

NORFOLK COUNTY COUNCIL

Town and Country Planning Act, 1990

Town and Country Planning (General Development Procedure) Order 1995

To: WBB Minerals Ltd  
Brookside Hall  
Congleton Road  
Sandbach  
Cheshire  
CW11 4TF

Particulars of Proposed Development

- Location: Wicken Quarry, c/o Leziate Quarry, Middleton, King's Lynn
- Applicant: WBB Minerals Ltd
- Agent: WBB Minerals Ltd
- Proposal: Extension to existing industrial sand quarry workings along with progressive restoration proposals to water based after-uses and conservation

The Norfolk County Council hereby gives notice of its decision to PERMIT the development specified in the application and particulars deposited on the 25th October 2001, as amended by the agent's letters and enclosures dated 21 February 2002, 22 February, 2002, and 29 April 2002.

This permission is subject to the conditions specified on the attached sheets.

The reasons for these conditions are also set out on the attached sheets.

Signed:  Date: 9.7.2003

for DIRECTOR OF PLANNING AND TRANSPORTATION

Norfolk County Council  
County Hall  
Martineau Lane  
Norwich  
NR1 2SG

## NOTES

- (1) If the applicant is aggrieved by the decision of the Local Planning Authority to refuse permission for the proposed development, or to grant permission or approval subject to conditions, he may appeal to the Secretary of State for the Environment in accordance with section 78 of the Town and County Planning Act 1990, within six months of the date of this notice. The secretary of State has the power to allow a longer period for the giving of a notice of appeal but he will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State is not required to entertain an appeal if it appears to him that permission for the proposed development could not have been granted by the Local Planning Authority, or could not have been so granted otherwise than subject to the conditions imposed by them, having regard to the statutory requirements, to the provisions of the Development Order, and to any directions given under the Order.
- (2) If permission to develop land is refused, or granted subject to conditions, whether by the Local Planning Authority or by the Secretary of State for the Environment, and the owner of the land claims that the land has become incapable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, he may serve on the Council of the county or district in which the land is situated a purchase notice requiring that Council to purchase his interest in the land accordance with Section 137 of the Town and County Planning Act, 1990.
- (3) In certain circumstances, a claim may be made against the Local Planning Authority for compensation, where permission is refused, or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in Sections 114 and 115 of the Town and Country Planning Act, 1990.
- (4) Any planning permission is subject to compliance with the byelaws (Local Acts, Orders, Regulations) and general statutory provisions in force.

Appeals must be made on a form which is obtained from the Planning Inspectorate, Customer Support Unit, Room 3/15 Eagle Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN. Tel: 0117 372 6372 Fax: 0117 372 8782 or e-mail: [enquiries@planning-inspectorate.gsi.gov.uk](mailto:enquiries@planning-inspectorate.gsi.gov.uk)

Location: Wicken Quarry, c/o Leziate Quarry, Middleton, King's Lynn

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Conditions:

1. The extraction of sand to which this permission relates shall cease by 31 December 2007 and the site shall be restored in accordance with conditions 10 and 11 below by 31 December 2009.
2. Unless otherwise agreed in writing with the County Planning Authority no operation authorised or required under this permission or under Part 23 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995, other than pumping of water and repairs to machinery, shall take place on Sundays or public holidays, or other than during the following periods:  
07.00 - 18.00 Mondays to Fridays  
07.00 - 13.00 Saturdays.
3. Measures shall be taken to minimise dust nuisance and sand blow caused by the operations, including spraying of road surfaces, plant area and stockpiles as necessary.
4. With the exception of noise generated during soil movement and bund construction and removal, noise emitted from the site shall not exceed 55dB(A) as measured at the boundaries of residential properties.
5. No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the County Planning Authority.
6. There shall be no vehicular access to the area except via the existing internal road between the application site and the processing plant site on Station Road, except for agricultural vehicles, and those accessing the site in connection with landscaping and aftercare.
7. Measures shall be taken to ensure that vehicles leaving the processing plant site shall not be in a condition whereby they would deposit mud or other loose material on the public highway.
8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order), no buildings, plant or machinery, nor structures of the nature of plant or machinery shall be erected on the site, except with permission granted on an application under Part III of the Town and Country Planning Act 1990.
9. The development shall not take place except in accordance with the phasing shown on the "Proposed Development" drawing SS 5.1 dated May 2001, and with details contained in the Supporting Statement Section 5 - The Proposed Development.

Continued.....

Location: Wicken Quarry, c/o Leziate Quarry, Middleton, King's Lynn

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10. Subject to the requirements of Condition 11 below, the restoration of the site shall be in accordance with the submitted scheme shown on "Restoration Proposals" drawing SS 6.1 Rev B dated May 2001 and revised April 2002, and with details contained in the Supporting Statement Section 6 - Restoration.
11. No operations shall take place until a scheme of working and restoration is submitted and agreed in writing with the County Planning Authority. This scheme shall be submitted within three months of the date of this planning permission or such other period agreed with the County Planning Authority. No operation shall take place except in accordance with the agreed scheme. The scheme shall include details of:
  - (a) retention of a 50 metre depth of Long Plantation;
  - (b) the location and design of perimeter fencing;
  - (c) siting of pumps;
  - (d) dates for phased working and restoration;
  - (e) a maximum area of disturbed land which at any time is unrestored;
  - (f) the provision to be made for drainage of the site;
  - (g) areas to be seeded or planted with trees, including provision for re-seeding and re-planting during the following planting season where such action is necessary as a result of any failure which occurs within a period of five years from the date of initial planting;
  - (h) areas to be restored to heathland/acid grassland;
  - (j) formation of bank profiles, batters and shoreline contours.
12. No development shall take place until a scheme of landscaping is submitted and agreed in writing by the County Planning Authority. This scheme shall be implemented within the first available planting season following the agreement in writing or such other period as may be agreed in writing with the County Planning Authority. The scheme shall include details of size, species and spacing of trees, hedges and shrubs, arrangements for their protection and maintenance, and details of the construction and maintenance of the soil bunds. The scheme shall make provision for:
  - (a) the protection and maintenance of existing trees and hedges which are to be retained on the site
  - (b) re-seeding and re-planting where failures or damage occur within a period of five years from the date of planting
  - (c) the replacement of any damaged or dead trees with trees of similar size and species at the next appropriate season.
13. Handling, movement and re-spreading of topsoil and subsoil shall not take place except when the soils are in a suitably dry and friable condition and in such a way and with such equipment as to ensure minimum compaction. (No handling of topsoil and subsoil shall take place except between 1st April and 31st October unless otherwise agreed in writing by the County Planning Authority.)
14. Any oil storage tanks on the site shall be sited on impervious bases and surrounded by oil tight bund walls; the bunded areas shall be capable of containing 110% of the tank volume and shall enclose all fill and draw pipes.

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Location: Wicken Quarry, c/o Leziate Quarry, Middleton, King's Lynn

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15. No excavation shall take place at a depth greater than 15 metres below the original ground level.
16. An aftercare scheme specifying such steps as may be necessary to bring the land to the required standard for use for agriculture/amenity/forestry/wildlife habitat shall be submitted for the approval of the County Planning Authority not later than one year from the date of this permission. The approved aftercare scheme shall be implemented over a period of five years following the completion of restoration or in the case of phased restoration in stages each of five years duration dating from each completed restoration phase.

The reasons for the Council's decision to authorise the development subject to compliance with the conditions herein before specified are:

- 1, 9. To ensure orderly working in the interest of the amenities of the surrounding area, to accord with Norfolk Minerals Local Plan policy MIN 36.
- 2 - 4, 8, 12. To protect the amenities of the surrounding area, to accord with Norfolk Minerals Local Plan policy MIN 6.
5. To ensure adequate time is available to investigate any features of archaeological interest, to accord with Norfolk Minerals Local Plan policy MIN 7.
- 6, 7. In the interests of highway safety, to accord with Norfolk Minerals Local Plan policy MIN 9.
- 10, 11, 13, 15, 16. To ensure the proper and expeditious restoration of the site, to accord with Norfolk Minerals Local Plan policy MIN 39.
14. To safeguard hydrological interests, to accord with Norfolk Minerals Local Plan policy MIN 10.

Notes:

1. This permission is also subject to Section 106 agreement concerning long-term aftercare and habitat management.
2. Attention is drawn to the requirements of the Environment Agency as contained in their letter dated 19 December 2001, a copy of which is attached to this notice.
3. Attention is drawn to the requirements of Transco as contained in their letter dated 20 June 2002, a copy of which is attached to this notice.





Our ref: AC\2001\005889\001  
Your ref: E/C/2/2001/2023



ENVIRONMENT  
AGENCY

Date: 19th December 2001

Director of Planning & Transportation  
Norfolk County Council  
County Hall  
Martineau Lane  
Norwich  
NR1 2SG

DEPT OF PLANNING AND TRANSPORTATION
FAO .....
21 DEC 2001
ONTO.....
ACTION.....
FILE.....
Post Log Ref:

*Comp 21/12*  
*RAC*  
*copied to WBS.*

Dear Sir/Madam

**EXTENSION TO EXISTING INDUSTRIAL SAND QUARRY WORKINGS -  
WICKEN QUARRY C/O LEZIATE QUARRY MIDDLETON, KINGS LYNN**

Thank you for referring the above application, which was received on 8 November 2001.

Our Water Resources and Conservation functions have assessed the application including the Environmental Impact Statement and the Supporting Statement and comment as follows:-

Water Resources

We require that the applicant provides additional information in order to facilitate a final impact assessment and a decision about adequate conservation requirements.

**Licensing Requirements**

- Sibelco Minerals and Chemicals Ltd hold the abstraction licence 6/33/59/G/25 for re-abstraction of dewatering water from three pits at TF 686 189, TF 687 183 and TF 674 181 for the purpose of mineral washing. Under the proposed extension it might be necessary to change details (points of abstraction, land on which licence authorises use of water, etc.) of this licence. The applicant should contact the Water Resources Licensing team to discuss the required way forward.
- Section 10 refers to water spraying for dust suppression. It is not stated where the source of water will come from.  
A large area of the site will be restored to a lake. The report states that the lake level will be determined by the natural groundwater level and by an overflow. As the report states, groundwater levels fluctuate naturally, so the applicant should be made aware that levels cannot be guaranteed.  
Section 6 of the supporting document states that 6ha of managed pond and ditch habitat will be created for water voles in the clay area south of the current working area. It is not clear where the water supply for these ponds will come from.

If abstraction from the underground strata, a surface water feature or the quarry is proposed for dust suppression, for the filling or maintaining of restoration water features or any other purpose, then under the Water Resources Act 1991, an abstraction licence may be required. The applicant should be advised to contact the Water Resources Licensing team to discuss any proposals.



## Conservation Notice / Section 30, Water Resources Act 1991

- Since the applicant is proposing to de-water the site, he must serve Notice on the Agency under Section 30, Water Resources Act 1991. The appropriate form WR-10 can be obtained from the Water Resources Department.

On the basis of the available information it is not possible to exclude an impact on other water users or water features in the area around the proposed excavation. The dewatering activities are exempt from control, in accordance with Section 29, Water Resources Act 1991. However, the Environment Agency may wish to use its powers under Section 30 of the Water Resources Act 1991 to issue a Conservation Notice outlining measures to be taken to protect existing sources. Current water users may also wish to make representation, if their supplies are affected.

### Comments about Information Provided and Requirement for Additional Information

We have the following comments about the information provided. We also require that additional information is provided to us in order that we can correctly assess the proposal and make final comments to the Planners (these requests for additional information are highlighted in bold text). We would need this information anyway when we assess the need for a Conservation Notice.

- Sections 4 of the EIS states there are 7 licensed abstractions within 2km of the site. Examination of the data within 2km of the application area shows an additional licensed abstraction located at TF 6658 1811. This is licence number 6/33/59/S/28 for the Angloflora Bulb Company Ltd, and allows abstraction from a drain at Bawsey for spray irrigation between April and September inclusive.

Several of the licences ARE within 1km of the site edged blue on the plans, i.e. the application area, but none appear to be within 1 km of the sites edged red, i.e. the proposed extraction area.

- Section 4 of the EIS examines the impacts on surface water. It is noted that surface ditches on the site will be diverted round the working site. It is the responsibility of the applicant to ensure that the development will not affect any water features. Therefore it is assumed that the Middleton Stop Drain will not be deprived of water as a result of the diversions.

The report also states that there will be no impact on the surface watercourses as a result of the de-watering in the area. This is based on the fact that flows have not been affected on other parts of the site, that channels are silted up and that flows are fast. However, the new area of excavation is flatter, so flows will be slower. In addition, if the channels of the ditches are diverted, and new channels created, these may not be silted. The applicant should therefore ensure that the de-watering does not affect the summer baseflows in these ditches so that the downstream ecology and protected rights are not affected. **The applicant should provide information about mitigation measures intended.**

- According to Section 4 of the EIS no notable drawdown of the groundwater level is expected to occur outside an area of 500m around the proposed excavation and therefore no other water users or water features are judged by the EIS to be affected by the de-watering measures.



However, the water level information provided is not sufficient to justify this conclusion. The 'comparison of current and historic groundwater data' (Table 4.2 of the EIS) shows, that the water levels measured in borehole number 85W12 (which is believed to be outside the area of influence) were at least 0.96m higher in February 2001 than in April 1986. This might imply that the drawdown caused by the de-watering in the other boreholes was about 1m greater than the differences in water level shown in Table 4.2. This would therefore also imply that the total drawdown in borehole 85W8, which is situated about 400m distant from the current working face, was about 1.7m between April 1986 and February 2001. If this is the case, notable drawdown is likely to occur outside the area of 500m around the proposed excavation. In addition the amount and distribution of the drawdown might be different to the situation in the past, since the extension is moving the de-watering area further to the east towards the border of the sand aquifer.

- In order to estimate the impact of the past and current de-watering it is believed necessary to analyse all monitoring data collected since 1988 and monitoring data from unaffected boreholes in the wider vicinity of the quarry.

In February 1988 Anglian Water (as predecessor of the Environment Agency) issued a Conservation Notice under Section 78 of the Water Resources Act 1963 and Section 28 of the Anglian Water Act 1977 to British Industrial Sand of Leziate Quarry, King's Lynn. The Conservation Notice set out measures including the measurement of water levels in piezometers M4, M1, W3, W5, W1, W10, W4 at least once a month, and the measurement of volumes of all water abstracted in the course of excavation of minerals on a daily basis and in monthly aggregates. Although this Conservation Notice is still valid for the current excavation area no monitoring data have been provided to the Environment Agency since November 1996. **The applicant should provide the monitoring data in order to facilitate the impact assessment for the proposed extension.**

It is anticipated that this current Conservation Notice cannot be applied to the dewatering works for the proposed extension, since different monitoring locations might be required.

- **The applicant should provide information to the Environment Agency about any monitoring and mitigation measures intended to ensure the water supply for other water users and water features in the vicinity of the proposed extension.** These measures should in particular consider the domestic water supply at TF699187, The Old Rectory, Ashwicken (Agency borehole reference number TF61/063), the domestic water supply at TF684166, Grandcourt Farm, East Winch (Agency borehole reference number TF61/107), the surface water abstractions from the surrounding ditches and the East Winch Common SSSI. Details of the domestic water supply boreholes (depth, pump intake depth, rest water level, operational drawdown etc.) should be made available for a sufficient risk assessment.
- The proposed restoration includes a large lake in the eastern part of the application area. According to the EIS it has not been considered if this will lead to any long term impact on the water environment and on other water users, for instance caused by increased evaporation. **The applicant should demonstrate that sufficient consideration has been given to the long term effects of the proposed restoration features.**

#### Conservation

The EIS and Supporting Statement accompanying this application are very thorough in their coverage of issues relating to ecology, landscape and archaeology. The reports have identified areas of potential impact and the relevant conservation organisations have been

consulted and appropriate mitigation measures proposed. The report also considers the presence of both UK and local Biodiversity Action Plan species and habitats in the area.

Informatives

Area B of the proposed extension falls within the Kings Lynn Consortium Internal Drainage Boards area and their approval will be required to divert/infill drainage ditches. Area B1 is not within the IDB area and any diversion/infilling of ditches will require the consent of the Environment agency under the terms of the Water Resources Act 1991/Land Drainage Act 1991

Under the terms of the Water Resources Act 1991, the prior agreement of the Environment Agency is required for any dewatering or gravel washing activities to controlled waters.

Yours faithfully



On behalf of Nigel Fawthrop  
Customer Services Manager

**Please ask for: Mr M Dewsbury**

Direct line: 01480 483924

fax: 01480 435193

DEPT OF PLANNING AND TRANSPORTATION	
FAO .....	
24 JUN 2002	
ONTO.....	<i>[Signature]</i>
ACTION.....	<i>[Signature]</i>
FILE.....	<i>[Signature]</i>
Post Log Ref:	<i>[Signature]</i>

# Transco

**Legal Team**

Brick Kiln Street  
Hinckley  
Leicestershire LE10 0NA

Telephone 01455 251111  
Fax: 01455 232889

**24 hour gas escape  
number 0800 111 999\***

\*Calls will be recorded  
and may be monitored

Mr R Cranthorne  
Norfolk County Council  
Planning & Transportation  
County Hall  
Norwich NR1 2 SG

*already  
agreed to  
WBB + agent  
etc.*

Direct Line: 01455 893120

Date 20 June 2002

Our Ref: TJL/3445  
Your Ref: E/C/2001/2003

Dear Mr Cranthorne

**Leziate Wicken Quarry, C/O Leziate Quarry Middleton Kings Lynn : Extension to existing industrial sand quarry workings along with progressive restoration proposals to water based afteruses and conservation : WBB Minerals Ltd**

I refer to your Planning Application submitted by WBB Minerals Ltd to extract Silica sand.

As identified in the application, there exists a Transco 900mm high pressure gas pipeline within the area subject to the application. The pipeline was laid to the fappropriate standard and in accordance with the relevant codes of practice. The pipeline was originally routed in consultation with the Planning Authority to avoid areas which might be affected by future development.

The pipelines are also subject to the Deed of Grant of Easement dated 22 June 1970 between the proprietors of the land at or around the time the pipeline was constructed.

In the circumstances, please take this letter as Transco's holding objection to the application, to enable us to meet with WBB Minerals Ltd in order to satisfy ourselves of the protection measures that will need to be established to ensure the integrity of the pressure gas pipeline.


Transco would wish to discuss the proposed general methods of working and in particular the proposed crossing point platforms and evidence to support the proposed protection to the pipeline.

I would appreciate it if you could let me know as ssoon as possible the advice you are minded to give to your authority and the decision your authority is likely to make on this application. I understand the application is still under consideration .

# Transco

I look forward to hearing from you.

Yours sincerely

A handwritten signature in black ink, appearing to be 'Tracey Long', written over a horizontal line.

Tracey Long  
Wayleave Advisor