



Appeal Decision

Inquiry held on 11 March 2025

Site visit made on 12 March 2025

by John Dowsett MA DipURP DipUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18th December 2025

Appeal Ref: APP/X2600/W/24/3356489

Land off Crab Apple Lane, Haddiscoe, Norfolk, NR14 6SJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Breedon Trading Limited against the decision of Norfolk County Council.
 - The Application Reference is: FUL/2022/0056.
 - The development proposed is described as: Extraction of Sand and Gravel with low level restoration to meadow species rich grassland with an ephemeral water body.
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Decision

1. The appeal is allowed, and planning permission is granted for the extraction of sand and gravel with low level restoration to meadow species rich grassland with an ephemeral water body at Land off Crab Apple Lane, Haddiscoe, NR14 6SJ, in accordance with the terms of the application, Reference: FUL/2022/0056, subject to the conditions in the attached schedule.

Preliminary Matters

2. Before the Inquiry opened, the appellant and the Council reached agreement on the remaining matters in dispute between them, and supplementary Statements of Common Ground were provided on noise, heritage, and planning matters. As a result, the Council did not contest the appeal at the Inquiry. At the Inquiry, the Council confirmed that its previously submitted evidence was still before me but had been superseded by the more recent Statements of Common Ground. The Inquiry did, however, hear representations from interested parties who object to the proposal.
3. In addition to viewing the site from public land in advance of the Inquiry opening, the day after the Inquiry, I undertook a more extensive unaccompanied site visit following a route and visiting locations in the vicinity agreed with the main parties. I also drove the proposed vehicle route between the appeal site and Norton Subcourse quarry with the exception that I travelled via Ferry Road rather than by the appellant's private haul road that runs broadly parallel to it.
4. Following the close of the Inquiry the Council adopted the Norfolk Minerals and Waste Local Plan (hereinafter NMWLP) on 20 May 2025. At the Inquiry it was common ground between the main parties that the proposal complied with the requirements of Policy MIN25 of what was at the time the emerging Norfolk Minerals and Waste Local Plan. Policy MIN25 has not substantially changed in the interim between the Inquiry and the adoption of the NMWLP. The Inspector's report on the examination of the NMWLP was published shortly after the Inquiry

closed¹ and recommended slight textual changes to parts a) and c) of the Policy. These changes do not significantly alter the requirements of the Policy. The provisions of Policies CS14, DM8 and DM12 of the previous Minerals and Waste Development Framework Core Strategy and Development Management Policies Development Plan Document that are cited on the decision notice issued by the Council are largely restated in broadly similar terms in Policy MW1 of the NMWLP.

5. The NMWLP was at a very advanced stage at the time of the Inquiry having been examined with only the Inspectors Final report awaited. Because the Council is not contesting the appeal and there was not a formal Rule 6 party, the views of the main parties in respect of any implications of the adoption of the NMWLP on their cases have not been sought. As no substantive changes were made to the relevant policies in the NMWLP following the Inspectors report, I do not consider that any parties interests have been prejudiced by not doing so.
6. Prior to the main parties reaching agreement, on 31 January 2025 a case management conference was held by one of my colleagues during which the main issues in the appeal at that time were identified as being whether the appeal proposal would preserve the special architectural or historic interest of the designated heritage assets in the locality, with particular regard to the Grade I listed St Mary's Church, through development within its setting; and whether the appeal proposal would result in acceptable living conditions for nearby residents, with particular regard to dust/air quality and noise.
7. Irrespective of the fact that the main parties have reached agreement and the appeal is not contested, these remain relevant. In considering whether to grant planning permission for development which affects a listed building or its setting, Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the decision maker to 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. A large number of interested parties also raised concerns with respect to the implications of noise and dust from the proposal on the living conditions of nearby properties, both in writing and orally at the Inquiry. Consequently, I have also identified these as still being the main issues in this case.

Main Issues

8. The main issues in this appeal are:
 - The effect of the appeal proposal on the character and appearance of the area and whether it would preserve the special architectural or historic interest of the designated heritage assets in the locality, with particular regard to the Grade I Listed St Mary's Church, through development within its setting;
 - The effect of the appeal proposal on the living conditions of nearby residents, with particular regard to dust/air quality and noise; and
 - Whether the appeal proposal would comply with the relevant requirements of national and local planning policies.

¹ On 24 March 2025

Reasons

9. The appeal site comprises approximately 21.5 hectares of land adjacent to the village of Haddiscoe. It is currently in agricultural use. There is established tree planting on the site boundaries with Church Road, Crab Apple Lane and the B1136 Lodden Road. The tree planting continues along part of the south east boundary of the site with Manor Farm. The site is generally level, rising only slightly from south east to south west. Haddiscoe Bridleway 5 crosses the site in a broadly north westerly direction from Church Road to Crab Apple Lane and is barely visible on the ground as a very faint line of trampled earth, albeit it does not appear to entirely follow its definitive line.
10. The appeal proposal seeks planning permission for the extraction of 650,000 tonnes of gravel and 510,000 tonnes of sand over a 7 year period. The only processing of materials at the site would be screening to separate the sand from the gravel. The gravel would be transported by heavy goods vehicle (HGV) to the appellant's quarry site at Norton Subcourse where any further processing would take place. The extracted sand would be retained on site and used in the site restoration. A new access to the site would be formed from Crab Apple Lane on the west side of the site.
11. The site would be worked in 7 phases in a counterclockwise direction commencing adjacent to the proposed new site access. It would be progressively restored as the extraction proceeds, with an additional year at the end of the 7 year extraction period to complete the site restoration. Temporary screening bunds would be erected on parts of the site boundary. Bridleway 5 would be temporarily diverted around the perimeter of the site during the working of Phases 5 to 7. Within the site, a boundary to the extraction area would be set so that no mineral extraction would take place within 100m of the rear elevation of nearby residential properties close to the site boundaries.
12. The existing tree planting around the site boundary would be retained, with the exception of an area near the southern end of Crab Apple Lane which would be removed to create the new site access. The section of Crab Apple Lane running from the site access to the B1136 Lodden Road would be widened to 6.5 metres in order to accommodate vehicular movements from the site and to allow HGVs to pass.
13. Following extraction of the mineral, the site would be restored to meadow grassland with some woodland planting and new hedges. It is not proposed to import material to backfill the voids and restoration would be carried out using soils and sand from the site. This would result in the finished land level being lower than the present level. Bridleway 5 would be re-instated on its definitive route.

Character and Appearance

14. The site is located on the edge of the village of Haddiscoe, bounded to the south by the B1136 road, to the north by Church Road/Thorpe Road and to the west by Crab Apple Lane. The site is low lying and is at a point where arable farmland transitions into the marshy grassland of the Norfolk Broads. The landform rises gently to west heading inland.
15. The surrounding land predominantly consists of agricultural land to the west which extends towards the villages of Thurlton to the northwest and Maypole Green to

the southwest. Agricultural use also characterises land to the southwest beyond the A143, which extends in a general south westerly direction from Haddiscoe towards Toft Monks. The agricultural landscape comprises a mosaic of differently sized and shaped fields. Some of these retain hedgerow boundaries or remnants of hedgerows, although alongside roads fields often have open boundaries. There are scattered groups of trees and hedgerow trees within the landscape which form vertical features within a relatively open, gently undulating, landform. To the south, linear residential development extends along Rectory Road and Church Road, forming the southern part of the village, while the rest of the village is located to the east, where the A143 meets Thorpe Road. Haddiscoe Marshes, beyond the village to the north and east, consists of low-lying agricultural land separated by a pattern of drainage channels. This area is crossed by a road linking Haddiscoe with St Olaves on the banks of the River Waveney, on the northern edge of the Marshes.

16. The appeal site is not within an area which is subject to a specific landscape designation, nor is it within a Conservation Area. It is immediately adjacent to the designated Norfolk Broads area, the boundary of which is located on the opposite side of Church Road to the appeal site. This area has equivalent status to a National Park. The National Planning Policy Framework (the Framework) requires that development within the setting of a national park should be sensitively located and designed to avoid, or minimise, adverse impacts on the designated areas. Nevertheless, this has to be considered alongside the Framework's recognition that minerals can only be worked where they found. In addition, the Framework requires that a steady and adequate supply of aggregates should be planned for and that mineral planning authorities should maintain landbanks of at least 7 years for sand and gravel.
17. The appeal site comprises a single agricultural field and is largely enclosed by a wide band of established tree planting. It does not contain any landscape features of any significance or that are unique to the area. The surrounding landscape is relatively flat and open. However, the tree screening around the site would conceal the quarry workings except where they may be visible though the site access, which would be a limited viewpoint from the southern end of Crab Apple Lane. At times when the trees in this screening are not in leaf, there would be some visibility of the screening mounds which would be constructed on parts of the site boundary. These screening mounds would appear as unnatural features in the landscape whilst the quarry was in operation but would be of a temporary nature and would be removed at the end of the working period.
18. Because of the relatively short term nature of the development and the restoration of the site to lowland meadow grassland, the proposal would not have an overall unacceptable impact on the appearance, quality and character of the landscape, countryside and visual environment more generally, or the special character of the Norfolk Broads. The temporary change in appearance would be reversed at the end of the development. This would comply with the relevant requirements of Policies MW1 and MIN25 of the NMWLP which expect development to not cause harm to the appearance, quality, and character of the landscape, countryside, and visual environment and to provide appropriate mitigation for any landscape or visual impact.

The effect on Heritage Assets

19. There are a number of Listed Buildings in the vicinity of the site including two Grade I Listed churches, the Church of St Mary [List Entry No: 1169126] to the immediate south of the appeal site, and the Church of St Matthias [List Entry No: 1306674] approximately 500m to the north west of the site. Within the churchyard of St Mary's are the Grade II listed Haddiscoe War Memorial [List Entry No: 1453240] and a Grade II listed Monument to William Salter [List Entry No: 1373170] set into the churchyard wall. Just to the north of the site is the Grade II White House Farmhouse [List Entry No: 1373172] on Thorpe Road and further to the north west on Church Road, Thorpe Hall [List Entry No: 1050527], close to the Church of St Mathias, is also a Grade II listed building. The proposal would not directly affect any of the listed buildings/structures and any effects would be on the setting of these.
20. Historic England have raised concerns in terms of the effect on the setting of the Grade I Church of St Mary and also the Grade I listed St Matthias Church to the north of the site due to its group value. Historic England particularly mention noise, vibration, dust, and traffic effects on the setting of the Church of St Mary, in addition to any visual effects. The main parties are agreed that the effects of the proposal are limited to the effect on the setting of the Church of St Mary.
21. The Glossary to the Framework defines the setting of a heritage asset as the surroundings in which a heritage asset is experienced. It also notes that the extent of the setting is not fixed and may change as the asset, and its surroundings evolve. It further notes that elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance, or may be neutral. The contribution that setting makes to the significance of the heritage asset does not depend on there being an ability to access or experience that setting.
22. The Planning Practice Guidance notes that although views of or from an asset will play an important part in the assessment of impacts on setting, the way in which we experience an asset in its setting is also influenced by other environmental factors such as noise, dust, smell and vibration from other land uses in the vicinity, and by our understanding of the historic relationship between places.
23. The Church of St Mary is listed Grade I, which is a building of exceptional importance. The building is a round tower church dating from the 11th century onwards. It is one of a relatively large number of similar buildings predominantly found in Norfolk. The church stands in a churchyard to the south of the appeal site on the opposite side of the B1136 road.
24. The significance of the building arises primarily from its architectural and aesthetic value as a well-preserved example of a Saxon/Norman church of a distinctive local form, which was later altered and adapted as a result of changes in liturgical practice. It also has historic interest and communal/social interest as a church which has served the surrounding area for nearly 1,000 years. The church is sited on a localised high point resulting in the church tower being a prominent feature in the surrounding landscape, particularly in long views from the west along the B1136 Lodden Road. There are also views of the church tower above the treeline from Bridleway 5 within the site. The wider countryside setting reflects, and is indicative of, the area that historically was served by the church.

25. The appeal site contributes to the setting of the Church of St Mary in so far as it forms part of the agricultural/countryside setting of the building. However, the evidence indicates that there has not been a functional or ownership connection between the appeal site and the church. In addition, this wider setting has altered over time as the village of Haddiscoe has expanded. Field boundaries have changed, particularly within the appeal site where historic field boundaries have been lost and the site amalgamated into one large field. More recently, significant tree planting has been introduced around the boundaries of the appeal site that has developed into a prominent feature. As a result, the appeal site only makes a minor contribution to the understanding of the significance of the building.
26. As set out above, the appeal site is bounded by a well-established tree belt which the evidence suggests has developed over a period of around 20 years. It is also proposed that during the operational phase of the proposed quarry a temporary screening bund would be constructed inside the tree belt, opposite the end of Church Lane. Whilst the proposal would introduce quarry workings within the setting of the Grade I listed building, these would be screened by the tree belt along Lodden Road. The boundary tree belt also occludes views across the site from Church Road and Crab Apple Lane. I accept that the screening value of the tree belt will be reduced during those months when the deciduous trees within it are not in leaf, nonetheless, the density of the planting would still provide visual filtering and opposite the church a screening bund is to be constructed behind the tree belt. From within the site, the top of the church tower is visible above the tree belt from the bridleway.
27. It is only from the bridleway that the quarry workings would be seen at the same time as the church tower. The effect on the setting would likely be greatest during the later phases of the development when the route of the bridleway would be diverted behind the screening bunds on the site boundary. This would have an adverse effect on the setting of the listed building for the duration of the works.
28. Whilst I have noted the comments of Historic England, although views from the tower would be affected during the operational period, from other evidence put to me special arrangements are required to access the tower.
29. The Planning Practice Guidance (PPG) Minerals chapter identifies noise limits for minerals working². These are that at noise-sensitive properties, noise does not exceed the background noise level by more than 10dB(A) during normal working hours, unless this would be difficult to achieve without imposing unreasonable burdens on the operator, and that in any event, the total noise from the operations should not exceed 55dB(A) LAeq, 1h (free field). The PPG also allows for a higher noise limit of up to 70dB(A) LAeq 1h (free field) for a temporary period to facilitate essential site preparation and restoration work and construction of baffle mounds.
30. The appellant's noise evidence sets out that during most phases of the works, the noise levels at the church would be equal to, or less than, 10dB(A) above the background noise levels, except during Phase 3 of the works where the upper limit of 55dB(A) would not be exceeded, and Phase 4 when soil stripping and final restoration would be taking place. However, at these latter times, allowance is

² Paragraph: 021 Reference ID: 27-021-20140306

made for an upper limit of 70dB(A) as the works would be of a relatively short duration.

31. There is no estimated noise level for within the churchyard. However, the evidence indicates that at Lodden Road the increase in noise levels would be more than 10dB(A) above background noise levels during early phases but not in excess of 55dB(A) at any time, and equal to or below 10dB(A) in the three later phases.
32. These PPG limits relate to amenity, or nuisance noise, and this is different from the way in which heritage assets are experienced in their settings. The acoustic character of the area around a heritage asset also contributes to the surroundings within which the asset is experienced. In this context, the effect of noise has to be considered differently from nuisance noise. I noted when I visited the site that within the churchyard at the north side of the church, perceived noise was relatively low. Nevertheless, there was some road noise from traffic on the B1136 Lodden Road. The submitted evidence³ indicates that at St Mary's Church the development would result, in predicted highest noise levels of between 50 and 53 dB compared to the background noise level of 44 dB. The highest noise levels will vary over the working time of the quarry being highest in the early phases of the site closest to the church and lowering in the later phases as the works progress further away. Within the churchyard, closer to the appeal site, noise from the proposed workings would be more noticeable at times when the bunds are being constructed and during the early phases of mineral extraction. It is agreed by the parties that for a temporary period of approximately 5 years (during Phases 1, 2, 3, 4 and 5 of the quarrying), there would be a clear and perceptible adverse change in the character of the soundscape found at St Mary's Church. This would result in the tranquillity score changing from Fair to Neutral. At times when the quarry would not be operating, during the evenings, on Saturday afternoons, or on Sundays, this change in tranquillity would not occur.
33. Although the noise levels would be within the guidelines set out in the PPG, changes to the noise climate in the vicinity of a heritage asset will have an effect on the way in which that asset is experienced. As such the increased noise and reduction in tranquillity would be harmful to the setting of the Church of St Mary, albeit for a temporary period and ending once the development was completed.
34. In terms of vehicle movements, the church lies a short distance to the south of the B1136 Lodden Road with parts of the churchyard lying between the two. I observed when I visited the site that the B1136 was relatively lightly, although regularly, trafficked. I also noted that the A143 road which runs through Haddiscoe village and then passes to the south of the churchyard carried a greater number of vehicle movements. I do, however, recognise that this will be different at other times of the day. Nevertheless, regular traffic movements are a feature within the setting of the church.
35. Gravel would be transported from the site to Norton Subcourse Quarry for processing. Vehicles would exit the site via Crab Apple Lane and then travel west along the B1136 to access a private haul road, which is accessed from Ferry Road, to reach the Norton Subcourse site. The evidence indicates that there would be approximately 38 daily HGV movements during the proposed operational

³ Statement of Common Ground on Noise Tables 2.1 and 2.2

hours of the quarry, roughly equating to 2 vehicles entering and 2 vehicles leaving the site every hour during the working day.

36. The junction of Crab Apple Lane with the B1136 is approximately 200m from the Church of Saint Mary. Although it is within the wider setting of the church, no heavy good vehicles associated with the appeal site would pass in front of the church itself. There are no restrictions on other heavy good vehicles using the B1136. Whilst the proposal would result in an increase in vehicles using the Crab Apple Lane junction and moving through the wider setting, due to the distance from the church and its immediate setting of the churchyard, and within the context of the overall number of other vehicle movements on the B1136, this aspect of the proposal would not have any noticeable effect on the ability to understand and appreciate the significance of the church.
37. Because of the proximity of the church and churchyard to the appeal site there is some potential for the deposition of dust generated from the workings. The evidence indicates that the prevailing wind direction is from the south west. As such this would blow any fugitive dust that did escape from the site away from the church and churchyard for much of the time. The proposal also incorporates dust mitigation measures including screening bunds, ceasing dust generating activities above a certain wind speed, and restricting the speed of vehicles within the site. The main parties are in agreement that the proposed dust mitigation measures would suitably control dust generated at the site.
38. Whilst there is a possibility that some fugitive dust may escape from the site on occasions, there is no evidence that any depositions of dust would adversely affect either the church or churchyard, or that these would be harmful to the understanding of the significance of the listed building.
39. The effects of the proposal on the setting of the Church of St Mary would be time limited to the 8 year period during which the quarry works would be operational, and the subsequent restoration works undertaken. As a result of the restoration of the site, its appearance would change. Nevertheless, change does not necessarily equate to either harm or loss of significance. The proposed restoration scheme would return the site to a rural/agricultural appearance with potentially more visual interest than the current single large field. There is nothing in the evidence which suggests that this would better reveal the significance of the church but, nonetheless, in the longer term this would result in a broadly neutral overall effect on the setting of the church.
40. Drawing these strands together, the proposal would result in harm to the setting of the Church of St Mary. It would be restricted mainly to the experience of the church tower from Bridleway 5 during the lifetime of the quarry, when users of the Bridleway would both see the quarry workings and be exposed to noise from the quarry workings due to their proximity. Operational noise would also have an adverse effect on the acoustic environment within the more immediate setting of the church during the operational period. This harm would, however, be less than substantial and would be time limited to the operational and restoration phases of the quarry.
41. The Church of St Mathais to the north west of the site, is another round tower church dating from the eleventh century onwards. Similarly to the Church of St Mary, the significance of the building is primarily derived from its architectural and

aesthetic value. It is notable that the church has a thatched nave. It also has historic value as a good example of a Saxon/Norman church of a locally distinctive design that has historic interest and communal/social interest as the church which served the adjacent Thorpe Hall and the surrounding area for nearly 1,000 years.

42. The appeal site forms part of the wider countryside setting of the church, although due to the topography and the presence of tree screening around the perimeter of the appeal site together with the well-established trees that are present around the churchyard there is very limited intervisibility, with the top of the tower being visible in the middle distance in views from Crab Apple Lane. Due to the screening around the site, the quarry workings would not be seen in the same views as the church tower.
43. There is the possibility that from the top of the tower of the Church of St Mary there would be views to the tower of St Mathias with the quarry workings in the foreground. Nevertheless, as set out above, access to the church tower is by arrangement. There is nothing in the evidence which would indicate that the two churches were deliberately sited to provide intervisibility or to form part of a designed view. The respective List Entries make no reference to any group value of the two churches.
44. The evidence before me does not indicate that there was any functional or historic connection between the appeal site and the Church of St Mathias. Although the appeal site forms part of the wider countryside setting of the church, the combination of the distance of the church from the appeal site, the screening of the quarry workings by the perimeter planting, and the time limited duration of the works would result in the proposed development having a neutral effect on the setting of this building.
45. White House Farmhouse, located on the opposite side of Thorpe Road a short distance to the north east of the appeal site, is an early 18th century farmhouse which is now a private dwelling and not associated with an agricultural use. From the submitted evidence, its significance is primarily derived from its built form, and it has architectural, aesthetic, and historic value as a well-preserved survival of a large, linear, brick-built farmhouse typical of the local vernacular style. Although the evidence indicates that historically it had a larger landholding, including parts of the appeal site, this has reduced over time to the current much smaller curtilage. The functional link to the appeal site has been lost and the immediate setting has been altered both by the transition of the house away from agricultural use and by more recent developments around it. Due to changes in level and the presence of roadside hedgerows, there is limited intervisibility between the building and the appeal site. The proposed development, although within its wider setting, would not undermine the ability to discern the house's historic agricultural associations. I find that the proposed development would have a neutral effect on the setting of this building.
46. To the north north west of the appeal site, some 315m away, Thorpe Hall is a timber framed farmhouse dating from the 16th century. Its significance is primarily derived from its architectural, aesthetic, and historic value as a well-preserved survival of a large, H-plan timber box-framed dwelling which is typical of the local vernacular style. The evidence indicates that the site was formerly occupied by a palace of the Bishops of Norwich and there is some further historical interest in this respect. Although historically having a larger landholding, there is no evidence

before me that indicates the appeal site was part of this and there is no historical functional relationship between Thorpe Hall and the appeal site. There is a degree of intervisibility between the appeal site and Thorpe Hall from Crab Apple Lane outside the site. However, from what I have read and from what I saw when I visited the site, the appeal site does not make a contribution to understanding the significance of Thorpe Hall, beyond being a part of its wider countryside setting. I find that the proposed development would have a neutral effect on the setting of Thorpe Hall.

47. Whilst all heritage assets have a setting, it is common ground between the parties that the setting of Haddiscoe War Memorial and the Monument to William Salter are not affected by the proposal. I would concur with this as they are located within a part of the churchyard to the south of the church and they are largely experienced within the context of that particular part of the churchyard and also, in the case of the war memorial, from parts of Beccles Lane (A143) which runs to the south of the church.
48. The appeal proposal would result in mineral workings taking place within the setting of the Grade I listed Church of St Mary. It is common ground between the main parties that the allocation of the site for sand and gravel extraction in the NMWLP anticipates that there would be a level of harm to its setting. Based on the evidence before me, I have found that for the proposal would result in harm to the significance of the Church of St Mary due to development within its setting. However, that harm would be restricted to slight changes to the acoustic environment, and effects on the perception and appreciation of the church from Bridleway 5 during the operational phase and be temporary during the duration of the extraction and restoration works.
49. Paragraph 212 of the Framework advises that when considering the impact of development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The Framework notes that the more important the asset, the greater the weight that is required to be given to its conservation. Paragraph 213 advises that any harm to the significance of a designated heritage asset should have a clear and convincing justification. Given the above, I find the harm to be less than substantial in this instance but, nevertheless, of considerable importance and weight. Under such circumstances, paragraph 215 of the NPPF advises that this harm should be weighed against the public benefits of the proposal.
50. The appellant is of the opinion that the proposal would be beneficial because it would allow a greater proportion of the overall mineral reserve at Norton Subcourse quarry to be utilised⁴. There would also be economic benefits in terms of continued employment for local staff, contractors and sub-contractors; local business rates contributions and contributions to the aggregates levy. There would be some longer term biodiversity benefits resulting from the restoration of the site to a species rich meadow grassland.
51. The appellant also sets out that there would be landscape, visual, and public access benefits in the form of an additional stretch of permissive footpath running from Bridleway 5 to the north west corner of the site with the provision of a bench

⁴ The evidence indicates that the material at Norton Subcourse does not contain as high a proportion of gravel as originally thought. This would result in a decreased output from this site and a reduced contribution to the supply of County's output of construction aggregates.

seat and interpretation board; the removal of the overhead electricity line which crosses the site from views of the tower of the Church of St Mary; and the reinstatement of Bridleway 5 on its definitive route. It is suggested that there would be climate change benefits in terms of carbon sequestration from the new areas of woodland and hedgerows included in the restoration scheme.

52. The principal benefit arising from the scheme is the effect of facilitating a greater use of the existing mineral resource at Norton Subcourse quarry which would help maintain the minerals landbank in the area and meet the shortfall of supply identified in the NMWLP. This would provide locally sourced construction materials to support new house building and other construction projects in this part of the county. It would also maintain existing local employment. This weighs significantly in favour of the proposal.
53. Moderate weight can also be given to the biodiversity gain and carbon sequestration benefits of the scheme and to the slightly improved public access to the site arising from the formation of a new permissive path at the western side of the site.
54. Grade I listed buildings are of exceptional interest and, consequently, very great weight has to be given to any harm to their significance. That said, minerals can only be worked where they are found and the Framework notes that when determining planning applications, great weight should be given to the benefits of mineral extraction, including to the economy. It also has to be borne in mind that the proposed development would be temporary in nature and the effects that would occur during the lifetime of the development would be largely reversible once the development was completed.
55. I am also mindful that it is common ground between the parties that the benefits of the proposal outweigh the less than substantial harm to the setting of the Church of St Mary. The harm to the setting would be slight and of limited duration. It would be effectively reversed when the development was completed. In these circumstances, I find that the benefits of the scheme outweigh the harm that would result and provide a clear and convincing justification for this harm over the short term.
56. Given the above I conclude that, on balance, the proposal would preserve the setting of the Grade I listed building the Church of St Mary and that of the other listed buildings in the vicinity of the site. This would satisfy the requirements of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Paragraphs 210 and 224 of the Framework. The proposal would not conflict with the relevant requirements of policies MW1 and MIN25 of the NMWLP which seek, among other things, to ensure that proposals for mineral extraction do not have an unacceptable impact on heritage assets.

Living conditions of nearby residents

57. There are a number of residential properties in proximity to the appeal site which would potentially be affected by noise and/or dust from the proposal.

Noise

58. The principal noise sources from the operations would be the plant and machinery operated at the site. Sand and gravel would be extracted using a 360 degree

excavator. The extracted sand and gravel would be separated using a mobile screening plant. The excavated material would be loaded onto the screening plant using a loading shovel, which would also be used for loading screened gravel into an HGV for export off site. During soil stripping and restoration operations, the excavator and two dump trucks would be utilised alongside a bulldozer for spreading the fill material. In addition to mechanical noise there would be noise generated by material being loaded into the dump trucks, screening plant and n.

59. A range of noise mitigation measures are proposed including: 3m high boundary soil bunds on the northeastern and south western boundaries of the site, and in the north west corner, between the proposed working area and residential properties; an additional 3m high soil bund along the eastern boundary during Phases 3 and 4; an extraction limit around 100m from the rear façade of properties; restriction of the hours of operation to 08:00 to 17:00 Monday to Friday and 08:00 to 13:00 on Saturdays; and a reduction in the number of dump trucks to one during the final restoration of phases 5 and 6 when workings are closest to residential properties.
60. The screening machinery would be located and operated at the extraction face in the mineral void. It is stated that the screen would be positioned at least 200m from any noise sensitive property.
61. It is common ground between the main parties that the noise survey results included in the Environmental Statement were unreliable and target noise levels, derived from these, were too high by a significant margin. It is not in dispute that if the noise mitigation measures now proposed in the development application are implemented, then an acceptable noise environment at the nearby residential properties would be achieved. It is also common ground that whilst additional noise mitigation could be put in place, this would represent an unreasonable burden on the operator.
62. The predicted highest noise levels from normal operations at the closest residential receptors would, in most cases, exceed 10dB above the background noise levels but would not exceed the 55dB maximum set out in the PPG. The prevailing background noise levels in the surrounding area are low, and I noted when I visited the site and the area that road noise from traffic on the B1136 was the most noticeable noise source. This road noise was more noticeable to the south of the appeal site but less so on Thorpe Road, Church Lane, and the northern part of Crab Apple Lane.
63. The effects of noise are to an extent subjective and depend on the individual receptor's sensitivity. The current background noise levels are subjectively very quiet, with typical background levels of 33 to 35dB LA90. Consequently, increases in noise over the background level of between 10 and 20dB, as predicted by the evidence, would result in a noticeable change to the noise environment in the vicinity of the appeal site. However, the extent to which individual properties would experience increased noise levels would vary, depending on which stage the quarrying operation was at as the workings progress around the site. As a result, the highest levels of noise would not be experienced by the closest receptors for the entire duration of the quarrying operation.
64. It should also be noted that the agreed typical ambient noise levels at residential receptors in the surrounding area range from 44dB(A) LAeq,T to 55 dB(A) LAeq,T

and the highest predicted noise levels from the quarrying operations and restoration would range from 43dB (A) LAeq,T to 55dB (A) LAeq,T. Whilst at some locations the site generated noise would exceed the ambient noise level, at others it would be equal to or less than the prevailing ambient noise level.

65. The World Health Organisation Guidelines⁵ state that in external areas such as gardens, noise can cause moderate annoyance when it is above 50dB, and serious annoyance when it exceeds 55dB. The evidence indicates that the highest predicted external noise levels from the proposal would not exceed 55dB. Although there would be times when noise levels between 50 and 55dB would occur at some receptors, these would not be for the entire duration of the quarrying operation due to its phased nature.
66. Within this overall context, although there would be a noticeable change to the noise environment at residential receptors in the vicinity of the appeal site, this would vary during the course of the operation of the development and would not exceed the 55dB (A) LAeq maximum set out in the PPG. As such I find that whilst the development would cause some degree of disturbance as a result of noise, this would not be of a sufficient magnitude to cause it to conflict with the relevant requirements of Policies MIN 25 and MW1 of the NMWLP. These expect the submission of a satisfactory noise assessment and for minerals development not to have an unacceptable impact on local amenity as a result of site generated noise.

Dust

67. It is also common ground between the main parties that subject to an agreed Dust Management Plan that includes real time dust monitoring and provisions to cease dust generating activities at the site if PM10 concentrations reach a set trigger level, the appeal proposal would adequately protect and mitigate amenity to acceptable levels with regards to dust emissions.
68. The interested parties raise a point in respect of respirable dust, particularly with regard to PM2.5 particulate matter and recent changes to air quality targets in respect of these. The Environmental Targets (Fine Particulate Matter) (England) Regulations 2023, which introduced lower target values for PM2.5, were considered as part of the Environmental Statement Addendum submitted with the appeal. This identifies that the mean background concentrations of PM10 and PM2.5, taken from the DEFRA background concentration maps, are well below the 2040 annual mean concentration target.
69. The air quality evidence submitted by the Council⁶ sets out that the particle size of sand and gravel is greater than 2.5 microns. The appellant's evidence also indicates that for mineral sites, most emissions will be in the coarse fraction rather than the fine fraction, with only approximately 10% being PM2.5. Other than separation of the sand and gravel, no processing on site is proposed which would break down the material to form smaller particles. It is also noted that the combustion of fuel in vehicles and machinery at the site would account for most PM2.5 emissions from minerals workings. The Environmental Statement Addendum states that all of the HGV's operated by the appellant meet the

⁵ World Health Organisation – Guidelines on Community Noise 1999

⁶ Penny Wilson - Technical Note: Dust 4 February 2025.

minimum emission standard for the London Low Emission Zone and that where appropriate plant can be sought it would also be compliant with this standard.

70. Whilst the site is not within London, the use of vehicles and plant that meet the standard for the Low Emission Zone indicates that the proposal seeks to minimise PM2.5 emissions from fuel combustion where practical. There is nothing in the evidence from any party to indicate that this source would result in emission levels that would be harmful.
71. I have noted the World Health Organisation guidance⁷ that has been referred to by the interested parties, and which recommends target levels for PM2.5 and PM10 of 5µg/m³ and 15µ/m³ respectively. These are lower than the current UK and European target levels. I have noted the interested parties point that decisions should be based on the most recent science, nevertheless, the World Health Organisation state that the achievement of these levels is an ultimate goal and also that the levels of 5µg/m³ for PM2.5 and 15µ/m³ for PM10 are for long term exposure. The appeal proposal would potentially have some short-term effects in respect of fugitive dust, but this would cease once the works were completed and the site restored. The evidence before me does not indicate that the current UK standards would be exceeded, provided the mitigation measures incorporated in the appeal proposal and the Dust Management Plan are implemented.
72. I therefore find that subject to appropriate conditions being imposed, the proposal would comply with the relevant requirements of Policies MIN 25 and MW1 of the NMWLP. These expect the submission of an acceptable dust assessment and a programme of mitigation measures to deal appropriately with any amenity impacts, including a standoff distance between the working area and sensitive receptors to air quality, and for minerals development not to have an unacceptable impact on local amenity and health as a result of dust.
73. Drawing these strands together, I conclude that the proposed development would not cause harm to the living conditions of the occupiers of nearby residential properties, with particular regard to dust/air quality and noise. It would comply with the relevant requirements of Policies MW1 and MIN25 of the NMWLP.

Compliance with development plan policy

74. The NMWLP sets out a strategic objective of providing a steady and adequate supply of aggregate minerals by identifying adequate mineral extraction sites to meet the forecasted need and by maintaining a landbank for sand and gravel of at least 7 years. It also sets out that to meet the forecast need for sand and gravel from 2023 to 2038 it is necessary to allocate sites within the County to provide 6.91 million tonnes of material. The appeal site is one such site and is allocated for the extraction of 1,300,000 tonnes of sand and gravel by Policy MIN25 of the MWLP.
75. The Council currently has a permitted reserve of sand and gravel which provides a landbank in excess of 7 years. However, in order to plan for future growth, the Council has identified that a further 6.91 million tonnes of sand and gravel would be required to maintain the landbank. The appeal site has been allocated to help

⁷ WHO global air quality guidelines: particulate matter (PM2.5 and PM10), ozone, nitrogen dioxide, sulfur dioxide and carbon monoxide 2021

meet the identified shortfall in the sand and gravel landbank set out in the NMWLP.

76. Policy MIN 25 sets out a number of criteria that must be met if the appeal site is to be developed. I have found above that the proposed development would not have an adverse effect on the living conditions of nearby residents in terms of noise and dust. I have also found that there would be no harm to the character and appearance of the area and although less than substantial harm would be caused to the setting of the Church of St Mary, the benefits of the proposal would outweigh that harm. There is no substantive evidence before me which would indicate that: the phased working and restoration scheme is not acceptable; that opportunities to study geodiversity during operations would not arise; that the proposals for the diversion and reinstatement of Bridleway 5 are not suitable; that water mains crossing the site cannot be accommodated or diverted; that suitable archaeological assessments cannot be carried out; that there would be unacceptable impacts on the highway network from site traffic; or that the proposal would not be provided with a suitable access. As noted above, it is common ground between the main parties that the proposal would comply with Policy MIN 25. For the reasons set out above, I have no reason to find otherwise.
77. NMWLP Policy W1 sets out a number of general development management criteria for minerals development, some of which overlap with the requirements of Policy MIN 25. I have found that the proposal would not have an unacceptable effect on local amenity, the historic environment, the Norfolk Broads or the character and quality of the area and there is no substantive evidence that the other provisions of Policy MW1 are not satisfied.
78. It is common ground between the parties that the appeal proposal does not offend any other policies in the NMWLP, the South Norfolk Local Plan - Site Specific Allocations and Development Management Policies 2015, or The Greater Norwich Local Plan 2024. There is nothing in the evidence that has been put to me which would lead me to find otherwise.
79. I therefore conclude that the proposal would comply with the relevant requirements of the development plan for the area.

Other Matters

80. I have had regard to the other matters raised in representations by the interested parties. In so far as these have not been covered above, these relate to the effect on an area of nearby woodland; that the site would not yield the quantity of material stated; the proposal would have an adverse effect on tourism in the area; the reinstated Bridleway 5 would not be suitable for all users; and that biodiversity gains included in the proposal could be lost to future development of the site.
81. With respect to the area of woodland known as Bluebell Wood to the south of the appeal site and to the west of the Church of St Mary and which runs alongside the watercourse called Landspring Beck, Natural England have advised that whilst this is long established woodland it is not ancient woodland. Whilst this is an important feature, it is not an irreplaceable habitat.
82. There is no substantiated evidence to suggest that the development would alter groundwater flows toward the Landspring Beck such that this area of woodland would be adversely affected. Nor is there any indication that, subject to good

working practices being followed, the proposal would result in any pollution of the groundwater. With regard to dust, the prevailing wind direction is away from Bluebell Wood. Whilst the wind rose indicates that although the area experiences winds from the north east, blowing towards the site, these are less frequent, and strong winds are not as common. The evidence does not indicate that there would be a significant effect on this area of woodland from dust deposition.

83. As originally submitted, the appeal proposal did not include a 100m standoff from residential properties in the vicinity of the site, but the scheme was later amended to incorporate this and the position of the screening bunds altered to accommodate the change. Although this had the effect of reducing the extent of the extraction area, the appellant did not reduce the predicted output in the amended supporting documents. Whilst the interested parties suggest that the amendment to the extraction area would reduce the output of the site by 10-15%, this is not supported by any technical information that would demonstrate that this would be the case. The appellant remains confident that the site will yield the predicted quantity of gravel.
84. With regard to the potential effect on tourism and tourism related businesses in the area, I have found that the appeal proposal would not have an adverse effect on the character and appearance of the area generally and would only have a relatively minor, short term, effect on the setting of the Church of St Mary. I have also found that the proposal would result in a suitable noise environment and that dust could be adequately controlled. No substantiated evidence has been put to me that the appeal proposal would deter tourists from visiting the area and a generalised fear of a potential adverse effect is not a reason to refuse planning permission.
85. Concerns were raised in respect of the effect on Bridleway Number 5 both during the works and following restoration. Bridleway 5 currently crosses the site from a point on Church Road to a point on Crab Apple Lane. I saw when I visited the site that although the bridleway is signposted from Church Road, the termination point on the ground does not correspond to the point shown and described in the Definitive Map and Statement. Consequently, the route which is currently signposted does not appear to be on the actual recorded, defined, route and is shorter than that shown on the Definitive Map. At the time of my site visit the current route was only faintly visible on the ground. I also noted that, similarly, Bridleway 4 to the east which forms a continuation of the route, although signposted, was also only faintly discernible on the ground. This suggests a relatively low level of use of the route.
86. It is proposed that the Bridleway would be temporarily diverted around the edge of the site during the working of Phases 5 to 7. It is not uncommon for public rights of way to be temporarily diverted during mineral workings or other developments. This is subject to a separate legal process which is not before me as part of this appeal. It is to be expected that suitable security fencing would be installed to prevent access to the working areas from the Bridleway. Although the experience of the using the bridleway would be altered during the working period, nothing has been put to me that would indicate that during the working period of the site that the use of the Bridleway would be inherently unsafe.
87. It is proposed that as part of the restoration of the site, Bridleway 5 would be reinstated on its definitive route. As the restoration of the site would not involve

the importation of additional material, the site would be restored to a lower level than at present. The concept restoration plan shows the proposed new landform dipping to a low point located towards the centre of the site. As a result, the reinstated Bridleway crossing the proposed new contours would also dip towards the middle of its route. At the western end, the route would be at approximately 14 metres above Ordinance Datum and at the eastern end approximately 12 metres above Ordinance Datum. This corresponds to the current ground levels. The appellant has confirmed that the lowest point of the new route would be 8.5 metres above Ordinance Datum and that the maximum gradient at the steepest point would be 1:12 over a short stretch.

88. At present the route of the Bridleway rises very gently from east to west as the landform rises. The concerns raised by interested parties relate to the useability of the Bridleway by elderly and disabled users. No evidence has been adduced as to the number of users of the bridleway, or the number of the users that would fall into these groups. Nor has any relevant design criteria for Bridleways been referred to. In the absence of any such evidence, a gradient of 1:12 is typically the maximum acceptable gradient for a ramp in public spaces. No evidence has been put to me that such a gradient would not be manageable by elderly or disabled users.
89. This notwithstanding, the bridleway currently does not have a hard surface but rather consists of trodden earth. As such, this is likely to be a disincentive to disabled or elderly users, particularly during inclement weather when the ground may be soft or wet. The reinstatement would not result in a less favourable walking/riding surface as it would remain an unsurfaced route. There is no suggestion that the Bridleway would or should be reinstated with a hard surface.
90. The Council's Rights of Way Officer has confirmed that they would be content for the details of the reinstatement alignments and gradients to be the subject of a condition, and the main parties have suggested a condition to this effect. Within this context, I am satisfied that there would not be any adverse effects on the Public Right of Way, or its users, as a result of the proposed development.
91. Concerns were also raised that the site may be redeveloped in the future which would result in the biodiversity gain that is proposed by the appeal scheme being lost. As with the concerns regarding a possible adverse effect on tourism, a generalised concern about potential future development on the site is not a reason to withhold planning permission. Nevertheless, the present scheme is not subject to mandatory biodiversity net gain but any future proposals on the site would be likely to be subject to this. Any future development proposal would have the biodiversity value of the restored site as the baseline for any mandatory biodiversity net gain and in any event would have to be considered on its own merits.
92. I have had regard to all of the other points raised, but none of these, either singly or collectively, lead me to a different overall conclusion.

Conditions

93. I have been provided with a list of conditions that the parties suggest should be attached to any grant of planning permission.

94. The appeal scheme proposed the extraction of minerals followed by the restoration of the site. To ensure that this is carried out in a timely manner, it is necessary to impose a condition that limits the duration of the permission and requires that the restoration be carried out within that time limit. It is also necessary to add to the standard condition relating to commencement a requirement that the developer notifies the Minerals Planning Authority of the date of commencement. This would trigger the condition restricting the duration of the permitted operations. In order to provide certainty regarding what has been permitted it is necessary to include a condition setting out the approved drawings. The suggested condition included a number of documents along with the Environmental Statement. Notwithstanding that these are not drawings or plans, the inclusion of documents in their entirety fails the test of precision and introduces uncertainty with regard to what is required to comply with the terms of the planning permission. The relevant requirements of these various documents are included in other suggested conditions, and I have therefore omitted these documents from the list of approved drawings.
95. To ensure that the site is developed in accordance with the planning permission and that proper monitoring of the output is undertaken, it is necessary to impose a condition that requires records of the monthly output to be kept and made available to the Minerals Planning Authority.
96. In order to avoid potential interference with, or pollution of, groundwater, it is necessary to restrict the depth of the workings to no lower than 0m above Ordnance Datum. It is also necessary to impose a condition requiring that there be no dewatering of the site in order to protect the groundwater environment and to ensure that the site is effectively drained to prevent pollution and mitigate against the risk of increased flooding. To ensure that the effects of the proposal on nearby properties and the surrounding area are minimised, a condition is necessary that requires the development to be carried out in accordance with the scheme of phasing set out in the Environmental Statement and submitted drawings.
97. In order to ensure that an access suitable for use by HGVs is available for the transport of material off-site, it is necessary to impose a condition that requires details of the proposed access to be submitted for approval and implemented prior to the commencement of minerals being extracted. In the interests of the appearance of this part of the countryside, it is also necessary that provision is made for the removal of that vehicular access as part of the site restoration once the extraction of minerals has ceased. In order to ensure that the carriageway of Crab Apple Lane is not obstructed, a condition is necessary requiring that any security gates open into the site and are situated at a minimum of 8 metres from the carriageway in order to allow an HGV to wait outside of the site and clear of the highway.
98. In the interests of highway safety, it is necessary to restrict the number of vehicular access points from Crab Apple Lane and require that the existing field access to the appeal site be temporarily closed for the duration of the permitted works. Also in the interests of highway safety, it is necessary to impose conditions requiring suitable visibility splays from the new access point to be formed and kept clear of obstruction and for a section of Crab Apple Lane to be widened to allow two HGVs to pass on the carriageway.

99. No details of an internal site compound have been submitted. In order to prevent obstruction of the carriageway and in the interests of highway safety, it is necessary to provide a parking and turning area within the site to enable site operative's vehicles to be parked within the site and to ensure that all vehicles are able to turn within the site and to re-enter the public highway in forward gear.
100. In order to maintain the efficient operation of the highway network, in the interests of highway safety, and to minimise the effect of the development on residential properties in the area, it is necessary that a HGV management plan for the routing of vehicles to and from the site be submitted to the Minerals Planning Authority for approval and is thereafter implemented. Due to the nature of the development, there is potential for vehicles leaving the site to track mud or debris onto the highway and, consequently, it is necessary to impose a condition requiring that vehicles leaving the site are suitably cleaned and covered to ensure that this does not occur.
101. Due to the proximity of residential properties to the appeal site, it is necessary to restrict the site working hours in order to minimise any effects of the proposal on the living conditions of nearby residents and on the setting of the Church of St Mary. Also because of the proximity of residential properties it is necessary to impose a condition requiring that the plant and machinery to be used on the site is fitted with suitable silencers.
102. Details of a site office/staff facilities and the proposed mobile screening plant were not included in the submissions. It is therefore necessary, in the interests of the appearance of the area, that details of these be submitted to the Minerals Planning Authority for approval.
103. In order to achieve the agreed level of noise mitigation to minimise the effect of the development on nearby residential properties and the surrounding area, it is necessary to impose a condition requiring the screening bunds on the site boundaries be extended as agreed in the Statement of Common Ground on Noise. For the same reason, it is necessary to include conditions which set maximum noise levels at the identified noise sensitive receptors; prevent the use of tonal reversing alarms on HGVs and vehicles or plant operating on the site; and to require that the noise mitigation measures included in the proposal are implemented.
104. In order to minimise the effects of the proposal on nearby residential properties and the surrounding area, it is necessary to attach a condition requiring that the proposed dust mitigation is implemented.
105. The submitted Environmental Statement identifies that the site has some potential archaeological interest, and, due to the nature of the development, any archaeological evidence would be lost. To ensure that any archaeological remains present are properly recorded, it is therefore necessary to impose a condition requiring that the Archaeological Written Scheme of Investigation included in the Environmental Statement be implemented.
106. In order to ensure the retention and re-use of soils on the site and their proper storage during the operational phase, conditions are necessary that require the submission, approval, and implementation of a Soil Resource and Management Plan for the site; the retention of all topsoil, subsoil, and soil-forming materials on the site; all soils to be stripped before any phase of excavation is carried out; soils

to be only moved when dry; details of the method of soil storage and bund construction; and any bunds that are to remain in situ for more than 6 months or over winter are seeded with grass.

107. Because the excavation voids are to be backfilled with sand extracted from the site, there is potential for differential settlement during the restoration and aftercare of the site. To ensure that the site is restored to the levels approved in the aftercare scheme, a condition is required to achieve this and ensure that suitable infill material is imported to the site for this purpose.
108. The trees present on the site boundaries are to be retained for landscape purposes and to provide visual screening of the site. They need to be protected from damage during the construction of screening bunds and mineral extraction enabling works. It is, therefore, necessary to impose a condition requiring the scheme to be carried out in accordance with the submitted Arboricultural Method Statement.
109. The appeal scheme contains a restoration scheme which includes elements to create wildlife habitats and improve biodiversity. To ensure that the restoration scheme becomes properly established and the ecological benefits of this are achieved and maintained, it is necessary to require the submission, approval and implementation of an aftercare strategy and a longer-term management scheme to follow the aftercare period.
110. The proposal involves the temporary diversion of a Public Right of Way and its reinstatement as part of the restoration of the site. In order to limit the effect of this on users of Bridleway 5, it is necessary for details of the alignment, width, gradient, and construction of the diversion and the restored alignment of the bridleway to be submitted for approval⁸.
111. To ensure that the development operates in accordance with the planning permission and would not have unacceptable adverse effects on the natural environment or human health, it is necessary to impose a condition restricting the processing plant that can be operated on the site to a mobile screening plant for the separation of sand and gravel. To prevent light pollution and to protect residential amenity it is also necessary to include a condition preventing the installation of fixed external lighting within the site or attached to any buildings.
112. It is suggested that a condition is necessary to control related activities on the site. The Town and Country Planning (General Permitted Development)(England) Order 2015 (the GPDO) grants planning permission for certain developments including the installation of plant and machinery, and the erection of buildings and other structures on land used as a mine⁹. The Planning Practice Guidance advises that conditions restricting the future use of permitted development rights may not pass the test of reasonableness or necessity. Nevertheless, the appeal site is located adjacent to the boundary of the Norfolk Broads, is within the setting of a Grade I Listed Building and is in proximity of a number of residential

⁸ It should be noted that a grant of planning permission does not authorise the diversion of a Public Right of Way and that a temporary diversion order made by the Highway Authority under Section 261 of the Town and Country Planning Act 1990 is required to effectuate the diversion. The appellant would need to initiate this process with the Highway Authority. The diversion or stopping up of footpaths and bridleways is a separate process which must be carried out before the route is affected by the development.

⁹ The GPDO defines "mine" as any site on which mining operations are carried out; and "mining operations" as the winning and working of minerals in, on or under land, whether by surface or underground working. For the purposes of the GPDO, a quarry is the same as a mine.

properties. As such it both is in a sensitive location and bounded by sensitive properties. Consequently, it is both reasonable and necessary to impose a condition restricting the operation of the permitted development rights granted by Class A and B of Part 17 of Schedule 2 to the GPDO.

113. The proposal includes ecological mitigation measures and proposals to provide biodiversity gains as part of the restoration scheme. To ensure that these are achieved and the restoration scheme is implemented, and becomes established, it is necessary to impose a condition requiring the development to be carried out in accordance with the details set out in the Environmental Statement and the submitted ecological enhancement plan.
114. Policy MP7 of the NMWLP, which replaced Policy DM14 of the Norfolk Minerals and Waste Development Framework Core Strategy and Minerals and Waste Development Management Policies Development Plan Document 2011, restates the provision of the previous policy that restoration proposals must demonstrate that any important geology or geomorphology on the site will be retained in sample exposures for study purposes where practical and safe to do so. To comply with the requirements of Policy MP7 it is necessary to attach a condition requiring the submission of a scheme for geological recording and sampling.

Conclusion

115. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.
116. The appeal site is allocated in the NMWLP as a site for the extraction of 1,300,000 tonnes of sand and gravel. I have found that subject to the mitigation measures proposed being implemented that the proposal would not cause harm to the living conditions of nearby residents as a result of noise or dust generated at the site. Although I have found that the proposal would result in a degree of less than substantial harm to the setting of the Grade I listed Church of St Mary, this harm would be of a temporary duration and would cease to occur once the development is completed and the site restored. I have also found that the public benefits of the appeal proposal would outweigh the harm to the setting of the listed building. The proposal would satisfy the requirements of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Paragraphs 210 and 224 of the Framework. Having considered all other pertinent matters, I conclude that the proposal would comply with the relevant policies in the development plan.
117. No material considerations have been identified that would indicate that a decision should be made other than in line with the development plan. For the above reasons, I therefore conclude that the appeal should be allowed.

John Dowsett

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Killian Garvey KC	Advocate for the appellant
Helen Hudson	Planning Consultant
Michelle Dawson	Noise Consultant
Bob Thomas	Air Quality Consultant
Emma Well	Heritage Consultant
Grant Anderson	Solicitor

FOR THE LOCAL PLANNING AUTHORITY:

Ben Du Feu	Advocate for the Council
Andrew Sierakowski	Norfolk County Council Planning Department
Ralph Cox	Norfolk County Council Planning Department
Jodie Cunningham-Brock	Norfolk County Council Legal Department
Clive Bentley	Noise Consultant

INTERESTED PARTIES:

Councillor Barry Stone	Norfolk County Council
Ben Goldsborough MP	Member of Parliament for South Norfolk
Sari Kelsey	Haddiscoe Parish Council
Daryl Packer	STOPIT 2 Campaign / local resident
Marcus Aldren	STOPIT 2 Campaign / local resident
Jane Moir	Springbok Properties
Tony Burton	Local resident

DOCUMENTS

ID1 Appellant's opening submissions

ID2 Council's opening submissions

ID3 Statement by Sari Kelsey

ID4 Statement/Presentation by STOPIT 2

ID5 Statement by Jane Moir

ID6 Revised Table in respect of suggested Condition 19

Schedule of Conditions

1. The development to which this permission relates shall cease and the site shall be restored within 8 years of commencement of development, as notified under Condition 2. Restoration shall be undertaken in accordance with Drawing No. HADD009 Rev.B, Concept Restoration Plan, dated November 2024 and Drawing No. HADD010 Rev. A, Landscape Planting and Aftercare Plan, November 2024
2. The development hereby permitted shall commence no later than three years from the date of this permission. Within seven days of commencement the operator shall notify the Minerals Planning Authority in writing of the start date. Thereafter the operator shall notify the Minerals Planning Authority in writing within seven days of the commencement of each subsequent phase.
3. The development must be carried out in strict accordance with the following drawings:
 - Drawing No. 2022_05_26_H20_001, Location Plan, dated May 2022;
 - Drawing No. 2022_05-26_H20_002 Rev. A Site Plan, dated September 2023
 - Drawing No. 2022_05-26_H20_003, Location Overview, dated May 2022;
 - Drawing No. 2022_05-26_H20_004, Aerial View, dated May 2022;
 - Drawing No. 2022_05-26_H20_005, Site Survey, dated May 2022;
 - Drawing No. 2022_05-26_H20_006, Rev A Phasing Overview, dated November 2024;
 - Drawing No. J000279-01/SK101 Rev. C, Proposed Site Access, dated 19th September 2023;
 - Drawing No. HADD001 Rev.C, Phase 1, dated September 2023;
 - Drawing No. HADD002 Rev.C, Phase 2, dated September 2023;
 - Drawing No. HADD003 Rev.C, Phase 3, dated September 2023;
 - Drawing No. HADD004 Rev.C, Phase 4, dated September 2023;
 - Drawing No. HADD005 Rev.C, Phase 5, dated September 2023;
 - Drawing No. HADD006 Rev.C, Phase 6, dated September 2023;
 - Drawing No. HADD007 Rev.C, Phase 7, dated September 2023;
 - Drawing No. HADD008 Rev.C, Restoration Landform, dated September 2023;
 - Drawing No. HADD009 Rev.B, Concept Restoration Plan, dated November 2024;
 - Drawing No. HADD010 Rev. A, Landscape Planting and Aftercare Plan, dated November 2024;
 - Drawing No. HADD011 Rev. A Restoration Concept Plan: Sections A-A' & B-B', dated November 2024.
4. From the date of commencement of mineral extraction, the operators shall maintain records of their monthly output and shall make them available to the Minerals Planning Authority at any time upon request. All records shall be kept for at least 2 years.
5. No excavations shall be carried out at a depth greater than 0m AOD.
6. The development, including soil stripping, extraction and restoration, shall be undertaken strictly in accordance with the scheme of phasing set out in Chapter 3 of the Environmental Statement Volume 2, Manor Farm, Crab Apple Lane,

Haddiscoe, Norfolk, Breedon Trading Limited, dated October 2022 and approved drawings set out in Condition No.3 and as may be amended by Condition 18.

7. Prior to the commencement of mineral extraction, the vehicular access over the verge shall be constructed in accordance with a detailed scheme to be submitted to, and approved in writing by, the County Planning Authority in accordance with the highways specification and thereafter retained at the position shown on the approved plan. Arrangements shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway.

Once the development has ceased operation the access shall be removed and landscaping reinstated in accordance with Drawing No. HADD009Rev. B, Concept Restoration Plan, dated November 2024 and Drawing No. HADD010 Rev. A, Landscape Planting and Aftercare Plan, dated November 2024.

8. Any access gates/bollard/chain/other means of obstruction shall be hung to open inwards, set back a minimum distance of 8 metres from the near channel edge of the adjacent carriageway, and thereafter retained as such for the duration of the development.
9. Vehicular access to and egress from the adjoining highway shall be limited to the access shown on Drawing No. J000279-01/SK101 Rev. C, Proposed Site Access, dated 19th September 2023 only. The existing field access on Crab Apple Lane shall be temporarily closed for the duration of development, and the highway verge shall be reinstated in accordance with a detailed scheme to be submitted to, and approved in writing by, the Minerals Planning Authority. The reinstatement of the highway verge at the existing access shall be implemented concurrently with the bringing into use of the new access.
10. Prior to the commencement of mineral extraction, visibility splays shall be provided in full accordance with the details indicated on Drawing No. J000279-01/SK101 Rev. C, Proposed Site Access, dated 19th September 2023. The splays shall thereafter be maintained at all times free from any obstruction exceeding 0.6 metres above the level of the adjacent highway carriageway.
11. Prior to the commencement of mineral extraction, detailed drawings for the off-site highway improvement works, as indicated on Drawing No. J000279-01/SK101 Rev. C, Proposed Site Access, dated 19th September 2023 shall be submitted to, and approved in writing by, the Minerals Planning Authority.
12. Prior to the commencement of mineral extraction, the off-site highway improvement works referred to in Condition No. 11 shall be completed in accordance with the approved details.
13. Prior to the commencement of mineral extraction, a scheme showing sufficient space within the site to enable heavy goods vehicles and cars to park, turn, and re-enter the highway in forward gear shall be submitted to, and approved in writing by, the Minerals Planning Authority. This area shall be laid out, demarcated, levelled, surfaced, drained, and made available for use before any minerals are exported from the site. Thereafter it shall be retained and kept available for that specific use for the duration of the development.

14. Prior to the commencement of mineral extraction, a Heavy Goods Vehicle Management Plan for the routing of heavy goods vehicles to and from the site shall be submitted to, and approved in writing by, the Minerals Planning Authority. The Plan shall make provision for:

- Monitoring of the approved arrangements during the life of the site;
- Ensuring that all drivers of vehicles under the control of the Applicant are made aware of the approved arrangements;
- The disciplinary steps that will be exercised in the event of a default;
- Appropriate signage, details to be approved by the Minerals Planning Authority in consultation with the Highway Authority and erected advising drivers of the vehicle routes agreed with the Minerals Planning Authority in consultation with the Highway Authority;
- Wheel cleaning facilities and their use/retention.

Thereafter, the Heavy Goods Vehicle Management Plan shall be implemented as approved for the duration of the works at the site.

15. No operation authorised or required under this permission shall take place on Sundays or public holidays, or other than during the following periods:

08.00 - 17.00 Mondays to Fridays

08.00 - 13.00 Saturdays.

16. Prior to installation, details including:

- a) dimensioned elevations/sections, material finishes and colours of all of the component parts of the Site Office/Messroom; and
- b) dimensioned elevations/sections of the sand and gravel screening plant;

shall be submitted to, and approved in writing by, the Minerals Planning Authority.

The Site Office/Messroom and Sand and Gravel Screening Plant shall thereafter be installed and maintained in accordance with the approved details.

17. No plant or machinery shall be used on the site unless it is maintained in a condition whereby it is efficiently silenced in accordance with the manufacturer's specification, the latter to be provided to the Minerals Planning Authority on request.
18. Prior to the construction of the temporary soil bunds shown on Drawing Nos. HADD001Rev.C, HADD002Rev.C, HADD003Rev.C, HADD004Rev.C, HADD005Rev.C, HADD006Rev.C, and HADD007Rev.C, revised drawings shall be submitted to, and approved in writing by, the Minerals Planning Authority showing the extension of the bunds along the southern boundary of Phase 2 and Phase 3 and along the northern boundary of Phase 5, and the provision of a bund along the eastern boundary of Phases 3 and 4. These bunds shall be in general accordance with the Statement of Common Ground – Noise Haddiscoe (Sharps Acoustics) and appended Noise Technical Note - Rev 0 Appeal land off Crab Apple Lane (SLR), both documents dated 21 February 2025.

The temporary soils bunds shall thereafter be constructed and maintained in accordance with the revised drawings, for the duration of the operational phases of the development as shown.

19. With the exception of noise emitted from the site from temporary operations, the noise emitted from the extraction site or the plant site shall not exceed the noise limits stated below at the following properties and locations (as defined in the Statement of Common Ground – Noise Haddiscoe (Sharps Acoustics) and appended Noise Technical Note - Rev 0 Appeal land off Crab Apple Lane (SLR) both documents dated 21 February 2025).

Receptors	During extraction dB, LAeq,1 hour	Restoration, except periods (up to 8 weeks a year) when plant is operating within 1 metre of the final restoration level dB, LAeq,1 hour
Low Farm	43	43
Windmill Cottage	53	52
The Boundaries	54	50
Willow Barn	50	47
Whitehouse Farm	48	46
Haddiscoe Manor	50	49
1 Loddon Road	51	51
St Mary's Church	48	49

Noise from temporary soil stripping operations, landscape operations, final restoration, and bund construction and removal operations, at each of the properties listed above shall not exceed 70 dB LAeq (1 hour) free field. Temporary operations shall not exceed a total of 8 weeks in any calendar year. The noise limits apply during normal site operations between 0800 and 1700 Monday to Friday and 0800 to 1300 Saturdays. Measurements shall be taken at 1.5 meters above local ground level, in free-field condition away from any buildings. LAeq, T sound level should be sampled for a minimum period of one hour at each monitoring position.

20. All heavy goods vehicles and all mobile plant operating on the site shall be fitted with broadband ('white noise') reverse warning systems and maintained in accordance with the manufacturers recommendations for the lifetime of the development. Tonal reversing alarms shall not be used on any vehicles or mobile plant operating at the site.
21. The development shall be undertaken strictly in accordance with the Manor Farm, Crab Apple Lane, Haddiscoe, Norfolk, Environmental Statement Addendum

Chapter 8, dated January 2025, and as defined in the Statement of Common Ground – Noise Haddiscoe (Sharps Acoustics) and appended i) Noise Technical Note - Rev 0 Appeal land off Crab Apple Lane (SLR) both documents dated 21 February 2025 and ii) Michelle Dawson Proof of Evidence - Noise and its Appendices A-E both dated 10 February 2025.

22. Before any minerals are exported from the site, details of measures to ensure that vehicles leaving the site shall not be in a condition whereby they would deposit mud or other loose material on the public highway shall be submitted to, and approved in writing by, the Minerals Planning Authority. Thereafter, the approved measures shall be implemented for the duration of the operational period of the development.
23. The development shall be undertaken strictly in accordance with the Manor Farm, Crab Apple Lane, Haddiscoe, Norfolk, Environmental Statement and Technical Appendices, Volume 2, Breedon Trading Limited, October 2022, Chapter 10, Air quality, including the dust mitigation measures set out in Section 10.5 Embedded Mitigation and Section 10.7 Additional Mitigation, Compensation, Enhancement Measures, and the Dust Management Plan, Manor Farm, Haddiscoe, Breedon Trading Limited, dated September 2023, so as to prevent dust nuisance and sand blow caused by the operations, including the spraying of the access, turning area, and stocking area and stockpiles. Prior to the commencement of development, the Dust Management Plan shall be updated to include:
 - (a) Contact arrangements by which residents can raise any complaints, concerns and issues;
 - (b) Details of the provision of an on-site meteorological station;
 - (c) Details of the placement of an MCERTS certified indicative real-time particulate monitor which will be connected to a web-based platform and can be accessed by the operations manager and officers designated by the Minerals Planning Authority. The web-based platform will have a PM10 concentration trigger level agreed with the Minerals Planning Authority, which will alert the operations manager and the Minerals Planning Authority designated officer(s) if and when the limits are breached. An exceedance of the PM10 concentration trigger level would result in the cessation of dust generating activities until the source of dust is identified and dust emissions controlled. The location of the monitor is to be reviewed with the Minerals Planning Authority at the commencement of each phase; and
 - (d) A register of every limit breach and the actions taken.

The development shall be carried out in accordance with the updated Dust Management Plan.

24. There shall be no dewatering of the site. The development shall be undertaken strictly in accordance with the Manor Farm, Crab Apple Lane, Haddiscoe, Norfolk, Environmental Statement and Technical Appendices, Volume 2, Breedon Trading Limited, October 2022, Chapter 9, Hydrogeological and Flood Risk Assessment, including the surface water, flood risk and water quality mitigation measures set out in Section 9.5 Embedded Mitigation and Section 9.7 Additional Mitigation, Compensation, Enhancement Measures, and the and the supporting Appendices 9.1 to 9.3.

25. No development shall take place other than in accordance with the Archaeological Written Scheme of Investigation set out in the Environmental Statement Volume 2 Manor Farm, Crab Apple Lane, Haddiscoe, Norfolk, Breedon Trading Limited, dated October 2022, Technical Appendix 12.6, Haddiscoe Quarry Archaeological Mitigation Strategy and Written Scheme of Investigation, Andrew Josephs Associates, dated October 2022 and any addenda to that WSI covering subsequent phases of mitigation.
26. Prior to any soil stripping operations commencing on site, other than those associated with installation of the site access works, a Soil Resource and Management Plan, which shall be prepared in accordance with the Institute for Quarry's Good Practice Guide for Handling Soils in Mineral Workings (2021), shall be submitted to, and approved in writing by, the Minerals Planning Authority. The Plan shall identify clearly the origin, intermediate, and final locations of soils for use in the restoration, as defined by soil units, together with details balancing the quantities, depths, and areas involved. All soil handling operations shall be carried out in accordance with the approved Soil Resource & Management Plan.
27. All topsoil, subsoil, and soil-forming material shall be retained on the site in accordance with the approved drawings listed in Condition No. 3. Pockets of suitable soil-forming material shall be recovered during the stripping or excavation operations, wherever practicable, for use during the restoration phase.
28. All available topsoil (and subsoil) shall be stripped before any phase of the site is excavated, built upon, or otherwise traversed by heavy machinery (except for the purpose of stripping or stacking soil on those parts).

Soil stripping and soil stripping depths shall accord with the details to be set out in the Soil Resource and Management Plan to be submitted and approved in accordance with Condition No. 26.

29. Soil shall only be moved when in a dry and friable condition. For all soil types, no soil handling shall proceed during and shortly after significant rainfall, and/or when there are any puddles on the soil surface. Soil handling and movement shall not be carried out between the months of October to March inclusive. Plant or vehicle movement shall be confined to clearly defined haul routes, or the overburden surface and shall not cross areas of topsoil and subsoil.
30. Bunds for the storage of agricultural soils shall conform to the following criteria:
 - (a) Topsoils, subsoils and subsoil substitutes shall be stored separately;
 - (b) Where continuous bunds are used dissimilar soils shall be separated by a third material;
 - (c) Topsoil and subsoil bunds shall not exceed 3 m in height; and
 - (d) Materials shall be stored like upon like so that topsoil shall be stripped from beneath subsoil bunds and subsoil from beneath overburden bunds.
31. Prior to the construction of any bunds intended to remain in situ for more than 6 months, or over the winter period (December, January and February), a specification for these to be grassed over, weeds controlled, and other necessary maintenance to ensure the stability of the bunds shall be submitted to, and

approved in writing by, the Minerals Planning Authority. Thereafter the development shall be carried out in accordance with the approved specification.

32. In any part of the site where differential settlement occurs during the restoration and aftercare period, the applicant, where required by the Minerals Planning Authority, shall fill the depression to the final settlement contours specified with suitable imported soils, to a specification to submitted to, and approved in writing by, the Minerals Planning Authority.
33. The development shall be undertaken strictly in accordance with the Manor Farm, Haddiscoe, Tree Survey Review, Arboricultural Impact Assessment and Arboricultural Method Statement, The Landscape Partnership, dated 17th October 2023. The tree protection shall be erected strictly in accordance with the details set out Section 7.3 of the Arboricultural Method Statement and Drawing No. E23822-TLP-602, dated 28th September 2023 (included in the Arboricultural Impact Assessment - Arboricultural Method Statement, before any machinery or materials are brought on to the site or before any stripping soils commences, and shall be maintained for the lifetime of the development.
34. Within 12 months of the commencement date of operations (as notified in accordance with Condition 2), details of a 5 year aftercare strategy for the restored site and a 10 year management scheme in order to maximise the landscape value and interest for biodiversity from the hedgerow planting, mixed deciduous woodland, gapped up areas, wet woodland, and mixed scrub block planting (as shown on the approved Concept Restoration Plan HADD009RevB and approved Landscape and Planting Plan HADD010RevA or as subsequently updated and approved) shall be submitted to and approved in writing by the Minerals Planning Authority. Thereafter the aftercare strategy shall be implemented in accordance with the approved details.

Upon expiration of the 5-year initial aftercare period for the restoration area of the application site, the 10 year long-term management scheme for the hedgerow planting, mixed deciduous woodland, gapped up areas, wet woodland and mixed scrub block planting shall be implemented in accordance with the submitted and approved details.

35. Prior to the commencement of Mineral Extraction from Phase 3, details of the alignment, width, gradient, and construction of the diversion and the restored alignment of Haddiscoe Bridleway BR5, and details of the timing and timescales for the implementation of the diversion and restored alignment, shall be submitted to the Minerals Planning Authority for written approval. The diversion and the restored alignment of Haddiscoe Bridleway BR5 shall thereafter to be implemented, in accordance with the approved details.
36. The processing plant to be located and used on the site shall be limited to a mobile screening plant to separate the sand and gravel only.
37. No fixed external lighting shall be erected within the site or fixed to any buildings.
38. Notwithstanding the provisions of Article 3 and Schedule 2, Part 17, Class A and Class B, of The Town and Country Planning (General Permitted Development) (England) Order 2015 as amended, (or any order amending, or revoking and re-enacting that Order, with or without modification, either in whole or in part), no plant/structures, machinery or lighting, whether fixed or static, lagoons,

mineral/waste or other material stocking, or other buildings or structures shall be erected or placed on the site, except as provided for under the other conditions of this permission or with the prior approval of the Minerals Planning Authority.

39. The development shall be undertaken strictly in accordance with the Manor Farm, Crab Apple Lane, Haddiscoe, Norfolk, Environmental Statement and Technical Appendices, Volume 2, Breedon Trading Limited, October 2022, Chapter 14 Ecology, including the ecological mitigation measures set out in Section 14.6 Embedded Mitigation and Section 14.8 Additional Mitigation, Compensation, Enhancement Measures, and the supporting Appendices 14.1 to 14.5, the Preliminary Ecological Appraisal (PEA) Report, Proposed Quarry at Land at Haddiscoe, Norfolk, Report Refer. CE-HQ-1984-RP01-FINAL Rev A, Crestwood Environmental Ltd, dated 10th October 2022, including Section 5 Conclusions and Recommendations and Section 6 Enhancements, the Ecological Enhancement Plan, Manor Farm, Haddiscoe, Norfolk, Report Ref. CE-HA-2301-RP01-FINAL, Crestwood Environmental Ltd, dated 26th April 2023, the revised version of Drawing No. HADD009Rev. B, Concept Restoration Plan, and Drawing No. HADD010 Rev. A, Landscape Planting and Aftercare Plan, (both dated November 2024) and aftercare and long term management details to be approved in accordance with Condition No.34.
40. Prior to the commencement of mineral extraction, a scheme for geological recording and sampling shall be submitted to, and approved in writing by, the Minerals Planning Authority. The Scheme shall include details of:
 - (a) The opportunities during working for geological features exposed during excavation or other operations to be recorded, sampled, studied and retained as an open face as part of the restoration of the site; and
 - (b) Access to the site to allow geological study and research by educational and research groups, as requested.

Thereafter, the scheme shall be implemented in accordance with its terms.