

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 matings 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 would 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 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.**