mitigation measures,

5. To be taken fully into account, at the appropriate stages, all 'mitigation measures' should be effective, reliable, timely, guaranteed to be delivered and as long-term as they need to be to achieve their objectives.

6. Any doubts about the effectiveness, reliability, timing, delivery or duration of mitigation measures, should be addressed by the competent authority before

relying on such measures during the appropriate assessment and integrity test stages.

13. A competent authority can impose 'additional mitigation measures', over and above the 'incorporated mitigation measures', if necessary, by way of the imposition of conditions or other restrictions so as to ensure that a plan or project would not adversely affect the integrity of a European site, either alone or in combination with other plans or projects.

For the purposes of assessing an outline planning application, all matters do not need to be precise, certain and final. It is acceptable for this additional level of detail to come at later stages, at such a time when the details can be properly considered. In any such case the council must be able to restrict the permission to ensure that there is no risk of an adverse effect on integrity when assessing the final source water drainage strategy.

- 5.1.5 It follows from the above discussion, about the terms and conditions of outline planning permissions, and the fact that an approval of reserved matters must be treated as being a part of a multi-stage consent process, that NNDC needs to be alert to any possibility of detailed proposals in reserved matters applications having an adverse effect on the features of the River Wensum SAC. If such detailed proposals would be likely adversely to affect the integrity of a European site they ought not to be in accordance with the outline planning permission and should be refused. They may be made subject to an application for full planning permission which can be determined by the planning authority after an appropriate assessment and compliance with regulations 63 and if necessary 64 and 68.

Comments from EA June 2022

- 5.1.6 NNDC reconsulted EA on 11th April 2022. They state that the amended

'Environmental Impact Assessment Statement and associated documents as submitted and do not consider [...] adequate to address our previous comments (dated 28/01/2022, 17/03/2021, 10/02/2021 and 28/05/2022) for the Drainage and Groundwater and Contaminated Land reasons detailed below.'

- 5.1.7 The Environment Agency do accept that

'the potential surface water discharge impact from the proposed malting expansion (network 3) will be assessed further as part of the permit [PPC] application process.

We have no objection to this method of drainage in principle. The pollution prevention measures should address any potential pollution risk to both groundwater and surface water.

[...]

Given the high environmental sensitivity of the site and nearby groundwater abstractions, we would like to review the more detailed drainage strategy and plans once these have been produced.'

- 5.1.8 DTA Ecology agree that the EA are the most appropriate authority to assess the final surface drainage design and strategy. It is not necessary for NNDC to consider further at outline planning application stage.

DTA Ecology advice and recommendations

- 5.1.9 There are concerns raised by EA that additional measures may be required in serial in the drainage networks, further concerns were raised regarding details of ground water and contaminated land. DTA Ecology would advise that, given the assessment of the drainage strategy is best undertaken once the design details are known, the strategy must be assessed once its measures are finalised.
- 5.1.10 In order to be able to conclude no adverse effects on the outline planning application, it is suggested that a suitability restrictive condition is attached that does not allow construction to commence until the surface water drainage strategy is final, and subject to appropriate assessment as part of the PPC permit.
- 5.1.11 DTA Ecology advise that a conclusion of no adverse effect on integrity cannot be reached, unless a condition is attached that prevents any construction commencing until final drainage strategy is agreed – as part of the new PPC permit process.

Summary of DTA Ecology recommendation

It is appropriate for the surface drainage strategy to be more properly assessed by the Environment Agency.

It is our recommendation that a conclusion of no adverse effect on site integrity cannot be concluded for the outline planning permission, unless a condition is attached to the outline planning permission to guarantee construction cannot commence until the PPC permit is in place.

5.2 Issue 3: Increase in wastewater quantity requiring treatment and subsequent discharge into surface water leading to a reduction in water quality

Summary of Issue

The original NNDC HRA raised concerns relating to the assessment of the effects of wastewater treatment and disposal. The concerns included uncertainties over the volume of associated discharges and how they aligned with existing permit conditions.

Further information from the applicants was sought to confirm the volume of effluent that would be likely in the expanded plants, and whether any mitigations measures were proposed.

During the period in which the NNDC HRA was undertaken Natural England issued its updated advice on Nutrient Neutrality. There were thus additional uncertainties as to how this advice might relate to this project proposal; in particular if headroom within the existing PPC permit could be relied on by NNDC when undertaking its HRA.

Background

5.2.1 Annex 1 of the updated Natural England advice on Nutrient Neutrality provides where a site is currently unfavourable due to nutrients that *‘Competent Authorities need to carefully consider the circumstances where plans or projects can be authorised’* and continues:

‘Where the plan or project will (...) contribute additional significant nutrients, alone or in-combination directly to, or upstream of, any unfavourable location ... then natural England advises that either there is a Likely Significant Effect (LSE) or LSE cannot be ruled out...’

5.2.2 The guidance is then clear and explicit that the use of permitted headroom in an existing permit which has already been subject to prior assessment under the Habitats Regulations may not be compliant. It states:

“Competent Authorities who wish to rely on the reasoning or conclusions in previous AA should consider the age of the AA, its robustness and whether evidence or circumstances have changed and therefore whether additional consideration is needed. Careful consideration will be needed where the habitats site feature is unfavourable due to elevated nutrient levels and plans or projects contribute further loading.”

5.2.3 Natural England advice continues to explain that, should the Council wish to rely on the reasoning’s or conclusions of the previous appropriate assessment, several factors should be considered by the Council including;

- changes to habitats site nutrient or related ecological objectives;
- new relevant information since the earlier assessment;
- impacts of more recent case law and other legal requirements;
- whether the measures taken into account in the appropriate assessment can still be relied on to avoid adverse effects to site integrity.

- 5.2.4 The applicants have used the Natural England calculator, with some tailoring to the specific project circumstances, being originally designed for residential developments.

Effluent inputs

Baseline / expansion	Mean concentration P mg/L	Mean concentration P mg/m ³	Mean concentration P kg/m ³	Total volume m ³	TP kg/year
PPC limits	1.0	1000	0.001	511,000*	511
Current effluent discharge (2021)	0.52	520	0.00052	283,653	147.5
Expanded plant	0.31	310	0.00031	401,500	124.5

*Based on 1,400m³ discharge every day.

Land use changes

Land use changes	Total P	Total N
Stage 2 – existing land use	0.85	56.56
Stage 3 – new land use	3.54	33.56
Difference	Plus 2.69 kgTP/year	Minus 23 kgTN/year

Nutrient Neutrality calculations

Nutrient	Effluent	Land use	Total
The change in total annual phosphorous is:	-23 TP kg/year	+ 2.69 TP kg/year	Minus 20.31 TP kg/year
The total annual nitrogen load to mitigate is:	-	-23 TN kg/year	Minus 23 TN kg/year

- 5.2.5 It is therefore proposed that the expanded plans will be able to reduce the concentration of N and P through implementation of new technologies and water efficiency measures.

DTA Ecology advice and recommendations

- 5.2.6 The implication of the Natural England advice to us is that it is necessary under the Habitats Regulations to review and evaluate the extent to which previous assessment effort undertaken by the Environment Agency can be relied upon. However, in light of the provision of regulation 67 it would seem to be wholly inappropriate for the Council to undertake such a review given the lack of necessary technical expertise within the local planning authority. In other words, any assessment of a permit subject to regulatory control by another competent authority would 'more appropriately' be assessed by the competent authority responsible for the permit.
- 5.2.7 As described above, the Defra guidance on HRA is clear that 'when there's more than one competent authority carrying out an HRA for the same proposal, competent authorities should work together on the assessment.' Defra guidance is also clear where a proposal overlaps with other competent authority's areas of responsibility, and a specific technical issue is the most important factor in the assessment, a lead competent authority should be agreed based on who has the best technical expertise.
- 5.2.8 The Council must 'have regard' to the advice from Natural England. In considering the need for Nutrient Neutrality the Council must form a view as to whether they can 'rely on the

reasoning or conclusions in the previous AA of the existing permit'. With reference to Regulation 67(2) of the Conservation Habitats and Species Regulations 2017, it is DTA Ecology's advice that the assessment as to the robustness of the prior assessment of the existing permit (as advised by Natural England) would be 'more appropriately assessed' by the Environment Agency as the competent authority with regulatory responsibility for the permit itself.

- 5.2.9 In order to stay within the Natural England advice on Nutrient Neutrality, NNDC would need to be able to be satisfied that any expanded facility and associated PPC consent did not lead to any additional nutrient inputs. In order to avoid an increase in nutrients the proposed expansion would need to be operated in a manner which ensures that total TP kg/year are limited to $147.5 - 2.69 = 144.81$ TP kg/ year. The applicant has determined that the plant could operate to discharge $124.5 + 2.69 = 127.19$ ky/ year but, as yet, there is no permit to require them to do so. The Council cannot be satisfied that adverse effects will be avoided on the basis of reassurances by the applicant. It is therefore highly relevant that the development will require an application to the Environment Agency to vary the existing permit which will be subject to assessment by Environment Agency as the relevant competent authority in due course. As a competent authority the Environment Agency will need to have regard to the Natural England guidance on Nutrient Neutrality and they are best placed to assess the implications of any increase in nutrients over and above current operating practice (i.e. whether utilising existing headroom capacity would represent a risk to the integrity of the SAC). In the absence of any response from the Environment Agency as to the extent to which the Council can rely on the earlier assessment conclusions for the current permit, the Council does not have sufficient confidence to be able to rely on the further information provided by the applicant
- 5.2.10 Recognising that an application for variation will be submitted to the Environment Agency in due course it is not necessary for the Council to seek to pre-empt the decision the Environment Agency will reach. The Environment Agency will undertake their own HRA in determining this application and, with reference to regulation 67(2), nothing in regulation 63 requires the Council to assess any implications of the project which would more appropriately be assessed under that provision by another competent authority. The Council take the view that the implications of any variation to the existing PPC permit are more appropriate assessed under Regulation 63 by the Environment Agency.
- 5.2.11 Given that NNDC need to make its decision on the outline planning permission, the options open to the Council are to wait until the Environment Agency determines the permit, or to impose a condition on the outline permission which requires a PPC permit to be in place prior to construction. In this respect the Council can assume that, should a PPC variation be granted, the Environment Agency can be relied upon to ensure that there will be no adverse effect on the integrity of the River Wensum SAC. The Environment Agency is the relevant competent authority in respect of impacts associated with the PPC permit and it would not be appropriate under regulation 67(2) to include consideration of associated water quality impacts within the HRA for the current outline planning permission.

Summary of recommendations

Recognising that an application for variation will be submitted to the Environment Agency in due course it is not necessary for the Council to seek to pre-empt the decision the Environment Agency will reach.

The Environment Agency will undertake their own HRA in determining this application.

DTAE recommend that the Council take the view that the implications of any variations to the existing PPC permit are more appropriate assessed under Regulation 63 by the Environment Agency.

DTAE advise that the Council either waits until the Environment Agency considers the permit, or imposes a condition on the outline permission which requires a PPC permit to be in place prior to construction.

5.3 Issue 4: Increase in airborne particles or harmful chemical compounds (air pollution) due to operational combustion activities leading to a reduction in air quality

Summary

The original NNDC HRA raised concerns relating to the assessment airborne deposition. The concerns included uncertainties over discharges and how they were monitored.

Further information from the applicants was sought to confirm the emissions levels and likely impact on site critical levels.

Background

5.3.1 The NNDC HRA raised that whilst the Site Improvement Plan for the River Wensum does not raise air pollution depositions and being a threat to the site, the conservation objectives supplementary advice identifies air quality as a supporting process with a target to restore the concentrations and deposition of air pollutions to at or below site relevant Critical Load or Level values given for the feature on the Air Pollution Information System (www.apis.ac.uk). It was concluded that

'emission to air arising from the day to day operation and combustion processes of the development, could undermine the ability to achieve the conservation objectives of the qualifying features of the SAC by adversely affecting the supporting processes on which the features rely.'

5.3.2 The precautionary principle was applied anticipating that emissions to air arising from the development, alone or in combination, could contain level of nitrogen oxides that will contribute to the nutrient loading of the river and undermine the conservation objectives of the SAC.

5.3.3 Further information sought from the applicants was sought on the levels of NO_x predicted to be emitted, and whether any mitigation measures were proposed, together with any parameters or limits.

Response from the applicants in updated ES

See Chapter 9, Paragraphs 9.102 - 9.105

"With respect to Critical Levels of atmospheric oxides of nitrogen these are set at a default of 30 µg/m³ for the annual mean within the Air Pollution System ('APIS') database. The ES determined the predicted NO₂ to change by only a very small amount near to the Maltings, e.g. from 13.0 µg/m³ to 13.6 µg/m³. These absolute levels and changes are thought to be sufficiently low to screen out oxides of nitrogen with respect to Critical Levels without the need for a more formal assessment, on the basis that concentration of NO₂ would need to more than double to reach the critical level for oxides of nitrogen. , and in practice the levels of process contributions at the River Wensum SAC would be less by virtue of distance.

[...]

“New plant has a limit for oxides of nitrogen of 100 mg/m³ and existing plant a limit of 200 mg/m³, and these values are specified within the Directive with the explicit objective of reducing health and environmental impacts.⁴”

Baseline condition

5.3.4 DTA Ecology in undertaking this HRA have reviewed data for the River Wensum SAC on www.apis.ac.uk. The applicants currently identify that critical levels for all features are set at 30 µg/m³ with no comparable critical loads for the freshwater features. The absence of critical loads recognises that riverine features are inherently less sensitive to atmospheric nutrient sources given that the overwhelming nutrient contribution from the water column will render the contribution from air pollution negligible. The current baseline condition for nitrogen oxides are set out in table 1 below;

Year	NOx levels - Crisp Malting grid square	Adjacent grid squares (N, NW,W) closest to River Wensum
2019	11.2	9.7, 9.5, 9.6
2018	12.1	10.4, 10.6, 10.3
2017	12.3	11.1, 11.3,11
2016	12.2	11.5, 11.7, 11.3
2014	12.6	12.4, 12.4, 12.2

Table 1 Baseline condition for nitrogen oxides in and around the Crisp Malting facility.

Source www.apis.ac.uk

- 5.3.5 Taking the grids surrounding the development site recorded in APIS, it appears that levels of NOx are *circa* 2µg /m³ higher in grid squares immediately adjacent to Crisp Maltings. These elevated levels could very well be the result of other sources, but do correlate well to the additional data provided by the application to levels immediately adjacent to the facility.
- 5.3.6 Thus in the face of no evidence provided by the applicants to the contrary it would be reasonable to assume most, if not a significant proportion of the elevated level might be attributed to the existing facility. The applicants report that levels of NOx are 13 µg /m³ immediately adjacent to the facility.
- 5.3.7 The conclusion of DTA Ecology is that the conservation objective attribute and target for NOx is not close to be exceeded. A restore target for air quality is unlikely to be linked to NOx levels.

Impacts of project on critical levels

5.3.8 The applicants predict the levels of NOx adjacent to the facility will increase to 13.6 µg /m³ as a result of the increased capacity and new combustion plant. Whilst there is no background calculation provided that sets out how the 0.6 µg /m³ increase is arrived at. The figure is not outside any common-sense parameters.

⁴ <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32015L2193#d1e32-15-1>

5.3.9 For example if all contributions from the existing combustion plant, with an ELV of 200mg/l, are set on a precautionary basis to be the sole contribution to the additional 2 µg seen on the Crisp Malting grid square, and the new combustion plant required to increase production from 115- 170 tonnes per annum on a plant with an ELV of 200mg/ l is likely to give rise to this increase through a simple calculation.

Box 5.1 - Deposition rate calculations

The purpose of this box is to provide the simple calculations which DTA Ecology have undertaken to inform our view on the likely scale of increase in emissions. In doing so we have taken account of the current background levels, the restrictions on the Emissions Limit Value (ELV) for new combustion plants, proportionate to the increase in product output.

Existing combustion plant to fuel

115 tonnes production annually = 2 µg /m³ increase critical level on background from the existing plant with ELV of 200mg/m³ ELV.

New combustion plant to fuel

An additional 65 tonnes production annually, with new combustion plant with ELV limit of 100mg/m³ = 1.1* /2 = **0.55 µg /m³**

* 2 µg /m³

115 X 65 = 1.1 µg approximate increase

5.3.10 Addressing the questions posed by NNDC, it would appear to DTA Ecology that sufficient information is available to undertake an assessment of whether there is any reasonable scientific doubt remaining as to no adverse effect.

5.3.11 With regards to the first question of the Council, the current operation of Crisp Malting facility should be considered as part of the existing baseline against which the current proposal is subject to assessment.. This provides a baseline against which to estimate the impacts from the existing facility operating. An assessment can appropriately be based on a comparison of the current process contributions from Crisp Malting, extrapolated to take account of the new combustion plant, albeit with lower ELV, and a 65% increase in production. Whilst it is accepted that there will be significant variations, with no absolutes, the current baseline conditions can reasonably accommodate any such variation, and still be able to come to robust conclusions on impacts on site conservation objectives.

DTA Ecology advice and recommendations

5.3.12 It is our advice that, whilst accepting that the Conservation Objective Supplementary Advise identified air pollution as a potential risk and a possible contributory factor to high nutrient levels, there is sufficient evidence to make an assessment on site integrity, based on the current baseline condition of the site and the inherent sensitivity of the features to air pollution.

- 5.3.13 Whilst there is no doubt that the project will lead to increased NO_x concentration and associated increase in total Nitrogen deposition, it can be reliably concluded that the scale of the proposed project alone will not lead to a risk of the conservation objectives not being met. The site is well below the NO_x critical level and no critical loads are assigned to freshwater features as the overwhelming waterborne nutrients will render contribution from air pollution entirely negligible. We note that the site objective is set to be a restore objective, but in this instance such critical levels (or levels) on which the long-term conservation of the site features depend are either not exceeded or established as not sensitive.
- 5.3.14 In considering if there are any plans or project that might act in combination, this would only be for any proposals where the footprint of the impacts of projects are overlapping. DTA Ecology is not aware of any such proposals, however ahead of any decision the council should confirm this is the case.
- 5.3.15 Heading 6 of the original HRA raises concerns in relation to whether the effects from different source receptor pathways might lead to a cumulative effect. It is DTA Ecology's advice that once each individual impact has been assessed and a conclusion reached of either no adverse effects on site conservation objectives, with or without mitigation measures or other conditions, there is no requirement to reconsider any possible cumulative impacts arising from multiple source / receptor pathways.

Summary – DTA Ecology recommendation

It is DTA- Ecology's advice that it can be concluded 'no adverse effect' on site integrity, on the basis of the site's current baseline condition being well below the critical level for NO_x and the inherent lack of sensitivity of freshwater features to air quality in view of the overwhelming contribution from waterborne nutrients.

5.4 Issue 5 Increase in demand for water leading to increased abstraction volumes resulting in changes to the natural hydrological regime of the river Water quantity – hydrological impacts

Summary

The NNDC HRA identified concerns regarding an increase in water demand from an increase in production, leading to increased abstractions volumes. The Restoring Sustainable Abstraction Programme

Further information was requested from the applicants on water consumption, and any water efficiency measures and re-use technologies to reduce overall water consumption. Furthermore, if demand was to rise what would the impact be on flow targets.

Background

- 5.4.1 The HRA concludes that the COSA and the Site Improvement Plan (SIP) (Natural England, 2014) identifies that abstraction is adversely impacting the flow regime of the river and as a result changes to abstraction licences to relieve pressure on the river were identified through the Review of Consents process. The actions identified in the SIP applied to abstraction by Anglian Water, with reductions secured through the Water Industry Asset Management Plan (AMP) between 2014 and 2021; with a commitment to implement measures identified in the Restoring Sustainable Abstraction Programme. A further action to investigate or identify actions to meet the conservation objectives for flow is highlighted for the third round of the RBMP from 2021. This action could affect abstraction limits for existing and/or proposed licences. On this based it was concluded that the development might undermine the ability to achieve the conservation objectives.
- 5.4.2 The applicant has confirmed that the Maltings expansion will continue to operate under the existing water abstraction permit.

“9.100 A suite of measures are proposed to increase the efficiency of water use and also greater re-use, via new plant and retrofitting to the existing operations. The technological measures proposed are existing technologies and would comprise improvements to the following items and processes: the barley washer; steeping vessel design and the use of optisteeep technology, which circulates water, filters, cleans and oxygenates returns to the steeping process; and water recovery technology using a membrane bio reactor followed by reverse osmosis, such that the treated water will be of sufficient quality to be re-used in the process. The estimated reduction in the required ratio of water use to finished malt would be from the current levels of approximately 3.72m³ per metric tonne to approximately 2.6m³ per metric tonne.”

- 5.4.3 Whilst, from the information provided the approximate water demand is a real increase of circa 6.3%. (115x3.72 = 427,800; 175,000x 2.6 = 455,00) this remains within the maximum

abstraction limits. The applicant has also confirmed that any additional water demand would be sourced from mains and they would stay with their existing water abstraction licence. Given the updated volumes of effluent inputs provided in the *Nutrient Budget Calculator Summary for Crisp Maltings Expansion* documents from the expanded plant being of the order of 401,500; applying the applicants figures of a 12.6% loss of water in process, would lead to a water demand of 452,089 l.

EA Response August 2022

Abstraction Licensing

The Environment Agency have made the following observations in respect of abstraction licensing. 'Groundwater in the Broadlands area is fully committed. We are therefore not licencing any new groundwater in this area. This is detailed in the Broadlands Abstraction Licencing Strategy. If Crisp Maltings is going to need additional groundwater for the proposal, the applicant will be required to source this from within their current licenced quantity or look to obtain it through mains supply.

The Crisp Maltings licence is a permanent licence, as such it will not go through the renewals process (as indicated in the snippet above) where licence quantities could be reduced if abstraction is considered to be unsustainable. Holders of permanent licences, will be contacted on a case by case basis should a licence change be required. We cannot guarantee that there will not be changes to permanent licences in this catchment in the future

DTA Ecology advice and recommendations

- 5.4.4 It is the advice of DTA Ecology that since the applicants will stay within the headroom of their existing permit, which has been subject to assessment by the Environment Agency as a competent authority, NNDC can rely on this assessment as described above. It has been confirmed by the Environment Agency that, as a permanent licence it will not be subject to the renewals process.

Summary – DTA Ecology recommendation

It is DTA- Ecology's advice that the HRA undertaken by the Environment Agency can be relied on, to enable a conclusion of 'no adverse effect' on site integrity; since the water abstraction will remain within the headroom of the applicants existing water abstraction licence.

6 Final summary of recommendations

6.1.1 DTA Ecology has drawn the following conclusions and makes its recommendations with regard to the issues arising from the NNDC HRA.

- **It is appropriate for the surface drainage strategy to be more properly assessed by the Environment Agency. A conclusion of no adverse effect on site integrity cannot be concluded for the outline planning permission, unless a condition is attached to the outline planning permission to guarantee construction cannot commence until the PPC permit is in place.**
- **With regards to pollutants from effluent discharges, an application for variation will need to be submitted to the Environment Agency in due course. It is not necessary for the Council to seek to pre-empt the decision the Environment Agency will reach. The Environment Agency will undertake their own HRA in determining this application. DTA Ecology recommend that the Council take the view that the implications of any variations to the existing PPC permit are more appropriate assessed under Regulation 63 by the Environment Agency. The Council can either wait until the Environment Agency considers the permit, or impose a condition on the outline permission which requires a PPC permit to be in place prior to construction.**
- **On the basis that the River Wensum SAC's current baseline condition being well below the critical level for NOx and the inherent lack of sensitivity of freshwater features to air quality (in view of the overwhelming contribution from waterborne nutrients) it is possible to conclude no adverse effect from airborne nutrients.**
- **Lastly, since the water abstraction will remain within the headroom of the applicants existing water abstraction licence, the HRA undertaken by the Environment Agency can be relied on by the Council to enable a conclusion of 'no adverse effect' on site integrity from water abstraction.**

6.1.2 In light of the above, a conclusion of no adverse effect to site integrity will only be possible if the outline planning permission is made subject to the specific restrictive conditions identified. Whilst the nature of these conditions are outlined it is for the Council to agree the specific wording of the condition and the type of restrictive condition that might be relied upon. We would suggest that the use of Grampian conditions should be given careful consideration given the need for the Council to be satisfied that outline planning permission will not give rise to a development that represents a risk to the integrity of the River Wensum SAC.

CRISP MALT SUSTAINABILITY STATEMENT – GREAT RYBURGH MALTINGS (OCTOBER 2022)

This Statement has been prepared to outline the sustainable operational practices Crisp Malt are currently undertaking at the Great Ryburgh maltings. As explained in this Statement, it is Crisp's intention to continue and enhance these practices through to the expanded site, should planning permission be granted, to continue to reduce the carbon impact and the ecological impact of the proposal in the current Climate Emergency. It is Crisp's long-term strategy to achieve net carbon zero throughout its own operations, including at the Great Ryburgh site, by 2050 or sooner.

Strategy 1: ABC Grower Group

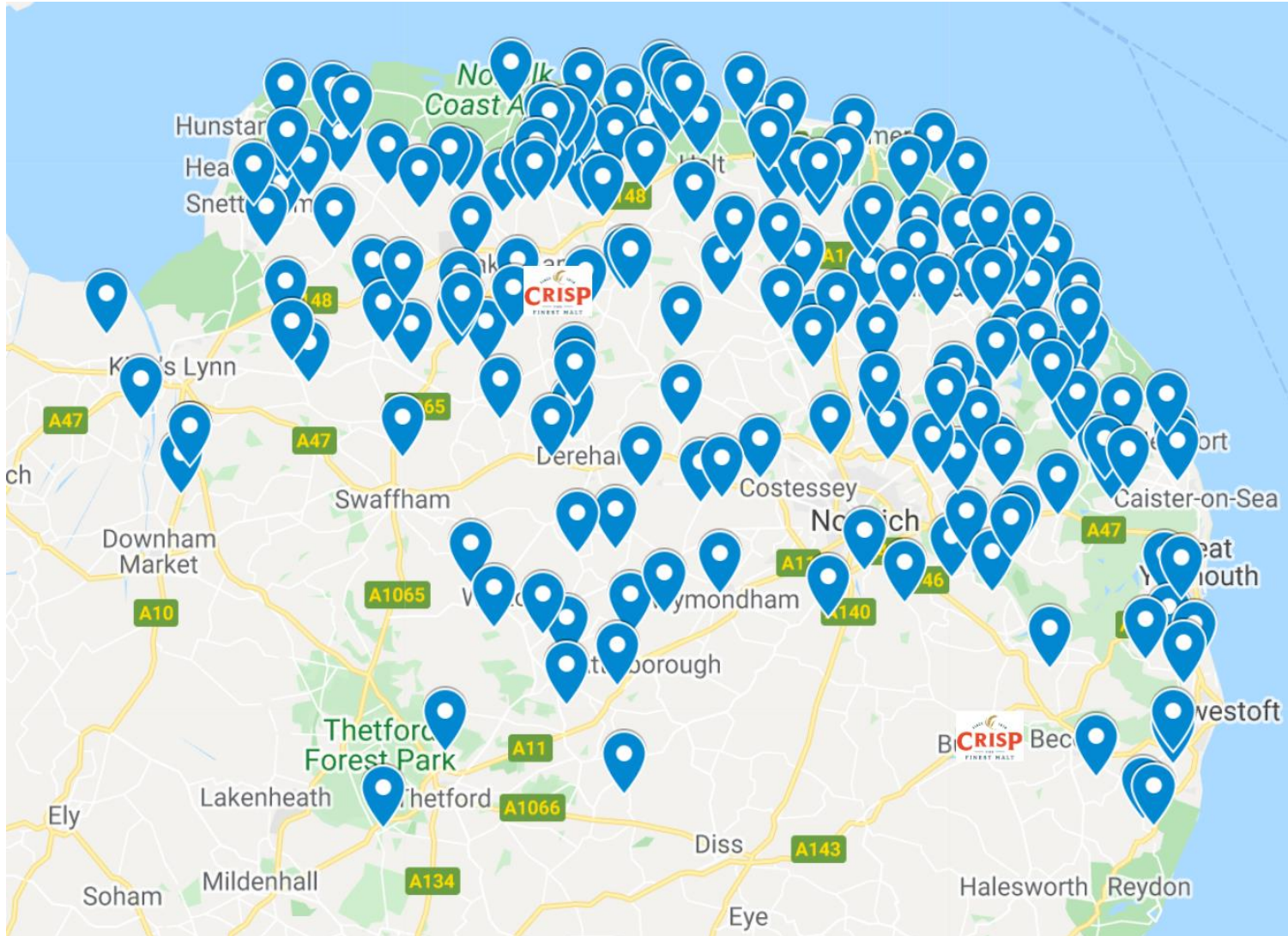
Current Situation

- Crisp Malt is supplied with barley and other cereals for malting by the ABC Grower Group. The Group was established by Crisp Malt, Adams & Howling and H Banham Ltd to improve local sourcing of barley for malting in 2006, in part to help reduce food and drink miles. The Group comprises just under 180 members within 50 road miles of the Great Ryburgh maltings. All ABC members are Red Tractor Assured – Crisp Malt only purchases grain from growers who belong to a recognised grain assurance scheme, which requires the growers to have sustainable agricultural practices in place influencing how the grain is produced.
- Over 100,000 tonnes of Crisp's current requirement for malting barley at its Great Ryburgh site is sourced directly through the ABC Grower Group, which comprises the majority of raw product required to produce the Great Ryburgh site's current throughput (up to 115,000 tonnes of malt per annum).
- Group Members are based throughout Norfolk and Suffolk, with the highest concentration in North Norfolk District, as demonstrated by the map of member farms overleaf.

Proposed Enhancements with Expansion

- Crisp's commitment to supporting and sustaining local agriculture through the ABC Grower Group is evident, whilst minimising food miles and carbon emissions. There is scope to further increase the number of Group members as part of the expansion proposals, subject to the barley types and varieties required by Crisp to satisfy consumer demands.

ABC Grower Group Locations



Strategy 2: Sustainable Agriculture Initiative (SAI) Membership

Current Situation

- The SAI Platform is a non-profit network of over 130 members worldwide, which is advancing sustainable agricultural practices. Membership of the SAI Platform provides Crisp with access to a range of tools to enhance sustainability within its cereal supply chain and drive its suppliers to adopt sustainable agricultural practices.
- For instance, the SAI Platform Farm Sustainability Assessment, which is supplemented with onsite audits, provides the ABC Group with a benchmark against global standards, and a tool to assess where on-farm sustainability improvements can be made. All ABC Grower Group members have achieved a minimum Silver Level certification from the SAI Platform Farm Sustainability Assessment. (minimum 100% coverage of essential questions in the Assessment, 80% of basic questions, and 50% of advanced questions). Crisp are working with the ABC Group to achieve Gold Level certification. The majority of Danish growers, who supply most of the barley required for Crisp Malt's Hamburg maltings, have already achieved Gold Level certification, therefore Crisp also has a proven track record in achieving this standard from its growers.
- ABC Group members have recently replied to a separate Crisp Malt survey regarding their adoption of practices such as cover cropping, improvement of soil organic matter improvement, integrated pest management, biodiversity improvement plans, use of minimum tillage and use of abated nitrogen fertiliser to further reduce their environmental footprint. Data from the survey showed that the majority of respondents were already using a number of sustainable agriculture practices. A single respondent had calculated the carbon footprint of malting barley at 165 CO₂e/tonne, which compares favourably with published data for the UK.

Proposed Enhancements with Expansion

- Crisp Malt is committed to maintaining its membership of the SAI Platform, to continue to work with the ABC Group to achieve Gold Level Certification and adopt sustainable agricultural practices.

Strategy 3: Combined Heat and Power (CHP) Unit and Renewable Energy

Current Situation

- The malting process requires energy input from both electricity and gas. To mitigate greenhouse gas emissions, Crisp operate a gas-fired combined heat and power (CHP) unit at its Ryburgh site. This allows Crisp to produce electricity on site, and to use the heat produced by the CHP unit within the malting process. Since 2018, the CHP plant has saved the emission of over 10,000 tonnes CO₂e.
- When running at capacity, the CHP saves approx. 4650tonnes of CO₂e per year. At this rate, the CHP produces c.62% of the Ryburgh site's power requirements, and 12% of the heat requirement.

Proposed Enhancements with Expansion

- With expansion, Crisp would generate demand to double the CHP capacity. This would generate an increase in CO₂e savings of a further c.4650tonnes of CO₂e per year and generate c.82% of the site's power requirement, and c.17% of the heat requirement. Subject to detailed design, there may be scope to increase the CHP's capacity even further with expansion of the wider site.
- Crisp are considering the introduction of renewable technologies to supplement the energy produced by the CHP unit. For instance, the use of solar panels on the roof of the proposed new warehouse is being explored. We understand that a planning condition could be applied to any planning consent to review and agree any renewable energy proposals associated with the development proposals prior to installation.
- Crisp will also consider new technologies when they are released, such as Hydrogen-fuelled CHP units. This technology is under development and will be considered when available.
- Electrical power supply used for all Crisp production facilities is certified as generated from 100% renewable sources by the energy supplier.

Strategy 4: Use of Best Available Technologies

Current Situation

- Crisp seek to employ the best available technology when replacing equipment, to reduce energy consumption and emissions from the site. Recently, Crisp replaced one of the large boiler systems at the Ryburgh site; the replacement equipment operates to a NOX emission limit of <100mg/m³. The unit this replaced in operation achieved <200mg/m³.
- Similarly, Crisp have installed inverter controls into all process fans and motors to reduce energy consumption, while Crisp are in the process of replacing all standard light bulbs with LED low-energy lighting fixtures. All motors are regularly upgraded with the latest, most energy-efficient versions in line with the European Efficiency Classification standard or International Electrotechnical Commission. For small motors, this can deliver an improvement in efficiency by approx. 10%, and 2-4% for larger motors.
- Crisp continue to invest in new control systems for the current processing equipment and for any new processing equipment. Automated computer based control systems allow monitoring of energy used, rapid investigation of faults which may result in energy wastage, control of equipment to ensure it is only in operation and using power when required.
- Crisp have recently invested over £15,000 to install 8no. additional meters to detect processes that may be causing energy wastage, to enable replacement equipment to be installed efficiently.
- Due to the nature of the malting process a significant amount of energy is used to transfer heat energy in the air around the process. To minimise these losses the maltings has already implemented many energy saving and recovery systems:
 - Glass tube heat recovery: damp warm air leaving the kilning production vessel passes over thin wall glass tubes, fresh dry air required for the process passes through in the opposite direction in the glass tubes, heating the incoming air by up to 10degC, reducing the energy required to heat the air up to the kilning temperature of 50-90degC.
 - Air recirculation systems: as the kilning processes dries the grain, a point is reached where the air is dry enough to be recirculated and the heat can be retained within the circulation system reducing the energy demand to heat the air, this is automatically controlled, and instrumentation is used to maximise the point when this process can be started.
 - Combined Heat and Power: as explained above, gas is used to generate power on site, this reduces power transmission losses for power being supplied to the site from external supply. In addition, the

heat generated by the engine is collected and transferred to preheat the fresh or recirculated air being supplied to the kiln

Proposed Enhancements with Expansion

- Best available technology will be instrumental in the design and equipment specification/selection for the proposed expansion, this is assessed by the EA permitting service and is a requirement for the granting of a PPC permit.
- It is proposed that the expanded Maltings will operate to the levels specified within the existing PPC and abstraction permits. Achieving these levels will require more efficient plant and machinery, with retrofitting of technology to existing plant. These measures are considered integral to the scheme and inherent mitigation, and as such these have been included within the earlier assessment of impacts. However, for clarity these measures will comprise:
 - The proposals for the Maltings include a significant upgrade to the effluent treatment plant, taking effluent from current and expanded operations. The upgraded plant could include phosphate removal technology and have sufficient capacity to ensure discharges are within the levels required by the existing PPC Permit.
 - Installation of approximately four additional dust collection filters to maintain emissions within the parameters set by best available technology and PPC permitting, these will be proven technology that is currently used in the processing.
 - New heating boilers or burners required for the kilning part of malt processing will operate to the Medium Combustion Plant Directive, and ensure that combustion sources operate within the existing PPC Permit levels or otherwise meet the standards of the Medium Combustion Plant Directive.
 - New machinery to increase the efficiency of water use and also greater re-use. For instance, a suite of measures are proposed to increase the efficiency of water use and also greater re-use, via new plant and retrofitting to the existing operations. The technological measures proposed are existing technologies and could comprise improvements to the following items and processes: the barley washer; steeping vessel design and the use of Optisteeep technology, which circulates water, filters, cleans and oxygenates and returns to the steeping process; and water recovery technology using a membrane bio reactor followed by reverse osmosis, such that the treated water will be of sufficient quality to be re-used in the process (subject to customer agreement).

Strategy 5: Vehicle Fleet

Current Situation

- Crisp have adopted numerous measures to minimise fuel consumption and emissions from its vehicle fleet at Ryburgh:
 - 15 out of 18 of Crisp's HGV fleet are fitted with EURO6 engines. The three EURO5 trucks are due for replacement with EURO6 in 2022.
 - Crisp is investigating the possible of using lower carbon fuels such as HVO
 - Drivers are paid a fuel bonus based on lower consumption figures, and the trucks are fitted with telematics to manage driver behaviour.
 - Where possible, vehicles are backhauled to reduce total vehicle miles, and in some cases, remotely based subcontractors are used to avoid Crisp vehicles making inefficient journeys.

- Employees within certain roles are offered company vehicles, hybrid and electric vehicles are listed within the vehicles available. Crisp have an electric vehicle charge point on site, with plans to install 2no. additional points within the existing site.

Proposed Enhancements with Expansion

- Crisp Malt is committed to minimising fuel consumption and emissions from its vehicle fleet by maintaining the practices outlined above. Furthermore, 4no. additional EV charging points are proposed as part of the expansion, giving a total of 7no. EV charging bays within the site when combined with the 1no. existing bay and 2no. proposed within the existing site.

Strategy 6: Waste

Current Situation

- The waste that Crisp Malt produces is carefully monitored and segregated to ensure the maximum amount is recycled. For instance, organic waste (co-products) from the malting process is sold for incorporation into animal feed products. General site waste (e.g. paper and packaging) is segregated into dry recyclables, with various bin locations distributed around the site. Pallets are recycled back to suppliers for repair or alternative use, while oil and grease by-products are collected and recycled. All used electrical equipment on site is collected and sent for recycling as appropriate.
- Sludge from the site's effluent plant is the largest waste stream, and it is recycled through distribution to members of the ABC Group for land spreading, to provide nutrients and water for grass crops.

Proposed Enhancements with Expansion

- Recycling will continue to be maximised. As explained above, the expansion proposals will require a significant upgrade to the on-site effluent treatment plant, taking effluent from current and expanded operations. The upgraded plant could include phosphate removal technology, and it will have sufficient capacity to ensure discharges are within the levels required by the existing PPC Permit. It should be noted that phosphate output from the site will not increase following delivery of the proposed expansion.

Strategy 7: Water Consumption

Current Situation

- The Ryburgh site contains a wastewater treatment plant, in accordance with strict environmental legislation.
- Where possible, two wet phase steeping is utilised to minimise water usage and effluent production.
- Overfilling of steep vessels is avoided – vessels are filled with the volume of water necessary for the purposes of ensuring malt quality, this process is controlled with instrumentation and automated control systems measure the height of the grain after each filling and fills the water level to just above the grain level to ensure there is no excess wasted water above the grain that is not required.

Proposed Enhancements with Expansion

- As explained above, it is proposed that the expanded Maltings will operate to the levels specified within the existing PPC and abstraction permits. Achieving these levels will require more efficient plant and machinery, with retrofitting of technology to existing plant (specified within Strategy 4 above).

Strategy 8: Carbon Footprint Disclosure

Current Situation

- Crisp Malt regularly shares its sustainability data (including Scope 1 & 2 emissions, energy use, waste, water consumption) with customers through Carbon Disclosure Programme and Environment Data Exchange initiatives. Scope 1 emissions describes the direct emissions associated with the operation of the maltings which is primarily driven by fuel usage onsite. Scope 2 emissions are indirect emissions associated with the maltings consumption of purchased electricity and gas. The combined heat and power unit at Gt Ryburgh reduces Crisp's Scope 2 emissions.
- Using the Euromalt Carbon Calculator, Crisp are about to embark on carbon foot-printing their upstream Scope 3 emissions with the assistance of the ABC Grower Group. The process of calculating a carbon footprint for a product involves calculation of Scope 1 & 2 emissions plus other indirect emissions (Scope 3). These are both upstream and downstream.
- For malting, the most significant Scope 3 emissions are upstream and arise from the growing of cereals for malting. Euromalt is the European maltsters trade body and they have developed a calculator for the purpose of calculating the carbon footprint of malt.

Proposed Enhancements with Expansion

- Crisp Malt are committed to maintaining its sharing of sustainability data with customers through Carbon Disclosure Programme and Environment Data Exchange initiatives.

Strategy 9: Ethical Supply

Current Situation

- Crisp Malt is a member of the SEDEX ethical trading platform. The SEDEX platform is a reporting tool which allows transparent information exchange through the supply chain regarding sustainable sourcing, business ethics, health & safety and labour standards. Access to Crisp's SEDEX information is made available to customers.
- Crisp have been successfully audited in 2016 against the SEDEX Members Ethical Trade Audit (SMETA) four-pillar audit (this includes Environmental practices and Health & Safety, Business Ethics and Labour Standards). Another audit is due to be undertaken in 2022 or 2023.

Proposed Enhancements with Expansion

- Crisp Malt are committed to maintaining its membership of the SEDEX ethical trading platform, so the expansion proposals will be audited alongside the existing site.

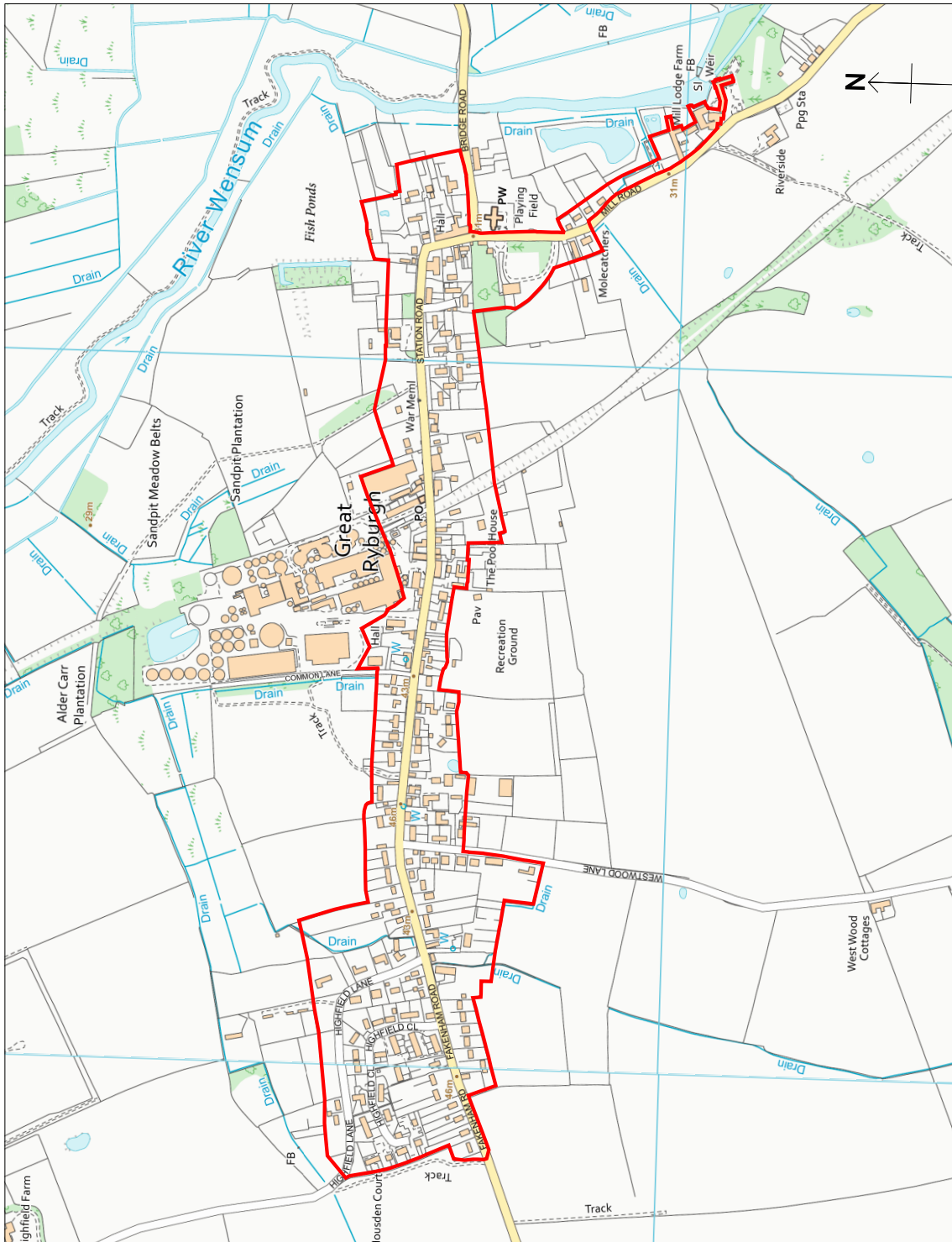
Strategy 10: Net Zero Carbon Strategy


- Crisp Malt is committed to achieving net-zero carbon by 2050, in line with Government legislation. The measures set out within this Statement form the foundations of a broader strategy to achieve net-zero carbon across the entire business, including operations associated with the Ryburgh site.

- It is suggested that a suitably-worded condition is applied to any planning consent to secure the submission and agreement of a Net-Zero Carbon Strategy Plan, to provide the local authority with comfort that the proposed expansion is being positively prepared to achieve net-zero carbon by 2050.

Settlement Boundary Map 5

Annex 5 Settlement Boundary Map



 <p>NORTH NORFOLK DISTRICT COUNCIL</p>	<p>Settlement Boundary within Ryburgh Neighbourhood Area</p> <p>— Settlement Boundary</p>	1:10,000	CB
	<p>North Norfolk District Council Council Offices, Holt Road, Cromer, Norfolk, NR27 9EN 01263 513811 www.north-norfolk.gov.uk</p>	03/12/2019	
		© Crown Copyright and database right 2019 Ordnance Survey 100018623	

Annex 5 - Settlement Boundary Map

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Site: Crisp Maltings Expansion, Great Ryburgh
Item: Responses on Comments Regarding the Ecological Assessments (Other than the HRA)
Client: Crisp Maltings

Author: Dr GW Hopkins CEnv MCIEEM FRES
Date: 02 June 2021

Hopkins Ecology Ltd, St George's Works, 51 Colegate, Norwich NR3 1DD
 T. 01603 435598 M: 07481 477103 E: graham@hopkinsecology.co.uk W: www.hopkinsecology.co.uk

INTRODUCTION

The ecology team at North Norfolk District Council have supplied feedback on the ecological assessments prepared for the Crisp Maltings scheme at Great Ryburgh. Comments relating to Habitats Regulations Assessment matters are addressed separately. Below are the comments and responses to matters to other ecological aspects of the scheme.

Please note that references to “negligible”, “minor”, “moderate” which categorise the level of impact have been used following the methodology set out in Chapter 4 of the Environmental Statement and in particular Table 2.3 and paragraph 2.19.

Comment	Response
<p>The Landscape Section consider that in the interpretation of the survey data in the ecological assessment this has resulted in lower values attributed to the ecological features present on the site, which affects the significance of the impact and magnitude of effect. This difference in opinion could be because the evaluation and interpretation process hasn't been sufficiently justified in the ES, or potentially could be as a result of not having all of the original data available for scrutiny and/or lack of clarity within the ES regarding the baseline survey data collected or the methodology used.</p>	<p>The values assigned to features follow the criteria as described within guidance (CIEEM, 2019), or other appropriate schemes such as Wray et al. (2010 for bats). While some professional judgement has been applied in assigning value (e.g. with respect to the low numbers of barbastelle bats), the overall scheme follows standard practice and a straightforward representation of how importance at different spatial scales (following CIEEM) translates into value is shown in the methods (para 9.27).</p> <p>The ES (Chapter 9) includes summary descriptions of methods, with additional detail provided in the technical appendix. The survey methods follow relevant guidance and standards.</p>
<p>Furthermore, questions remain over the effectiveness of the mitigation and</p>	<p>The areas and lengths of new landscape planting are presented in Table 9.13A of the ES,</p>

Comment	Response
<p>compensation measures proposed for identified biodiversity impacts. The assessment fails to justify how the proposed measures will adequately mitigate and compensate for the loss of ecological connectivity and foraging habitat as a result of the hedgerow and tree removal and the severing of ecological corridors through the introduction of the access road, crossing the ditch/stream and lighting requirements.</p>	<p>and these changes are considered in the context of available foraging habitat for bats in particular.</p> <p>For bats this does include an estimate of the quality of existing habitat areas and of the new landscaping.</p> <p>While this is an informal scheme the assigned categories of negligible, low and moderate are intended to be indicative and are not thought to provide inflated qualitative impressions of the value of new habitat areas, or indeed underestimate habitat loss.</p> <p>A level of professional judgement has been used for assigning these categories and refers to the likely of abundance of prey generated based on professional opinion. Thus, for example, it is considered that the wildflower planting will provide better foraging habitat than the semi-improved grassland on a per unit basis, this being driven by the diversity of plant species and greater diversity of insect prey and what would be judged likely to be a greater overall abundance of prey.</p> <p>There will be a net increase in the area of habitat types of greater value than arable and improved grassland. The key drivers in the assessment are area and quality of individual habitat types. However, within the overall assessment while there may be a case for interpreting this as a positive change, the assessed impact is nevertheless conservative, and the impact is assessed as negligible.</p>
<p>There remains a concern regarding the biodiversity value attributed to the development site when considered within the wider intensively farmed landscape and the connectivity with the River Wensum. As stated previously the Landscape Section consider that the site has been undervalued and/or the assessment of the value of the site has not been sufficiently justified within the ES/Ecology Assessment. The Ryburgh Neighbourhood Plan, September 2020 (RNP) and the supporting documentation (Wild Frontier Ecology Report – Evidence Document 3) attributed a greater value to the connecting habitat and tributaries of the River Wensum than the applications ES/Ecology Assessment has</p>	<p>The Site is outside of the immediate corridor of the River Wensum, as designated by the valley bottom adjacent to the channel. The tributary which runs through the site, runs roughly perpendicular from the Wensum corridor bottom, up to an area of improved horse grazed pasture adjacent to the Crisp Maltings landholdings. This corridor of non-arable habitat then ends abruptly against Highfield Lane where it meets arable farmland. This east-west corridor from the valley bottom to the arable farmland is ~0.8km in length.</p> <p>With reference to the Ryburgh NP (RNP), it is understood that the Wild Frontier Ecology Report is based on a desk study with information from local sources and provides a strategic vision. This includes information such as the Norfolk Biodiversity Information Service, as does the ES, and also makes reference to online mapping information of habitats.</p> <p>Reference to landscape corridors in this largely relate to the Wensum corridor itself, and while undoubtedly tributaries provide connectivity to</p>

Comment	Response
	<p>the wider countryside the role of the tributary through the site is thought to be less than elsewhere in the RNP area:</p> <ul style="list-style-type: none"> • First, it is relatively short at 0.8km and ends abruptly at Highfield Lane, beyond which is arable farmland. • Second, the RNP maps priority habitat types and none are shown within the area under consideration. Other tributaries within the RNP area have priority habitat and / or associated County Wildlife Sites. <p>Paragraph 5.4 of the Wild Frontier report states that the tributary has wildlife value (and the ES notes the main hedgerow is Important). However, it is not clear as to why it should have '<i>equivalent ecological value to the Wensum floodplain to which it is joined</i>'.</p>
<p>With respect to policies 8 and 9 of the RNP, the Landscape Section consider that there is currently insufficient justification within the application submission documents as to how the development meets with these policy requirements and provides sufficient and robust mitigation and compensation measures that will prove effective to mitigate the harm of the development proposals and provide enhancement in terms of the ecological functioning of the landscape and connectivity with the River Wensum.</p> <ul style="list-style-type: none"> • policy 8 of the RNP looks at development within the RNP area that is outside of the main River Wensum valley and settlement boundary and requires that development proposals must "... <i>demonstrate how they enhance; and how they avoid, or adequately mitigate, or as a last resort compensate for; significant harm to wildlife-rich habitats and wider ecological networks with reference to the Ecological Report (August 2018), or more recent ecological appraisals or evidence</i>" • Policy 9 of the RNP supports development proposals that improve habitat connectivity and ecological networks. 	<p>In broad terms the road is not thought to represent a significant severance within the landscape. The corridor along the tributary is ~0.8km in length up to the limit of the arable farmland at Highfield Lane. There is a tract of improved horse pasture between the site and this limit. The road will have only a low level of traffic.</p> <p>The soft landscaping within the scheme represents a net increase in non-arable and improved grassland habitat. As considered above, these habitats are thought to be of greater value, as bat foraging habitat for example. Notwithstanding their value is not inflated, and the assessment is considered robust, such that there is not significant habitat loss and that wider networks are not adversely affected.</p> <p>In summary, the proposals are considered to comply with these policies, in that adverse impacts will be mitigated and that they will not adversely affect local ecological networks.</p>
<p>The Amended DAS states that '<i>the proposed planting mitigation strategy has evolved significantly to address many of the comments received from North Norfolk District Council in relation to landscape and ecology</i>'. For example,</p>	<p>The access road will have a low level of traffic and it is not considered to be a significant barrier to dispersal. Volumes and speeds of traffic are thought very unlikely to be significant with respect to wildlife collisions, and the</p>

Comment	Response
<p><i>'additional native hedgerow and woodland screening planting is proposed to the west of the proposed warehouse',</i></p> <p>which the DAS states will form strategic green links with the surrounding vegetation. However, this new mitigation feature has not been put into context with the field data collected on species distributions throughout the site or given sufficient justification provided as to how this compensates for the removal of other connecting features, such as the plantation along common lane and common lane itself and how this links with the surrounding network given that the access road will be a significant barrier to dispersal.</p>	<p>physical road itself is not thought to represent a significant barrier.</p> <p>The field data demonstrate that the species of local value are mobile, thus it is not thought unreasonable to conclude that they will modify foraging behaviours according to the local distribution of foraging areas. It is not thought that species would show fidelity to individual areas of the site. For example, the young plantation that will be removed does not have 'added' value from features such as dead wood. Common Lane itself has a small number of mature trees in association with it but the wider value in the local context is its 'secluded' character with the trees and buildings provided screening which may offer sheltered foraging habitat for bats in windy weather. The new landscaping has areas with similar character.</p> <p>At a more strategic level the planting maintains connectivity north-south from the village edge northwards, and along the east west line of the tributary.</p>
<p>It is not clear whether this mitigation, and the attenuation basin and associated planting, will protect or enhance this tributary of the river and the connectivity with the River Wensum. Furthermore, the value of this habitat to badgers is greatly reduced due to the presence of the access road which will sever the links between suitable habitat in the area. No mitigation measures are proposed for the access road which could improve the connectivity for difference species, such as underpasses or un-wetted culverts.</p>	<p>Much of the wider matters relating to the attenuation basin and site drainage are addressed within the response to the draft HRA.</p> <p>In terms of the wildlife habitat offered within the attenuation basin this is thought likely to provide enhancement within the local context. A key driver in the assessment has been the availability of bat foraging habitat. The attenuation basin and new grassland planting are viewed as providing good resources for relevant insect prey. For example, the wildflowers would generate moths relevant to larger bats, while much of the local grassland is species-poor and unlikely to generate a suite of relevant species. The existing grassland is derived from an agricultural sward that was previously more intensively managed.</p> <p>It is not thought that the severance impact of the road will be significant, given the low level of traffic and relatively narrow width. In terms of species which might be deterred by roads (such as some bats), it is thought that the level of use will be substantially below any threshold at which it might limit bat commuting or deter other activity.</p>
<p><i>'There are opportunities to increase biodiversity across the site, the proposals include wildflower rich wet meadow and pond edge mixtures'</i> again these features have not been sufficiently justified as to how they will compensate for the loss of the semi-improved pasture and how these will provide enhancements or</p>	<p>The habitat to be lost is species-poor semi-improved grassland.</p> <p>Within the assessment these are viewed as enhancements as they provide habitat that will be relevant to local species. Most of the relevant species that will benefit are mobile and likely to</p>

Comment	Response
<p>compensation for different species given the disconnected nature of the feature with the other mitigation planting proposals?</p>	<p>be able to colonise or utilise these from neighbouring areas. For example, widespread generalist moths are likely to benefit from more species-rich swards, and even though many of these are generalists as caterpillars, the more diverse swards are likely to be of benefit to the existing populations locally. Bats would benefit from a more extensive area of species-rich sward and also damp soil likely to benefit pipistrelle and other smaller moths through a greater abundance of small flies whose larvae live in damp substrates. Although far more extensive habitat of this type is present within the Wensum valley bottom, additional areas would improve foraging opportunities for bats. Areas of sparsely vegetated damp substrate, as typically found in draw down zones of attenuation basins may also become of botanical interest.</p> <p>While these areas would be relatively small it is not thought that they would be 'disconnected' within the local context but rather they would increase relevant habitat diversity.</p>
<p>Section 9 of ES considers the great crested newt surveys and records that the ecological survey area was extended to 500m around site with a scoping exercise conducted for possible breeding ponds using maps and aerial photography (9.10). Two ponds were subject to eDNA surveys out of three ponds identified within 500m (one was scoped out due to lack of water in consecutive years) and the resulting eDNA test results came back as negative. The additional surveys scoped in a further pond that was identified close to the site and although the eDNA sample was taken 3 days outside of the optimal test sampling window, it is not thought that this is a significant limitation or would change the result of the test, which came back negative. However, GCN have been recorded in Great Ryburgh and it is considered that the numerous ponds within the parish boundary (located mainly to the south of the Fakenham Road and to the east of the Wensum) could contain populations of GCN although species abundance is not known (Ryburgh Neighbourhood Plan). The Ecology report submitted as part of evidence for the RNP does identify other ponds that could potentially be within 500m of the development site boundary (Figure 4) which were not scoped into the ecological assessment and there has been no justification as to why this is the case. It could be that for ponds located to the south of the Fakenham road, the road would be a significant barrier to dispersal of the population.</p>	<p>Other ponds within 500m were scoped out on the basis of intervening habitat and physical barriers making it very unlikely that any individuals would enter the site from these ponds. While 500m is the upper limit for dispersal, it should also be noted that 250m is the typical upper limit applied to all but very large schemes. In practice, few individuals are found at distances close to this limit.</p> <p>The scoping is consistent with the earlier assessment by Kepwick Ecology (2010). Where differences were found, as with the garden pond that is not visible on maps or from the site, then a prompt response to obtain additional data was made. Also, as incidental observations, great crested newts were not found beneath reptile refuge felts in 2010 or later surveys for the current scheme.</p>

Comment	Response
<p>The AIA and Tree Protection Plan only addresses (and can only) the known impacts of the development on trees and hedges. ... It is not clear whether the potential removal of these features has been taken into consideration in the assessment of the ecological impacts of the development, or whether any impacts have been adequately mitigated for as part of the ecological mitigation proposals.</p>	<p>It is confirmed that these have indeed been taken into account within the ecology survey work and assessments. Please see Chapter 9 of the Environmental Statement in particular. This has included bat emergence surveys of trees where indirect impacts are anticipated on trees with potential roost features.</p>
<p>Paragraph 175 of the NPPF stipulates the need for development to adopt the mitigation hierarchy principle, where harm to biodiversity is in the first instance sought to be avoided. The Ecology Assessment has not followed the mitigation hierarchy as attempts to avoid impacts do not appear to have been considered and the compensation measures proposed do not address the ecological connectivity impacts arising from the development. As stated previously, it is not clear what measures seek to actually compensate for the loss of ecological features and what measures are provided as genuine enhancement proposals. It is not clear or sufficiently specific within the supporting information as to what function or functions the proposed mitigation and planting measures are providing for biodiversity, for example will certain features be managed and maintained to benefit certain species (e.g. BAP species such as turtle dove, barn owl, or bat species by providing enriched prey habitat) or re-create lost or degraded habitat, such as wet meadows. If a clear distinction can be provided by the applicant this could be taken into consideration when weighing up any benefits of the proposed development against the adverse impacts. However, unless these benefits are clearly set out, justified and are likely to be effective, then they cannot be taken into account.</p>	<p>The scheme was developed in association with ecological information, with direct input since 2017 and with reference to the Kepwick Ecology work from 2010. Specific points within the scheme that were changed on this basis include the position of the road where it breaches the hedgerow from the arable field. Ultimately, the options for applying the first stage of the mitigation hierarchy were limited by simple logistical and operational constraints.</p> <p>The distinction between enhancement and compensation is not made with respect to individual units of landscaping. A scheme wide consideration is considered more appropriate based on net changes in habitat areas /lengths. The assessment provides a conservative assessment of impacts based on these overall net changes. This conservative approach is considered more able to express the inevitable uncertainty within the ecological assessment than providing a more prescriptive separation of compensation and enhancement would be.</p> <p>The landscaping which forms the core of the mitigation measures is thought appropriate in the local context, and with regard to local species. These are described by the baseline surveys and data search. While specific species are not necessarily listed, it would also be an expression of over-certainty to list these. For example, while turtle doves may utilise the new landscaping it would not be appropriate to say this based on their absence from the site baseline and extreme rarity within the Norfolk countryside. Likewise with bats, while their foraging can be broadly characterised in terms of the habitats / vegetation which are likely to generate prey, a precautionary approach is taken to recognise the inevitable uncertainty within all ecological data.</p> <p>Further, although a planning policy point, paragraph 175 of the NPPF provides that mitigation or compensation should be provided if "significant" harm cannot be avoided. As summarised in Chapter 9 of the Environmental Statement and in particular Table 9.15A it is not considered that the impacts from the proposed development are minor in terms of habitat loss</p>

Comment	Response
	(and certainly not significant therefore), even without mitigation.
<p>the current form and based on the existing supporting information, the Landscape Section remain to be convinced that the development proposals for both applications accord with policy EN9 of the Core Strategy and other relevant local and national policies. EN9 stipulates that all development proposals should protect the biodiversity value of land and minimise fragmentation of habitats; and maximise opportunities for restoration, enhancement and connection of natural habitats. Paragraph 170 of the NPPF requires that the mitigation hierarchy principle to be applied to development. For the reasons stated above it is not considered that the development proposals meet with these stringent policy requirements and that the harm to biodiversity through the loss and severing of habitat has been adequately compensated for. Policy EN9 further states that when development proposals cause a direct or indirect adverse effect on nationally designated sites or protected species and cannot be located on alternative sites, then they should only be permitted if the benefits of the development clearly outweigh the impacts on the features of the site and the wider network of natural habitats and prevention, mitigation and compensation measures are provided. The above applications do not adequately justify that the impacts have been mitigated for or satisfactorily compensated for and it is not clear what measures are compensation and what measures constitute enhancement and how the enhancement measures provide benefit to biodiversity and local ecological networks.</p>	<p>As discussed above:</p> <ul style="list-style-type: none"> • The mitigation hierarchy was applied, within the overall operational constraints of the site and scheme. The principles of the mitigation hierarchy are good practice, even though the hierarchy is not named in the NPPF. • The ecological assessments are considered to provide a robust assessment of the value of the site and impacts. This includes the assessment of relevant ecological processes in the context of policies. • The mitigation that is outlined, including landscaping is considered to be assessed in a conservative manner. This describes the likely net ecological changes (habitat areas / lengths) plus species-level impacts at an appropriate level of resolution. These are relevant in the local context and adequately reflect the inevitable uncertainty that exists within all ecological data. More prescriptive descriptions of the species which may benefit are not appropriate, as these would provide a false level of confidence compared the conservative approach applied within the assessment. Notwithstanding, the impacts arising are assessed in Chapter 9 of the ES and minor without mitigation and the residual impacts with the mitigation are negligible. • Matters relating to designated sites are addressed separately.

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Wells-next-the-Sea – PF/21/3227 – Two storey extension to side and first floor extension over detached garage to form holiday let; single storey detached building for use as holiday let. Marsh Tide, Northfield Lane, Wells-next-the-Sea for Mr James Issac

- Target Date: 5 September 2022

Case Officer: Darryl Watson

Minor Development

RELEVANT SITE CONSTRAINTS

- Civil Parish - Wells-Next-the-Sea
- District Ward - Wells with Holkham
- Agricultural Land Classification - Grade 3
- Area of Outstanding Natural Beauty
- Areas Susceptible to Groundwater SFRA - Classification: >= 50% <75%
- Undeveloped Coast
- Landscape Character Area - Type: ROF1 (Rolling Open Farmland)
- Countryside LDF
- GIRAMS Zones of Influence:
 - North Norfolk Coast Special Protection Area
 - North Norfolk Coast RAMSAR
 - North Norfolk Coast Special Area of Conservation
 - The Wash & North Norfolk Coast Special Area of Conservation
 - The Wash RAMSAR
 - The Wash Special Protection Area

RELEVANT PLANNING HISTORY

PF/21/0690: Two storey extension to side and first floor extension over detached garage to form holiday let; single storey detached building for use as holiday let - refused

The reasons for refusal were:

1. *Unit 2 by reason of a combination of its height and scale and proposed external materials in particular the black metal sheet cladding for roof and walls which is industrial in appearance and would make the resultant building appear visually obtrusive and would be to the detriment of the character and appearance of the other residential building in the local area. The proposal is therefore contrary to with Policy EN 4 of the North Norfolk Core Strategy 2008.*
2. *The proposed large expanse of glass windows of unit 1 would create intrusive light pollution to the detriment to this Area of Outstanding Natural Beauty which is contrary to Policy EN 1 of the North Norfolk Core Strategy 2008.*

PF/16/0144: Erection of single-storey and two storey extensions – approved.

PF/15/1320: Demolition of conservatory, erection of single-storey side extension with balcony above, installation of external stairs for access, reconfiguration of roof to rear extension and insertion of roof lights, alterations to fenestration and doors and installation of cladding and flue – approved.

THE APPLICATION

There are two elements to the proposal:

- Unit 1 (as identified on the application plans), comprising a two storey extension to the side of the existing detached garage and a first floor extension over it to form a two bedroom dwelling to be used for holiday accommodation. External walls would be clad in vertical timber boarding with a slate covered pitched roof. The main living area would be located on the first floor served by a dormer and French doors in the east elevation, along with a small window and roof light serving the bedroom. The access off Northfield Lane serving the existing dwelling would be shared.
- Unit 2, a single storey detached one bedroom dwelling for holiday accommodation located on the west side of the plot, which would be served by a separate access and parking area off the unmade and unnamed track. The dwelling would have a footprint of 4.75m x 9.0m and would incorporate the same external materials as proposed for unit 1

The site is located on the north side of Northfield Lane and the existing dwelling is the most easterly dwelling along it, beyond which is open agricultural land and the marshes. Beyond the old railway bridge Northfield Lane continues as an unsurfaced track serving a small number of dwellings, allotments and providing access to the agricultural land. It is also a Public Right of Way (footpath).

The site is L shaped with the existing two storey detached dwelling (Marsh Tide) located at the north end and adjacent to the east boundary. The detached garage is adjacent to the south side of the dwelling. The site wraps around the common boundaries to the east and north side of a dwelling known as Kiln House. The existing access from the site to Northfield Lane is off the south side of the site. The west boundary adjoins an unsurfaced and unnamed track the runs northwards off Northfield Road towards the coast, serving two other dwellings nearby. The north boundary of the site forms the common boundary with the curtilage of a dwelling known as North Lodge.

REASONS FOR REFERRAL TO COMMITTEE

At the request of Councillor Peter Fisher as the application is contrary to SS1 and SS2 as well as EC7, and although these policies were not quoted in the previous refusal they remain current and need addressing. Wells Town Council referred to the application being in the Countryside both in the original and in this application as part of their objection. The application is finely balanced and Cllr Fisher considers that it would be best to be decided by the Development Committee.

The Agent in this matter is a close relative of a member of staff in Planning Services.

PARISH/TOWN COUNCIL

Wells Town Council:

Object as it is considered to be unsuitable development outside the town's development boundary.

CONSULTATIONS

County Council Highways: no objection, request a condition relating to on-site car parking provision.

Landscape Officer: object on grounds of conflict with CS policies EN1 and EN4. Unit 2 is considered to be acceptable in terms of scale and location. The scale, height and massing of Unit 1 would result in a building that is overly large and not subservient to the main dwelling. The amount of glazing on the east elevation remains excessive and would incur adverse landscape and visual impact on the AONB. The building would be prominent from the Norfolk Coast Path. In this edge of settlement location any new build should sit quietly and unobtrusively in the open sensitive landscape of the AONB. A smaller building similar to Unit 2 would be more appropriate.

Norfolk Coast Partnership: object as they still have some concern over the impact particularly of the garage and first floor conversion on the nearby Coast Path and AONB especially from the east elevation. The timber cladding is an improvement over the refused scheme, but is still not a vernacular material and could look intrusive. Whilst the glazing has been reduced, there will still be some impact from the glazing on the east of the garage conversion - less glazing here would be preferable. It is noted that a precedent has however, already been set by the adjacent dwelling.

The AONB is afforded protection as a nationally designated site and in line with para 172 development needs to 'conserve and enhance'. It is considered that the proposal would not conserve or enhance and as such NCP do not fully support the application as there will still be an increase of light pollution affecting the special quality of the AONB and there will also be an increase of traffic and movement in quite an exposed area. Therefore it is not compliant with EN1 and EN2.

If the development is approved request conditions relating to external lighting in order to minimise light pollution.

Natural England: no comments submitted

REPRESENTATIONS

4 objecting on the following grounds:

- Would set a precedent for this special area of outstanding natural beauty opening the way for other in fill developments to the detriment of the environment and local community
- Over-development and not in keeping with the area. Negative visual and light pollution impact on the AONB and local area
- Three separate dwellings in an area of outstanding natural beauty is a significant development on a relatively small plot. Any approval would be in contradiction to previous advice and decisions in respect of other sites in the vicinity.
- Concerns regarding additional traffic which are exacerbated by the creation of a new vehicular access on the lane leading north from Northfield Lane. The reference to a Lane off of Northfield Lane is misleading as it is more like a dirt track and gates have been installed already. There are already two properties on this track with entrances and a further one being used by those on holiday, close to the other entrances, on a track with a public right of way is misuse of this area
- Amenity impacts from noise, disturbance and loss of privacy resulting from the proposed development

2 supporting for the following reasons:

- Normal proposal for development within an already developed area. Proposal is in keeping with surrounding properties with no significant increase in height or character.
- Would complement the existing property and provide much needed holiday

accommodation.

POLICIES

North Norfolk Core Strategy (Adopted September 2008):

SS 1 - Spatial Strategy for North Norfolk
SS 2 - Development in the Countryside
EC 7 - The location of new tourism development
EC 9 - Holiday and seasonal occupancy conditions
EN 1 - Norfolk Coast Area of Outstanding Natural Beauty and The Broads
EN 3 - Undeveloped Coast

National Planning Policy Framework (NPPF):

Section 2 Achieving sustainable development
Section 2 – Achieving sustainable development
Section 4 – Decision-making
Section 9 – Promoting sustainable transport
Section 12 Achieving well-designed places
Section 15 - Conserving and enhancing the natural environment

Supplementary Planning Documents

North Norfolk Design Guide SPD (2008)

North Norfolk Landscape Character Assessment SPD (2021)

MAIN ISSUES FOR CONSIDERATION

- Whether the site is a suitable location for the proposed development with regard to the spatial strategy – i.e. whether the development is acceptable in principle
- The effect of the proposed development on the character and appearance of the area and landscape
- The effect on the living conditions of the occupiers of nearby dwellings
- The effect of the proposed development on the surrounding road network and parking

APPRAISAL

Principle

The designated Settlement Boundary for Wells in this part of the town follows the route of the former railway line. The application site lies to the east outside this boundary and as such is within the area designated as countryside under policy SS 1 which sets out the spatial strategy for the district. Policy SS 2 restricts development within this area but does allow for tourism related development in certain circumstances e.g. through the conversion of existing buildings.

As this proposal is for new build tourist accommodation, it must however, comply with Policy EC 7 which requires such accommodation to be located in accordance with the sequential approach as set out in the policy, starting with Principle Settlements. The policy also states that proposals for new build un-serviced holiday accommodation in the Countryside (as would be the case with this application) will be treated as though they are permanent residential dwellings and will not be permitted. The proposal is therefore considered to be contrary to Policies SS 1, SS 2 and EC 7.

Weighing against this is the fact that this was not a reason for refusal of the previous application PF/21/0690 and this current application seeks to address the reasons why it was refused. It is considered that introducing it at this stage may be considered to be unreasonable and inconsistent. The site is otherwise well related to the existing built up part of the town (which is designated as a Secondary Settlement under policy SS 1) being only 60 metres from the designated Settlement Boundary and within easy walking distance of its centre. It is also within the Coastal Tourism Asset Zone where new build serviced accommodation can be located if there are no sequentially preferable sites and the site is in close proximity and has good links to Principal and Secondary Settlements.

The applicant has not undertaken assessed whether or not there are any sequentially preferable sites, but has submitted an additional supporting statement which states:

“Planning application ref PF/21/0690 was refused in June 2021. There were two reasons for refusal, which both only related to details of the design of the buildings and the visual impact of that design on the immediate area and light pollution to the AONB. Consequently, the matter of the principle of two holiday lets in this location was treated as acceptable at that time. Since then there appears to have been no change in either local or national policy regarding the principle of the use in this location. Therefore, there appears to have been no material change in circumstances since that time that would warrant a different conclusion being reached in respect of the principle of the use in this location. Consequently, decision ref PF/21/0690 set a precedent of policy indication for this site that the principle of two holiday lets in this location is acceptable to the LPA and indicating that planning permission would be granted for a scheme that overcame the design concerns listed on the decision notice for PF/21/0690. On this basis planning application ref PF/21/3227 was submitted. This current application has sought to change only those design aspects that were referred to on refusal notice ref PF/21/0690, leaving all other aspects of the proposal the same given that decision ref PF/21/0690 indicated that those aspects were acceptable and planning permission would be granted for the principle of the development”.

On balance, given the specific circumstances in this case whilst the proposal is contrary to the relevant policies referred to above, it is considered it would not be harmful to their aims or result in any significant harm in this respect. It is however, considered appropriate to include the standard holiday occupancy conditions set out in policy EC 9.

Effect on character, appearance and landscape

With regards to proposed unit 1, the reason for refusal previously related to the expanse of glazing primarily on the east facing elevation which was considered would have resulted in intrusive light pollution to the detriment of the AONB as this elevation faces open land and the marshes. As first submitted, it was considered that the revisions in this current application were still not sufficient to address these concerns as reflected in the Landscape Officer's comments referred to above. The application has subsequently been amended such that now on the east elevation at first floor there would be a single small roof light, a small high level window, a three casement window with typical cill height and a pair of fully glazed French doors.

This has reduced the extent of glazing in the key east elevation, including the roof, to an acceptable degree and as a consequence has reduced the potential for light spill/pollution. With this and taking into account the extent of glazing on the east elevation of the existing dwelling along with the site's edge of settlement rather than isolated location, it is considered the proposal would not result in material harm to the special qualities of the AONB. Although the Landscape Officer raises concerns in this respect, the general scale and form of the

proposed extension and resulting building is as proposed previously which was considered to be acceptable.

The reason for refusal of Unit 2 related to its effect on the character and appearance of the area due to a combination of its height, scale and proposed external materials in particular. With black metal sheet cladding for roof and walls, it was felt this would give the building an industrial appearance resulting in it appearing visually obtrusive. The length of the building has been reduced by approximately 1.5m, its width by approximately 1.0m and the ridge height by 0.5m such that its height and scale are now considered to be acceptable and appropriate in terms of the size of the plot on which it would be sited. Its front elevation would also sit slightly further back from the site boundary. Concerns about the external materials have been addressed with vertical timber cladding proposed for the walls and slate on the roof. This would give the building a softer appearance and complement the cladding used on the existing dwelling. Cumulatively it is considered that these changes have reduced the visual impact of the building on the area.

It is considered that the proposals as amended have satisfactorily addressed the previous reasons for refusal which related to this issue and are in compliance with Policies EN 1 and EN 4

Living conditions

The previous proposal was considered acceptable in this respect. None of the amendments proposed as part of the current application would result in a materially different impact on the amenities of neighbouring residential occupiers in terms of loss of light, outlook and privacy or noise/disturbance as there would be no increase in the height or scale of the development, the siting of the buildings would not change and, windows are in generally the same positions as previously. The proposed development is therefore considered to comply with policy EN 4 in this respect.

Highways and parking

The access and parking arrangements/provision are broadly similar to those proposed as part of the previous application which were considered to be acceptable and as such not a reason for refusal. Similarly, the Highway Authority have no objections to this current application subject to a condition to secure and retain the proposed on-site parking provision.

The proposal is considered to be acceptable in terms of policies CT 5 and CT 6.

Other considerations

Effect on habitats sites

Since the previous application was determined, the Norfolk Wide Green Infrastructure and Recreational Avoidance Mitigation Strategy (GIRAMS) has been formally agreed and adopted by the Norfolk Planning Authorities and Natural England. It ensures that developers and the Local Planning Authorities (LPA) meet with the Conservation of Habitats and Species Regulations 2017 (as amended).

The Strategy enables growth in the District by implementing the required mitigation to address adverse effects on the integrity of Habitats Sites arising from recreational disturbance caused by an increased level of recreational use on internationally designated Habitat Sites, particularly European sites, through growth from all qualifying development either alone or in-combination. Increased recreation without mitigation is likely to affect the integrity of these Habitat Sites across Norfolk. It would result in the significant features of the sites being

degraded or lost, and these internationally important areas losing significant important areas for birds, plants and wildlife generally and, therefore, their designations. All new net residential and tourism development are required to mitigate the effects of the development.

The appeal site is located in the Zone of Influence for recreational impacts from residential development for a number of sites as listed in the constraints section above. A financial contribution of £185.93 per dwelling (or equivalent based on bed spaces for tourism accommodation) is identified in the GIRAMS that would provide appropriate mitigation for the indirect effects identified on designated habitat sites in Norfolk.

The proposed development would be provide new overnight accommodation and as such is a qualifying development for this purpose. A financial contribution amounting to £185.93 would be required for the proposed development which been submitted by the appellant. With the mitigation that this would contribute to, it is considered that the proposed development is not likely to have a significant effect upon the features of the European Sites habitats sites through increased recreational pressure, when considered individually or in combination. The proposed development therefore complies with Policy EN 9 of the adopted North Norfolk Core Strategy and the NPPF insofar as it seeks to protect the integrity of habitats sites.

Conclusion and planning balance

It is considered this application as amended has satisfactorily addressed the reasons for refusal of the previous application for the reasons explained above. Whilst the proposal is contrary to policies SS 1, SS 2 and EC 7 the previous application was not refused on matters relating to them. Furthermore, given the site's location very close to the settlement boundary and the specific circumstances in this case, it is considered that there would be no significant harm to the aims of these policies. The proposals have been redesigned to address previous material considerations relating to harm. It is considered that additional tourism accommodation in an otherwise sustainable location will add positive benefit to the local economy. As such the proposals are considered an acceptable departure to plan polices SS 1, SS 2 and EC 7.

RECOMMENDATION:

APPROVAL subject to conditions to cover the matters listed below and any other considered necessary by the Assistant Director - Planning

- Time limit for implementation
- Approved plans
- External materials
- Occupancy restriction
- Removal of permitted development rights for dormer windows or other openings in the roof of either building and no additional window or other openings at first floor and above in east facing elevation of Unit 1
- Parking
- External lighting
- GIRAMS – notification of commencement

Final wording of conditions to be delegated to the Assistant Director - Planning

HUMAN RIGHTS IMPLICATIONS It is considered that the proposed development may raise issues relevant to Article 8: The Right to respect for private and family life. Article 1 of the First Protocol: The right to peaceful enjoyment of possessions.

Having considered the likely impact on an individual's Human Rights, and the general interest of the public, approval of this application as recommended is considered to be justified, proportionate and in accordance with planning law.

CRIME AND DISORDER ACT 1998 - SECTION 17

The application raises no significant crime and disorder issues.

NNDC (HOLT) 2022 No.5 Land Rear of 5 Pearsons Close
TPO/22/0994

To consider whether to confirm a Tree Preservation Order (TPO) to protect 1 sycamore tree at above site.

BACKGROUND

The sycamore tree was initially brought to NNDC’s attention in 2021. A TPO was served in September 2021 (TPO/21/0984) the tree was reported to be under a perceived threat. The reasons stated on the Order were “the tree has amenity value and contributes to the local landscape. The tree supports a wide range of wildlife and therefore has amenity value”. This Order however was not confirmed.

A re-examination of the tree was carried out 09 September 2022, the tree was found to be in good condition, it is a large visible tree that grows close to the boundaries of the gardens at Pearsons Close and Ainsworth Road, Holt.

The reassessment concluded the Order should be reserved to afford the tree protection.

REPRESENTATIONS

Objections to the Order: 1 received
 Support of the Order: 1 received

Summary of Representation of Objection	Officer response
The tree is not prominent in the street scene	<i>The tree is large, set in the rear gardens it is visible from several places in the locale.</i>
The tree does not contribute positively to amenity, the houses at Ainsworth are too close to the tree, the tree has not been managed.	<i>The LPA and neighbouring properties take a different view.</i> <i>The tree was retained specifically as part of the development at Ainsworth Road.</i> <i>Recent work (03/22) was approved to reduce the tree back. This work has been carried out.</i>
NNDC have served the Order	<i>The initial Order was not confirmed. A</i>

Summary of Representation of Objection	Officer response
twice	<i>reassessment of the tree was carried out and the tree was found to be suitable for protection.</i>
The TEMPO score was not available for the first TPO, I disagree with the score given	<p><i>Unfortunately files have not been found that relate to the original site visit and assessment of the tree, this is why we have visited again.</i></p> <p><i>The TEMPO score can be made available the score 16 - Definitely merits TPO.</i></p> <p><i>TEMPO score is not a legal requirement for serving a TPO, however it demonstrates a reliable and consistent method for assessing tree(s) for a TPO.</i></p>
The map is incorrect	<p><i>The legislation does not require authorities to plot trees on the Order with pinpoint accuracy.</i></p> <p><i>As the only sycamore tree in the location, we consider the map accurate enough to protect the correct tree.</i></p>
NNDC has not encouraged the owners to manage their tree	<p><i>The authority encourages good management of all trees in the district.</i></p> <p><i>Individual decision notices state work is to be carried out to BS3998; this is the British Standard for recommendations for tree work.</i></p>
NNDC process is not clear, what is their role with this tree. How will the matter progress?	<p><i>The role of NNDC is to assess the impact of any future proposals on the amenity of the area and whether the proposal is justified.</i></p> <p><i>Our Development Committee will consider the Order to demonstrate the decisions is made in an even-handed and open manner.</i></p> <p><i>The legislation provides no right of appeal to the Secretary of State against an authority either making or confirming an</i></p>

Summary of Representation of Objection	Officer response
	<p><i>Order.</i></p> <p><i>There is, however, a right of appeal to the Secretary of State following an application to carry out work on trees protected by an Order that is refused, granted subject to conditions, or not determined.</i></p>

A further letter of objection to the TPO has been received. A redacted copy of the letter is attached at **Appendix A**.

Summary of Representation in Support	Officer response
<p>The sycamore supports a wide range of wildlife, tawny owl, numerous other common and rare bird species. Species of bat have been seen foraging under the canopy. During the spring the flowers are full of important pollinator species.</p>	<p>N/A</p>
<p>The tree is the last mature tree (heading east) for until the small woodland to the south of grove Lane. The tree has huge amenity value.</p>	<p>N/A</p>

HUMAN RIGHTS IMPLICATIONS

It is considered that the serving of the Order may raise issues relevant to Article 8: The right to respect for private and family life, and Article 1 of the First Protocol: The right to peaceful enjoyment of possessions.

Having considered the likely impact on an individual's human rights, and the general interest of the public, it is anticipated that the confirmation of this Order would be proportionate, justified and in accordance with planning law

MAIN ISSUES FOR CONSIDERATION

- 1. Whether or not the Order was served correctly in accordance with the relevant legislation and the Council's adopted policy.**

Officers are satisfied that the proper procedures were followed when serving the Order.

- 2. Whether or not the Order has been served on trees of sufficient amenity value to warrant a Preservation Order.**

Officers consider that the sycamore tree makes a significant contribution to the quality of the local environment and biodiversity value of the area, it contributes positively to public amenity.

RECOMMENDATION:-

That the Order be confirmed.

Officer: Imogen Mole - Senior Landscape Officer

[REDACTED]
14, Ainsworth Road, Holt, Norfolk. NR25 6FE. [REDACTED]

28 September, 2022.

Imogen Mole

Senior Landscape Officer

NNDC

Holt Road, Cromer, Norfolk. NR27 9EN.



Dear Imogen Mole

Re: NNDC TPO (HOLT) 2022 No.5/ TPO/22/0994

This is a formal objection.

I object for the following reasons.

1. The reason(s) given for making the order are spurious.

a. The tree is **NOT** prominent in the street scene of Pearsons Close. Prominent is defined as readily noticeable or conspicuous. The tree is situated at the rear of a plot of private land **away** from the public highway. There are numerous trees within Pearsons Close which are far more prominent and not subject to TPO's. A more accurate statement should read "the tree is partially visible in Pearsons Close and barely visible from Ainsworth Road".

b. The tree's size and maturity **DO NOT** contribute positively to the amenity of the local landscape. Amenity is not defined in law. A definition is desirability or usefulness another is benefit to location and contribution to enjoyment and increase in (land) value. NNDC failed to apply BS 5837 in managing the tree within the development of Ainsworth Road. The tree was (is) completely fenced off from all properties (including 5 Pearsons Close). The owner has failed to manage the tree for a period of at least 15 years, if ever. This has resulted in a large unmanaged tree becoming detrimental to the enjoyment of the residents of Ainsworth Road. The tree is full of ivy which due to a lack of management has caused a wide and invasive canopy. Indeed any arboriculturalist would recommend ringing the ivy. A more accurate statement should read "the size and form of the tree actually has a negative contribution to the local landscape."

2. This is the second time that NNDC has raised a TPO for this tree (ref TPO/21/0984). The reasons given for the previous order differ from the reasons this time and were equally spurious. The reasoning did not contain any evidence or 'real-life' data. This was investigated by Phillip Rowson.

3. It has been stated that NNDC utilize the TEMPO method for calculating amenity value. TEMPO scores amenity value between 0 and 25. NNDC have no record of the TEMPO score for the previous TPO. No TEMPO score has been made available for this TPO. Using your reasons given I estimate a TEMPO score of between 9 and 16. It is only a score of 16+ which definitely merits a TPO. A score of 12-15 is defensible. A score between 7 -11 does not merit a TPO. You have made no defense of your reasons. TEMPO is a subjective scoring system. I would argue that a score of 3 is applicable. That is the tree is in poor condition, the tree is a nuisance given it has been unmanaged and outgrown its context, and the tree is visible only with difficulty. ie at the rear of a garden and that any public view would be from a cul-de-sac. A score of 3 means the TPO is indefensible. In fact my score contains a 0 (for retention span) and therefore automatically a TPO should not be applied.

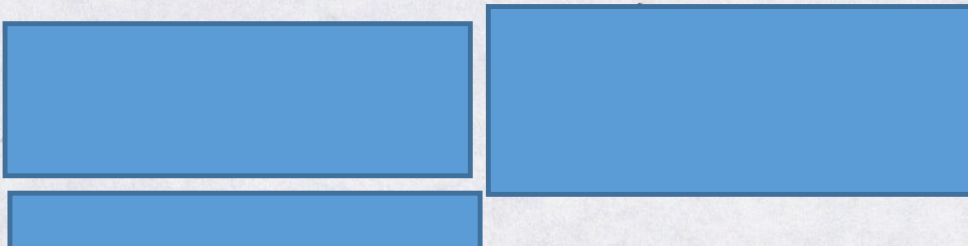
4. The map contained in your TPO does not place the tree in the correct position. The trunk is in the far corner of the plot and is less than 15 cms from the boundary of 16 Ainsworth Road. The canopy is not round and before remedial works were started extended to 14 Ainsworth Road.

5. Trees are the responsibility of the owner(s) NNDC has not encouraged the owner to manage their tree. NNDC placing a TPO on this tree has only led to further barriers to managing it. The initial TPO was not confirmed. Phillip Rowson made a vague argument that having a TPO could be used as a tool by NNDC to encourage good tree management by the owner. There may or may not be any merit in this but this is not stated as the purpose of the TPO.

6. It is unclear what role NNDC have with this tree. NNDC process has not been clear or transparent throughout.

I hope these objections are understood by NNDC however given the lack of transparency and the immense difficulty already experienced trying to have effective communication with NNDC I am not confident of this. I am also unclear how NNDC will progress this matter as who looks at these objections? Yourself (the officer making the TPO), Phillip Rowson, Martin Fulcher or some committee under their direction? – none of which would appear to be appropriate.

The actions of NNDC to date have not served the public nor the tree well. If NNDC have a role or a statutory duty here please be transparent.



NNDC (NORTH WALSHAM) 2022 No. 4 - Land at Long Barrow Drive
TPO/22/0993

To consider whether to confirm a Tree Preservation Order (TPO) to protect a mixed species woodland belt at the above site.

BACKGROUND

The woodland was planted as part of a condition of the residential development known at the time as Land off Thirlby Road. It is a mixed species, relatively recently planted (mid 90's) landscape buffer strip. Its primary aim was to "aid the visual transition from open countryside to housing".

The planting has achieved this as it has matured and provides amenity value by obscuring the housing development from the wider countryside beyond and provides an attractive backdrop to residential gardens.

The land was transferred to North Norfolk District Council after the development, and for around 20 years the trees grew and established.

Residents, frustrated with the establishing trees encroaching into their gardens and the lack of proactive maintenance, arranged work themselves to fell, prune and coppice trees, this happened without NNDC permission.

Unauthorised contractors have accessed the site and carried out work. Additionally, hedges have been removed, cut and replaced also without permission from NNDC. There was evidence of changed land use and work carried out to support private interests.

In a response to complaints about unauthorised work, fly tipping, tree, hedge and grass maintenance NNDC's Countryside team met with and have worked closely with residents, acknowledging work is required and implemented appropriate and regular programmes of work to improve the area.

The work the Countryside team carry out aims to reduce anti-social behaviour issues, reduce liveability issues and also increase the biodiversity and habitat value of the woodland buffer strip.

The work to engage the community over the last four years has been largely positive, the closer communication is ultimately benefiting the woodland, the wildlife and also residents through proactive inspections of the trees however there continue to be threats received around tree felling and requests for inappropriate work or removal of healthy trees, these threats make the Order expedient.

The Order will enable greater scrutiny of programmed works, the applications will be publicly visible.

The trees will have a formal protected status setting out their importance in the landscape.

The Order will also provide a mechanism for residents to arrange work outside of the planned NNDC work. Providing work is acceptable and in line with the management objectives of the woodland buffer, Officers can ensure work is carried out by approved contractors and to best practice but importantly, with formal agreement in place.

REPRESENTATIONS

Objections to the Order: Five letters have been received objecting to the Order.
Support of the Order: None received

Summary of Objections	Officer response
The trees have not been maintained, the trees have grown too big or too tall and represent a danger	<i>It's fair to say historically the land was not maintained, this has now changed, regular work programmes are in place including tree safety inspections.</i>
Concerned NNDC will not maintain the trees adequately, hedges are not well maintained	<i>Communication has been recently sent out describing the maintenance schedule for the coming year. The TPO does not prevent the management of hedges.</i>
The unmaintained grass represents a fire risk	<i>The TPO does not prevent the maintenance of grass.</i>
Residents should be empowered to look after the buffer strip	<i>The TPO does not prevent the community working with the Countryside team on management objectives. I would encourage ongoing dialogue.</i>

<p>Trees should not have been planted as close together or by the boundary fences</p>	<p><i>When new landscape buffers are established, trees are often planted close together. Usually thinning operations are carried out as part of woodland management programmes, thinning may become appropriate in the future as the woodland continues to mature.</i></p>
<p>Buffer has a detrimental effect on 4 houses in particular, if the trees fell they would strike the house and may cause damage to foundations, soil erosion, sink holes or subsidence</p>	<p><i>Regular work programmes are in place including tree safety inspections.</i></p> <p><i>It is very unlikely subsidence related issues will occur, tree related subsidence occurs primarily on high plasticity clay soils and poor-quality foundations. The more modern building standards that the homes at Long Barrow Drive have coupled with being located on different soil type means damage is very unlikely.</i></p> <p><i>Trees are not normally associated with causing soil erosion or sink holes.</i></p>
<p>TV signal is interrupted</p>	<p><i>There is no legal requirement to rectify a loss of television, satellite or radio signal/service in respect of trees as an interference, as it is not at present a legal nuisance as defined by UK law.</i></p> <p><i>The TV licence is a permit to operate a TV receiver, it does not guarantee any reception and there is no legal right to reception.</i></p> <p><i>If you suspect the trees are interfering with signal reception, you may want to contact an approved installer to check the siting of the apparatus and your connections as these may also affect the quality of TV reception and provide a solution.</i></p>

<p>Trees lack amenity</p>	<p><i>Tree officer has assessed the woodland and scored the woodland as a whole.</i></p> <p><i>The TPO is expedient in the interests of amenity.</i></p>
<p>There is a lack of trust maintenance will be carried out, for example hedges have not been cut as previously agreed, new planting has not been delivered</p>	<p><i>Communication has been recently sent out describing the maintenance schedule for the coming year.</i></p> <p><i>The TPO does not prevent the management of hedges.</i></p>
<p>What happened to the trees if the TPO is in place but NNDC run out of funds to maintain the buffer?</p>	<p><i>The status of the woodland will not change if different management programmes come forward in the future.</i></p> <p><i>Any work will require an application to the Council as long as the Order is in place.</i></p>
<p>The buffer was pleasant, now it is unpleasant, there are weeds, the area could potentially become dangerous and a fire hazard</p>	<p><i>The TPO doesn't prevent the management of, weeds, etc. The Countryside team are managing the woodland to minimise identified hazards.</i></p>
<p>The pine tree close to property is not suitable to be retained, it is of poor quality and health, queries TEMPO score of individual tree</p>	<p><i>The TEMPO score assessed the trees as a collective woodland group.</i></p> <p><i>The woodland category's purpose is to safeguard a woodland as a whole.</i></p> <p><i>Some trees may lack individual merit, however all trees within a woodland are protected and made subject to the same provisions and exemptions.</i></p> <p><i>This category will also protect newly planted trees and saplings which grow naturally without having to formally modify the Order.</i></p>
<p>What is the justification, why have all trees have been TPO'd?</p>	<p><i>The trees are highly visibly, form a maturing buffer to shield the open countryside from the housing development and they contribute positively to the green appearance of the area.</i></p>

<p>NNDC have not maintained the land for around 22yrs, I have personally spent a lot of time and energy maintaining the land appropriately (no trees have been felled) but have now stopped.</p>	<p><i>It's fair to say historically the land was not maintained, this has now changed, regular work programmes are in place including tree safety inspections.</i></p>
<p>Some trees are too close, too high and overhang boundary. May fall in high wind or in the case of a fire.</p>	<p><i>Regular tree inspections are now taking place to manage the risk posed.</i></p>
<p>I have repeatedly written to NNDC about the fire risk and am awaiting a risk assessment.</p>	<p><i>The Countryside team are managing the woodland to minimise identified hazards.</i></p> <p><i>The TPO does not prevent a fire risk assessment taking place, aa authority wide approach to fire risk is currently being worked on.</i></p>
<p>The land should be a buffer zone not woodland, as per planning condition, more trees will establish if it is managed as a woodland and it will become overgrown again.</p>	<p><i>A TPO can only be one of a few categories. (Individual, group, area or woodland.) The woodland category was the most appropriate category in this instance, there is ongoing maintenance requirement, trees planned to be planted and newly planted trees and naturally establishing trees will automatically be protected.</i></p>
<p>Historically the council have failed to manage the area, I lack confidence the council will manage the land appropriately</p>	<p><i>It's fair to say historically the land was not maintained, this has now changed, regular work programmes are in place including tree safety inspections.</i></p>
<p>Mental health concerns, block light, views, add to depression and unhappiness of residents. Residents should be able to manage the heights of trees to reduce anxiety</p>	<p><i>There is a great deal of recent scientific evidence about the health benefits of trees, they have been shown to help reduce stress, depression and anxiety in the built environment. They have been proven to boost our mental health.</i></p> <p><i>There is no right to light and removing the tops off trees is considered bad practice. It can cause a mass of regrowth that is weakly attached to the tree. It causes ongoing management problems and can introduce decay.</i></p>

<p>Residents have not been considered, decision lacks tact, emotional intelligence, consultation and engagement. The area was pleasant, now overgrown, vermin ridden, weeds, I see no one now enjoying the area</p>	<p><i>Serving the Order has initiated this consultation. There remains a threat to the trees and the Order establishes the Council's position on the importance of the trees in the area.</i></p> <p><i>The TPO does not prevent the appropriate management of the woodland buffer.</i></p> <p><i>The TPO does not prevent vermin control.</i></p>
<p>No-one engages, speaks, consults. You decide and just enforce</p>	<p><i>The Order provides a formal consultation period, as objections have been received the decision to confirm or not will be taken by elected members.</i></p> <p><i>Any enforcement action taken to protect the trees covered by the Order will be assessed on a case-by-case basis.</i></p>

A further letter of objection to the TPO has been received after the closing date of 22 September 2022. This representation, rehearses many of the points summarised above. A redacted copy of the letter is attached at **Appendix A**.

HUMAN RIGHTS IMPLICATIONS

It is considered that the serving of the Order may raise issues relevant to Article 8: The right to respect for private and family life, and Article 1 of the First Protocol: The right to peaceful enjoyment of possessions.

Having considered the likely impact on an individual's human rights, and the general interest of the public, it is anticipated that the confirmation of this Order would be proportionate, justified and in accordance with planning law

MAIN ISSUES FOR CONSIDERATION

- 1. Whether or not the Order was served correctly in accordance with the relevant legislation and the Council's adopted policy.**

Officers are satisfied that the proper procedures were followed when serving the Order.

- 2. Whether or not the Order has been served on trees of sufficient amenity value to warrant a Preservation Order.**

Officers consider that the woodland makes a significant contribution to the quality of the local environment and its enjoyment by the wider public and that therefore has high amenity value.

RECOMMENDATION:-

That the Order be confirmed.

Officer: Imogen Mole - Senior Landscape Officer

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NNDC (NORTH WALSHAM) 2022 No.6 Land East of 19 Rosewood and West of 6 Valley Gardens
TPO/22/0995

To consider whether to confirm a Tree Preservation Order (TPO) to protect 1 Oak tree at above site.

BACKGROUND

Officers were contacted by email raising concerns about arrangements being made to remove the mature Oak tree at the rear of 6 Valley Gardens. The email set out concerns about a healthy, mature tree being removed rather than managed.

The Tree officer made some initial checks on the visibility and condition of the crown from the street and served the provisional Order to allow a closer inspection.

The tree is the last remaining tree situated on an old field boundary and is an historic relic of a much older landscape. A mature tree to the rear of 8 Valley Gardens was removed recently and was found to be decayed, a tree at the rear of number 2 was heavily reduced. This tree has since died.

The tree was retained on a strip of land that remained between properties at Valley Gardens, when built out in the early '80's. The neighbouring properties at Rosewood was built in the '90's. The tree's estimated age is between 150-200 yrs old.

Trees of this age and size support a wide range of wildlife and this adds to the biodiversity value of the area, the tree is visible from several places locally contributing positively to the amenity of the area, it is important to retain and protect.

REPRESENTATIONS

Objections to the Order – 3 letters have been received objecting to the Order.

Summary of Representations of Objection	Officer response
The tree is very large, it is unmanageable in a small garden	<i>Its size and maturity make it an important tree to retain.</i>

Summary of Representations of Objection	Officer response
<p>The tree has outgrown its surroundings</p> <p>The houses are too close to the tree.</p> <p>The tree is overhanging a number of gardens, concerned about falling branches</p>	<p><i>The houses have been built close to the tree. The tree is large, the gardens relatively small.</i></p> <p><i>The properties at Valley Gardens were built out in the early '80's the properties at Rosewood the early '90's, the estimated age of the tree is between 150-200 yrs old.</i></p>
<p>Concerned the tree will fall in windy weather, branches, twigs, acorns damage property.</p> <p>If the tree falls there could be serious injury and damage</p> <p>Concerned about risk of falling debris injuring people.</p> <p>NNDC have not gathered evidence or completed a risk assessment.</p> <p>H&S concerns outweigh the TPO.</p> <p>The tree makes no contribution to amenity, it only poses a risk.</p>	<p><i>A full inspection of the tree was carried out on 19 October 2022, there are no indications the tree is about to fall or break apart.</i></p> <p><i>It was noted there were small amounts of deadwood and small diameter broken branch observed over garden to the north. It is normal for a tree of this age and species to have small diameter deadwood.</i></p> <p><i>The removal of dead wood and the broken branches is exempt from the normal requirements to apply, this work can be carried out at any time.</i></p> <p><i>Pruning work could be appropriate and mitigate some of the issues described.</i></p> <p><i>If, in the future the condition of the tree changes and a valid arboricultural reason is given for removal of the tree permission may be granted.</i></p>
<p>Concerned about the condition of the tree, a tree removed at no.8 was decayed and a tree has died at no. 2</p>	<p><i>A full inspection of the tree was carried out on 19 October 2022.</i></p> <p><i>Trees are living organisms that grow, mature and die, each tree is an individual and must be evaluated on a case-by-case basis.</i></p> <p><i>The Order will encourage good management of the tree and prevent inappropriate works being undertaken, like heavy reduction work.</i></p>

Summary of Representations of Objection	Officer response
<p>Replacement trees would be more manageable, The debris blocks gutters and drains.</p> <p>Permission should be granted to remove the tree and replacement trees planted.</p> <p>Acorns can harm dogs.</p>	<p><i>Any replacement trees would take many years to reach the size and maturity of the oak tree.</i></p> <p><i>The council encourages tree planting wherever appropriate to do so, we support new trees being planted. There is nothing stopping new trees being planted either side of the oak tree.</i></p> <p><i>Clearing drains and gutters is considered general household maintenance and not a valid reason to remove mature trees.</i></p>
<p>The information on the Order appears to be incorrect and invalid.</p>	<p><i>The legislation does not require authorities to plot trees with pinpoint accuracy. The circle indicating the canopy on the TPO document is in the correct position and as the only live oak tree left now in the location.</i></p> <p><i>As the only oak tree left now in the location, we consider the map accurate enough to protect the correct tree.</i></p> <p><i>The LPA uses land registry mapping information which clearly shows a parcel of land between the properties.</i></p> <p><i>As a provisional Order the consultation period allows us time to assess all submitted additional information before the Order is confirmed.</i></p>
<p>Whoever owns the tree should maintain it</p>	<p><i>A TPO does not prevent appropriate management of the tree.</i></p> <p><i>The owner of the tree is responsible for its maintenance.</i></p>
<p>Concerns raised about the potential risk to damage to</p>	<p><i>It is very unlikely subsidence related issues will occur, tree related subsidence occurs</i></p>

Summary of Representations of Objection	Officer response
foundations of buildings.	<p><i>primarily on high plasticity clay soils and poor-quality foundations.</i></p> <p><i>The more modern building standards that the homes at Rosewood and Valley Gds have, coupled with being located on different soil type means damage is very unlikely.</i></p>

HUMAN RIGHTS IMPLICATIONS

It is considered that the serving of the Order may raise issues relevant to Article 8: The right to respect for private and family life, and Article 1 of the First Protocol: The right to peaceful enjoyment of possessions.

Having considered the likely impact on an individual's human rights, and the general interest of the public, it is anticipated that the confirmation of this Order would be proportionate, justified and in accordance with planning law

MAIN ISSUES FOR CONSIDERATION

- 1. Whether or not the Order was served correctly in accordance with the relevant legislation and the Council's adopted policy.**

Officers are satisfied that the proper procedures were followed when serving the Order.

- 2. Whether or not the Order has been served on trees of sufficient amenity value to warrant a Preservation Order.**

Officers consider that the oak tree makes a significant contribution to the quality of the local environment and biodiversity value of the area, it contributes positively to public amenity.

RECOMMENDATION:-

That the Order be confirmed.

Officer: Imogen Mole - Senior Landscape Officer

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DEVELOPMENT MANAGEMENT PERFORMANCE UPDATE – OCT 2021

1. INTRODUCTION:

- 1.1 This report briefly sets out performance in relation to the determination of planning applications in both Development Management and Majors teams for the period up to 31 Oct 2022.
- 1.2 The table below sets out the figures for the number of cases decided and percentage within time set against the relevant target and summary of 24-month average performance.
- 1.3 In addition, the table sets out the number of cases registered and validated within the month (up to 31 Oct 2022).

Performance Measure	Actual Performance	Target	Comments
Decision Notices (Up to 31 Oct 2022)	Major 1 decision issued within time period 100% within time period	60% (80% NNDC)	24 month average to 31 Oct 2022 is 86.11%
	Non-Major 101 decisions issued 98.02% within time period	70% (90% NNDC)	24 month average to 31 Oct 2022 is 80.01%
Validation (Up to 31 Oct 2022)	343 applications registered 287 applications validated	3 days for Non- Major from date of receipt 5 days for Majors from date of receipt	Datasets do not currently breakdown validated apps by Major / Minor or those on PS2 returns, but performance data retrieval to be reviewed.

2. S106 OBLIGATIONS

- 2.1 A copy of the list of latest S106 Obligations is attached. There are currently 4 S106 Obligations in the process of being completed, 2 of which are yet to receive a resolution to approve. Three of the obligations are on hold (these are the cases in grey) where legal work has ceased until the way forward is clearer.

3. RECOMMENDATIONS:

- 3.1 **Members are asked to note the content of this report.**

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SCHEDULE OF S106 AGREEMENTS

UPDATE FOR DEVELOPMENT COMMITTEE:

24 November 2022

Application reference	Site Address	Development Proposal	Parish	Planning Case Officer	Committee or Delegated Decision	Date of Resolution to Approve	Eastlaw Officer	Eastlaw Ref:	Current Position	RAG Rating
PF/21/1749	Land South Of Lea Road Catfield Norfolk	Erection of 18 Affordable Dwellings with associated infrastructure, landscaping and open space	CP018 - Catfield	Russell Stock	TBC	TBC	Fiona Croxon	18647	Decision yet to be confirmed. Early draft in circulation. Application impacted by Nutrient Neutrality advice from Natural England. Legal work to cease until the way forward is clearer	Green
PF/17/0729	Kipton Wood And The Orchard Former RAF Base West Raynham NR21 7DQ	Erection of 94 dwellings with associated infrastructure; conversion of former NAAFI building to provide a new community centre; new allotments (within Kipton Wood); new play area (within The Orchard).	CP078 - Raynham	Geoff Lyon	Committee	19/04/2018	Fiona Croxon	11504	Content of S106 agreed by NNDC. County Council confirmed SoS not needed to be included in S106. Agreement was set for engrossment but now impacted by Nutrient Neutrality advice from Natural England. Legal work to cease until the way forward is clearer	Red
PF/19/1028	Land At Back Lane Roughton	Erection of 30 residential dwellings with associated access, open space, landscaping and off-site highways works. Formation of sports pitch, creation of wetland habitat, construction of 17-space community car park, construction of footpath link to village, and provision of land for community facility (Amended Plans and Additional Supporting Documents)	CP079 - Roughton	Bruno Fraga da costa	TBC	TBC	Fiona Croxon	14360	Costs undertaking previously requested. Progress delayed until application matters sufficiently progressed and resolution to approve given. Now impacted by Nutrient Neutrality advice from Natural England. Legal work to cease until the way forward is clearer	Green
PF/18/0363	Scottow Enterprise Park Lamas Road Badersfield Scottow	Change of use of parts of the former military taxiway and runway areas for manoeuvring, take-off and landing of light aircraft	CP082 - Scottow	Russell Stock	Committee	20/06/2019	Fiona Croxon	14147	Draft s106 amended and re-circulated. NCC and Hethel have accepted that they need to sign before 31 December 2022 or the application will be returned to the January 2023 committee for failure to complete the planning undertaking.	Red

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OFFICERS' REPORTS TO DEVELOPMENT COMMITTEE 24 NOVEMBER 2022

APPEALS SECTION

NEW APPEALS

ALBY WITH THWAITE – PO/21/2697 - Demolition of former snooker hall and erection of 2 semi-detached self/custom dwellings (Outline with all matters reserved)

Alby Billiards Club, Church Road, Alby, Norfolk NR11 7HE

For Mr N Rounce

WRITTEN REPRESENTATION

DILHAM - PU/21/2825 - Change of use of an agricultural building to 5 dwellinghouses (4 "smaller" dwellinghouses and 1 "larger" dwellinghouse), and building operations reasonably necessary for the conversion

Agricultural Barns, Oak Road, Dilham, Norfolk

For Mr Luke Paterson, Bindwell Ltd

WRITTEN REPRESENTATION

RUNTON – PF/21/2593 - Removal of existing outbuilding and raised paving and steps to rear of building; two storey side extension; new outbuildings to side and rear; raised rear seating area and glass wind screen to rear of building incorporating ramp and steps; new fire escape stair; pergola and glass wind screen to front of building; replacement of 2 no. roof windows by dormer windows; change window to bi-fold doors from restaurant to outside seating area; 2m high screen fence to eastern boundary (retrospective)

Dormy House Hotel, Cromer Road, West Runton, Norfolk NR27 9QA

For Mr Steve Brundle - Highview Properties (London) Ltd.

WRITTEN REPRESENTATION

INQUIRIES AND HEARINGS – IN PROGRESS

CLEY-NEXT-THE-SEA - ENF/18/0164 - Alleged further amendments to an unlawful dwelling

Arcady, Holt Road, Cley-next-the-Sea, Holt, NR25 7TU

for Mr Adam Spiegel

INFORMAL HEARING – 1 & 2 March 2022 Re-Scheduled – 22 & 23 June 2022 This has been postponed due to late submission of information – ~~future date to be arranged~~ – Re-scheduled again to 24th-26th January 2023

CLEY-NEXT-THE-SEA – PF/21/0882 - Erection of dwelling and associated external works and landscaping

Arcady, Holt Road, Cley-next-the-Sea, Holt, NR25 7TU

For Adam and Gay Spiegel

INFORMAL HEARING – to be linked with ENF/18/0164 – ~~Date to be Confirmed~~ – Re-scheduled again to 24th-26th January 2023

CLEY-NEXT-THE-SEA – RV/21/2583 - Variation of the wording of Condition 2 (Approved Plans) amended site location plan scaled at 1:2500, and drawings 2260-01, 2317-02z1, 2317-03e, 2317-05f and 2317-11b. Approved on Appeal Ref: APP/Y2620/A/13/2205045 relating to Planning Application Ref: PF/12/1219 for Replacement House and Studio - Date of Decision: 05/02/2014

Replace plan 2317-11b with Plan 1660-00-008 as it has been established that the original plan 2317-11b is considered to be inaccurate

Arcady, Holt Road, Cley-next-the-Sea, Holt, NR25 7TU

For Adam and Gay Spiegel

INFORMAL HEARING – to be linked with ENF/18/0164 – ~~Date to be Confirmed~~ – Re-scheduled again to 24th-26th January 2023

THURNING – ENF/19/0307 – Appeal against breach of planning control

(and RV/21/2645 linked with the above) - Removal of Condition 3 of planning permission PF/13/1048 the condition to be simply deleted and not included in the the new permission

Courtyard Barn, Roundabout Farm, Hindolveston Road, Thurning, NR20 5QS

For Mr & Mrs Kerrison

INQUIRY

THURNING – ENF/19/0307 - Appeal against breach of planning control

(and CL/20/2055 linked with the above) - Certificate of lawfulness for existing use of "The Office" at Courtyard Barn as a residential dwelling (C3)

The Office, Roundabout Farm, Hindolveston Road, Thurning, NR20 5QS

For Mr & Mrs Kerrison

INQUIRY

WRITTEN REPRESENTATIONS APPEALS - IN HAND

ALBY WITH THWAITE – ENF/20/0066 - Appeal against breach of planning control

Field View, Alby Hill, Alby, Norwich NR11 7PJ

For Mr Karl Barrett

WRITTEN REPRESENTATION

BRISTON – PO/21/1474 - Erection of 3 no. two-storey detached dwellings following demolition of agricultural buildings - outline with all matters reserved

Brambles Farm, Thurning Road, Briston Norfolk NR24 2JW

For Lewis Keyes Development Ltd

WRITTEN REPRESENTATION

CORPUSTY – ENF/20/0095 - Operational development without planning permission

Manor Farm Barns, Norwich Road, Corpusty, NR11 6QD

For Mr Michael Walsh

WRITTEN REPRESENTATION

FAKENHAM - ENF/21/0002 - Appeal against Enforcement Notice - Material change of use of the Land for the siting of a static caravan to provide overnight accommodation for security staff

Unit 4, RS Car Sales, Hempton Road, Fakenham. Norfolk NR21 7LA

For Mr Shaun Brooker

WRITTEN REPRESENTATION

FAKENHAM – PO/21/2584 - Erection of detached dwelling (all matters reserved)
9 Caslon Close, Fakenham Norfolk NR21 9DL
For Mr M Rahman
WRITTEN REPRESENTATION

FAKENHAM – PF/21/3158 - Siting of a static caravan to provide overnight accommodation for a security staff
RS Vehicle Hire, Hempton Road, Fakenham NR21 7LA
For RS Vehicle Hire Shaun Brooker
WRITTEN REPRESENTATION

FAKENHAM – CL22/1552 - Certificate of Lawful Development for existing use of land for storage purposes (Class B8)
Unit 4, RS Car Sales, Hempton Road, Fakenham. Norfolk NR21 7LA
For Mr Shaun Brooker
WRITTEN REPRESENTATION

HAPPISBURGH – PU/22/0019 - New dwelling house on a detached building currently in use as dwelling house
Annexe At, Wishing Well, The Street, Happisburgh, Norfolk
For Mr David Pugh
WRITTEN REPRESENTATION

HAPPISBURGH – PF/22/1121 – Change of use of detached building ancillary to Wishing Well to single dwelling
Wishing Well, The Street, Happisburgh, Norwich, Norfolk, NR12 0AB
For Mr David Pugh
WRITTEN REPRESENTATION

KNAPTON – PF/21/2118 - Demolition of barn and erection of 4-bed detached dwelling with detached garage
Land To North Of Parrs Farm, Hall Lane, Knapton, Norfolk, NR28 0SG
For Luke West
WRITTEN REPRESENTATION

LESSINGHAM – PF/21/2896 - Ground and First Floor Extension and Alterations
1 Chapel Cottages, Chapel Lane, Lessingham, Norfolk NR12 0TD
For Mr & Mrs Ford
FAST TRACK HOUSEHOLDER

LUDHAM – PF/21/2851 - Conversion of garages into a single dwelling
Land North Of Magnolia Cottage, Staithe Road, Ludham, Norfolk
For Mrs Val Enever
WRITTEN REPRESENTATION

NORTH WALSHAM – ENF/21/0146 - Appeal against enforcement notice - Erection of single-storey garden annexe building
1 Millfield Road, North Walsham, Norfolk, NR28 0EB
For Mr Robert Scammell
WRITTEN REPRESENTATION

ROUGHTON – PF/20/1659 - Relocation of public house car park and development of the existing car parking area for the erection of 2no. two-storey 3-bedroom detached dwellings, with new boundary treatment; installation of a patio area to rear beer garden, and associated minor alterations and landscaping - [Amended Plans- Revised Scheme]
New Inn, Norwich Road, Roughton, Norwich NR11 8SJ
For Punch Partnerships (PML) Limited
WRITTEN REPRESENTATION

ROUGHTON – PF/21/0693 - Demolition of existing stable block and replacement with a self-build dwelling
Heath Farm, Norwich Road, Roughton, Norwich, Norfolk NR11 8ND
For Amy Zelos
WRITTEN REPRESENTATION

SEA PALLING – PF/21/0729 - Erection of Stable Building
The Marrams, Sea Palling, Norfolk
For Mr F Newberry
WRITTEN REPRESENTATION

SWAFIELD – PO/21/1525 - Erection of 3 bedroom chalet bungalow with garage (outline application with details of access only - all other matters reserved)
The Kingdom Halls, The Street, Swafield, Norfolk NR28 0RQ
For Mr Neville Watts
WRITTEN REPRESENTATION

TRUNCH – PF/21/1561 - Two storey detached dwelling with associated landscaping including tree planting scheme and wildlife pond
Field Near Fairview Barn, Brick Kiln Road, Trunch, Norfolk, NR28 0PY
For Mr Mike Pardon
WRITTEN REPRESENTATION

TUNSTEAD – PF/21/2394 - A Self-Build single dwelling with detached garage. Associated landscaping. Extinguishing a dead-end footpath
Land Opposite Copperfield , Watering Pit Lane, Tunstead, Norfolk
For Mr & Mrs M. & J. Rackham
WRITTEN REPRESENTATION

WELLS-NEXT-THE-SEA – ENF/21/0061 - Appeal against breach of Planning Control - Material change of use of the land for takeaway
Land Adj. 19 The Glebe, Wells-next-the-Sea, Norfolk NR23 1AZ
For Adrian Springett – Pointens
WRITTEN REPRESENTATION

APPEAL DECISIONS - RESULTS AND SUMMARIES

NO NEW APPEAL DECISIONS

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