
STATEMENT OF CASE



Flint Buildings
1 Bedding Lane
Norwich
Norfolk
NR3 1RG
Tel: 01603 762103
Fax: 01603 762104

(JZM/BXB/234862.0001)

INTRODUCTION AND BACKGROUND

1 The Statement of Case sets out the Appellant's reasons for pursuing an appeal ("Appeal") against the decision by South Norfolk District Council ("Council") to refuse a planning application under reference 2022/1108 ("Refused Application") for the development of land at Deal Farm, Kenninghall Road, Bressingham ("Site") on 14 December 2022.

2 The Application sought outline planning permission for:

"Construction of an Anaerobic Digestion facility (part retrospective), comprising: 1 no. digester tank and 1 no. secondary digester/digestate storage tank, silage clamps, liquid and dry feed system; digestate separation, handling and pasteurization, biogas upgrading and mains gas-grid connection; carbon capture, CHP, agricultural building; office buildings, weighbridge, 2 no. covered digestate storage lagoons, and associated plant, vehicular accesses, roads and landscaping (including earth bunds). Revised application following withdrawn planning application 2021/2788." ("Development")

3 The relevant background in respect of the Site and the Development is complex, and therefore set out in full below.

4 Document references in the format [AB/xx] are references to the documents submitted as part of the appeal as numbered in the index appended to this Statement of Case at **Appendix 1**. Please note that the sections within the index correspond to the relevant sections and categories contained within the Appeal Form. An agreed bundle of documents will be provided for the inquiry event in due course.

5 2015 Permission

5.1 The Council granted planning permission for "*Construction of a farm agricultural anaerobic digestion facility*" at the Site on 22 October 2015 under reference 2015/0595 ("**2015 Permission**"). A copy of the 2015 Permission is attached at [AB/5.1].

5.2 As explained further below, the Appellant maintains that the 2015 Permission has been lawfully implemented and the development pursuant to it is capable of being completed legally; technically; and from an operational perspective.

6 S73 Application

6.1 The Appellant submitted an application to the Council to vary condition 2 on the Permission to change the plans listed in this condition so as to reflect the scheme as currently built on the Site. The Council validated this application on 9 September 2021 and assigned it reference 2021/2036 (“**S.73 Application**”).

6.2 On 20 October 2021 the Appellant’s agent and planning consultant, Alan Presslee of Cornerstone Planning, received an email from the LPA’s planning officer, Tim Barker. A copy of this email is provided at [AB/5.3]. We highlight the following three key points from this email:

6.2.1 Mr Barker stated the following with regard to changes between the development approved in 2015 and that currently being constructed:

“It appears that the development constructed on site has a number of material differences to the development approved in 2015. This brings into question whether the original development was in fact lawfully implemented. In addition, part of the current “development” falls outside the original site boundaries.”

6.2.2 Mr Barker suggested that the S.73 Application was withdrawn and a new full application was submitted to regularise the entire site and asked Mr Presslee to respond within 7 days.

6.2.3 Mr Barker also observed the following regarding lawful implementation of the Permission and requested works on the Site cease:

“Furthermore, it is our view that in light of the Council believing the original development may not have been lawfully implemented and therefore there is no longer an extant planning permission on the site for an anaerobic digestion facility on the site that works should cease on the site whilst this matter is fully considered through a full planning application.”

6.3 The S73 Application, following Mr Barkers advice and in the spirit of working with the Council to a positive resolution, was withdrawn by the Appellant on 11

November 2021 in anticipation of the submission of a full planning application (under Section 73A of the Town and Country Planning Act 1990 (“**the Act**”)).

- 6.4 It should be made clear that the withdrawal of the S73 Application was on a without prejudice basis to the Appellant’s primary position that the 2015 Permission was lawfully implemented and remained extant.

7 Withdrawn Application

- 7.1 The Appellant submitted an application to the Council for “*Construction of an Anaerobic Digestion facility (part retrospective), comprising 1 no. digester tank and 1 no. secondary digester/digestate storage tank, silage clamps, liquid and dry feed system, digestate separation, handling and pasteurization, biogas upgrading and mains gas-grid connection, carbon capture, CHP. Agricultural building, office buildings, weighbridge; 3 no. covered digestate storage lagoons, and associated plant, vehicular accesses, roads and landscaping (including earth bunds)*”. The Council validated this application on 23 December 2021 and assigned it reference 2021/2788 (“**Withdrawn Application**”).
- 7.2 The Withdrawn Application was withdrawn by the Appellant on 9 June 2022, with the Refused Application submitted on the same day. This was simply to address some of the comments made through the consultation of the Withdrawn Application and to address the same.

8 Refused Application

- 8.1 The Refused Application was validated by the Council on 23 June 2022 and given reference 2022/1108. A copy of all documents submitted as part of the Refused Application have been submitted as part of this Appeal.
- 8.2 Various consultation responses were received in respect of the Refused Application and these are summarised below where relevant.¹ However, of particular relevance (in light of the reasons given to refuse the Refused Application) is the fact that comments from the Council’s Highways and

¹ It is understood that the Council will submit copies of full consultation responses and third party representations as part of their Appeal Questionnaire.

Landscape consultees were received very late in the process, leaving the Appellant little (and indeed insufficient) time to address those comments before the Refused Application was taken to the Council's Development Management Committee ("**Committee**").

- 8.3 By way of example, the first landscape objection to the Refused Application was received in early October 2022. This was the first time landscape consultation responses were provided, either on the Withdrawn Application or the Refused Application. Final comments, insisting that a full LVIA should be required, were provided on 1 December 2022, giving no reasonable time for the Appellant to act or respond prior to Committee scheduled on 14 December 2022.
- 8.4 The final Highways comments (which were the first comments from the Highways Authority in response to the submission of the Appellant's independent Transport Statement Addendum prepared by Royal HaskoningDHV) were provided on 29 November 2022. Again, this did not allow sufficient time for the Appellant to properly consider prior to Committee and address the concerns raised.
- 8.5 The Appellant's planning consultant requested the opportunity to respond to the concerns raised by the above consultee responses (email of 9 December 2022 attached at [AB/5.4]), but the Council refused to defer the Refused Application.
- 8.6 The Application was refused unanimously (in accordance with the Officer's recommendation) by Committee on 14 December 2022 ("**Refusal**"). A copy of the Council's decision notice ("**Decision Notice**") is included at [AB/2.1]. The full reasons for refusing the Application are set out below at paragraph 26.
- 9 It remains the Appellant's position as stated in this Statement of Case, as shall be demonstrated through this appeal, that the Refused Application is acceptable and should be approved.
- 10 The Appellant considers the case for approving the Refused Application to be clear-cut. However, notwithstanding this position, in attempt to address the Council's reasons for refusal and to try and negate the need for this appeal, the Appellant has

submitted a further application to the Council (reference 2023/0087) (“**Resubmission**”).

- 11 The Resubmission proposes a reduction in dome heights (shown on plan 27249/630 Rev U at [AB/6.12]) and an amended red line allowing the option for the provision of a single extended southern lagoon in place of the two lagoons (northern and southern) proposed in the Refused Application.
- 12 It should be noted that the Appellant is not formally proposing any alternative scheme to that contained in the Refused Application, or that alternative details or options are considered as part of this appeal at the current stage. However, discussions with the Council concerning the Resubmission are ongoing and therefore the Appellant reserves its position in this regard.

THE DETERMINATION OF THE APPEAL

- 13 Pursuant to Section 38(6) of the Planning and Compulsory Purchase Act 2004 (“**Act**”), all applications for development must be determined in accordance with the development plan unless material considerations indicate otherwise. The relevant policies of the development plan are set out below.
- 14 The National Planning Policy Framework (July 2021) (“**NPPF**”) is a material consideration for the determination of planning applications. As the Government’s planning policy document, it must carry substantial weight in the determination of this appeal.
- 15 In this Statement of Case the Appellant shall examine each of the key issues relating to the Development and apply the relevant development plan policy, the policies in the Framework as a whole and specific policies where relevant and any other material considerations.
- 16 For reasons explained, it is clear that pursuant to section 38(6) of the Act the Development complies with the development plan fully or at least as a whole so as to justify approval.
- 17 In any event, despite the above and submissions in this Statement of Case, it is clear that the material considerations and planning benefits supporting approval are significant and would nonetheless justify approval and outweigh any conflict with the development plan if found. These include;

- 17.1 energy generation to serve approximately 3,250 homes;
 - 17.2 carbon reductions;
 - 17.3 economic benefits from the development (including employment creation and a contribution towards a reduction in energy cost inflation);
 - 17.4 CO2 recovery (and associated commercial benefits);
 - 17.5 reductions in the need for chemical fertilisers;
 - 17.6 landscape enhancements and biodiversity net gain;
 - 17.7 ; highways improvements;
 - 17.8 traffic reduction; and
 - 17.9 the associated economic benefits and employment opportunities arising during the construction phase of the Development.
- 18 These benefits, and the need for renewable energy development, are comprehensively articulated in the Planning Benefit & Need Analysis² ("**Benefit and Need Analysis**") submitted as part of this Appeal [AB/7.1].
- 19 For all these reasons, the Appellant maintains that this appeal should be allowed.
- 20 Further, it should be noted that the Appellant's primary position is that planning permission should be granted for the Development, without any consideration of any fall-back development.
- 21 For this reason, the Appellant's technical evidence and submissions to date have assessed the Development against the baseline of a Site with no pre-existing development (i.e. a 'greenfield site'). All the evidence makes clear, as will be demonstrated through the appeal, that the environmental impacts remain acceptable.
- 22 However, this is notwithstanding the Appellant's position that there is a legitimate fall-back development that may be built out pursuant to the 2015 Permission. It is this development that may be completed pursuant to the 2015 Permission (and of course, which was granted and deemed acceptable by the Council at the time, under the same policy context) against which the Development should be assessed.
- 23 On this basis, it is clear that there are no unacceptable impacts (if any) arising from the Development as compared to that development that may be undertaken pursuant

² Planning Benefit & Need Analysis dated 13 June 2023 (Quod)

to the 2015 permission. The Appellant considers it untenable to suggest otherwise, as will be demonstrated throughout this appeal.

The Development Plan

- 24 The Council's Development Plan (in so far as is relevant to this appeal) is made up of the Joint Core Strategy (January 2014), the South Norfolk Local Plan Development Management Policies (October 2015) and the Norfolk Minerals and Waste Core Strategy & Development Management Policies DPD (2011) ("**Development Plan**").
- 25 The relevant policies of each Development Plan document are set out below, with a brief summary as to compliance that will be demonstrated further as necessary through the appeal. It should be noted however that save for those policies contained in the Reasons for Refusal³ (each of which is marked in **bold** in the table below), it should be agreed between the parties (as per the contents of the officer's report to planning committee) that the remaining policies of the development plan are complied with.⁴ This follows Art.35 Town and Country Planning (Development Management Procedure) (England) Order 2015, which requires that "*where planning permission is refused, the notice must state clearly and precisely [the local planning authority's] full reasons for the refusal, specifying all policies and proposals in the development plan which are relevant to the decision*".

Joint Core Strategy ("JSC")	
Policy 1: Addressing climate change and protecting environmental assets	This policy sets out the overarching requirements of the JCS to ensure that development addresses climate change and promotes sustainability. Through the compliance with other limbs of the policy shown in this statement, it is submitted that this policy is complied with.
Policy 2: Promoting good design	The design and impact of the Development on its local surroundings is addressed fully below.
Policy 3: Energy and water	This policy aims to minimise reliance on non-renewable energy sources. It is submitted that the Development (as

³ Summarised from paragraph 24 below

⁴ This list of policies is drawn from the officer's report in respect of the Refused Application, which the Appellant agrees are those relevant to the determination of the Application.

	a renewable energy project) is fully in accordance with this aim.
Policy 5: The Economy	The Development would create direct and indirect employment opportunities, short term and long term, as well as providing for sustainable agricultural diversification.
Policy 6: Access and transportation	Traffic impacts of the Development are addressed in full below.
Policy 17: Small rural communities and the countryside	This policy supports the principle of farm diversification as appropriate development in the countryside. It also confirms that other development which furthers the objectives of the JCS will be supported; following Policy 3, this limb of Policy 17 is also taken to support renewable energy development in the countryside.
Policy 20: Implementation	The proposed terms of a S106 Agreement are set out below.
South Norfolk Local Plan Development Management Policies	
DM1.1: Ensuring Development Management contributes to achieving sustainable development in South Norfolk	This policy sets out the overarching requirements of the JCS to ensure that development is sustainable. Through the compliance with other limbs of the policy shown in this statement, it is submitted that this policy is complied with.
DM1.3: The sustainable location of new development	This policy provides that development in the countryside is acceptable where provided for by other policies, but also where there are overriding benefits. The Development Plan has specific policies relating to energy, discussed below, but the Appellant (through the Benefit and Need Analysis and as articulated more fully below) has demonstrated the overarching benefits of the scheme.

DM1.4: Environmental Quality and local distinctiveness	The impacts of the Development on the surrounding environment are addressed fully below. However, it is noted that this policy supports the generation of renewable energy.
DM2.1: Employment and business development	As stated above, the Development would create direct and indirect employment opportunities, short term and long term, as well as providing for sustainable agricultural diversification.
DM3.8: Design Principles applying to all development	The impacts of the Development on the surrounding environment are addressed fully below.
DM3.11: Road safety and the free flow of traffic	<i>Traffic impacts of the Development are addressed in full below.</i>
DM3.12: Provision of vehicle parking	The Council has confirmed that it is content with the parking and servicing provision within the Development, as applied for through the Refused Application. ⁵
DM3.13: Amenity, noise, quality of life	The Council has confirmed that it is content with the lighting strategy for the Development, as applied for through the Refused Application, ⁶ and neither is it considered that there is sufficient other harm to amenity ⁷ to warrant refusal of permission for the Development. ⁸
DM4.1: Renewable energy	<i>The application of policy DM4.1 is considered fully below.</i>
DM4.4: Natural environmental assets – designated and locally important spaces	Natural England confirmed in their consultation response of 6 December 2022 that the additional evidence submitted by the Appellant sufficiently addressed their concerns. As confirmed in the update note for Committee on the 14 December 2022, officers confirmed that they did

⁵ Paragraph 5.57 of the Officer's Report for the Refused Application

⁶ Paragraph 5.90 of the Officer's Report for the Refused Application

⁷ Paragraphs 5.62 (overbearing/overshadowing) and 5.64 (noise) of the Officer's Report for the Refused Application

⁸ Paragraph 5.69 of the Officer's Report for the Refused Application

	not consider the impact on designated sites to justify a reason to refuse the Application.
DM4.5: Landscape character areas and river valleys	<i>The impacts of the Development on the surrounding environment are addressed fully below.</i>
DM4.9: Incorporating landscape into design	The impacts of the Development on the surrounding environment are addressed fully below.
DM4.10: Heritage Assets	The Council has confirmed that the Development is acceptable in respect of this policy (and the Planning (Listed Buildings and Conservation Areas) Act 1990). ⁹
Norfolk Minerals and Waste Core Strategy & Development Management Policies DPD (2011) The Appellant notes that these policies were not assessed by the Council as part of the Officers Report. However, the Appellant has set out the relevant policies below, and submits that the Development complies with these.	
Policy CS3 – Waste Management Capacity to be provided	The application makes provision for ‘near source’ farm waste treatment/management (including the generation of renewable energy therefrom). After a period of deferment, the Reduction and Prevention of Agricultural Diffuse Pollution (England) Regulations 2018 (“Farming Rules for Water Regs”) come into full force in March 2022. This will require provision for substantial enclosed and sealed-surface storage of manures and slurries. This application makes provision for a substantial volume of such material from local livestock farmers.
Policy CS4 – New waste management capacity to be provided	The application makes provision for ‘near source’ farm waste treatment/management (including the generation of renewable energy therefrom).

⁹ Paragraph 5.75 of the Officer’s Report for the Refused Application

Policy CS5 – General Location of Waste Management Facilities	<p>This Policy acknowledges that the rural nature of Norfolk means some sites may not be well related to the major population centres (and indeed should not be). Therefore, it is submitted that notwithstanding the Appellant has demonstrated acceptable access to the major road network, it is considered that the ‘near source’ nature of the Development is appropriate at the Site.</p> <p>The application makes provision for ‘near source’ farm waste treatment/management and treatment (including the generation of renewable energy therefrom). Compliance with other Core Strategy Policies is demonstrated below.</p> <p>The facility is circa 2km from the nearest village.</p>
Policy CS6 - General Waste Management Considerations	<p>See above (Policy CS3) and below (Policy CS7).</p> <p>This policy provides support in principle for waste management uses in under-used agricultural curtilages.</p> <p>The application moves ‘muck heaps’ and ‘field clamps’ onto a purpose built, sealed-surface, drained facility where the materials are processed in gas tight vessels. The facility will make a significant positive impact on local water and air quality.</p>
Policy CS7 - recycling, composting, anaerobic digestion, and waste transfer stations	<p>The Plan supports the development of new AD facilities. The application (and information below) demonstrates that there would be no unacceptable environmental, amenity¹⁰ or highway impacts.</p>
Policy CS13 - Climate change and renewable energy generation	<p>This Policy provides support for renewable energy generation, in light of Government targets for renewable energy.</p> <p>The application proposals are for a 4MW biomass fuelled renewable energy facility. The plant will produce up to 35-</p>

¹⁰ The Council has confirmed in the Officer’s Report (paragraph 5.69) and in the absence of a corresponding reason for refusal that they do not consider there to be unacceptable amenity impacts of the development.

	<p>39,000MWh of renewable energy (biomethane) from local biomass, sufficient energy (based on an average household consumption of 12 MWh/annum) to serve around 3,250 homes. Total CO2 emissions saved (based upon a CO2 output from burning gas of 0.185 kg/kWh) would be 7,215,000 kg/CO2 per annum.</p> <p>The proposed CO2 recovery plant (not part of the 2015 scheme) would also produce over 5,000 tonnes of CO2 in liquid form; as a by-product of the anaerobic digestion process, carbon dioxide will now be captured, processed (liquified) and distributed to manufacturing industry (food, drink, cement, etc.).</p>
<p>Policy CS14 - Environmental Protection</p>	<p>The application includes detailed assessments in relation to all those environmental and related issues identified by policy CS14, and the Appellant does not consider that there are any unacceptable impacts of the Development.</p> <p>In terms of environmental harm the proposed AD plant would, given its location in the countryside, have some noticeable visual impact upon the local landscape from some perspectives, and this is evidenced in the accompanying Landscape and Visual Appraisals. However, the proposed development on the main AD plant site part - whilst visually imposing - is deemed to be of a similar character to the scheme approved in 2015, which itself would have been a feature in the landscape for the same reasons. Landscape mitigation, involving field and roadside trees and hedgerow planting, will provide longer-term landscape structure and ameliorate the impact of the proposals. The lagoon proposals will have some limited impact in landscape terms, but effective landscaping - as proposed – will mitigate this and in time positively enhance the local landscape structure.</p> <p>No other adverse environmental impacts are identified.</p>

	<p>In light of all the above, the Appellant contends that the ‘benchmark’ of “unacceptable adverse impacts” is not reached by these proposals, and that in any event the proposed mitigation will address some of the visual impacts, and which can be controlled by condition. The planning balance is therefore in favour of the Development.</p>
Policy CS15 - Transport	<p>The application and its Transport Statement demonstrate that the overall vehicle movements to/from the proposed facility would not be material in the context of existing vehicles on the local highway network, especially when considering that these vehicles already operate on that network through farming activity. It is considered that the proposed development is satisfactory from a traffic and highway viewpoint. Indeed, the Appellant’s transport evidence concludes that there will be a “<i>net positive traffic impact</i>”¹¹ and therefore the proposed development will have no adverse impact upon the local highway system (movement of feedstocks, biofertiliser and CO₂) or any increased highway dangers to road users or pedestrians.</p>
Policy DM1 – Nature Conservation	<p>The supporting Ecological Impact Assessment concludes that the development would create no material, adverse nature conservation impacts. Accordingly, the development proposals accord with the relevant provisions of the NPPF and policies of the Development Plan insofar as they relate to ecological protection and biodiversity (including net gain, with the Development securing a minimum 34% BNG in accordance with the biodiversity metric 3.0 calculation tool submitted as part of the Appeal (see [AB/4.6], with additional BNG capable of being secured from the comprehensive landscaping strategy now proposed [AB/7.2-7.10]).</p>

¹¹ TSA at Section 5 and Updated TS at Section 6 (as defined below)

	<p>A Habitat Regulations Assessment Stage 1 Screening/Stage 2 Appropriate Assessment concludes that there would be no significant residual effect.</p> <p>The application site sits outside the catchment area subject to Natural England Guidance on nutrients but – for completeness – the application is supported by a Nutrient Neutrality Note prepared by Enzygo Environmental Consultants, which concludes that there is no hydrological or hydrogeological pathway for any nutrient emitted to ground from the Development to designated sites of concern to Natural England, and thus no Likely Significant Effect.</p>
Policy DM3 – Groundwater and Surface Water	<p>A Flood Risk Assessment (FRA) has been prepared for the AD plant site, together with a Drainage Design Strategy and Philosophy Statement, and individual FRAs for each of the proposed storage lagoons, submitted to support the application. These demonstrate that the proposed development is located in fluvial and tidal Flood Zone 1, and is at very low risk of flooding from surface water, and reservoirs. The lagoon sites are shown to be at low risk of groundwater flooding. The main AD plant site shows some risk of surface water flooding, but which can be mitigated. The main AD plant design incorporates detailed systems (for both clean and dirty areas of the site) and management/maintenance to meet Environmental Permitting requirements.</p> <p>Plandescil Consulting Engineers has designed the silage clamps, holding ponds and site drainage in accordance with CIRIA C736, CIRIA C759F, BS5502, SSAFO and DEFRA (March 2015) standards, where applicable.</p>
Policy DM4 – Flood Risk	See above (against Policy DM3)

Policy DM8 – Design, local landscape and townscape character	<p>The proposed AD plant would, given its location in the countryside, have some noticeable visual impact upon the local landscape from some perspectives, and this is evidenced in the accompanying LVIA. However, it is considered that the proposed landscaping mitigation will sufficiently mitigate any visual impact.</p> <p>No other adverse environmental impacts (including in relation to heritage assets) are identified.</p>
Policy DM9 – Archaeological Sites	<p>An Archaeological Desk-Based Assessment supports the application. It concludes:</p> <p><i>“Based on the known evidence, the four Sites generally have only a low archaeological potential for all periods, with no evidence to suggest that any of the four Sites has been developed. The Southern Lagoon and Northern Lagoon Sites have a moderate potential for further Roman artefactual evidence consistent with existing metal detecting finds from the surrounding areas. The AD Plant has a moderate potential for medieval artefactual evidence. In contrast, the Central Lagoon Site has a moderate potential for early modern remains associated with the small farm complex, which is depicted on the 1841 tithe map and Ordnance Survey maps dating to 1884 and 1905.</i></p> <p><i>Other potential remains within all four Sites are anticipated to be limited and of low potential. These would generally be regarded as being of low importance such that disturbance to them would not preclude development. Consequently, it is anticipated that no further work would be required within the boundary of the four Sites at this stage; planning consent could be granted on archaeological grounds in compliance with legislation and planning policy.”</i></p>
Policy DM10 - Transport	See comments above (against Policy CS15)

Policy DM12 - Amenity	The application and supporting evidence (including in relation to noise, odour, air quality, design and transport) demonstrate that there would be no unacceptable impacts to local amenity as a result of the proposed development.
Policy DM13 – Air Quality	See comments above (against Policy DM12)

Reasons for Refusal

26 The Refused Application for the Development was refused for the following reasons (“**Reasons for Refusal**”):

- 1. The highway network serving the site is considered to be inadequate to serve the development proposed, by reasons of its poor alignment, restricted width, lack of passing provision, substandard construction and restricted forward visibility. The proposal, if permitted, would be likely to give rise to conditions detrimental to highway safety contrary to policy DM3.11 of the Local Plan. Furthermore, the development would not accord with paragraph 110 of the NPPF as a safe and suitable access to the site cannot be achieved for all users, and paragraph 111 as there would be an unacceptable impact on highway safety. (“**Reason 1**”)*
- 2. The application is not supported by sufficient transport information to demonstrate that the proposed development will not be prejudicial to the satisfactory functioning of the highway and highway safety also contrary to policy DM3.11 of the Local Plan. (“**Reason 2**”)*
- 3. The proposed development would result in significant adverse impacts on the distinctive landscape characteristics of the area as even after the proposed mitigation planting has matured the digestion plant domes will still be a detracting feature on longer distance views and are of a scale and shape that are atypical of the architectural built form qualities that emphasise the largely rural character of the landscape whilst the West Lagoon will appear as an engineered landscape feature in the landscape which will be accentuated by the proposed mitigation measures. As a consequence the proposed development will be contrary to policy DM4.5 of the Local Plan. (“**Reason 3**”)*

4. *As a consequence it is considered that the development would result in significant adverse effects that outweigh the benefits of the renewable energy generated by the development and therefore the development does not comply with policy DM4.1 of the Local Plan (“Reason 4”)*

- 27 It is submitted that the Reasons for Refusal can be summarised as unacceptable highway impacts (Reason 1 and Reason 2), unacceptable landscape impact (Reason 3) and insufficient planning benefits to outweigh the identified harms (Reason 4).

Responses to the Reasons for Refusal

- 28 This Statement addresses each of the Reasons for Refusal in turn, beginning with the principle of development, and moving on to consider the highways and landscape impacts of the Development.

29 **Principle of Development and Benefits (Reason 4)**

- 29.1 The Council's primary policy for assessing renewable energy proposals is Policy DM4.1. Policy DM4.1 provides:

“Proposals for renewable energy generating development requiring planning permission other than for proposals for wind energy development will be supported and considered (taking account of the impact of relevant ancillary equipment) in the context of sustainable development and climate change on the wider environmental, social and economic benefits of maximising use of renewable energy. The Council will encourage the use on-site communal-scale energy generation measures.

(1) The effect of the proposal will be considered on:

- a) The effect on the character and appearance of the landscape;*
- b) Designated and undesignated heritage assets;*
- c) The amenities and living conditions of nearby residents by way of noise, outlook, and overbearing effect or unacceptable risk to health or amenity by way of other pollutants such as dust and odour.*

Permission will be granted where there are no significant adverse effects or where any adverse effects are outweighed by the benefits. When attributing weight to any harm, including heritage assets regard will be given to national policy and guidance, statutory duty and legislation, and other policies in the Local Plan including Policy DM4.10;

(2) Where appropriate planning conditions will be imposed requiring the decommissioning and removal / dismantling of all plant and ancillary equipment, and if necessary the restoration of land, on the cessation of use.”

29.2 This Policy provides prima facie support for the Development as a renewable (non-wind) energy development, subject to compliance with the other limbs of the policy. Notwithstanding this support in the development plan, the Benefit and Need Analysis has demonstrated the extensive support for renewable energy development in national policy.

29.3 The Appellant has provided evidence to demonstrate that there is no unacceptable adverse impact on heritage assets (through the Archaeological Desk Based Assessment¹² and as accepted by the Council’s Senior Heritage and Design Officer¹³) or amenity (through the relevant technical reports,¹⁴ and as accepted by officers at paragraph 5.69 of the Officer’s Report).

29.4 Landscape impact is assessed fully below, but the Appellant’s position is that there will be no unacceptable residual adverse landscape impacts from the Development— and there are clearly no significant impacts arising in any event. The Appellant’s LVIA concludes that, following a comprehensive landscaping strategy¹⁵:

29.4.1 The predicted impact of the Development on the 9 landscape receptors is predicted to range from “*beneficial*” to “*low*” in the long term.

¹² Archaeological Desk Based Assessment (Wardell Armstrong, May 2022) [AB/4.51]

¹³ Consultation Response dated 3 October 2022

¹⁴ Noise Impact Assessment (Professional Consult, 13 June 2022) [AB/4.45]; Odour Assessment (Enzygo, June 2022) [AB/4.16]; Air Quality Assessment (Enzygo, October 2022) [AB/4.11]; Air Quality Assessment Technical Addendum (Enzygo, 30 November 2022) [AB/4.13]

¹⁵ Landscape and Visual Impact Assessment, Sheils Flynn, June 2023 (“**LVIA**”) [AB/7.2-7.10]

29.4.2 Out of the 10 representative viewpoints assessed, the Development is predicted to have only a “*medium - low*” impact in the long term on two viewpoints; with the LVIA concluding “*low*” or “*beneficial*” impacts in the long term for the remaining viewpoints, again due to the comprehensive landscaping strategy proposed.

29.5 Therefore, the Appellant considers that Policy DM4.1 is fully complied with and it will clearly be demonstrated by the Appellant that the Development may be readily accommodated into the landscape and that the landscape and visual impacts are acceptable.

29.6 Whilst it is considered clear through the evidence that there are no “*significant*” landscape impacts, if it was considered that there were, such impacts would be demonstrably outweighed by the very significant benefits associated with the proposal. These include:

29.6.1 Renewable energy production (which could serve approximately 3,250 homes);

29.6.2 Carbon reductions;

29.6.3 Reduction in diffuse pollution;

29.6.4 Economic benefits (including employment creation and contribution towards a reduction in energy cost inflation);

29.6.5 CO2 recovery and storage (and associated economic benefits);

29.6.6 Reduction in the use of chemical fertilisers;

29.6.7 Biodiversity Net Gain;

29.6.8 Landscape enhancements;

29.6.9 Highway improvements; and

29.6.10 Traffic reductions.

30 Highways Impacts (Reasons 1 and 2)

30.1 For the reasons set out below, and in light of the evidence provided to the Council through the Refused Application, it is clear that there are no unacceptable highways impacts of the development which may not be adequately addressed through condition of planning obligations.

30.2 Policy DM3.11 provides:

"(1) On all sites development will not be permitted that endangers highway safety or the satisfactory function of the highway network.

(2) Planning permission will be granted for development involving the formation or intensified use of a direct access onto a Corridor of Movement providing it would not:

a) Prejudice the safe and free flow of traffic or planned proposals for sustainable transport initiatives along the Corridor of Movement;

b) Be practical to gain access from the site to the Corridor of Movement via a secondary road; and

c) Facilitate the use of the Corridor of Movement for short local journeys."

30.3 Policy 6 of the JSC provides for "protection of the function of strategic transport routes (corridors of movement)".

30.4 Norfolk County Council ("**NCC**") as Highways Authority objected to the Refused Application, and recommended Reason 1 and Reason 2 for refusal.¹⁶ As set out above, the Appellant was not given sufficient opportunity to respond to these objections before the Refused Application went before Committee.

30.5 The Appellant notes that the Reasons for Refusal do not allege that "*the residual cumulative impacts on the road network would be severe*" pursuant to paragraph 111 of the NPPF, and therefore it is considered to be the Council's position that there are no such residual impacts.

¹⁶ Letter from Jon Hanner dated 28 November 2022

30.6 The Appellant has provided evidence to assuage NCC's concerns, and to justify the lack of transport harm from the Development, through:

30.6.1 Transport Statement ("**TS**") dated June 2022 (plandescil) [AB/4.43]

30.6.2 Transport Statement Addendum ("**TSA**") dated 27 October 2022 (Royal HaskoningDHV) [AB/4.50]

30.6.3 Response to NCC Letter dated 20 January 2023 (Royal HaskoningDHV) [AB/6.9]

30.6.4 Transport Statement ("**Updated TS**") dated 7 June 2023 (Royal HaskoningDHV)¹⁷ [AB/6.10-6.11]

30.7 The Appellant will be providing further proofs of evidence in respect of its position on transport impact. However, in essence, the Appellant's position (as summarised in the conclusion to the TSA and Updated TS) is as follows:

30.7.1 Following a review of the local highway network, it is not considered that there are any road safety trends that could be exacerbated as a result of the Development.

30.7.2 There would be a net increase of 142 two-way heavy commercial vehicle ("**HCV**") movements per annum, but a substantial net reduction of 984 two-way vehicle movements per annum. The Appellant's transport consultant submits that this is a "net positive traffic impact".¹⁸ Therefore, there is no requirement for mitigation.

30.7.3 Significantly, this view is reached on an assessment of the impact of the Development against the worst case scenario of there being no extant 2015 Permission on the Site. In the event the Inspector considers that there is an extant permission, it is submitted that the transport impacts of the Development would not be materially different to those permitted

¹⁷ The Inspector should note that the Updated TS refers to the Resubmission, however the Appellant's transport consultant, Royal HaskoningDHV, considers that the conclusions reached are equally applicable to the Refused Application

¹⁸ TSA at Section 5 and Updated TS at Section 6

pursuant to the 2015 Permission, and in any event not lead to unacceptable harm to justify refusal.

30.8 However, notwithstanding the above, the Appellant is prepared to offer package of measures to further improve road safety, including:

30.8.1 Off-site highway improvements (as summarised in section 4.2 and Appendix F of the Updated TS, and to include a suite of passing places and associated works);

30.8.2 A means of ensuring that a specified haul route is used by HCVs;

30.8.3 The acceptance of appropriate conditions.

30.9 These measures are detailed in full in the Updated TS and are proposed to be achieved through planning conditions and a Section 106 Agreement (“**S106**”).

30.9.1 Planning conditions are sufficient to ensure that the Development operates to those parameters set out in the transport evidence that supports the application – in terms of tonnages (and resulting highway movements) and haulage routes to ensure that input and distribution of materials is limited to the 5km radius as proposed.

30.9.2 The Appellant considers, for the reasons set out in Howes Percival LLP’s Section 106 Agreement and Planning Condition Heads of Terms and Supplementary Note (“**Supplementary Legal Note**”) [AB/6.13] that the proposed planning conditions meet the legal tests, will be fully enforceable by the Council and indeed such conditions have previously been accepted on appeal for anaerobic digestion facilities.¹⁹

30.9.3 Notwithstanding the above, the Appellant is agreeable to securing a S106 (subject to further discussion and negotiation) to bind the agricultural landholdings proposed to provide the muck and feedstock to be used for the Development – and in doing so demonstrate the local

¹⁹ See, for example, APP/E2001/W/19/3223211 - Park Farm, Market Weighton Road, Holme-upon-Spalding – conditions 14 and 15. See also *R. (on the application of Treagus) v Suffolk CC* [2013] EWHC 950 (Admin) where a planning condition restricting the radius in which feedstock was required to be sourced was upheld (albeit tailpiece wording was severed)

and agricultural nature of the facility. The proposed heads of terms for such a S106 are set out in the Supplementary Legal Note at paragraph 20.

30.10 For the reasons set out above, the Appellant considers that the Development does not “[endanger] highway safety or the satisfactory function of the highway network” and that “safe and suitable access to the site can be achieved for all users” and therefore is not in conflict with the Development Plan (in particular policy DM3.11) or the provisions of the NPPF at paragraphs 110 and 111. Therefore, highways matters should not comprise a reason for refusing the Development either pursuant to the Development Plan or the guidance in the NPPF. In any event and notwithstanding it has been comprehensively shown that there will be a “net positive traffic impact” stemming from the Development and therefore that no mitigation is considered to be required, the Appellant has demonstrated a deliverable package of highway improvement measures can be provided which it is submitted are a benefit of the scheme and which could be secured by planning condition if the Inspector finds these are necessary and comply with the tests for planning conditions.

31 Landscape Impacts (Reason 3)

31.1 For the reasons set out below, and in light of the evidence provided to the Council through the Refused Application and supplemented through this Appeal, it is not considered that there is an unacceptable landscape impact from the Development as alleged in Reason 3.

31.2 Policy DM4.5 provides:

“All development should respect, conserve and where possible, enhance the landscape character of its immediate and wider environment. Development proposals that would cause significant adverse impact on the distinctive landscape characteristics of an area will be refused.

All development proposals will be expected to demonstrate how they have taken the following elements (from the 2001 South Norfolk Landscape Assessment as updated by the 2012 review) into account:

- *The key characteristics, assets, sensitivities and vulnerabilities;*
- *The landscape strategy; and*
- *Development considerations.*

Particular regard will be had to protecting the distinctive characteristics, special qualities and geographical extents of the identified Rural River Valleys and Valley Urban Fringe landscape character types.”

31.3 In accordance with Policy DM4.5, a Landscape and Visual Appraisal dated May 2022 (Broom Lynne) (“**LVA**”) [AB/4.7] and a Supplementary Landscape and Visual Appraisal dated May 2022 (Broom Lynne) (“**SLVA**”) [AB/4.9] were submitted in respect of the Refused Application.

31.4 The Council’s planning consultant (Bidwells) have commented on the LVA and SLVA in the context of the Refused Application and stated the opinion that the Development is not considered to be acceptable in landscape terms.²⁰ Bidwells made the following criticisms of the landscape evidence:

31.4.1 A full Landscape and Visual Impact Assessment methodology had not been carried out;

31.4.2 Inconsistencies were noted; and

31.4.3 The scope of the LVA compared the Development to the scheme consented under the 2015 Permission, rather than against an undeveloped baseline.

31.5 In response to the comments of Bidwells, the Appellant has instructed a further landscape consultant (Sheils Flynn) to prepare a full Landscape and Visual Impact Assessment (“**LVIA**”) [AB/7.2-7.10]. The LVIA responds to the criticisms set out above by assessing the most sensitive receptors and including longer views. The LVIA is prepared on the basis of the current Guidelines for

²⁰ Landscape and Visual Appraisal Review dated 3 October 2022 and email dated 25 November 2022 09:14

Landscape and Visual Impact Assessment as set out by the Landscape Institute and Institute of Environmental Management & Assessment.

- 31.6 The LVIA is submitted as part of this Appeal, and concludes categorically that (as will be emphasised through evidence during the appeal) and following a comprehensive landscaping strategy²¹:

“The LVIA demonstrates that the proposed development is acceptable given that the long-term landscape impacts are judged to range between low and beneficial, and the long-term visual impacts are judged to range between medium-low and beneficial.”²²

- 31.7 The delivery of the measures proposed in the comprehensive landscaping scheme articulated through the LVIA²³ may be fully and appropriately secured through planning conditions.

Compliance with other aspects of the Development Plan

- 32 This Statement of Case focuses on those matters raised by the Council on the Reasons for Refusal. All other aspects of the development are considered to be acceptable in planning terms as set out in the OR – and as summarised in the table at paragraph 23 above.

- 33 However, for completeness, we summarise each of the aspects of the Development not considered in the Reasons for Refusal to make clear that these aspects should be considered acceptable and agreed as such by the Council in the Statement of Common Ground:

- 33.1 Residential Amenity – The Council confirmed that there is insufficient harm to amenity²⁴ to warrant refusal of permission for the Development.²⁵

- 33.2 Heritage Impact – It is confirmed in the Officer’s Report that the proposal is considered to accord with policy DM4.10 and is acceptable having regards to

²¹ See in particular LVIA, paragraph 1.5 – and Figures 2.1 - 2.3 “Detailed Landscape Plan”

²² LVIA, Section 5.2

²³ Summarised at page 42 of the LVIA

²⁴ Paragraphs 5.62 (overbearing/overshadowing) and 5.64 (noise) of the Officer’s Report for the Refused Application

²⁵ Paragraph 5.69 of the Officer’s Report for the Refused Application

the duties under the Planning (Listed Buildings and Conservation Areas) Act 1990.²⁶ The Council's Senior Heritage and Design Officer has not raised any objection on heritage grounds.²⁷

- 33.3 Flood Risk and Drainage – The Officer's Report confirms that the Development complies with the relevant policy relating to flooding and drainage²⁸ and the Lead Local Flood Authority have not maintained an objection to the Application.²⁹
- 33.4 Ecology - Officers confirmed in the update note for Committee on the 14 December 2022 that they did not consider the impact on designated sites to justify a reason to refuse the Application.
- 33.5 Lighting - The Council has confirmed that it is content with the lighting strategy for the Development, as applied for through the Refused Application.³⁰ The Council's Environmental Quality team raised no objection to the lighting proposals.³¹
- 33.6 Parking - The Council has confirmed that it is content with the parking and servicing provision within the Development, as applied for through the Refused Application.³²

THE FALL-BACK DEVELOPMENT PURSUANT TO THE 2015 PERMISSION

- 34 The Appellant is clear, as demonstrated through this Statement of Case, that this appeal should be allowed because the Refused Application is in full compliance with the development plan (or as a whole), or in any event the benefits of the proposal outweigh any harm or conflict that may be identified.

²⁶ Paragraph 5.75 of the Officer's Report for the Refused Application

²⁷ Consultation Response from Senior Heritage and Design Officer dated 3 October 2022

²⁸ Paragraph 5.82 of the Officer's Report for the Refused Application

²⁹ Consultation Response from the Lead Local Flood Authority dated 3 October 2022

³⁰ Paragraph 5.90 of the Officer's Report for the Refused Application

³¹ Consultation Response from the Environmental Quality Team dated 2 August 2022

³² Paragraph 5.57 of the Officer's Report for the Refused Application

- 35 Notwithstanding this primary position, as we have set out above, the Site benefits from a lawfully implemented 2015 Permission that is capable of being built out at any point, following removal of any unauthorised development.
- 36 The Appellant has submitted an application for a Certificate of Lawfulness for Proposed Use or Development (“**CLOPUD Application**”) to the Council under section 192 of the Act to confirm this position. A copy of the CLOPUD Application is enclosed at [AB/6.1-6.8].
- 37 Following the well-established line of cases including *Samuel Smith Old Brewery (Tadcaster) v Secretary of State for Communities and Local Government* [2009] EWCA Civ 333 and *Mansell v Tonbridge and Malling BC* [2017] EWCA Civ 1314, it is accepted that a fall-back may constitute a material planning consideration. The principles are summarised in *Samuel Smith*:
- “In order for a prospect to be a real prospect, it does not have to be probable or likely: a possibility will suffice [...] It is important, in my judgment, not to constrain what is, or should be, in each case the exercise of a broad planning discretion, based on the individual circumstances of that case, by seeking to constrain appeal decisions within judicial formulations that are not enactments of general application but are themselves simply the judge’s response to the facts of the case before the court.”³³*
- 38 The Appellant is firmly of the view that there is no technical, physical or commercial constraint which would prevent the 2015 Permission being built out completely and operated, either by the Appellant or alternatively by another operator if the Site were marketed with an extant permission.
- 39 Development under the 2015 Permission remains, pursuant to *Samuel Smith*, a “*real prospect*”, as will be further demonstrated by the Appellant in the course of this appeal. It therefore represents a “fall back” and is a material consideration in the determination of the appeal. The fall-back should be given substantial weight given (i) the likelihood of it being built out should permission be refused and (ii) the additional benefits of the Refused Application compared to the 2015 Permission.

³³ *Samuel Smith Old Brewery (Tadcaster) v Secretary of State for Communities and Local Government* [2009] EWCA Civ 333 [21] – [22]

- 40 As will be demonstrated through the Appeal, it would be simply untenable to refuse the Development in a situation where a similar facility may be built out pursuant to an extant consent, without the benefits in terms of comprehensive landscaping strategy; bio-diversity net gain; and other controls and reassurances through planning condition that may now be secured through the Refused Application and this appeal.

CONCLUSIONS

- 41 The Appellant considers that the Development is in full compliance with the Development Plan for the reasons outlined above, or in any event the Development Plan is complied with as a whole so as to justify approval.
- 42 In any event, as will be demonstrated through the appeal, it is clear that there are substantial material considerations and planning benefits associated with the Development that may outweigh any harm identified. These include:
- 42.1 Biogas: Anaerobic digester facility would produce up to 39,000MWh of renewable energy (biomethane), which could serve approximately 3,250 homes.
- 42.2 Carbon reductions from biogas: As set out in the Planning Balance Note (October 2022) [AB/4.44], the proposed development is expected to save at least 4,835,000kg of CO₂ per annum (based upon a CO₂ output from burning gas of 0.185kg/kWh), which is the equivalent of removing 9,500,000 road car miles per year.
- 42.3 Economic benefits: including the creation of 3 new full time jobs, along with a number of additional indirect jobs, along with making economic use of an underutilised form of renewable energy, and make a contribution towards reducing energy cost inflation³⁴.
- 42.4 CO₂ recovery and storage equipment: would supply UK food, beverage and medical sector with CO₂, which would therefore provide an important benefit to the local economy, and the UK.

³⁴ Note in particular that NPPF81 directs that “Significant weight should be placed on the need to support economic growth and productivity”.

- 42.5 Reduction in the use of chemical fertilisers: a pasteurised, odourless, organic biofertiliser (dry and liquid digestate fractions) will be produced from the anaerobic digestion process to replace imported chemical fertilisers.
- 42.6 Biodiversity Net Gain: with the Development securing a minimum 34% BNG in accordance with the biodiversity metric 3.0 calculation tool submitted as part of the Appeal (see [AB/4.6], with additional BNG resulting from the proposed landscaping mitigation) which could be secured by planning condition.
- 42.7 Landscape Enhancements: 1.5km of new hedgerows, 50 new trees and a landscaped bund.
- 42.8 Highway improvements: the package of highway measures, such as the proposed suite of passing places, would help reduce highway safety concerns current users may experience.
- 42.9 Traffic reductions: a net reduction of 984 two way trips per annum, with further reductions anticipated associated with the in the quantum of fertilizers imported to the farm overall.

The planning benefits of the Development are considered to be significant and should be given very substantial weight in the overall planning balance.

- 43 In any event, notwithstanding the above two positions, the 2015 Permission constitutes a fall-back development that, in its own right, constitutes a material consideration of sufficient weight to justify approval.
- 44 As explained above, and will be demonstrated throughout the appeal, there is a real prospect of the development under the 2015 Permission being delivered and operated. It is clear to the Appellant that there are no additional (or indeed unacceptable) impacts arising from the Development as compared to that permitted and may be completed pursuant to the 2015 Permission. For this reason alone, even if contrary to all the Appellant's submissions the above positions at paragraphs 39 and 40 are not accepted, the appeal should be allowed.
- 45 For all these reasons, we would strongly urge the Inspector to allow this appeal.

Appellant: Deal Farm Biogas Limited
Appeal against Refusal of Planning Permission (2022/1108)
Deal Farm, Kenninghall Road, Bressingham



HOWES PERCIVAL LLP

13 June 2023

Appendix 1
APPEAL INDEX

Please note that each section of this index corresponds with the same section on the appeal form. A separate agreed inquiry bundle will be provided for the inquiry with the documents the parties intend to refer to.

Part One – Supporting Documents – 01 – a copy of the original application form sent to the LPA

	Document	Date
1.1	Application Form (Redacted)	09/06/22

Part Two – Supporting Documents – 03 – A copy of the LPA’s decision notice

	Document	Date
2.1	Decision Notice	14/12/22

Part Three – Supporting Documents – 04 – A site plan (preferably on a copy of an Ordnance Survey map at not less than 10,000 scale) showing the general location of the proposed development and its boundary

	Document	Date
3.1	Proposed Site Layout Overview – 27249/612 – 1:1000 – Landscape – A1	11/21

Part Four – Supporting Documents – 05(b) for 05(a) – A list of all plans, drawings and documents (stating drawing numbers) submitted with Application 2022/1108 to the LPA

	Document	Date
4.1	Cornerstone – Design and Access/Planning Statement	06/22
4.2	Ansell Lighting – Lighting Design Criteria	-

4.3	Ansell Lighting – New Proposed Lighting Rev B	19/11/21
4.4	Ansell Lighting – New Proposed Lighting Rev C	21/07/22
4.5	Bidwells – Landscape and Visual Appraisal Review	06/12/22
4.6	Biodiversity Metric Calculation	13/06/22
4.7	Broom Lynne – Landscape and Visual Appraisal	05/22
4.8	Broom Lynne – Landscape Management Plan	05/22
4.9	Broom Lynne – Supplementary Landscape and Visual Assessment	05/22
4.10	Broome Lynne – Response to SNC	23/10/22
4.11	Enzygo – Air Quality Assessment for Planning Permission	10/22
4.12	Enzygo – Air Quality Assessment for Planning Permission	06/22
4.13	Enzygo – Air Quality Assessment Technical Addendum	30/11/22
4.14	Enzygo – Ecological Impact Assessment	13/06/22
4.15	Enzygo – Nutrient Neutrality Assessment Technical Note	27/05/22
4.16	Enzygo – Odour Assessment for Planning Permission	06/22
4.17	Enzygo – Stage 1 Habitats Regulations Assessment Screening Report	12/10/22
4.18	Enzygo – Stage 1 HRA Screening and Stage 2 Appropriate Assessment	13/06/22
4.19	Plan – Landscape Proposals 2021 413 005 – 1:1250 – Landscape – A1	12/12

4.20	Plan – Proposed CO2 Tanks, Building and Delivery Elevations 27249/628 1:100 – Landscape – A1	12/21
4.21	Plan – Proposed Digestate Lagoon Construction Details 27402/100 – UNO – Portrait – A1	12/21
4.22	Plan – Proposed Digestate Storage Lagoon A (North) GA Details 27402/503 – 1:250 – Landscape – A0	02/22
4.23	Plan – Proposed Digestate Storage Lagoon A (North) Site Layout 27402/013 – 1:1000 – Landscape – A1	12/21
4.24	Plan – Proposed Digestate Storage Lagoon B (West) GA Details 27402/504 – 1:250 – Landscape – A0	02/22
4.25	Plan – Proposed Digestate Storage Lagoon B (West) Site Layout 27402/014 – 1:1000 – Landscape – A1	12/21
4.26	Plan – Proposed Lagoon Pipework Routes 27402/SK06 – 1:5000 – Portrait – A1	12/21
4.27	Plan – Proposed Lined Fire Water Holding Lagoon Elevations 27249/645 – 1:100 & 1:1250 – Landscape – A1	06/22
4.28	Plan – Proposed Manure Store Elevations 27249/620 – 1:50 & 1:1250 – Landscape – A1	08/21
4.29	Plan – Proposed Manure Store Floorplan 27249/621 – 1:50 & 1:1250 – Landscape – A1	08/21
4.30	Plan – Proposed Plant Elevations (1 of 2) 27249/625 – 1:100 – Landscape – A1	09/21

4.31	Plan – Proposed Plant Elevations (2 of 2) 27249/626 – 1:100 – Landscape – A0	09/21
4.32	Plan – Proposed Site Layout 27249/611 – 1:500 – Landscape – A1	11/22
4.33	Plan – Proposed Site Layout Overview 27249/612 – 1:1000 – Landscape – A1 – (attached at 3.1 above)	11/21
4.34	Plan – Proposed Site Sections 27249/630 Rev R – 1:250 and 1:2500 – Landscape – A0 – Superseded	08/21
4.35	Plan – Site Location Plan – Proposed Digestate Lagoon A (North) 27402/153 A – 1:1000 – Landscape – A1	12/21
4.36	Plan – Site Location Plan – Proposed Digestate Lagoon B (West) 27402/154 B – 1:2000 – Landscape – A1	12/21
4.37	Plan – Storage Digester Elevations 27249/627 – 1:100 & 1:1000 – Landscape – A1	09/21
4.38	Plandescil – Drainage Design Strategy and Philosophy Statement Rev A	06/22
4.39	Plandescil – Drainage Design Strategy and Philosophy Statement Rev B	08/22
4.40	Plandescil – Flood Risk Assessment Rev A – Land East of Common Road	06/22
4.41	Plandescil – Flood Risk Assessment Rev A – Land to the East of Lady's Lane	06/22
4.42	Plandescil – Flood Risk Assessment Rev C	06/22
4.43	Plandescil – Transport Statement	06/22
4.44	Planning Balance Note	27/10/22
4.45	Professional Consult – Noise Impact Assessment	13/06/22

4.46	Report – Greenfield Run-Off Rates 1	27/09/22
4.47	Report – Greenfield Run-Off Rates 2	27/09/22
4.48	Royal Haskoning – Hydraulic Modelling Technical Note – September 2022	15/09/22
4.49	Royal Haskoning – Stage 1 Road Safety Audit	08/11/22
4.50	Royal Haskoning – Transport Statement Addendum	27/10/22
4.51	Wardell Armstrong – Archaeological Desk Based Assessment	05/22
4.52	Agent Response to Public Right of Way Officer	02/08/22
4.53	Plandescil – Response to Lead Local Flood Authority Letter 30 March 2022	16/08/22
4.54	Response to Elizabeth Truss MP	18/08/22
4.55	Response to CPRE Norfolk Objection	18/08/22
4.56	Applicant's Committee Briefing Note	12/2022
4.57	Enzygo – Response to Natural England and Suffolk Wildlife Trust	12/10/22

Part Five – Supporting Documents – 10 – Any relevant correspondence with the LPA

	Document	Date
5.1	2015 Permission Decision Notice	22/10/15
5.2	2015 Permission Officer's Report	22/07/15
5.3	Email from Council to Appellant	20/10/21
5.4	Email concerning report to committee (including email attachment)	09/12/22
5.5	Committee Report	07/12/22
5.6	Committee Minutes	14/12/22
5.7	Addendum Report	14/12/22

Part Six – Supporting Documents – 06(b) for 06(a) – Copies of any additional plans, drawings and documents sent to the LPA but which did not form part of the original application

	Document	Date
Certificate of Lawfulness of Proposed Use or Development application		
6.1	CLOPUD Application Form Completed	26/05/23
6.2	CLOPUD Submissions	16/05/23
6.3	CLOPUD Appendix 1 – Site Location Plan – PL-01 – scale as indicated – Landscape – no paper size	16/05/23
6.4	CLOPUD Appendix 2 Decision Notice dated 22 October 2015	16/05/23
6.5	CLOPUD Appendix 3 – Implementation Plan – PL-04 – 1:500 – Landscape – no paper size	16/05/23
6.6	CLOPUD Appendix 4 – Email exchange dated 19 October 2018	16/05/23
6.7	CLOPUD Appendix 5 – Confirmation of Commencement	16/05/23
6.8	CLOPUD Appendix 6 – Decision Notice dated 19 October 2018	16/05/23
Additional Documents submitted to the Council as part of a resubmitted planning application (Council reference 2023/0087)		
6.9	Response to Norfolk County Council letter dated 28 November 2022	20/01/23
6.10	Royal Haskoning – Transport Statement Part 1	07/06/23
6.11	Royal Haskoning – Transport Statement Part 2	07/06/23
6.12	Plan – Proposed Site Sections 27249 – 630 Rev U – Sections – 1:250 & 1:1250 – Landscape – A1	24/05/23

6.13	Section 106 Agreement and Planning Condition Heads of Terms and Supplementary Note	17/01/23
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Part Seven – Supporting Documents – 09(b) for 09(a) – A list of all plans and drawings (stating drawing numbers) submitted but not previously seen by the LPA – Further Documents

	Document	Date
7.1	Quod – Planning Benefit and Need Analysis	13/06/23
7.2	LVIA	06/23
7.3	LVIA Annex A – Methodology	06/23
7.4	LVIA Annex B – Sensitivity of Landscape Receptors	06/23
7.5	LVIA Annex C1 – Sensitivity of Landscape Receptors	06/23
7.6	LVIA Annex C2 – Predicted Visual Effects	06/23
7.7	LVIA Annex D1 – Visualisation Viewpoint 2	06/23
7.8	LVIA Annex D2 – Visualisation Viewpoint 5	06/23
7.9	LVIA Annex D3 – Visualisation Viewpoint 9	06/23
7.10	LVIA Annex E – Technical Methodology	06/23