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To: The Chair and Members

of the Development Management Committee County Hall Topsham Road

Exeter Devon EX2 4QD

Date: 18 April 2023 Contact: Julia Jones

Email: Email. julia.e.jones@devon.gov.uk or

contact 01392 380547

DEVELOPMENT MANAGEMENT COMMITTEE

Wednesday, 26th April, 2023

A meeting of the Development Management Committee is to be held on the above date at 2.15 pm at Clinton and Fortescue Committee Rooms, County Hall, Topsham Road, Exeter EX2 4QD to consider the following matters.

Donna Manson Chief Executive

AGENDA

PART 1 - OPEN COMMITTEE

- 1 Apologies for Absence
- 2 Minutes

Minutes of the Meeting held on 7 December 2022 (previously circulated)

3 <u>Items Requiring Urgent Attention</u>

Items which in the opinion of the Chair should be considered at the meeting as matters of urgency.

MATTERS FOR DECISION

County Matter: Waste South Hams District - Proposed variation of condition 1 of permission 0704/22/DCC (Proposal to vary condition 2 of permission 1690/20/DCC (Variation of condition 4 (to extend the temporary permission) of planning permission DCC/3638/2014 for importation of inert waste for the purpose of filling the void as part of the restoration of Steer Point Quarry) to revise the design of the gravity outfall into Coflette Creek) to extend the period to import waste into the site to 31 October 2023, Steer Point Quarry, Steer Point Road, Brixton (Pages 1 - 12)

Report of the Chief Planner (CET/23/32)

Electoral Division: Bickleigh & Wembury

County Matter: Waste - Variation of Condition 2 of Devon County Council Ref.

DCC/4198/2020 for the extensions and alteration to the existing waste processing facility and combined heat and power plant, Unit 8, Stuart Way, Hill Barton

Business Park, Clyst St Mary (Pages 13 - 28)

Report of the Chief Planner (CET/23/33)

Electoral Division: Broadclyst

OTHER MATTERS

6 <u>Delegated Action - Schedules (to include ROMPS Actions) and Summary</u> Schedule (Pages 29 - 30)

Report of the Chief Planner (CET/23/34)

<u>PART II - ITEMS WHICH MAY BE TAKEN IN THE ABSENCE OF THE PRESS</u> AND PUBLIC

Nil

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Induction Loop available



CET/23/32 **Development Management Committee** 26 April 2023

County Matter: Waste

South Hams District: Proposed variation of condition 1 of permission

0704/22/DCC (Proposal to vary condition 2 of permission

1690/20/DCC (Variation of condition 4 (to extend the temporary permission) of planning permission DCC/3638/2014 for importation of inert waste for the purpose of filling the void as part of the restoration of Steer Point Quarry) to revise the design of the gravity outfall into Coflette Creek) to extend the period to import waste into the site to 31 October 2023, Steer Point Quarry, Steer Point Road, Brixton

Applicant: Mr Richard Drew Application No: 0392/23/DCC

Date application received by Devon County Council: 27 January 2023

Report of the Chief Planner

Please note that the following recommendation is subject to consideration and determination by the Committee before taking effect.

1) Recommendation

It is recommended that planning permission is granted to enable importation of waste to 31 October 2023 subject to the conditions in Appendix 1 of this report, with any subsequent minor material changes to the conditions being agreed in consultation with the Chair and Local Member.

2) **Summary**

- 2.1 This report relates to a planning application for variation of a condition to allow an extended period for importation of inert waste materials to be used in the restoration of Steer Point Quarry. The application seeks to vary condition 1 of permission 0704/22/DCC (DCC/4285/2021) which was a variation of an earlier planning permission (DCC/3638/2014) for the importation of waste to restore Steer Point Quarry.
- 2.2 It is considered that the main material considerations in the determination of the proposed development are the need and principle of development; environmental impact; the restoration scheme and traffic and transport.
- 2.3 The planning application, representations received and consultation responses are available to view on the Council website under reference

DCC/4334/2023 or by clicking on the following link: https://planning.devon.gov.uk/PlanDisp.aspx?AppNo=DCC/4334/2023.

3) The Proposal/Background

- 3.1 Steer Point Quarry is located approximately five miles to the south-east of Plymouth city centre, and one mile to the south of the village of Brixton in south Devon, between the Estuaries of the River Yealm to the east and Cofflete Creek to the west. Vehicular access to the site is from Steer Point Road which connects with the A379 at Brixton, linking with Plymouth to the west and South Hams to the east.
- 3.2 The nearest properties to the landfilling operations are Steer Point Cottages (80m southwest of the infill area), and South Barton properties (110m to the east). Steer Point House and Yealmside Bungalow are approximately 190m to the east and the Steer Point peninsula properties are around 150m away to the southeast. The site is 1.2 miles south of residential properties on the edge of Brixton, along Steer Point Road.
- 3.3 The site is located within a sensitive location subject to designations including South Devon Area of Outstanding Natural Beauty (AONB), Devon Coastal Preservation Area, Regionally Important Geological and Geomorphological Site and Steer Point County Wildlife Site. Adjoining the site are the Plymouth and Sound Estuaries Special Area of Conservation and Yealm Estuary Site of Special Scientific Interest. Additionally, there is a Grade II listed bridge and a Grade II listed building, Steer Point Lodge on Steer Point Road.
- 3.4 The application site is approximately 30.1 hectares in total and contains a large quarry void at the northern end of the site where shale was extracted for brick making. The quarry void includes a freshwater lagoon to the south-west, and it is enclosed to the west and south by topsoil bunds and woodland. Areas of meadowland separate the quarry from the old brickworks area outside of the mineral planning consent area and current application area.
- 3.5 The mineral planning permissions have expired, but they provided for an indicative restoration scheme consisting of a large water body, grazing land, meadow areas, additional perimeter woodland planting and new boundary hedge bank. It had been anticipated that restoration levels would have been achieved by the use of mineral waste from the site (including overburden and subsoil generated by operations) and waste material arising from the brick making process, but it was also the case that additional materials would have been needed to be imported in order to provide an appropriate growing medium.
- 3.6 Since expiry of the mineral permissions, the former quarry has been the subject of new planning applications to facilitate its restoration:
 - DCC/3638/2014: importation of inert waste for the purpose of filling the void as part of the restoration, approved in January 2015 and limited to a period of four years from the date of commencement of the development. This

permission was subject to a S106 Agreement that included requirements for bridge surveys and remedial works; compliance with a haulage statement; dedication of a right of way; hours of waste deliveries; numbers of vehicle movements; details of signage; records of deliveries; aftercare programme; access to a geological exposure and a complaints procedure.

DCC/4183/2020: variation of Condition 4 of DCC/3638/2014 to extend the temporary permission to May 2023, approved in April 2021 subject to a deed of variation to the S106 Agreement.

DCC/4234/2021: a S106A application to vary the S106 Agreement to increase the number of vehicle movements was submitted, but this was withdrawn prior to determination.

DCC/4285/2021: variation of Condition 2 of DCC/4183/2020 to vary the approved plans for a gravity outfall to Cofflete Creek, approved in April 2022, subject to a further deed of variation to the S106 Agreement as previously amended.

- 3.7 The quarry void has largely been filled in accordance with the requirements of the approved restoration plan, with restored areas having been reseeded and hedgerows in the early stages of establishing. This restoration plan requires the importation of approximately 140,000m³ (at 1.5t/m³) of inert material; as of November 2022, total imports to the site amounted to 110,480m³ leaving a further 29,519m³ left to complete the planned restoration.
- 3.8 This new application seeks to vary Condition 1 of permission DCC/4285/2022 approved in April 2022 to extend the period for importation of material for completion of the approved restoration from the current limit of 9 May 2023 to 31 October 2023. The applicant advises that a number of factors have contributed to the shortfall in material at the site including, but not limited to, the impacts of the Covid-19 pandemic, availability of material, and delays in obtaining the required Environmental Permit to commence importation.
- 3.9 Based on the 50,000m³ per annum importation restriction, the maximum number of load movements permitted to site imposed through the extant planning permission, and the remaining deficit (29,519m³), it has been calculated that a further six months will be sufficient to complete the required importation.
- 3.10 This materials importation is required in order to restore the quarry, including partial infilling and levelling out of the existing site (to integrate with the surrounding landscape), hedgerow planting to form fields, the creation of a wetland area to manage surface water runoff (including gravity outfall pipe), and a permissive path to follow the old railway.
- 3.11 The extant planning permission which this application seeks to vary was subject to Environmental Impact Assessment. Regulation 19 of the Town and County Planning (Environmental Impact Assessment) Regulations 2017 makes provision for subsequent applications where environmental information

has been previously provided, and Planning Practice Guidance provides further clarity on the requirements where applications seek to vary an original consent. A Section 73 (variation of conditions) application is considered to be a new application for planning permission under the 2017 EIA Regulations.

- 3.12 Where environmental impact assessment was carried out on an original application, the planning authority is required to consider whether further information needs to be added to the Environmental Statement (ES) to satisfy the requirements of the Regulations. Whether changes are required or not, an Environmental Statement is required to be submitted with a Section 73 application.
- 3.13 It was agreed with the applicant that the original ES could be submitted in support of this application together with an addendum covering the additional topics required by the updated Regulations and any other change that may have occurred since permission was granted. Consideration of this application is therefore based on the information provided in the Environmental Statement and the submitted addendum.
- 3.14 The S106 Deed of Variation relating to the extant consent allowed for a new clause to be inserted in the Principal Deed that allows for the signed agreement to be applied to any future variation of condition for the development. Therefore, it is not considered necessary to seek a further variation to the S106.
- 3.15 The extant permission was also subject to Habitats Regulation Assessment [HRA]. As it is considered appropriate to use the existing information submitted in the Environmental Statement and the Ecological Addendum to the ES does not identify any new issues, it is not considered necessary to revise the HRA.

4) Consultation Responses

- 4.1 South Hams District Council: No objection.
- 4.2 <u>Brixton Parish Council</u>: No objection provided the work is completed within 6 months, the footpath is open as soon as infill is complete, and the concrete slabs at the entrance to the site are removed.
- 4.3 Environment Agency: No objection.
- 4.4 Natural England: No comment. General advice provided.
- 4.5 National Grid: No response received.
- 4.6 South Devon AONB Partnership: No response received.
- 4.7 <u>Devon Wildlife Trust</u>: No response received.

- 4.8 <u>DCC Flood Risk Management</u>: No objection to extension of time. Monitoring of additional waterbody will be required and a revised restoration scheme submitted should the additional waterbody be retained.
- 4.9 DCC Historic Environment: No comment.
- 4.10 <u>DCC Coastal Officer</u>: No response received.
- 4.11 DCC Ecology: No objection.
- 4.12 DCC Landscape: No response received.
- 4.13 DCC Public Rights of Way: No response received.
- 4.14 DCC Public Health: No response received.
- 4.15 <u>DCC Road Safety</u>: No objection providing the current traffic management plan is continued.
- 4.16 <u>DCC Highways</u>: No objection subject to the same traffic management restrictions as per the previous consent.

5) Advertisement/Representations

- 5.1 The application was advertised in accordance with the statutory publicity arrangements by means of a site notice, notice in the press and notification of neighbours by letter. As a result of these procedures, 26 letters of objection, two comments, and two letters of support were received.
- 5.2 The material objections raised in connection with the submission are:
 - the proposed restoration has been granted two previous extensions and has not been completed within these extension periods, and the extended timescale means ongoing impacts on neighbouring residents beyond those originally assessed;
 - changes to the local road network (such as the closure of Red Lion Hill) and its use since the original consent was granted mean the lorry movements and danger they pose to pedestrians, including those using Steer Point Road and collecting from the school and nursery, are no longer appropriate and pose a risk to safety, and a new impact/safety review is required;
 - the conditions regarding the timings of lorry movements (outside of school drop off/collection) are not being adhered to;
 - the ongoing noise impacts upon residents, both in close proximity to the site and along the access route, and the extension of these impacts for a further six months;
 - the impact that development has had on reed beds and bird nesting close to the gravity outfall and general impacts on ecology in the area; and
 - concerns were raised over the appropriate management and monitoring of the site and whether conditions are complied with.

5.3 Two letters support the extension of time in order to deliver the benefits of the proposed final restoration.

6) Planning Policy Considerations

- 6.1 In considering this application the County Council, as Waste Planning Authority, is required to have regard to the provisions of the Development Plan insofar as they are material to the application, and to any other material considerations. Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires that where regard is to be had to the Development Plan, the determination shall be in accordance with the Development Plan unless material considerations indicate otherwise. In this case, the Development Plan policies are summarised below and the most relevant are referred to in more detail in Section 6.
- 6.2 <u>Devon Waste Plan 2011-2031</u> (adopted December 2014)
 Policies W1 (Presumption in favour of Sustainable Development); W2
 (Sustainable Waste Management); W7 (Waste Disposal); W11 (Biodiversity and Geodiversity); W12 (Landscape and Visual Impact); W14 (Sustainable and Quality Design); W17 (Transportation and Access); W18 (Quality of Life); W19 (Flooding) and W20 (Restoration and Aftercare).
- 6.3 <u>Devon Minerals Plan 2011-2033</u> (adopted February 2017) Policy M27 (Restoration and Aftercare).
- 6.4 Plymouth and South West Devon Joint Local Plan 2014-2034 (adopted March 2019)
 Policies DEV1 (Protecting Health and Amenity); DEV2 (Air, Water, Soil, Noise, Land and Light); DEV23 (Landscape Character); DEV25 (Nationally Protected Landscapes); DEV26 (Protecting and Enhancing Biodiversity and Geological Conservation); DEV29 (Specific Provisions Relating to Transport) and DEV35 (Managing Flood Risk and Water Quality Impacts).
- 6.5 Other material planning considerations include:
 - National Planning Policy Framework;
 - National Planning Policy for Waste;
 - Planning Practice Guidance; and
 - Plymouth and South West Devon Supplementary Planning Document.

7) Comments/Issues

7.1 It is considered that the main material planning considerations in the determination of the proposed development are the need and principle of development; environmental impact; the restoration scheme and traffic and transport.

Need and Principle of Development

7.2 The application seeks a variation of Condition 1 of the previous permission DCC/4285/2021 to extend the time period for importation of inert waste for the purpose of restoring the void left by mineral extraction. The applicant has

been working with the County Council for a number of years in order to agree a suitable restoration scheme that is in accordance with planning policy, and which achieves net benefits for the AONB and ecology, as well as enabling access for education (in relation to geology) and for recreational use. The principle of this development in this location has previously been established with the approval of a number of planning applications (summarised in 2.6) relating to the restoration of the site.

7.3 The additional period to 31 October 2023 for importation of waste materials is required in order to allow for the agreed restoration principles to be achieved on site following delays in obtaining the required Environmental Permit to commence importation, and further delays caused by impacts of the Covid-19 pandemic and the availability of materials. Given the benefits of the proposed restoration, and the harm that may be caused in terms of landscape to the AONB and in terms of surface water management by not allowing the restoration to be completed, it is considered that there is a clear need for the extension as proposed.

Traffic and Road Safety

- 7.4 A number of objections have been received raising concerns regarding extending the period of time over which HGVs will be accessing the site via Brixton and Steer Point Road and related impacts including road safety, air quality, and the condition of the road.
- 7.5 Consultation with the Council's Highways and Road Safety officers has confirmed that there are no concerns regarding the safety of the highway and the number and type of vehicles accessing the site and a further impact/safety review is not required.
- 7.6 Matters such as the number of vehicle movements per day, timing of movements, sheeting of lorries, and dust and debris on the road have previously been suitably controlled by conditions and the S106 Agreement and, subject to the same controls being imposed, there are no concerns regarding the proposed extension of time in terms of highways or road safety. It is recommended that the same conditions are imposed upon this consent to ensure the safe and effective operation of the local highway network for all users. Subject to the proposed conditions, the application is considered to be in accordance with Policy W17 of the Devon Waste Plan and Policy DEV29 of the Plymouth and South West Devon Joint Local Plan.

Environmental Impacts

- 7.7 The original Environmental Statement covered a range of topics including landscape and visual impact; ecology/habitat surveys; noise impacts; transport assessment; hydrology and hydrogeology; flood risk; air quality impact assessment and geological surveys.
- 7.8 Where likely slight adverse or moderate effects and impacts were identified in the original ES and addenda, it is considered that these have been suitably

- controlled and managed via compliance with approved documents and planning conditions, and the S106 Legal Agreement (and subsequent Deeds of Variation).
- 7.9 In support of this application, an additional addendum has been provided to cover additional matters required by the updated regulations and to take account of any changes in the ecological status of the site.
- 7.10 Given the information supplied with the application and consultation with the relevant statutory and internal consultees, it is concluded that the amended timescale sought in this application to allow for the completion of the restoration scheme would not result in a development that is substantially different from that which was previously assessed and approved. The revised programme would therefore be unlikely to have any significant environmental impacts that have not already been considered and suitably mitigated. The proposed extension is therefore considered to be in accordance with the policies listed in section 5 of this report.

Restoration & Water Body

- 7.11 Good progress has been made at the site in terms of achieving the restoration previously approved. As is common for restoration schemes, conditions at the site have resulted in some non-material, minor deviations from the approved scheme.
- 7.12 A possible significant change to the approved restoration scheme is in relation to an additional water body in the northwest of the void which is not included on the approved plans. This water body has emerged during restoration of the site and the operator is exploring the benefits of keeping it and monitoring the source and outfall of the water. A condition has therefore been recommended to require the submission and approval of an updated restoration scheme that accurately reflects the final restoration plans for the site and appropriately responds to the waterbody using monitoring evidence collected prior to submission.
- 7.13 Subject to the recommended condition, the application is considered to be in accordance with Policy W20 of the Devon Waste Plan.

Climate Change

7.14 Paragraph 152 of the National Planning Policy Framework requires that "the planning system should support the transition to a low carbon future in a changing climate", while Devon County Council has declared a climate emergency and committed to facilitating the reduction of Devon's carbon emissions to net-zero by 2050. The scope for individual planning applications to contribute to these initiatives will be dependent on the nature and scale of the development being proposed, and relevant considerations are outlined below.

7.15 The impact of the development on climate change is addressed in the Environmental Statement Addendum submitted in support of the application and is considered the be low. The lifetime of the development is short and the benefits of the application in relation to surface water management, ecology, and landscape are considered to outweigh any expected minor impacts on climate change and vulnerability.

Strategic Plan

7.16 The proposal is considered to contribute positively to the vision and priorities in the Council's Strategic Plan 2021-2025. In particular, the completion of the restoration is expected to make a positive contribution towards 'helping wildlife and landscapes to recover' (Responding to the Climate Emergency) by restoring the landscape and delivering an overall benefit for ecology at the site including through establishing waterbodies, hedgerows, and planting.

8) Reasons for Recommendation/Alternative Options Considered

- 8.1 The Committee has the option of approving, deferring or refusing this planning application.
- 8.2 In conclusion it is considered that a further six months period to facilitate importation of sufficient waste materials to complete the approved restoration scheme will ensure the satisfactory restoration of the site with landscape and ecological benefits that outweigh the adverse effects of the associated traffic on the local area.

Mike Deaton

Chief Planner

Electoral Division: Bickleigh & Wembury

Local Government Act 1972: List of background papers

Background Paper Casework File Date January 2023 File Reference DCC/4334/2023

Contact for enquiries:

Name: Rachel Tuckett Telephone: 01392 383000

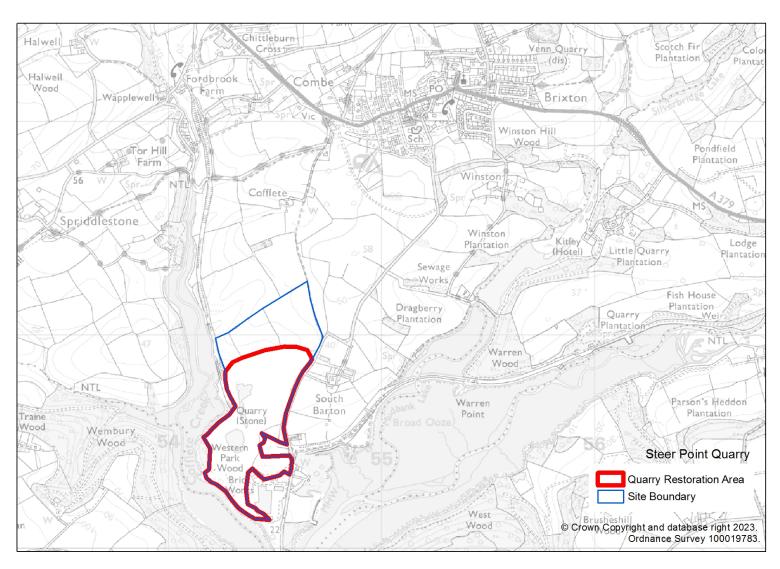
Address: Room 120 County Hall, Topsham Road, Exeter

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sc/cr/variation of condition Steer Point Quarry gravity outfall Coflette Creek Brixton

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Location Plan



Appendix I To CET/23/32

Planning Conditions

1. The permission shall be limited to a period ending on 31 October 2023, by which time the infilling/tipping operations shall have ceased and the site restored in accordance with the landscape restoration set out on drawing numbered 1741.200.

REASON: To minimise the impact of the development and to secure effective restoration of the site in accordance with Policy M27 (Restoration and Aftercare) of the Devon Waste Plan 2011-2031 and Policy W20 (Restoration and Aftercare) of the Devon Minerals Plan 2011-2033.

2. The development shall be carried out in strict accordance with the details shown on the approved drawings numbered/titled: 1247/2763. AA/01/RJ/01/Rev A, AA/01/RJ/02/Rev D, 1741.5 Revision F, SPP1741.02 Revision L, 1741.200, SPP1741.4 Revision E, SPP1741.6, SPP1741.7.1, SPP1741.7.2, SPP.1741.4, SPP.1741.5/ B, Landscape and Ecology Restoration & Monitoring Plan (dated November 2015/revised March 2016, prepared by Michelle Hughes Associates), Dust Management Plan (dated March 2016 - WD Daniels Plant Hire Ltd), Noise Management Plan (dated January 2016 - WD Daniels Plant Hire Ltd), Construction/Operational Traffic Management Scheme (prepared by W[D] Daniels Plant Hire Ltd dated 3.11.2014), Construction Environmental Management Plan (prepared by Michelle Hughes Associates dated July 2015/revised March 2016), Culvert Method statement, 'RAMS 099 Culvert Construction' Champion Groundworks Ltd, dated 13.10.2021, and Reptile displacement prior to excavation of bund in the west of the site – the key principles;

unless varied by the conditions below or by legal agreement.

REASON: To ensure that the development is carried out in accordance with the approved details.

Within three months of the date of this consent, a revised Restoration Plan and a revised Landscape and Ecology Restoration Management and Monitoring Plan shall be submitted to and approved in writing by the Waste Planning Authority. The revised schemes shall include any minor amendments made to the final restoration levels, final planting plans, and full details of the additional water body and how it is to be managed and monitored. The development shall be carried out in accordance with the approved plans and details.

REASON: In order to ensure appropriate restoration of the site in accordance with Policy W20 (Restoration and Aftercare) of the Devon Waste Plan 2011-2031 and Policy M27 (Restoration and Aftercare) of the Devon Minerals Plan

2011-2033, and to ensure flood risk is managed appropriately in accordance with Policy W19 (Flooding) of the Devon Waste Plan 2011-2031.

4. Waste operations at Steer Point Quarry shall only take place between 0830 to 1730 on Mondays to Fridays. There shall be no working on Saturdays, Sundays and Public Holidays. For the avoidance of doubt this condition does not apply to the delivery of waste which is subject to the associated S106 Agreement.

REASON: To protect the living conditions of nearby residents and in accordance with Policy W18 (Quality of Life) of the Devon Waste Plan 2011 – 2031.

5. A maximum of 50,000 cubic metres of *inert waste material shall be brought into site during any one calendar year.

REASON: To control the types of waste disposed of at the site in accordance with policy W7 (Waste Disposal) and to ensure that the development does not have an unacceptable impact on the highways network in accordance with policy W17 (Transportation and Access) of the Devon Waste Plan 2011 – 2031.

*Inert waste is not chemically or biologically reactive and will not decompose.

6. No processing of waste including crushing or screening shall take place at the site.

REASON: To protect the tranquillity of the AONB and the living condition of nearby residents in accordance with Policies W12 (Landscape and Visual Impact) and W18 (Quality of Life) of the Devon Waste Plan 2011 – 2031.

7. No additional external lighting shall be used or installed on any part of the site.

REASON: To ensure that the development does not have an unacceptable impact on the local landscape and residential amenity, in accordance with Policies W12 (Landscape and Visual Impact) and W18 (Quality of Life) of the Devon Waste Plan 2011 – 2031.

CET/23/33 Development Management Committee 26 April 2023

County Matter: Waste

Variation of Condition 2 of Devon County Council Ref. DCC/4198/2020 for the extensions and alteration to the existing waste processing

facility and combined heat and power plant, Unit 8, Stuart Way, Hill

Barton Business Park, Clyst St Mary Applicant: Renewable Asset Limited

Application No: DCC/4331/2022

Date application received by Devon County Council: 16 December

2022

Report of the Chief Planner

Please note that the following recommendation is subject to consideration and determination by the Committee before taking effect.

1) Recommendation

Recommendation: It is recommended that planning permission be granted subject to the planning conditions set out in Appendix 1 (with any subsequent minor material changes to the conditions being agreed in consultation with the Chair and Local Member).

2) Summary

2.1 This report relates to a planning application to vary a combined heat and power [CHP] plant at Unit 8, Hill Barton Business Park previously in March 2021. The proposal seeks to remove the originally proposed upwards extension of the existing processing building, site the CHP related plant and equipment externally, and install revised airflow management system and sound attenuation to retain existing operational sound levels within the plant. The revised proposal will also see the externally located plant being more than 6m lower than the currently approved 18.43m plant building and the stack reducing in height from 21.45m to 16m.

As with DCC/4198/2020, it also proposes to remove the approved roadside conveyor 'dryer' facility to the front of the site and to construct a new bunker building (to replace an external walking floor bunker to the south-west of the site to house imported refuse derived fuel).

2.2 It is considered that the main material planning considerations in the determination of the proposed development are planning policy considerations, noise, lighting, landscape and highways.

2.3 The planning application, representations received and consultation responses are available to view on the Council website under reference DCC/4331/2022 or by clicking on the following link: https://planning.devon.gov.uk/PlanDisp.aspx?AppNo=DCC/4331/2022

3) The Proposal/Background

- 3.1 Hill Barton Business Park is located approximately 6km to the east of Exeter with vehicular access provided directly from the A3052 Exeter to Sidmouth road, and it includes a recent extension to the land allocated for business and industrial uses at the front of the business park. A number of waste operations are carried out at the site including skip hire, waste transfer, a gasification unit, materials recycling facility, green waste composting, incinerator ash processing and an inert landfill site.
- 3.2 Unit 8 has been the subject of several previous planning applications for waste-related thermal treatment facilities:

07/01520/2005: Installation of a self-contained gasification unit to process non-recyclable materials arising from the Hill Barton waste transfer station, approved in July 2005 with the amount of waste limited to one tonne per hour. This permission was not implemented.

DCC/2727/2008: Relocation of the gasification unit approved by 07/01520/2005 to inside the existing Unit 8, approved in January 2009 with the same throughput limitation as the previous permission.

DCC/3690/2014: Extension to existing industrial unit to accommodate thermal processing and energy plant to process recycled waste wood and to dry non-hazardous and non-recyclable wastes from adjacent transfer station, approved in April 2015. This plant would have three core components:

- a thermal oil boiler to generate heat by the combustion of woodchip and provide energy to run the turbine and belt dryer;
- a small-scale turbine to generate electricity; and
- a belt dryer unit to reduce the moisture content of incoming waste derived from the waste transfer site.

The fuel to be used in the facility would be chipped waste wood, with the plant using approximately 12,000 tonnes per annum. It was indicated that 10,000 tonnes of this would arise from the waste wood collected by the skip hire company, with the remaining 2,000 tonnes being imported from elsewhere.

The plant approved by this permission was installed and commissioned in late 2016, but it had various operational problems and was mothballed in 2020.

DCC/4198/2020: Extensions and alterations to the existing waste processing facility and CHP plant, approved in March 2021 with a limitation on annual throughput of 26,000 tonnes. This allowed an upwards extension of the processing building approved by DCC/3690/2014 to accommodate new internal CHP related plant and equipment. It was also proposed to remove a

roadside conveyor 'dryer' facility to the front of the site and construct a new bunker building (to replace an external walking floor bunker) to the south-west of the site to house imported refuse-derived fuel [RDF].

The proposed upgrades would enable more efficient processing of fuel and also allow for an increase in throughput from 12,000 tonnes per annum to 26,000 tonnes per annum. This permission also approved an increase in the ridge height of the main plant room from 12.91m above ground level [AGL] to 18.43m AGL, and for associated stack from 15.36m AGL to 21.45m AGL. This most recent permission has not been implemented, but it remains extant.

- 3.3 The current application seeks to install the same equipment and plant that was approved by planning permission DCC/4198/2020, but with omission of the upwards extension of the existing processing building; siting of the CHP related plant and equipment externally; and installation of revised airflow management system and sound attenuation to retain existing operational sound levels within the plant. The newly proposed plant will be no higher than 12.5m AGL with a stack height of 16m, and it is proposed that the surrounding buildings will have a ridge height of 10.12m AGL.
- 3.4 The proposed annual throughput of waste materials remains at 26,000 tonnes as previously permitted under DCC/4198/2020, with approximately 70% or 19,000 tonnes of that being sourced from EMS Waste Services, located 400m to the north-east of the site and within the confines of the Hill Barton Business Park.
- 3.5 Following previous correspondence with East Devon District Council during the determination of DCC/4198/2020 it was advised that, based on the operating hours of 8,600 hours a year, the throughput of 25,800 tonnes equates to three tonnes per hour which will require a local authority Small Waste Incineration Plant permit (rather than an Environment Agency permit) which was at the time under consideration by the District Council.

4) Consultation Responses

- 4.1 <u>East Devon District Council (Planning)</u>: No response received.
- 4.2 <u>East Devon District Council (Environmental Health)</u>: Based on the conclusions of the noise report (ref. 402.V06687.00002,) it is not expected that there should be significant adverse impacts on nearest residential receptors. It is recommended that, prior to the commissioning of the plant, a review of the impact of any low frequency noise should be carried out and any mitigation measures submitted to and approved in writing by the waste planning authority.

It was also recommended that an updated lighting plan be submitted for approval.

4.3 Farringdon Parish Council: Object on the following grounds:

- visual impact of the building and wider landscape impacts within the countryside;
- the wider cumulative impacts on Denbow and Farringdon with regards to noise, lighting, dust and other emissions from the current activities;
- further intensification of activities at the site having an industrialising effect:
- the cumulative impacts as a result of an increase of throughput from 12,000t/annum to 27,000 t/annum;
- will have an environmental impact as well as cumulative impact; and
- not in accordance with Policies FARR6 (paragraphs a) d), f) and h)) of the Farringdon Parish Neighbourhood Plan and Policies W2 and W12 of the Devon Waste Plan.

It should be noted that, on a number of occasions, Farringdon Parish Council's response referred to an increase in throughput for the site from 12,000 to 27,000 tonnes per annum. The applicant has submitted an amended planning statement addressing a small error in their total throughput figure which should have read 26,000 tonnes per annum; however, as noted above, permission DCC/4198/2020 had previously permitted an increase in throughput from 12,000 tonnes per annum to 26,000 tonnes per annum.

4.4 <u>DCC Landscape</u>: No objection. The nature and location of the proposed development would be consistent with the industrial character of the wider Hill Barton business park and it is concluded that the visual impact of the proposals upon rural skylines and views would be of a lesser magnitude than the originally consented scheme under permission DCC/4198/2020.

Subject to the inclusion of conditions requiring the submission of a detailed external lighting scheme and a detailed assessment of the impact of any low frequency noise, including any required mitigation measures, it is considered that the proposals could be integrated into the landscape without harming its distinctive character or valued qualities, and any adverse visual impacts minimised to acceptable levels, as required through Devon Waste Plan Policy W12.

- 4.5 <u>DCC Flood Risk</u>: No objection subject to a pre-commencement condition requiring the submission of the following details:
 - (a) Detailed proposals for the management of surface water and silt runoff from the site during construction of the development hereby permitted.
 - (b) Proposals for the adoption and maintenance of the permanent surface water drainage system.
 - (c) Details of the proposed rainwater harvesting system.
 - (d) Evidence there is agreement in principle from the owner to connect into the existing pond.

5) Advertisement/Representations

5.1 The application was advertised in accordance with the statutory publicity arrangements by means of a site notice, notice in the press and notification of neighbours by letter. As a result of these procedures no letters of objection were received.

6) Planning Policy Considerations

- 6.1 In considering this application the County Council, as Waste Planning Authority, is required to have regard to the provisions of the Development Plan insofar as they are material to the application, and to any other material considerations. Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires that where regard is to be had to the Development Plan, the determination shall be in accordance with the Development Plan unless material considerations indicate otherwise. In this case, the Development Plan policies are summarised below and the most relevant are referred to in more detail in Section 6.
- 6.2 <u>Devon Waste Plan 2011 2031</u> (adopted December 2014)

Policies W1 (Presumption in Favour of Sustainable Development); W2 (Sustainable Waste Management); W3 (Spatial Strategy); W5 (Reuse, Recycling and Materials Recovery); W6C (Hill Barton); W12 (Landscape and Visual Impact); W14 (Quality Design); W17 (Transportation and Access); and W18 (Quality of Life).

6.3 East Devon Local Plan 2013 – 2031 (adopted January 2016)

Strategies 3 (Sustainable Development) and 5 (Environment); Policies EN14 (Control of Pollution); and TC7 (Adequacy of Road Network and Site Access).

6.4 Farringdon Neighbourhood Plan 2018 – 2031 (made June 2021)

Policies FARR6 (Existing Business and Commercial Areas); N2 (Respect landscape character); and B1 (Control the impact of industrial/commercial activity).

- 6.5 Other material planning considerations include:
 - National Planning Policy Framework;
 - National Planning Policy for Waste;
 - National Waste Management Plan for England; and
 - Planning Practice Guidance.

7) Comments/Issues

7.1 It is considered that the main material planning considerations in the determination of the proposed development are planning policy considerations, noise, lighting, landscape and highways.

Planning Policy Considerations

- 7.2 The proposal is located within an area identified for energy recovery under Policy W6 of the Waste Plan, specifically W6C Hill Barton, and the principle of this form of development in this location is therefore acceptable. Additional capacity of this nature will assist in driving waste up the waste management hierarchy and divert waste from landfill which is consistent with the aspirations of Policy W2 of the Devon Waste Plan.
- 7.3 The facility uses pre-sorted RDF and, in addition to generating electricity, it will also utilise waste heat in a beneficial way. This proposal is therefore in accordance with Part 5 (b) of Policy W6 and part 1 (d) of Policy W2 of the Devon Waste Plan.
- 7.4 Farringdon Parish Council has concluded that the proposal is not in accordance with criteria a) d), f) and h) of Policy FARR6 of the Farringdon Neighbourhood Plan, which require that business development at Hill Barton should respect the character of its surroundings by way of its scale and design; not harm the surrounding landscape; not adversely affect any listed building, heritage asset or setting; not have an adverse effect on the living conditions of its neighbours; safeguard residential amenity and road safety; and mitigate any adverse effects of noise, air pollution and light pollution.
- 7.5 Matters relating to noise, lighting, landscape and traffic are addressed in the relevant sections below. With regard to impacts on heritage assets, the new proposal reduces the height and bulk of the building and emissions stack in comparison with the currently approved scheme, and the visual impact on views from Denbow House and other Listed Buildings to the north of the site would be reduced.
- 7.6 The application site is currently covered by a pollution control regime and is regulated by an environmental permit. An environmental permit will set conditions which aim to prohibit or limit the release of substances to the environment to the lowest practicable level, and also ensures that ambient air and water quality meet legal standards that guard against the impacts to the environment and human health. Permit conditions will require the operator to monitor emission limits to air and water, and to submit records to the Environmental Health department on a periodic basis.
- 7.7 Paragraph 188 of the National Planning Policy Framework states that: "The focus of planning policies and decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions. Planning decisions should assume that these regimes will operate effectively."
- 7.8 It is therefore considered that the information submitted by the applicant, any subsequent permits required and the requirement to submit additional information and assessment with regards to proposed lighting and low frequency noise, provide sufficient measures to meet the specific policy needs detailed within Policy FARR6 of the Farringdon Neighbourhood Plan.

Noise

7.9 It is not expected that there will be significant adverse impacts on nearest residential receptors, but there is uncertainty with regards to the impact of any low frequency noise which is yet to be modelled due to the absence of octave band data from the manufacturer of the proposed facility. As was the case with the previous permission, it is considered that a condition should be included within the permission to require that, prior to the commissioning of the approved plant, a detailed assessment of the impact of any low frequency noise including any required mitigation measures shall be submitted to and approved in writing by the Waste Planning Authority. Subject to such a condition, it is considered that the proposal is in accordance with Policy W18 of the Devon Waste Plan and Policy FARR6 of the Farringdon Neighbourhood Plan.

Lighting

7.10 The applicant's planning statement indicates that the intention is only to "...provide additional lighting to the site to suit Health and Safety requirements and as such no significant alterations to exiting external lighting (locations or intensity type) are proposed." It is, however, proposed that the condition from the previous application is carried forward to this application requiring a detailed lighting scheme be submitted to and approved in writing by the Waste Planning Authority. As such it is considered that the proposal is in accordance with Policy W18 of the Devon Waste Plan and Policy FARR6 of the Farringdon Neighbourhood Plan.

Landscape Impacts

- 7.11 In comparing the proposed elevation drawings with the previously approved drawings of elevations, together with consideration of the long sightline sections submitted with the original consent, it is concluded that the visual impact of the proposals upon rural skylines and views would be of lesser magnitude than the consented scheme, including views from Denbow House and other Listed Buildings to the north of the site. The externally located plant would be more than 6m lower in height, and of much less bulk, than the currently approved plant building, and the emissions stack would reduce in height by around 5.5m. When considered alongside the other industrial development at Hill Barton Business Park, therefore, the proposal is unlikely to have a further industrialising effect on local rural skylines and views and in a sense reduces such impacts when considered along the already consented scheme under DCC/4198/2020.
- 7.12 Overall, the proposals would result in less visual and cumulative visual impacts as compared to the already consented scheme and, subject to the details of the materials to be used in the external surfaces of the plant and buildings being submitted to and approved in writing by the Waste Planning Authority, it is considered that the proposal is in accordance with Policy W12

(Landscape and Visual Impact) of the Devon Waste Plan and Policy FARR6 of the Farringdon Neighbourhood Plan.

Highways Impacts

- 7.13 The submitted planning statement advises that (as was the case the currently approved scheme), by essentially removing both wet and dry biomass being processed at the site, it will "reduce the amount of material throughput by the order of 3,600 tonnes per annum and vehicle movements by up to 400 HGVs per year."
- 7.14 In addition to this, around 19,000 tonnes per annum of RDF will be transferred internally within the Hill Barton Business Park from the nearby materials recycling facility operated by EMS Wastes Services. The remaining, commercially sourced, material of up to 7,000 tonnes will be transported to the site by road from elsewhere.
- 7.15 Overall, the proposal is considered acceptable in transport terms based on the current planning consents and previously agreed traffic figures. The stated reduction in vehicle movements will have a positive effect on road safety and the capacity and functionality of the transportation network for all users, in accordance with Policy W16 of the Devon Waste Local Plan and Policy FARR6 of the Farringdon Neighbourhood Plan. In addition, the reduction in vehicle movements, from sources external to the Hill Barton site, also has the potential to have a positive impact on air quality.

Other Environmental Considerations (Including Climate Change)

- 7.16 Paragraph 152 of the National Planning Policy Framework requires that "the planning system should support the transition to a low carbon future in a changing climate", while Devon County Council has declared a climate emergency and committed to facilitating the reduction of Devon's carbon emissions to net-zero by 2050. The scope for individual planning applications to contribute to these initiatives will be dependent on the nature and scale of the development being proposed, and relevant considerations are outlined below.
- 7.17 RDF is a fuel produced by the processing (usually involving shredding and, sometimes, drying) of mixed waste that cannot be recycled but can be fed into a thermal treatment plant. The RDF for this facility will largely consist of combustible components such as non-recyclable plastics (not including PVC), paper, cardboard, labels and other corrugated materials, and it is estimated that approximately 19,000 tonnes of RDF will be recovered from and processed at the EMS Wastes Services site.
- 7.18 Current Government guidance advises that CHP is a highly efficient process that captures and utilises the heat that is a by-product of the electricity generation process. By generating heat and power simultaneously, CHP can reduce carbon emissions by up to 30% compared to the separate means of conventional generation via a boiler and power station.

7.19 The heat generated during this process is supplied to an appropriately matched heat demand to dry chipped wood that would otherwise be met by a conventional boiler. CHP systems are highly efficient, making use of the heat which would otherwise be wasted when generating electrical or mechanical power. This allows heat requirements to be met that would otherwise require additional fuel to be burnt.

8) Reasons for Recommendation/Alternative Options Considered

- 8.1 The Committee has the option of approving, deferring, or refusing this planning application.
- 8.2 The CHP facility has already received planning permission, and the current application will achieve reductions in the height and bulk of the plant and its emissions stack, with consequent reduction in visual impacts. As the annual throughput of the plant will remain as previously approved, there are considered to be no adverse impacts in terms of traffic or harm to the quality of life of nearby residents. It is therefore considered that the proposals should be approved.

Mike Deaton

Chief Planner

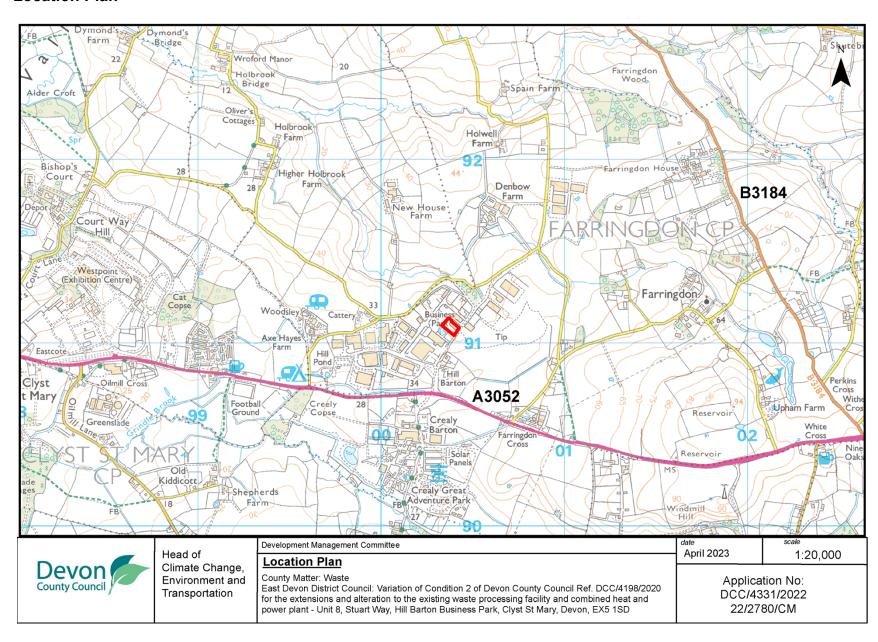
Electoral Division: Broadclyst

Local Government Act 1972: List of background papers

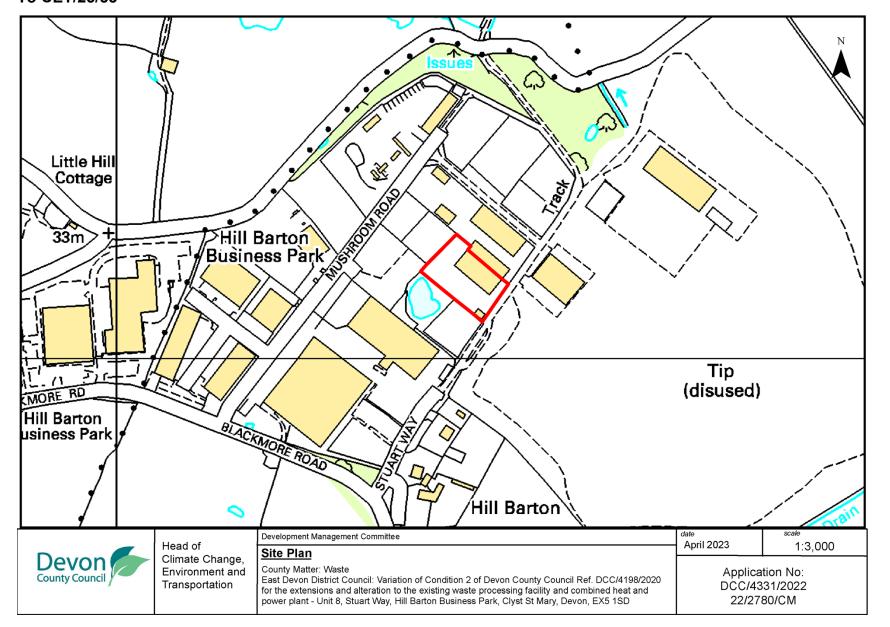
Background Paper Casework File Date December 2022 File Reference DCC/4331/2022

bg060423dma sc/cr/Variation of Condition Unit 8 Stuart Way Hill Barton Business Park Clyst St Mary 03 180423

Location Plan



Site Plan To CET/23/33



Appendix 1 To CET/23/33

Planning Conditions

STANDARD COMMENCEMENT

1. The development shall commence by 17 March 2024.

REASON: In accordance with Section 91 of the Town and Country Planning Act 1990.

STRICT ACCORDANCE WITH PLANS

2. The development shall be carried out in strict accordance with the details shown on the approved drawings and documents numbered/titled PA-01, PA-007, PA_008 Rev A, PA-009, PA-010, Planning Statement (PROJECT REF: 20010015) Dated 03/04/2023, Noise Impact Assessment (SLR Ref: 402.V06687.00002) Version 1, Dated October 2022, Waste Planning Statement 3-4-23 (REF: 20010015 - Undated) and Visual Assessment (REF: 20010015 - Undated) except as varied by the conditions below.

REASON: To ensure that the development is carried out in accordance with the approved details.

CONDITIONS (PRE-COMMENCEMENT)

DETAILED DESIGN

3. No development shall take place until details of the materials to be used in the external surfaces of the plant and buildings have been submitted to and approved in writing by the Waste Planning Authority. The development shall be carried out in accordance with these approved details.

REASON: To ensure the development is in keeping with the character and appearance of existing building in accordance with Policy W14 (Sustainable and Quality Design) of the Devon Waste Plan (2011-2031).

NOTE: It is recommended to select a light grey colour for the upper more widely visible parts of the structure to minimise its visual impact on local skylines.

CONTAMINATION

4. No development approved by this planning permission shall commence until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and approved in writing by, the Waste Planning Authority. This strategy will include the following components:

- (a) a preliminary risk assessment which has identified:
 - · all previous uses;
 - · potential contaminants associated with those uses;
 - a conceptual model of the site indicating sources, pathways and receptors; and
 - potentially unacceptable risks arising from contamination at the site
- (b) a site investigation scheme, based on (a) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.
- (c) the results of the site investigation and the detailed risk assessment referred to in (b) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
- (d) a verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (c) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved.

REASON: To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution in line with paragraph 170 of the National Planning Policy Framework.

CONDITIONS (OPERATIONAL)

FLOOD RISK AND SURFACE WATER MANAGEMENT

- 5. The proposed development shall not be brought into use until permanent surface water drainage measures have been implemented in accordance with a detailed surface water management plan that shall first have been submitted to, and approved in writing by, the Waste Planning Authority. If surface water will be drained into the existing pond to the southwest of the site, then details will need to be submitted to demonstrate the suitability of this. The capacity of the pond will need to be assessed. Furthermore, the following details will also be required:
 - (a) detailed proposals for the management of surface water and silt runoff from the site during construction of the development hereby permitted;
 - (b) proposals for the adoption and maintenance of the permanent surface water drainage system;
 - (c) details of the proposed rainwater harvesting system; and

(d) evidence there is agreement in principle from the owner to connect into the existing pond.

REASON: To ensure the proposed surface water drainage system will operate effectively in line with SuDS for Devon Guidance (2017), Policy W14 (Sustainable and Quality Design) of the Devon Waste Plan and national policies, including the National Planning Policy Framework and Planning Practice Guidance.

LIGHTING

6. Prior to the installation of external lighting a detailed lighting scheme shall be submitted to and approved in writing by the Waste Planning Authority. The scheme shall comply with the requirements of the Institute of Light Engineers guidance on the avoidance of light pollution. The lamps used shall not be capable of reflecting light laterally, upwards or off the ground surface in such a way that light pollution is caused. No area lighting shall be operated outside the agreed working hours of the site, except where low height, low level, local security lighting has been identified as being essential for the operation of the site. The development shall be carried out in accordance with these approved details.

REASON: To protect the living conditions of nearby residents from light pollution in accordance with Policies W18 (Quality of Life) of the Devon Waste Plan (2011-2031) and EN14 (Control of Pollution) of the East Devon Local Plan (2013-2031).

NOTE: It is recommended that any new external lighting should be limited to that required for safety, positioned at lower levels, and with shrouds to prevent upward light spill and limit effects of artificial lighting on surrounding countryside.

NOISE

7. Prior to the commissioning of the approved plant a detailed assessment of the impact of any low frequency noise including any required mitigation measures shall be submitted to and approved in writing by the Waste Planning Authority. The approved scheme shall be implemented in full prior to commissioning of the approved plant and maintained throughout the lifetime of the plant.

REASON: To protect the living conditions of nearby residents from low frequency noise associated with the associated plans and machinery in accordance with Policies W18 (Quality of Life) of the Devon Waste Plan (2011-2031) and EN14 (Control of Pollution) of the East Devon Local Plan (2013-2031).

HOURS OF DELIVERIES/COLLECTIONS

8. Deliveries and collections shall only be accepted or despatched to or from the site between 0730 and 1800 on Mondays to Fridays and 0730 and 1300 on Saturdays. There shall be no deliveries on Sundays and Public Holidays unless they are required for emergency breakdown and/or repair.

REASON: To protect the living conditions of nearby residents from noise associated with deliveries and collections in accordance with Policies W18 (Quality of Life) of the Devon Waste Plan (2011-2031) and EN14 (Control of Pollution) of the Adopted East Devon Local Plan (2013-2031).

ANNUAL THROUGHPUT

9. The maximum throughput of the facility shall not exceed 26,000 tonnes of refuse derived fuel per annum. The operator shall keep written records of throughputs and make such records available to the Waste Planning Authority within 14 days of the Authority making any such request.

REASON: To ensure the facility does not exceed the capacity applied for in the interests of the amenity of local residents, the highway network in accordance with Policies W17 and W18 of the Devon Waste Plan.

CET/23/34 Development Management Committee 26 April 2023

Delegated Schedule – 26 April 2023 - Summary

District	Location	Application Number	Proposal	Electoral Division	Decision
West Devon Borough Council	Crowndale HWRC, Crowndale Road, Tavistock, Devon, PL19 8JR	DCC/4310/2022	Construction of a new public Household Waste Recycling Centre (HWRC) on redundant landfill site	Tavistock	Conditional
South Hams District Council	DDE (SW) Ltd, Challonsleigh Farm, Land South of Devon Expressway, Smithaleigh, PL7 5FJ		Variation of condition 23 of DCC/4250/2021 to increase time limit from 6 months to 24 months for works to south eastern boundary bund	Bickleigh & Wembury	Conditional
Teignbridge District Council	Kenbury Wood Waste Transfer Station, Road To Westfield, Kennford, Devon, EX6 7XD	DCC/4325/2022	Relocate existing generator and install transformer kiosk and switch gear kiosk (retrospective)	Exminster & Haldon	Conditional
Mid Devon District Council	Town Farm Quarry, Burlescombe, Devon, EX16 7JU Grid Reference: ST 308150 116709	DCC/4326/2022	Variation of condition 2 of permission number DCC/2770/2009 for the extension of time for a period of 10 years to allow for the completion of approved mineral extraction and restoration	Willand & Uffculme	Conditional

Exeter City Council	Barley Lane School. Barley Lane, Exeter, Devon, EX4 1TA		Additional perimeter fencing to the Forest School area on western boundary and replacement of a section of perimeter fence on the eastern boundary. Retrospective consent for palisade fencing along the southern boundary and increased height of entrance gates and adjacent fencing at the main entrance.	Alphington & Cowick	Conditional
Torridge District Council	Lower Alminstone Farm, Road From Captain Brooks Cross To Alminstone Cross, Woolsery, Devon, EX39 5PX	DCC/4332/2022	Prior approval for demolition of buildings	Bideford West & Hartland	Conditional
Teignbridge District Council	Dawlish Community College, Elm Grove Road, Dawlish, Devon, EX7 0BY	DCC/4333/2023	The demolition of an existing teaching block to be replaced with a new teaching block with seven classrooms, office space and toilets.	Dawlish	Conditional
Exeter City Council	County Hall, Devon County Council, Matford Offices, Topsham Road, Exeter, Devon, EX2 4QD	DCC/4335/2023	Demolition of single storey office buildings, (associated steps and paths) known as Matford Offices. The footprint of the buildings and associated steps and paths to be returned to grass	St David's & Haven Banks	Conditional