

Planning Application for the Construction of a Surface Water
Reservoir and Removal of Excavated Material Off Site

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The Elms, Elms Road, Toft Monks, NR34 0EJ

Planning Statement

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Background

- 1.1 On July 21 2023 South Norfolk Council decided that Prior Approval was not required for the construction of a surface water reservoir at The Elms, Elms Road, Toft Monks near Beccles. In coming to this conclusion the Council had to be satisfied whether its prior approval would be required for the siting of the reservoir. Its assessment was as follows:

'The context of the site is described above with the site sitting in the centre of a field. While the proximity of the right of way is a consideration, it is not obstructed by the development so would not be a reason to re-site the proposal. Furthermore, views from this right of way will have relatively minor impact due to the low level of the reservoir in the landscape. An informative has been attached to the decision highlighting that the right of way must be maintained at all times, including during construction. The proximity to the nearby holiday accommodation is also, considered, however the reservoir is downslope of this use and the boundary contains mature vegetation; limiting any potential visibility. There is likely to be an impact from noise and dust during construction, however this will be temporary, with the reservoir itself being relatively passive in the landscape. The site overall is on the edge of the Waveney Valley and long-distance views will likely be possible although not prominent, however, as the proposal works well with the landscape to minimise above ground intrusion into the view, it is considered that a reason to require alternative siting cannot be substantiated based on the information submitted and therefore the siting is acceptable in this instance and does not require prior approval.'

- 1.2 The council's report refers to the planning statement accompanying the prior approval application that material extracted from the excavation will be removed from site. It goes on to state that:

'this is not a matter for consideration in the prior notification insofar as this condition would still require compliance notwithstanding the decision made in this application. An informative has been included stating that if this condition cannot be compared [sic] with the applicant must submit a full planning application to the Local Planning Authority for the proposal.'

- 1.3 Accordingly, the current application has been prepared to overcome the condition in the GPDO not to allow material to be taken off site. It is the equivalent to a section 73 application which provides for applications for planning permission to develop land without complying with previously imposed planning conditions.

- 1.4 The principle of siting the proposed development at the location shown on the site plan has been established by the Council's decision that Prior Approval was not required. This application has been prepared to allow material to be taken off site and is primarily concerned that the impact on the highway is acceptable and, if necessary, can be secured by a suitable condition.

The planning application

- 1.5 The planning application includes the following documents and plans:
Application Form
Planning Statement
Location Plan
Proposed Site Setup
Proposed General Arrangement and Sections

2 The Site and its Setting

- 2.1 The application site is shown edged red on the Site Plan and extends in area to about 4.54 hectares. It is located in an agricultural field farmed by the Applicant, which is bordered by Beccles Road to the south, and Elms Road to the west. The field slopes gently to the south east and is bounded by mature hedges and trees. A public footpath (Aldeby FP9) runs across the field to the south of the application site.
- 2.2 The site is accessed via an existing private field entrance to the southwest off Elms Road. A two-way single carriageway with passing places, Elms Road links with Hollow Way Hill / Beccles Road to the south via a priority T-junction which, in turn, provides access to the A143.
- 2.3 The closest neighbouring residential and tourist accommodation uses are to the west and northwest between 130 and 400 metres away.
- 2.4 The site is located within Flood Zone 1, where there is a very low probability (less than 1 in 1000 annually) of flooding. The application site is not within or adjacent to a Conservation Area, nor is it within or adjacent to an Area of Outstanding Natural Beauty, Site of Special Scientific Interest, Air Quality Management Area, Special Landscape Area, Local Green Space, Area of Visual/Recreational Amenity, or any other land designated locally, nationally, or internationally for its environmental quality.

3 The Proposal

- 3.1 The Applicant is seeking planning permission for the construction of a surface water reservoir. The reservoir will provide a means of water storage for the irrigation of surrounding arable land as well as for other agricultural related applications.
- 3.2 The reservoir has been designed with a storage volume of about 76,000 cu m³ including freeboard.
- 3.3 To keep the reservoir secure, a 1.20metre high wildlife protection fence is proposed around the reservoir, with double gates in the southwest for access. A temporary earth bund will surround the site during the construction phase.

- 3.4 A temporary storage area will be created to the south west of the proposed reservoir for the removal of material from the site. The construction works and removal of material will take about 30 months followed by a period of up to six months for the restoration of the excavation and the creation of new habitats and biodiversity. It is estimated that about 160,000 tonnes of material will be removed from the agricultural holding via Elms Road, Hollow Way Hill and onto the A143. Approximately 40,000 tonnes of material for lining the internal embankments will be imported to the site.
- 3.5 The proposed development will incorporate new native species tree and hedge planting around the reservoir. Further ecological benefits will be provided via a proposed species rich grassland being created on the reservoir embankments. Details can be agreed via a planning condition in the event of permission being granted.
- 3.6 The excavation and removal of material will only take place between the hours of 07:00 to 17:00 Monday to Friday. Maintenance of mobile plant and equipment will, if necessary, take place outside operational hours from 07:00 to 13:00 on Saturdays.

4 Planning Policy Context

Determination of Applications

- 4.1 Section 70(2) of the Town and Country Planning Act 1990 must be read in conjunction with Section 38(6) of the Planning and Compulsory Purchase Act 2004. The former requires local planning authorities, in dealing with an application for planning permission, to have regard to the provisions of the development plan so far as it is material to the application, and to any 'other material considerations'. The latter requires that applications under the Planning Acts be determined in accordance with the development plan, unless material considerations indicate otherwise.

Development Plan Policy

- 4.2 The principle of siting a reservoir in the location described above has been established by the Council's decision that Prior Approval was not required. As such there is an obvious presumption of compliance with strategic policies. Consequently, the relevant development plan is the South Norfolk Local Plan – Development Management Policies October 2015.Document (SNLP). Relevant policies include the following:

DM3.11 Road safety and the free flow of traffic

DM3.13 Amenity, noise, quality of life

DM3.14 Pollution, health and safety

DM4.2 Sustainable drainage and water management

DM4.4 Natural environmental assets – designated and locally important open spaces

DM4.5 Landscape Character Areas and River Valleys
DM4.10 Heritage assets

Other Material Considerations

4.3 National Planning Policy Framework (NPPF) 2023

5 Planning Assessment

Principle of Development

5.1 As stated in paragraph 4.2 the principle of developing the proposed reservoir in the selected location has been established by the Council's decision that Prior Approval was not required. The Council considered that in terms of 'siting' the proposed development was acceptable and entirely appropriate and necessary for the continued use of the land for agricultural purposes.

Amenity

5.2 SNLP policy DM3.13 refers to noise, dust and lighting intrusion and states that planning permission will be refused *'where proposed development would lead to an excessive or unreasonable impact on existing neighbouring occupants and the amenity of the area or a poor level of amenity for new occupiers.'* However, the policy also states that *'use would be made of proportionate mitigating measures including limiting conditions will be used to reduce the potential noise or artificial light impact to an appropriate level whenever practical to do so.'*

5.3 The Council's report in respect of the Prior Approval application stated that *'there is likely to be an impact from noise and dust during construction, however this will be temporary, with the reservoir itself being relatively passive in the landscape.'* Paragraphs 5.4 to 5.9 below relate specifically to the construction phase which is estimated to last up to 30 months.

5.4 Noise.

The main sources of noise on site during the construction phase are referred to in the table below.

Description	Manufacturers Sound Power Level LWA (dB)	Generic BS5228 Sound Power Level (dB at 10 metres)
Volvo EC 300E Excavator	104	
Volvo L120h Loading Shovel	106	
Cat 725 Dump Truck		74
Liedherr PR73 Dozer	109	

There are a number of properties west and north west of the site, the nearest being about 130 metres away. This property, Waveney Lodge, adjoins a holiday accommodation site comprising 13 shepherd huts, a tent pitch area and hard standing for two caravans. Using the inverse square law the likely sound pressure level for the Liedherr would be 54.7dB at an unobstructed 130 metres. In mitigation the dB level is likely to be lower given that the holiday accommodation is bounded by mature vegetation, the reservoir will be downslope and most of the time the excavation (down to 7.5metres) will provide a barrier attenuation of noise. In any event the sound level is below the limit of 55dB for operations associated with an activity such as the construction of a reservoir.

- 5.5 Self-adjusting low impact reversing alarms would be used on site equipment. These would be of the “white noise” type rather than tonal “beeping” alarms which for a given noise level can be much more disturbing to noise-sensitive receptors.
- 5.6 The mobile plant used on site are also subject to environmental permits which requires the site to be operated in accordance with conditions such that all emissions shall be maintained in accordance with the manufacturer’s instructions. Maintenance records are to be kept in a log book.

5.7 Dust.

The excavated material is naturally ‘damp’ as there is a retained moisture content as a result of rainfall percolating through the material. The widely used and successful method for dust management in these circumstances is to dampen the unbound roads and operating areas, generally using a water bowser and spray. The frequency of use is dependent upon site and weather conditions and is determined by the site manager. If there is an operation that is seen to be generating dust, then measures will be taken to eliminate the dust and if not successful the operation will be temporarily stopped. In very windy dry conditions where there is a very high risk that dust will be generated and travel beyond the boundary of the development, operations will be suspended. A suitable dust management scheme is summarised below:

- 1 The site manager will be vigilant at all times to the risk of dust being generated by any part of the screening operation.
- 2 When there are conditions in which dust could be generated (i.e. periods of dry weather) the internal road and operational area will be dampened using the bowser and spray or by tipping water from the bucket of a wheeled loader.
- 3 In the event that any operation or process is seen to give rise to the escape of dust, the reason will be investigated and steps taken to avoid generation (by using different plant or practices) and/or by dampening/wetting the materials.
- 4 During soil handling extra attention will be taken and if dust is generated such that it could be carried ‘off-site’ then the operations will be temporarily suspended, or moved to an alternative location where

there is no such risk. (Note, dampening soils is not acceptable). Some light dampening of the internal routes is allowed and will be carried out. 5 The weather and site conditions are recorded in the Site Diary as well as when the bowser/dampening is used and any temporary suspension of operations.

The objective of the dust management scheme is to effectively control any dust that is generated and to ensure that any risk of dust being carried beyond the boundary of the site is eliminated.

- 5.6 Lighting. No lighting is required for the proposed development.
- 5.7 Visual Intrusion. The Council's report in respect of the Prior Approval application stated that the proposed development was relatively close to the nearby holiday accommodation but concluded that visibility was limited due to the fact that the reservoir was downslope of the use and that the boundary contained mature vegetation.
- 5.8 In summary it is considered that unacceptable impacts to local amenity will not arise from the construction of the reservoir.

Landscape

- 5.9 SNLP Policy DM 4.5 states that *'all development should respect, conserve and where possible, enhance the landscape character of its immediate and wider environment. Development proposals that would cause significant adverse impact on the distinctive landscape characteristics of an area will be refused.'* The policy goes on to say that *'particular regard will be had to protecting the distinctive characteristics, special qualities and geographical extents of the identified Rural River Valleys and Valley Urban Fringe landscape character types.'*
- 5.10 As stated in the Council's report in respect of the Prior Approval application the site

'.. is on the edge of the Waveney Valley and long distance views will likely be possible although not prominent, however, as the proposal works well with the landscape to minimise above ground intrusion into the view, it is considered that a reason to require alternative siting cannot be substantiated based on the information submitted and therefore the siting is acceptable[.]'

Biodiversity

- 5.11 Policy DM4.4 looks for new development sites to safeguard the ecological interests of the site and to contribute to ecological and biodiversity enhancements
- 5.12 The site is part of an agricultural field and no existing trees and hedges are to be lost as part of the proposals. It is not subject to any statutory designations

- 5.13 The nearest statutorily designated site is the Stanley and Alder Carrs, biological Site of Special Scientific Interest approximately 0.33 km south of the proposed development. However, the construction of the reservoir is unlikely to have any significant impact on the condition of the SSSI.

Transport

- 5.14 Policy DM3.11 of the South Norfolk Local Plan states that planning permission will not be granted for development which would endanger highway safety or the satisfactory functioning of the highway network.
- 5.15 As stated in paragraph 3.4 above the construction of the reservoir and the removal of material will take about 30 months. It is estimated that about 160,000 tonnes of material will be removed from the agricultural holding via Elms Road, Hollow Way Hill and onto the A143 and approximately 40,000 tonnes of material for lining the internal embankments will be imported to the site via the same route. It is likely the latter will be backhauled with the result that overall an average of 13 two-way daily HGV movements will take place.
- 5.16 Works including passing bays and junction improvements were carried out on Elms Road some years ago to enable HGVs to pass each other. Whilst there is good visibility at the junction with Hollow Way Hill, the latter does have an unrestricted speed limit. If required the applicant would be willing to meet the cost of a temporary traffic order restricting the speed limit for the period of construction along a section of Hollow Way Hill and Beccles Road.

Flood risk, groundwater

- 5.17 Policy DM4.2 require development to minimise the possibilities of flooding and pollution.
- 5.18 The Environment Agency's flood risk service confirms that the site is at very low risk of flooding from rivers and the sea, surface water and groundwater.
- 5.19 The only potential threat to groundwater is from fuel spills linked to the mobile plant and excavators. To nullify this risk the operator already operates a bunded fuel bowser with drip trays and a stock of fuel spill kits to ensure that any spillages, no matter how unlikely, can be cleaned up quickly.

Heritage

- 5.20 Policy DM 4.10 Heritage Assets All development proposals must have regard to the historic environment and take account of the contribution which heritage assets make to the significance of an area and its sense of place, as defined by reference to the national and local evidence base relating to heritage.

- 5.21 As stated in the Council's report in respect of the Prior Approval application:

'Sections 16 and S66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that local planning authorities must have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. This application involves development potentially in the wider setting of a Grade II and Grade II listed buildings. Taking into consideration the significance of the listed buildings and their setting the proposal would not have a detrimental impact on the significance of the listed buildings or their setting by virtue of the separation distance, intervening landscape features and the nature of the development. As such, it is considered that the proposal would accord with Sections 16 and S66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.'*

6 Planning Balance and Conclusion

- 6.1 As identified in Section 70(2) of the Town and Country Planning Act 1990 and Section 38(6) of the Planning and Compulsory Purchase Act 2004, the development plan remains the starting point for the determination of an application.
- 6.2 In broad strategic terms the principle of siting a reservoir in the location described above has been established by the Council's decision that Prior Approval was not required. As such there is an obvious presumption of compliance with strategic policies.
- 6.3 In terms of development management policies 3.11, 3.13, 3.14, 4.2, 4.4, 4.5 and 4.10 no unacceptable impacts have been identified in relation to residential amenity, designated nature conservation sites, landscape character, listed buildings or the highway network.
- 6.4 The proposal is fully compliant with the aims of the NPPF and is directly relevant to the agricultural business carried out by the applicant. It will help improve and enhance the quality and yield of crops produced on the farm and the overall efficiency and the profitability of the farm business, such that it makes a positive contribution to the local economy.
- 6.5 For the reasons set out above the proposal is entirely necessary for the purposes of agriculture carried out on the land and is fully compliant with policies of the Local Plan and the NPPF July 2023.