

Phil Norrey
Chief Executive

To: The Chairman and Members of
the Development Management
Committee

County Hall
Topsham Road
Exeter
Devon
EX2 4QD

(See below)

Your ref :
Our ref :

Date : 19 April 2016
Please ask for : Gerry Rufolo

Email: 01392 382299

DEVELOPMENT MANAGEMENT COMMITTEE

Wednesday, 27th April, 2016

A meeting of the Development Management Committee is to be held on the above date at 2.00 pm in the Committee Suite, County Hall, Topsham Road, Exeter to consider the following matters.

P NORREY
Chief Executive

A G E N D A

PART 1 - OPEN COMMITTEE

1 Apologies for Absence

2 Minutes

Minutes of the Meeting held on 27 January 2016 (previously circulated)

3 Items Requiring Urgent Attention

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

MATTERS FOR DECISION

4 County Council Development (Pages 1 - 16)

Exeter City: the construction of a new two form entry primary school and nursery at Seabrook Orchards, Topsham Road, Exeter.

Report of the Head of Planning, Transportation and Environment (PTE/16/23) on an application to construct a new two entry primary school on a 1.8 hectare site within the wider Newcourt Urban extension, attached.

5 County Matter: Waste (Pages 17 - 32)

Waste: Mid Devon District: Applications for the variation of condition 2 and condition 6 of permission 16/00049/DCC relating to the construction of 2MW Anaerobic Digestion Plant with new access road and weighbridge on land adjacent to existing Abattoir at Lloyd Maunder Road, Willand, Devon

Report of the Head of Planning, Transportation and Environment (PTE/16/24) on two planning applications relating to (i) changes in the design of the plant and, (ii) to vary the amount and type of feedstock delivered by road, attached.

Electoral Divisions(s): Willand & Uffculme

6 County Matter: Minerals (Pages 33 - 70)

Teignbridge District: Variation of Condition 10 attached to Planning Permission 2013/3520/COU Change of use to allow existing buildings on site for general office and workshop use and part of site for storage at Whitecleave Quarry, Plymouth Road, Buckfastleigh, Devon.

Report of the Head of Planning, Transportation and Environment (PTE/16/26) on an application to vary a condition on the planning permission relating to the height of a storage area within the quarry, attached.

Electoral Divisions(s): Ashburton & Buckfastleigh

OTHER MATTERS

7 Delegation Action (Pages 71 - 72)

Schedules (to include ROMPS Actions) and Summary Schedule

Report of the Head of Planning, Transportation and Environment (PTE/16/26) attached.

Electoral Divisions(s): All Divisions

PART II - ITEMS WHICH MAY BE TAKEN IN THE ABSENCE OF THE PRESS AND PUBLIC

MEMBERS ARE REQUESTED TO SIGN THE ATTENDANCE REGISTER

Membership
Councillors J Brook (Chairman), Bowden (Vice-Chair), A Dewhirst, G Dezart, P Diviani, A Eastman, G Gribble, R Hannaford, J Hawkins, R Hosking, E Morse, R Radford, P Sanders, R Vint and E Wragg
Declaration of Interests
Members are reminded that they must declare any interest they may have in any item to be considered at this meeting, prior to any discussion taking place on that item.
Access to Information
Any person wishing to inspect any minutes, reports or lists of background papers relating to any item on this agenda should contact Gerry Rufolo. Agenda and minutes of the Committee are published on the Council's Website.
Webcasting, Recording or Reporting of Meetings and Proceedings
The proceedings of this meeting may be recorded for broadcasting live on the internet via the 'Democracy Centre' on the County Council's website. The whole of the meeting may be broadcast apart from any confidential items which may need to be considered in the absence of the press and public. For more information go to: http://www.devoncc.public-i.tv/core/
In addition, anyone wishing to film part or all of the proceedings may do so unless the press and public are excluded for that part of the meeting or there is good reason not to do so, as directed by the

Chairman. Any filming must be done as unobtrusively as possible from a single fixed position without the use of any additional lighting; focusing only on those actively participating in the meeting and having regard also to the wishes of any member of the public present who may not wish to be filmed. As a matter of courtesy, anyone wishing to film proceedings is asked to advise the Chairman or the Democratic Services Officer in attendance so that all those present may be made aware that is happening.

Members of the public may also use Facebook and Twitter or other forms of social media to report on proceedings at this meeting. An open, publicly available Wi-Fi network (i.e. DCC) is normally available for meetings held in the Committee Suite at County Hall. For information on Wi-Fi availability at other locations, please contact the Officer identified above.

Public Participation

Any member of the public resident in the administrative area of the County of Devon may make a presentation to the Committee on a planning application being considered by the Committee, or any consultation on a proposal by a Government Department (but not when the County Council is consulted on a proposal by a District Council) or a Review of Old Minerals Permissions applications.

Any request to make a presentation must be given to the Office of the Chief Executive's Directorate by 12 noon on the third working day before the date of the meeting. For further information please contact Exeter 01392 382299.

Emergencies

In the event of the fire alarm sounding leave the building immediately by the nearest available exit, following the fire exit signs. If doors fail to unlock press the Green break glass next to the door. Do not stop to collect personal belongings, do not use the lifts, do not re-enter the building until told to do so.

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Induction loop system available

PTE/16/23

Development Management Committee
27 April 2016

County Council Development:

Exeter City: New two form entry primary school and nursery on a 1.8 hectare site within proposed residential and community development at Seabrook Orchards, Topsham Road, Exeter, Devon

Applicant: Devon County Council

Application No: 16/0256/25

Date application received by Devon County Council: 22 February 2016

Report of the Head of Planning, Transportation and Environment

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

Recommendation: It is recommended that permission be granted subject to the conditions set out in Appendix II to this report (with any subsequent changes to the conditions being agreed in consultation with the Chairman and Local Member).

1. Summary

- 1.1 This report relates to a planning application for a new 420 place primary school and nursery and includes school buildings, sports pitch, hard outdoor games area, associated planting, parking and access arrangements.
- 1.2 It is considered that the main material planning considerations in the determination of this application are traffic and transportation issues; disruption during construction; the design and layout of the school; potential flooding issues; sustainability considerations; impact on residential amenity; and consideration of the proposed development against planning policy.

2. The Proposal/Background

- 2.1 The application site is located in the south east area of Exeter, between Countess Wear and Topsham. The site is about 1.8 hectares in area and is located within the north-west sector of Seabrook Orchards which has the benefit of outline consent for up to 700 dwellings and supporting infrastructure. The application site also borders on an adjoining recently constructed housing development known as Greenacres located on the former Royal Naval Stores Depot.
- 2.2 The application comprises a two form entry primary school with a total capacity of 420 pupils across 7 year groups, integrating nursery accommodation for 26 full time equivalent pre-school age children. The school comprises a 2 storey rectangular pitched roof building with a double height school hall at one end of the building. The proposed site layout has been orientated so that the main long facade of the school hall fronts onto the public square which forms the community core of the Seabrook Orchards development and will be progressed at a later phase.
- 2.3 Sited behind the hall lies the main school building with classrooms facing northeast and southwest for effective solar control. The ground floor classrooms have level access to covered informal external teaching areas and dedicated play areas for the

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respective age ranges of pupils. The building itself is designed with a metal clad roof with photo voltaic panels on the southwest elevation and roof lights and sun pipes distribute natural light into the building. The walls of the building are to be finished in a combination of brick, render and hung slate. The brick to be used for the ground floor with render above.

- 2.4 The remainder of the site will comprise a sports pitch, hard-surfaced outdoor games area, landscaped grounds with gently sloping paths or ramps to avoid the need for steps. The staff/visitors' car park proposes 32 vehicle parking spaces located in close proximity to the permanent main entrance and a total of 40 secure cycle parking places.
- 2.5 The application proposes a temporary access road to link the school to Vernon Crescent which serves the adjoining Greenacres housing development. This facilitates construction of the school and functions as the main vehicular access point leading to the staff car park until such time as a permanent vehicular access is delivered as part of the Seabrook Orchards development. Following the opening of the permanent access the temporary vehicular access would be closed and the area restored.
- 2.6 The permanent vehicular site entrance will be provided at a later stage as the Seabrook Orchard development proceeds and will be located to the east of the school site providing direct access to the staff and visitor car park. A part of the Seabrook development will be the provision of community facilities and this will include limited vehicular drop-off and pick-up provision for the school.
- 2.7 A permanent pedestrian access would be provided onto Vernon Crescent, with three further pedestrian accesses being provided for paths leading from the Seabrook Orchard development.
- 2.8 The development of a school in this location arises from the requirements of the City Council's Core Strategy which identified the wider area as a strategic allocation for development which comprises around 3,500 dwellings, around 16 hectares of employment land and associated infrastructure, which includes the requirement for new primary education provision. Within the strategic allocation a significant number of houses have been delivered both on the former Royal Navy Stores Depot and land to the north and south of Old Rydon Lane.
- 2.9 The Seabrook Orchards site forms part of the strategic allocation for this area of Exeter and includes the school site subject of this report. An outline planning permission was granted by Exeter City Council in October 2013 for:

up to 700 dwellings and supporting infrastructure including: primary school, community building; doctors surgery and primary healthcare facilities; local store; care home/s; two access junctions on Topsham Road, roads, parking and associated works, sports fields and pavilion; informal open space; paths and cycle routes; landscaped spaces; play spaces; play areas, orchards and allotments; 3m high landform and acoustic fence at boundary with M5; surface water attenuation features; re-alignment of the Seabrook and re-profiling of channel.
- 2.10 The outline permission is subject of a number of planning conditions and a legal agreement and so far as the development of the school is concerned there are obligations on the landowner to:

- provide the site for the primary school;
- payment of an education contribution; and,
- construction of a road to the boundary north of the school site before the occupation of the 301st house or opening of the school, whichever is the earlier.

- 2.11 A reserved matters application relating to the provision of the primary school was approved by Exeter City Council in January 2015.
- 2.12 Whilst planning permission for the school has been granted in both outline and reserved matters form, this further full application has been submitted in order that the development can be carried out as soon as possible which will be enabled by the provision of the temporary access from Vernon Crescent.

3. Consultation Responses

3.1 Exeter City Council (Planning): No objection.

3.2 Exeter City Council (Environmental Health): No objection. Comment that:

- The Council considers that the Construction Environmental Management Plan submitted with the application requires further detail on the methods of the controlling and monitoring of dust and requests that a planning condition be imposed requiring further details.
- The Council considers that further information should be provided about the noise from mechanical plant and equipment used at the school and a planning condition should be included requiring the submission and approval of a Noise Assessment.
- The application is not clear about whether food would be prepared at the school and if so an extraction system would be required, for which details should be supplied.
- Whilst no contaminated land had been identified the Council think it appropriate to include a planning condition to ensure that any unexpected contamination is dealt with appropriately.

3.3 Environment Agency: No objection.

3.4 Exeter Airport: No objection.

3.5 Natural England: No objection.

3.6 Western Power Distribution: No objection.

3.7 RSPB: No objection.

3.8 Devon Wildlife Trust: No objection.

3.9 Devon & Cornwall Constabulary (Architectural Liaison Officer): No objection.

3.10 South West Water: No objection.

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4. Advertisement/Representations

- 4.1 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 (47 addresses). As a result of these procedures 8 representations were received from 7 residents.
- 4.2 Two representations have been received which raise objection to the development on the grounds that the temporary access was unacceptable. Other representations did not raise objection to the proposal, however made comment that the temporary access for the proposal is unacceptable by virtue of:
- Width and existing congestion experienced on the residential road (Vernon Crescent) with projected increase in car use.
 - Unsuitability to accommodate construction traffic and an unacceptable noise increase associated with construction traffic.
 - Unsuitability for projected pedestrian flows and health and safety concerns associated with road traffic and high pedestrian flows including poor visibility and access arrangements for emergency vehicles.
 - Residents of Vernon Crescent had not been informed of the proposal when their properties were purchased.
- 4.3 In the event that planning permission is granted, those making representations have requested that; significant traffic calming measures are put in place at Vernon Crescent; a pickup and drop off point is provided within the application site; the designs are reconsidered to allow for children on bikes to arrive on dedicated cycleways; the access points are redesigned and widened to create separate dedicated pedestrian and cycle access; a cycle route be identified from Vernon Crescent and Admiral Drive with associated highway improvements; the Higher Wear road junction facilities are upgraded to incorporate a toucan facility; pedestrian priority measures should be incorporated into the design to allow pedestrians with pushchairs and scooters priority on the footpath, that; parking provision for scooter and bicycles is reconsidered and increased.
- 4.4 Copies of representations are available to view on the Council website under reference DCC/3843/2016 or by clicking on the following link: <https://planning.devon.gov.uk/PlanDisp.aspx?AppNo=DCC/3843/2016>.

5. Planning Policy Considerations

- 5.1 In considering this application the County Council, as County 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 in Appendix I to this report and the most relevant are referred to in more detail in Section 6 below.

6. Comments/Issues

- 6.1 It is considered that the main material planning considerations in the determination of this application are traffic and transportation issues; disruption during construction; the design and layout of the school; potential flooding issues; sustainability

considerations; impact on residential amenity; and consideration of the proposed development against planning policy.

Traffic and Transportation Issues

- 6.2 Objections from two local residents have been received in connection with the proposed use of the temporary access from the school onto Vernon Crescent in relation to increased congestion, unsuitability to accommodate construction traffic and unsuitability to accommodate pedestrian flows associated with the development. Comments have also been received requesting additional highway improvements and improved cycle provision be made in the event that planning permission is granted.
- 6.3 The school is being provided to serve the new dwellings within the Newcourt Masterplan area and therefore the vast majority of student travel to and from the site is expected from the new housing area. The school lies in the centre of 1,100 homes at Seabrook Orchards and Lower Royal Naval Stores Depot (RNSD), all of which are within 600 metres of the site. Further housing at RNSD, Holland Park, Newcourt Way and Old Rydon Lane will all be within a 10-15 minute walk.
- 6.4 It is expected that car mode splits will be in the lower region of that typically experienced at Exeter Primary schools, of the order of around 15-20%. This is higher than that at the nearby Clyst Heath School, which is perhaps the most similar example of a new school serving a new housing development, and comparable to the car mode splits recorded at St David's, St Leonards and Ladysmith Primary Schools.
- 6.5 Nevertheless, for 420 pupils this represents a reasonable amount of movement, and understandably some local concern has been raised about this. As is typical in vicinity of many primary school, some vehicle pick up and drop off will occur in the local streets for two short concentrated periods of the day. Although busy, such situations occur at schools across the city without giving rise to any significant road safety issues and it is considered that there is no reason why this site would be any different. In the absence of a road safety issue, the additional movements alone would not constitute to a justifiable highways reason for refusal for this application.
- 6.6 Local representations have suggested that facilities for car pick up and drop off could be provided on site. However, experience from other schools across the County suggests that this encourages car trips, which in a very urban environment with students from close proximity is not felt to be appropriate.
- 6.7 Details of the temporary site access shows a 3.1 metre access gate onto a 5.5 metre gravelled access road. A 2.0 metre width footpath is provided alongside this and this arrangement is considered to be acceptable. The adjacent streets are designed in accordance with Manual for Streets principles and provide a low speed environment that is suitable for pedestrians and cycle movements to and from the site.
- 6.8 Future pedestrian access points are proposed to the Seabrook Orchards site to the east. This permeability is welcomed and the provision of these to serve future developments should be secured by condition.
- 6.9 The Design and Access statement indicates that on-site parking will be staff and visitors only. The number of proposed spaces, 32, exceeds the number at other local primary schools and is considered sufficient.

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- 6.10 To provide for sustainable travel, secure cycle parking for up to 40 cycles is proposed. Across Exeter, on average, approximately 15% of children cycle to school. The number of places is below that and should be increased. Given the site plan shows sufficient space on site to achieve this adjacent to the currently proposed cycle parking, this can be dealt with by planning condition.
- 6.11 Underpinning the promotion of sustainable travel is a School Travel Plan. The submitted Travel Plan covers a comprehensive list of measures and is acceptable. A condition is recommended to ensure that these measures to promote sustainable travel are introduced and continued, including periodic reviews of travel patterns.
- 6.12 The development would not have an unacceptable detrimental impact on the local road network. Once the further phases and permanent access is delivered any congestion experienced by residents on Vernon Crescent will be significantly reduced. With the imposition of conditions regarding further promotion of sustainable travel and the provision of addition cycle parking it is considered that the impact has been mitigated to an acceptable degree.

Construction Impacts

- 6.13 Disruption during construction is a consideration. The consultation response from Exeter City Council has been received which raises concerns regarding the adequacy of the submitted Construction Environment Management Plan with regard to the impact on the road and its capacity to manage construction related traffic and the methods of dust control. The proposal represents a reasonable length build period in an area close to residential properties and it is considered that the Plan should be refined to take these impacts better into account and this can be secured by planning condition.

Design and Layout of the School

- 6.14 Appropriate design is an important consideration. The school has been orientated so the main elevation of the school hall faces on the square thereby creating a direct interface between the school and the public realm. The school's sports pitch and hard surfaced play area will sit between the building and properties on the adjoining residential development. The proposed building is predominantly 2 storey with a pitched roof and will sit comfortably within its surroundings. Measures to reduce the developments energy requirements such as photovoltaics are supported.
- 6.15 The relationship to existing residential development on the adjoining site, and future development on the remainder of the Seabrook Orchards development is considered acceptable. The palette of materials is considered acceptable for the development and in the context of the wider design styles and principles of Seabrook Orchards. The design, style and orientation of the school is consistent with the previously approved reserved matter consent (reference: 14/2141/02). Attached to this consent was a condition relating to ecological enhancements to the building i.e. the installation of bird boxes.

Potential for Flooding

- 6.16 The site is currently undeveloped and the proposal will lead to an increase in the rate and volume of surface water run-off. The surface water drainage strategy is one of attenuation using infiltration drainage and storage and restricted discharge into existing watercourses to achieve existing greenfield run-off levels.

- 6.17 The provision of such a sustainable drainage system is welcomed however it is considered that further percolation tests at the installation locations are required. Also, clarification is being sought on the proposed water attenuation storage features. In the event that planning permission is granted these issues would be dealt with by planning condition.

Sustainability Considerations

- 6.18 The application sufficiently demonstrates that the proposal has incorporated a sustainable approach to design. In particular the building has been designed to minimise energy use, maximise use of natural daylight, provision of low energy lighting, natural ventilation, reduced water consumption, energy monitoring and the incorporation of photovoltaic cells will generate 20% of the building's predicted energy requirement.

Planning Policy Considerations

- 6.19 The benefit of the proposal in terms of delivering education provision weighs heavily in the planning balance. The National Planning Policy Framework (NPPF) requires:

“For larger scale residential developments in particular, planning policies should promote a mix of uses in order to provide opportunities to undertake day-to-day activities including work on site. Where practical, particularly within large-scale developments, key facilities such as primary schools and local shops should be located within walking distance of most properties” (paragraph 38)

- 6.20 This is secured in policy CP19 (Strategic Allocations) of the Exeter City Council Core Strategy which included provision for two new primary schools in the Newcourt Strategic Allocation in associated infrastructure. One of which is delivered with this application.

- 6.21 In relation to decision making in education provision the National Planning Policy Framework (NPPF) states clearly Planning Authorities must take a positive and proactive approach:

“The Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should:

- *give great weight to the need to create, expand or alter schools; and*
- *work with schools promoters to identify and resolve key planning issues before applications are submitted.”* (paragraph 72)

- 6.22 The need for additional primary school places in Exeter as a result of an increase in birth rates, migration into the city and large housing developments such as in the Newcourt area is recognised and planned for in the Devon County Council Education Infrastructure Plan (February 2013). The plan looks to provide for two new 420 primary schools in the wider Newcourt area, one within the timescale of 2016 – 2020 and the other within the timescale 2021 – 2026. This proposal would assist in meeting the strategic aims of the Education Authority set out in the Education Infrastructure Plan.

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Impact on Residential Amenity

- 6.23 Exeter City Council Environmental Health comment regarding potential impacts on residential amenity relating to potential from noise from plant and odours from the school kitchen are noted.
- 6.24 The applicant has confirmed that the kitchen intends to prepare food for consumption on the site. However, it would not be considered necessary to condition kitchen extraction specification as this would be considered as part of the building control process, rather than the planning process.
- 6.25 Further information regarding noise from mechanical plant has been provided and the noise levels would not be significant.

Other Matters

- 6.26 Some of the nearby residents raised a concern that when they purchased their properties they were not informed of the proposed location for the school. Whilst these comments are noted they are not material to the determination of the planning application. Notwithstanding this the indicative school site location was outlined in the Newcourt Masterplan in 2010 and the Exeter Core Strategy in 2012. It is also noted that outline planning permission for the Seabrook Orchard site was granted in 2013.
- 6.27 Exeter City Council Environmental Health raise an issue with regards to the potential for contamination of the land at the site. Whilst the investigations undertaken indicate that there is no contamination the City Council has requested that a condition be imposed to deal with any unsuspected contamination. This is included in the conditions set out in Appendix II to this report.

7. Reasons for Recommendation/Alternatives Options Considered

- 7.1 The Committee has the option of approving, deferring or refusing this planning application.
- 7.2 The proposal is consistent with local and national planning policy guidance and specifically is identified for development and has the benefit of both outline and reserved matters consent. The school is considered to be well designed and well located to other proposed community facilities. Early delivery of the school is vital to meet the demands of school places generated by housing constructed in the Newcourt area and from Seabrook Orchard itself. Potential adverse impacts of the development have been considered and can be adequately mitigated by the imposition of the planning conditions set out in Appendix II. Taking all material considerations into account it is considered that planning permission be granted in accordance with the recommendation of the report.

Dave Black
Head of Planning, Transportation and Environment

Electoral Division: St Loyes & Topsham

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Local Government Act 1972: List of Background Papers

Contact for enquiries: Charlotte Pope

Room No: AB2, Lucombe House, County Hall

Tel No: 01392 383000

Background Paper

Date

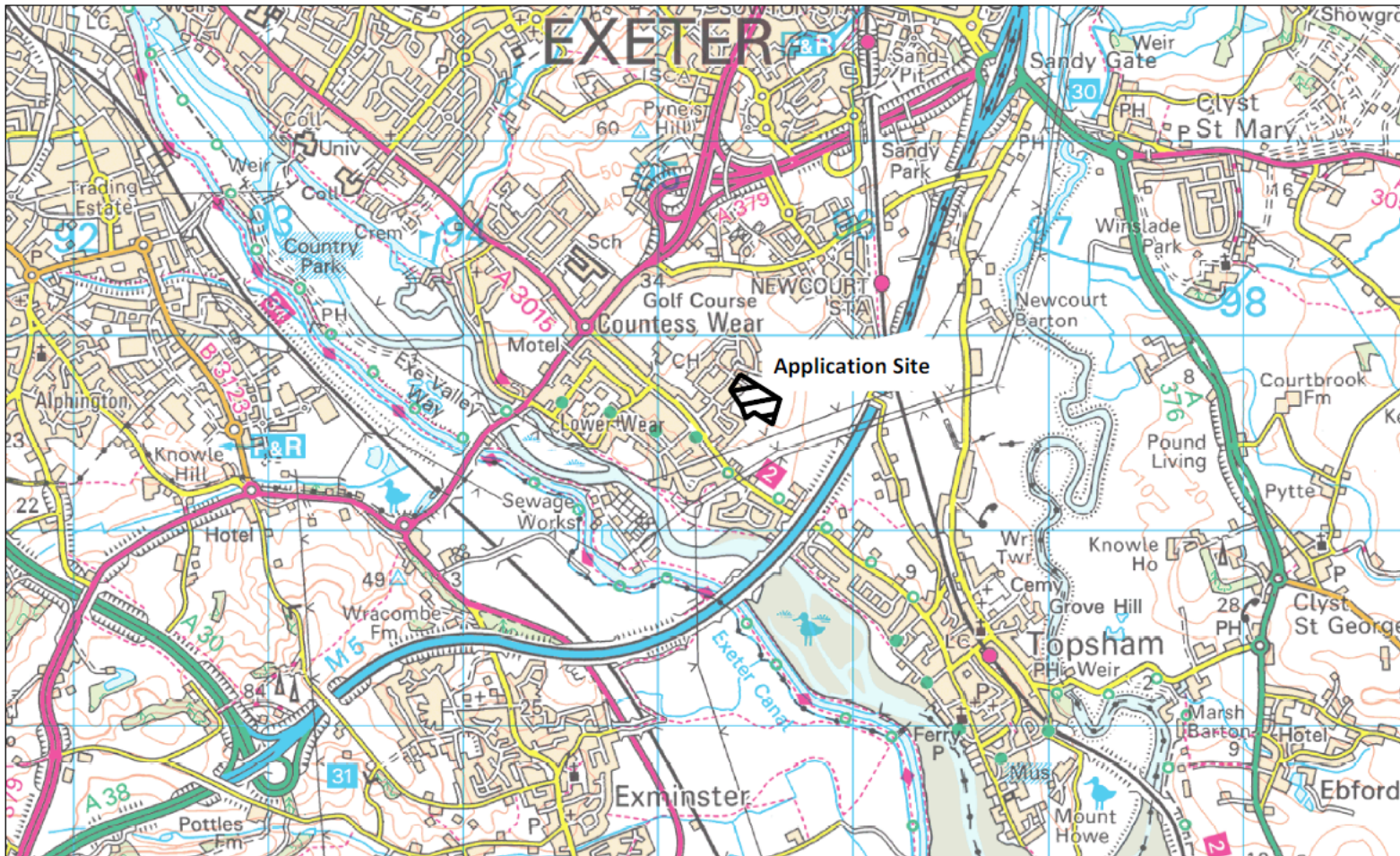
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Casework File

DCC/3843/2016

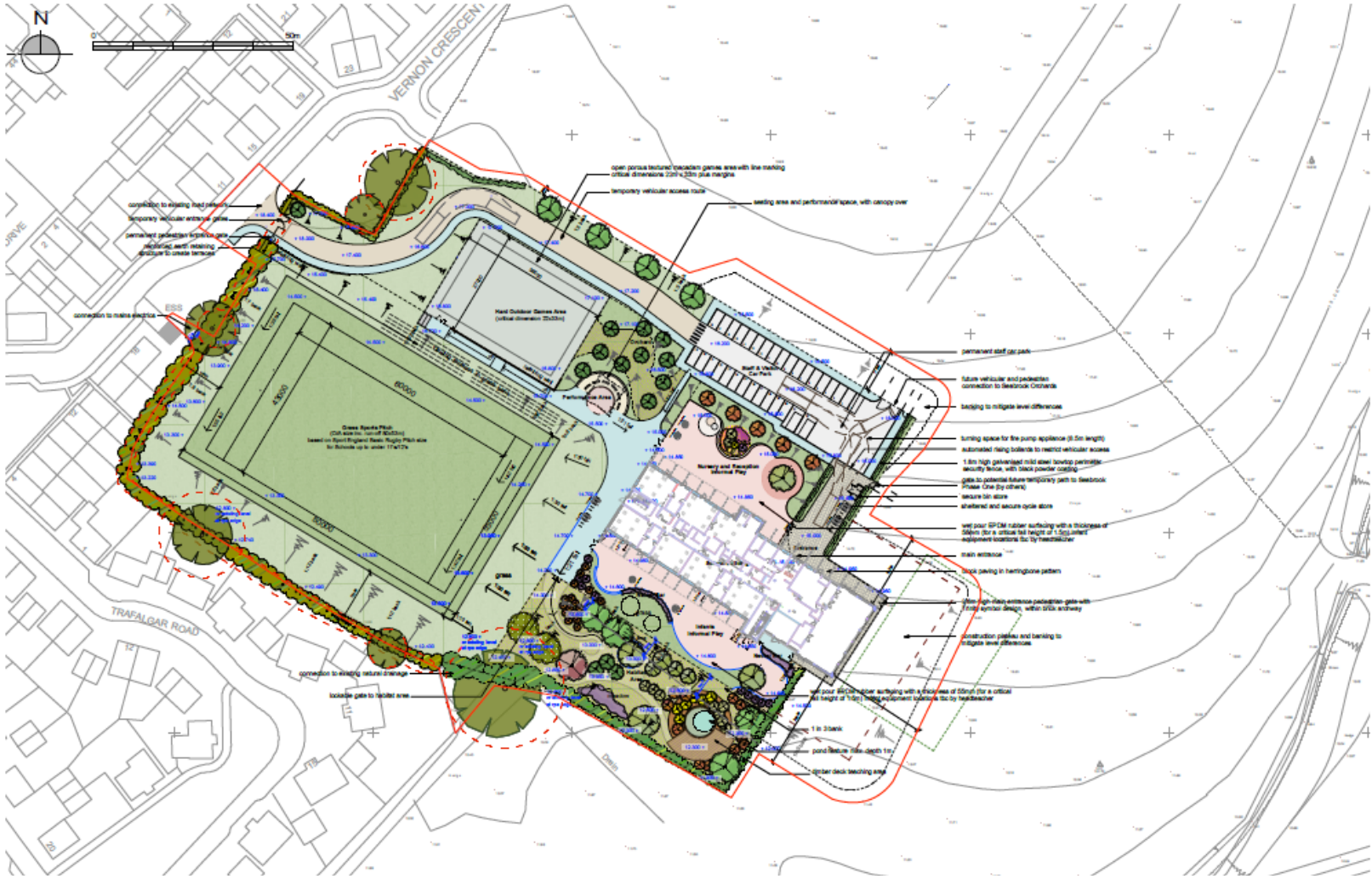
cp110416dma
sc/cr/primary school nursery seabrook orchards Exeter
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Location Plan



	Head of Planning, Transportation and Environment	Development Management Committee County Council Development: Exeter City Council: New two form entry primary school and nursery on a 1.8 hectare site within proposed residential and community development at Seabrook Orchards, Topsham Road, Exeter, Devon	date April 2016	scale 1:25,000
			Application No: 16/0256/25	

Site Plan



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Appendix I
To PTE/16/23

Planning Policy Considerations

Government Guidance:

NPPF National Planning Policy Framework (March 2012)

NPPG National Planning Practice Guidance

Exeter Core Strategy (Adopted February 2012): Policies CP01 (Spatial Strategy); CP09 Transport; CP11 (Pollution); CP12 (Flood Risk); CP14 (Renewable and Low Carbon Energy); CP15 (Sustainable Construction); CP16 (Green Infrastructure); CP17 (Design and Local Distinctiveness); CP18 (Infrastructure); and CP19 (Strategic Allocations).

Exeter Local Plan, First Review 1995 - 2011 (Adopted March 2005): Policies AP01 (Design and Location of Development); AP02 (Sequential Approach); C05 (Archaeology); DG01 (Objectives of Urban Design); DG02 (Energy Conservation); DG07 (Crime Prevention & Safety); EN03 (Air & Water Quality); EN04 (Flood Risk); EN05 (Noise); LS01 (Landscape Setting); T01 (Hierarchy of Modes); T02 (Accessibility Criteria); T03 (Encouraging Use of Sustainable Modes); and T10 (Car Parking Standards).

Exeter City Council Supplementary Planning Document:

Newcourt Masterplan (November 2010)

Appendix II To PTE/16/23

Planning Conditions

1. The development shall commence within three years of the date of this permission.

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

2. The development shall be carried out in strict accordance with the details shown on the approved drawings and documents numbered: 1020/P100 revision B; 1020/P102 revision E; 1020/P103 revision A; 1020/P104 revision A; 1020/P105 revision A; 1020/106 revision A; 1020/P107 revision A; 1020/P108 revision A; 1020/P109 revision A; 1020/LT07 revision C and 04263 TPP revision C except as may be varied by the conditions below.

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

3. No part of the development hereby approved shall be brought into its intended use until the vehicular and pedestrian access from Vernon Crescent, access drive, on-site parking facilities, turning area and pedestrian connection to the boundary with Seabrook Orchards on the east and north east of the site have been provided and maintained in accordance with the Proposed Site Plan Drawing P102 Rev E and retained for that purpose at all times.

REASON: To ensure that a safe and suitable access for all modes is provided and that adequate facilities are available for the traffic attracted to the site and in accordance with the Development Plan specifically policies T01 and T03 Exeter Local Plan, First Review 1995 -2011 (Adopted March 2005).

4. No part of the development shall be commenced until details of secure cycle parking facilities for students and staff have been submitted to and approved in writing by the County Planning Authority. No part of the development shall be occupied until the cycle parking facilities have been provided in accordance with the approved details and maintained for those purposes at all times.

REASON: To provide adequate facilities for sustainable transport and in accordance with the Development Plan specifically policies T03 and T10 Exeter Local Plan, First Review 1995 -2011 (Adopted March 2005).

5. A School Travel Plan including a programme of implementation shall be submitted to and approved in writing by the County Planning Authority. The travel plan shall be implemented in accordance with the approved submission and reviewed on an annual basis. Any amendments identified in the annual review shall be submitted to and agreed in writing by the Planning Authority and shall thereafter form part of the approved plan.

REASON: To promote the use of sustainable transport modes, in accordance with paragraph 36 of the National Planning Policy Framework and in accordance with the Development Plan specifically policies T03 Exeter Local Plan, First Review 1995 - 2011 (Adopted March 2005).

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6. No development shall take place until a Construction Environmental Management Plan has been submitted to and approved in writing by the County Planning Authority. The statement shall provide details of:
- a) Timetable/programme of works
 - b) Measures for traffic management
 - including routing of vehicles to and from the site
 - details of the number/frequency and sizes of vehicles
 - access arrangements
 - timings and management arrivals and departures of vehicles
 - c) Days and hours of building operations and deliveries
 - d) Location of loading, unloading and storage of plant and materials
 - e) Location of contractor compound and facilities
 - f) Provision of boundary fencing/hoarding
 - g) Parking of vehicles of site personnel, operatives and visitors.
 - h) Wheel washing
 - i) Dust control including
 - j) Recycling during construction

The development shall be implemented in accordance with the approved scheme.

REASON: To ensure adequate access and associated facilities are available for the construction traffic and to minimise the impact of construction on nearby residents and in accordance with the Development Plan specifically policies EN03 and ENC05 Exeter Local Plan, First Review 1995 -2011 (Adopted March 2005).

7. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the County Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the County Planning Authority for an amended investigation and risk assessment and, where necessary, a remediation strategy and verification plan detailing how this unsuspected contamination shall be dealt with. Following completion of measures identified in the approved remediation strategy and verification plan and prior to occupation of any part of the permitted development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the planning authority.

Reason: To ensure that any unexpected contamination that is uncovered during remediation or other site works is dealt with appropriately and in accordance with the Development Plan specifically policies CP15 Exeter Core Strategy (Adopted February 2012).

8. The development shall be carried out in strict accordance with the details shown on the approved documents titled "Plant Noise Assessment BS4142" dated 9/07/2015 except as varied by the conditions below.

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

9. No part of the development hereby permitted shall be commenced until a detailed permanent surface water drainage management plan has been submitted to, and approved in writing by, the County Planning Authority, with consultation with the Lead Local Flood Authority. This detailed permanent surface water drainage management plan will be informed by the additional programme of approved BRE Digest 365 Soakaway Design (2007) percolation tests, in accordance with the principles of

sustainable drainage systems, and those set out in the Flood Risk Assessment and Drainage Strategy (Report No. 5132520, Rev. 1, dated 18th February 2016).

REASON: To ensure that surface water is managed in accordance with the principles of sustainable drainage systems and in accordance with the Development Plan specifically policies CP12 Exeter Core Strategy (Adopted 2012) and EN04 Exeter Local Plan, First Review 1995 -2011 (Adopted March 2005).

10. No part of the development hereby permitted shall be commenced until a further programme of percolation tests has been carried out in accordance with BRE Digest 365 Soakaway Design (2007), and the results approved in writing by the County Planning Authority, with consultation with the Lead Local Flood Authority. A representative number of tests should be conducted to provide adequate coverage of the site, with focus placed on the locations of the proposed soakaways and permeable surfaces.

REASON: To ensure that surface water from the development is discharged as high up the drainage hierarchy as is feasible and in accordance with the Development Plan specifically policies CP12 Exeter Core Strategy (Adopted 2012) and EN04 Exeter Local Plan, First Review 1995 - 2011 (Adopted March 2005).

11. The building hereby approved shall not be brought into use until bird and bat boxes have been installed on the building in accordance with the recommendations set out in the submitted Ecological Appraisal dated August 2014. Thereafter the said bird/bat nesting boxes shall be retained in situ and maintained for the intended purpose unless otherwise agreed in writing by the County Planning Authority.

REASON: To ensure that appropriate provision is made for nesting birds/bats within the development in the interests of enhancing the contribution of the development to the ecology of the area.

PTE/16/24

Development Management Committee
27 April 2016

County Matters: Waste

Mid Devon District: Variation of condition 6 of application DCC/3725/2014 (Construction of 2MW Anaerobic Digestion Plant with new access road and weighbridge on land adjacent to existing Abattoir at Lloyd Maunder Road, Willand) to vary the amount and type of feedstock delivered by road; and Variation of Condition 2 of application DCC/3725/2014 to permit a variation in the approved drawings.

Location: Lloyd Maunder Road, Willand, Devon, EX15 2PJ

Applicant: LM Property Holdings Ltd

Application Nos: 16/00049/DCC and 16/00456/DCC.

Date applications received by Devon County Council: 6 January 2016 and 15 March 2016.

Report of the Head of Planning, Transportation and Environment

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

Recommendation: It is recommended that the applications to vary conditions 2 and 6 are approved and permission is granted subject to the revised conditions set out in Appendix II to this report and to the applicant entering into an agreement under s.106 of the Town and Country Planning Act 1990 in respect of the control of the routing of deliveries to the plant.

1. Summary

- 1.1 This report makes recommendations about two separate applications to vary conditions in respect of the same development site. They were submitted at different times but as the proposed alterations are to the same parent consent, it is clearer to deal with all of the issues in a single report.
- 1.2 These applications seek to vary condition 6 which would increase the importation of feedstock deliveries by road from a maximum of 25,000 tonnes per annum to a maximum of 55,000 tonnes per annum and to vary Condition 2 to enable amendments to the previously approved design of the plant.
- 1.3 It is considered that the main material planning considerations in the determination of the proposed changes to the existing consent are the visual impact of the revised plant design, the change to the nature of the feedstock and whether the additional transportation movements would be unacceptable in terms of existing planning policy; on the amenity of the neighbourhood; and on the safety and capacity of the highway network.

2. The Proposal/Background

- 2.1 Planning permission for a 2MW Anaerobic Digester adjacent to the abattoir and a large silage clamp on adjacent land at Burn Rew Farm was granted by this

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Committee at the meeting on 15 April 2015. Report PTE/15/25 refers and is available to view on the Council website at:

<http://www.devon.gov.uk/loadtrimdocument?url=&filename=PTE/15/25.CMR&rn=15/WD142&dg=Public>

Members will recall that on the morning prior to the meeting a committee site visit was undertaken, which examined the site and the highway network leading to and from the site.

- 2.2 The application site (shown on Plan 1 attached to this report) is located between an existing abattoir/poultry processing factory and a sewage treatment works. It occupies an area that previously housed a second abattoir and the site was cleared in 2006.
- 2.3 The proposals to vary Condition 2 reflect proposed alterations to the infrastructure and layout which would enable the plant to incorporate the different technologies required to accept a mixture of agricultural and food waste streams as these require different feeding units, mixing systems and retention times. The two processes will operate in parallel and combine at final storage as a homogenous pasteurised digestate fertiliser.
- 2.4 The overall footprint of the proposed development is slightly smaller than the previous permission and the overall volume of the plant is proposed to be reduced. The maximum height of the proposed digestate tanks would be 15m (previously 18.2) and the highest buildings in the new plant would be four Continuous Stirred Reactor (CSTR) tanks at 17.6m which would be slightly lower than the previously permitted highest structures which were 19m in height.
- 2.5 The existing planning permission allows for the overall throughput of feedstock to be 49,000 tonnes. This is based on an input of 25,000 tonnes of poultry waste from the adjacent chicken abattoir and 24,000 tonnes of crops imported by road (silage and beet). The consent was subject to a specific condition restricting the amount of feedstock to be imported by road based on the information on sources of feedstock in the application documents.
- 2.6 This application seeks to increase the total amount of feedstock to be delivered by road to site to 55,000 tonnes per annum. The applicant says that one of the reasons for the proposed change is due to contractual difficulties in securing the full 25,000 tonnes of waste material from the adjacent abattoir/poultry processing abattoir. It is understood that 10,000 tonnes of waste would still come directly from the abattoir giving a total operational capacity of 65,000 tonnes.
- 2.7 The applicant also says that the proposed change in the operational parameters would allow for flexibility in allowing the facility to process other waste streams such as domestic and commercial food waste.
- 2.8 Planning condition 6 of the 2015 consent says:
The amount of feedstock to be delivered by road to this site shall not exceed 25,000 tonnes per annum and no poultry products or wastes shall be delivered to the site.

The applicant seeks to change the wording of the condition and has proposed the following wording:

The amount of feedstock delivered by road to the site shall not exceed 55,000 tonnes per annum. This will be made up of agricultural crops and food wastes but shall exclude poultry products or poultry waste.

- 2.9 The application is accompanied by a Transportation Statement which identifies the likely movements associated with a 'worst case scenario' i.e. all deliveries to be based on agricultural crops.
- 2.10 The application to vary the nature and amount of feedstock has been called in for Committee determination by the Local County Councillor.

3. Consultation Responses

- 3.1 Mid Devon District Council (Planning):
Condition 6 (Initial response) The District Council has some concerns about the Transport Statement which seems to be based on assumptions due to the uncertainty about the feedstock from Lloyd Maunder. Concerns about lack of control over back hauling digestate and lack of control over the enforcement of delivery routes especially by agricultural vehicles.

A second response was received on 12 April following the determination of an appeal against refusal of an AD application dealt with by the District Council at Menchine Farm Nomansland which they appended to their response.

Mid Devon has no comment to make on the physical changes to the AD plant itself but the reasons for the changes are a concern.

- (a). It is not clear whether the capacity of the AD plant (size of CHP) is remaining the same as already approved. If there is an increase in capacity, presumably this would necessitate an increase in feedstock and therefore traffic levels through Willand.
- (b). It is understood that DCC Highways require a legal agreement on transport routes/methods etc. Mid Devon would like to see legal controls over volume of traffic, what's being transported and the type of vehicle, as well as routeing. HGVs should all come via the J27 route and the routeing of tractors/trailers should also be carefully considered and controlled by s106.
- (c). There is concern that the "other plant material" referred to in the supporting documentation might include slurry which would need to be transported through residential areas. This is a real concern and Mid Devon would want to see included in any conditions a list of products and by-products that can be transported by road to the AD plant.
- (d). As mentioned in Mid Devon's previous response, there is concern over the transport assessment provided for the feedstock application. The Inspector in the recent Menchine Farm appeal decision dismissed the appeal on the level of information in the transport assessment and because the predicted vehicle movements were only theoretical he could not assess the harm to residential amenity through noise and disturbance.
- (e). The AD plant is very well placed for its original intention to deal with waste from 2 Sisters. It is understood that there is no contract for the solid waste from 2 Sisters and that waste will now be exported off-site. There appears to be no contracts in place for dealing with the other food waste mentioned in the transport assessment and no real certainty over traffic movements through the residential areas of Willand. In the case of Menchine Farm, the feedstock has not been sourced from where it was originally intended to be sourced, resulting in a very different scenario from that approved. This appears to have happened here and what looked like a good proposal is now

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something very different. Mid Devon are concerned that without the certainty over what is coming from where and how there will be a harmful impact on the residential amenity of residents of Willand.

3.2 Mid Devon District Council Environmental Health:

Condition 2: Not applicable.

Condition 6: No objection.

3.3 Health Protection Agency:

Condition 2: Not applicable.

Condition 6: No comments received.

3.4 Highways England.

Condition 2: Not applicable.

Condition 6: No objection.

3.5 Environment Agency:

Condition 2: No objections but the permit application is likely to be complex and will cover pollution control, emissions, noise, and odour among other matters.

Condition 6: No comment.

3.6 Willand Parish Council:

Condition 2: Views awaited.

Condition 6: The Parish Council recommend refusal of the application and object on the following grounds:

- Adverse cumulative effect on the health and wellbeing of residents and properties within the settlement with relation to increased HGV traffic, road safety hazards and potential detrimental effects of odour.
- Concerns about monitoring or enforcing tonnages or routes and that current experience of other AD sites is that what is permitted is not what actually happens.
- Concerns about the definition of the feedstock in that this might include other wastes such as cow slurry which is used on another site run by the applicant company. The current proposal for taking domestic food waste represents a 10 year contract (not 15 as specified in the application) and there is concern about the nature of feedstock once that contract ends. Waste from the abattoir might not be available and this brings into question the information submitted to support the original application for the plant.
- It is concerned that the information provided in the Transport Statement is not accurate and underplays the impact that the traffic would have upon Willand.
- It considers that the local road network leading to the site is inadequate as it crosses a narrow railway bridge; HGVs having to negotiate busy junctions; and, passing close to a number of residential properties.

4. **Advertisement/Representations**

- 4.1 The applications were advertised in accordance with the statutory publicity arrangements by means of a site notice, notice in the press and (for Condition 6) notification of neighbours by letter (including objectors to the original application). As a result of these procedures 2 letters of objection have been received (one from the local District Councillor and the other from a resident of Willand) stating that the application would lead to uncontrolled odour which would have a cumulative adverse effect on residential properties already affected by odour from the Two Sisters Food

Group. Farm trailers used for deliveries are not designed to mitigate odour and farm trailers leaving empty after deliveries would create noise. The transport statement is not fit for purpose due to use of part trips and the proposal should be refused due to potential impact on the road network. There are existing issues in the locality with movement of crops past the school and traffic management agreements elsewhere are not enforced.

- 4.2 The objectors question statements in the application about the amount of domestic food waste available, the contractual arrangements with the Two Sisters Group; the assumption that dairy farms are moving to arable and the applicant's comments that Willand is strategically well suited as a site to receive food waste contracted from Districts (especially Teignbridge).
- 4.3 The objectors are also concerned about cumulative impacts from large volumes of traffic along the B3181 which already access the industrial estates at Hitchcock Farm and the Mid Devon Industrial Estate (shown on Plan 2) and express the view that the proposal will create a cumulative impact by concentrating agricultural movements in one particular area.
- 4.4 Concern is also expressed that applicant changes their proposals once planning permission has been granted and does not build in accordance with the approved plans.
- 4.5 The objectors also query the veracity of the information on lorry movements and express concerns that the proposals would mean an increase for Willand of over 3,000 movements of HGVs. They also object on grounds of odour, visual impact and noise from transportation.
- 4.6 Copies of the representations are available to view on the Council website under references DCC/3825/2015 and DCC/3850/2016 or by clicking on the following links: <https://planning.devon.gov.uk/PlanDisp.aspx?AppNo=DCC/3825/2015> .

5. Planning Policy Considerations

- 5.1 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 in Appendix I to this report and the most relevant are referred to in Section 6 below.
- 5.2 This site was not allocated for waste management uses in the Devon Waste Local Plan, but the decision to grant planning permission for the AD plant made reference to policy W6 (Energy Recovery) which states that proposal for the recovery of up to 80,000 tonnes would be permitted unless material considerations indicate otherwise. It was considered that the permitted plant was compliant with this policy due to its location immediately adjacent to 50% of the input and the consequent removal of existing waste movements from the road network.

It is this change that needs to be considered within the context of the planning policy.

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6. Comments/Issues

- 6.1 It is considered that the main material planning considerations in the determination of the proposed development are the visual impact of the revised design and whether the change to the nature and amount of the feedstock and the additional transportation movements would be unacceptable in terms of existing planning policy; on the amenity of the neighbourhood; and on the safety and capacity of the highway network.

The visual impact of the proposed amended design.

- 6.2 The footprint of the proposed development remains within the original red line of the permitted development, and the largest structures would now be 15m in height (with some external pipework on the top) rather than the previously permitted 19m. The reception building remains essentially the same and in the same location and therefore the nature of the plant and its bulk would be very similar although slightly less than that which was previously permitted. Given the nature of the site and the location in front of the Two Sisters Abattoir which remains a large bulky structure on the skyline, it is considered that this plant would not cause an increased landscape impact from the previously approved scheme.

The nature of the feedstock

- 6.3 Willand Parish Council, Mid Devon District Council and objectors have expressed concern that the original permission was based on treating around 50,000 tonnes of waste with 50% from the adjacent abattoir and 50% imported by road and that this proposal represents not only an increase in the use of imported feedstock but an increase in the overall size of the operation.
- 6.4 It is correct that the use of material from the adjacent abattoir was an advantage for the location of the AD facility but the applicant has pointed out that the proposal has been amended due to contractual issues rather than because the feedstock is not available. The current proposal has been presented as a “worst case” scenario in highways terms to enable a determination to be made based on the maximum likely impact from a facility importing all of its feedstock as crops and farm wastes, but it is also made clear by the applicant that they are also seeking food waste contracts from Commercial and Domestic collectors as well as with the adjacent abattoir. This use of “worst case scenario” and the proper assessment of the likely impacts of this would enable the WPA to be confident that the likely impacts have all been properly assessed and that if they are in themselves acceptable then anything lesser would not raise any further planning issues.
- 6.5 Many of the recently permitted AD facilities are in some way competing for various types of feedstock and are bound by the market and various contractual factors. The applicants clearly hope to be in a position to engage with the adjacent abattoir to take larger amounts of their waste, but as this is not a certainty, they are taking steps to ensure alternative feedstock to support their investment. The applicant has stated that they are intending to bid for the domestic food waste contracts which might be topped up by the importation of commercial food waste, but this is a competitive market and so they have also provided a “worst case scenario” where all of the input is from farm products, mostly crops but also an element of waste from dairy farms which would normally be cattle slurry. They have stated that there is no intention to bring in poultry wastes by road which was a concern when the original application

was submitted and which could still be subject to a condition if it were considered to be reasonable and proportionate.

- 6.6 With a variety of potential feedstock, the principal issues are whether there would be an unacceptable impact on the highway network and whether the transportation of food waste would present an unacceptable amenity impact on local residents either from the number of vehicle movements or the nature of the feedstock. The Transport Statement supporting the application sets out a worst case scenario as far as highways issues are concerned but the likelihood is that highway impacts would be less if food-waste contracts can be achieved.
- 6.7 The concerns raised by objectors about the company changing its proposals once permission has been granted are noted and although the plant is already under construction, the operator has submitted revised drawings and an application to vary condition 2 which specifies the approved drawings and which is also a part of this report for determination. The NPPF makes it clear that a retrospective application should be considered in the same manner as any other application in terms of the policy context and the likely environmental effects.

Odour and Residential amenity

- 6.8 Odour from vehicles carrying food waste or digestate is clearly a concern to local residents but the applicant has stated that both food waste and digestate would be transported in “duoliner” vehicles which can be used to carry both solid and liquid waste. As such, they are sealed units and therefore are unlikely to present an odour problem. The use of sealed containers or tankers to transport odorous material would be a condition of the permission if granted and this would then cover the delivery of farm slurry should it be a part of the feedstock.
- 6.9 It is clear that in this location, odour is already a concern to residents and there have been past complaints about odour from the abattoir. The site is also adjacent to the Sewage Treatment Works, but clearly the perception of existing odour issues cannot be attributable to the applicant’s plant which is not yet operational.
- 6.10 As a part of the original planning application the applicant stated that there would be negative pressure in the tipping hall and therefore if this is properly adhered to then there should not be any “spill” of odour from the buildings. The AD plant will be subject of a bespoke Environmental Permit which would deal with emissions from the process and National Planning Policy Framework guidance is clear that consenting regimes should not duplicate the requirements of the Permit. Odour from the process would therefore be an issue for the Environmental Permit and planning conditions could be used to deal with the transportation of waste and to preclude outside storage of materials.
- 6.11 In terms of the likelihood if the proposed development increasing the odour problem in this area, the applicant has stated that the 10,000 tonnes of waste from the abattoir would delivered to the reception hall and fed to the digesters through an enclosed feeding system. The waste is currently handled in the open air at the abattoir treatment works before being removed from the site; the proposed process should therefore reduce odours in the locality.
- 6.12 Additionally, the applicant has provided an odour and bioaerosol risk assessment which concludes that under normal operating conditions and with maintenance and mitigation measures implemented (negative pressure in delivery hall; good housekeeping) there is a very low risk of loss of amenity due to odours although as

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with any AD plant, there could be significant short term impacts if there were to be a failure in the systems and this would be a matter for the Environment Agency in its regulation of the Environmental Permit.

Highways Issues

- 6.13 The application to vary the planning condition was supported by a Transport Statement which had been the subject of pre-application advice by the Highway Authority. The proposal seeks to increase the amount of material imported to the site from the originally permitted 24,000 tonnes of material delivered by road to 55,000 tonnes of material delivered by road.
- 6.14 Assuming that there is no input from the adjacent abattoir, the main differences between this proposal and the permitted scheme are the increase in the number of vehicle movements on the local highway network associated with this operation, the likely routing of those movements and the potential impact on the surrounding area of the transportation of farm crops and food wastes.
- 6.15 The potential impact on the road network is discussed below. In terms of amenity, the routing of vehicles carrying food waste would be directly from the nearest junction with the M5 and following the lorry routing to the adjacent industrial estates. [See Plan 2 for lorry routing].
- 6.16 In terms of amenity impact from the proposed HGV movements, the worst case scenario is that there might be 33 movements per day from the operation if the entire feedstock was to be crops delivered in part by duoliner (backhauling digestate) and tractor and trailer from the silage clamp at Burn Rew Farm, which is on the adjacent farm holding and was permitted as a part of the original consent.
- 6.17 The route that has been identified to access the site for food waste utilises the M5 corridor and the B3181 from Junction 27. These roads are suitable to accommodate the increase in the traffic identified in the application.
- 6.18 The applicant has stated that traffic movements for agricultural feed stock would happen in any case and they are already on the highway network with only the final destination being different. In addition these figures have been shown as average figures which by their nature are shown as part movements when viewed as a daily average. This methodology has been accepted by the Highway Authority to demonstrate movements.
- 6.19 The Planning Authority has asked the applicant to comment on complaints that there are already increased tractor and trailer movements in the area and in particular around the school. The applicant has stated that the development has not commenced and they are not moving material in the locality.
- 6.20 It has been argued by objectors that there are no part movements, and this is correct to some degree in that it would not be commercially viable to deliver a part load and in reality only full loads will be delivered the material making up the part load retained at source until such time as a full load is available. Therefore where the loads are indicated as part loads e.g. for the 10,813 tonnes of Feedstock with 4.6 loads per day average, the week will be made up of 5 days of 4 movements and one day of 5. To up lift each days part load to a full load is equally erroneous as to discount the part loads.

- 6.21 The only seasonal crop is that which is being delivered to the silage clamps at Burn Rew Farm and this already has permission in association with this proposal, as well as a requirement for a highways improvement. All other crops are intended to remain at source and brought to the plant on a steady state movement. The applicant has taken a conservative approach to the development by showing the worst case scenario with all indications being that this level of movement would not be the case. The figures demonstrated by the applicant are accepted for traffic over the greater highway network, but there will be increased traffic over the immediate local network and the importance of adhering to the identified delivery routes are of paramount importance to mitigate any impacts on the local amenity and school front safety.
- 6.22 The Highway Authority has advised that the applicant should submit and have approved a traffic management plan which indicates the routes to be taken, keep a log of the vehicles entering and leaving the site, their destinations and routes taken. The Highway Authority while it accepts that such measure are generally a best endeavour approach, has asked the applicant to undertake a s.106 agreement in respect of routeing and should include in the traffic management plan any punitive measure it will take to those suppliers who breach the agreed delivery routes. This agreement has been received from the applicant and the routeing will avoid the centre of the village completely.
- 6.23 The NPPF states that any impact should be “severe” before it is used as a reason not to permit what would otherwise be “sustainable development” and in respect of overall movements, the Highways Authority does not consider this to be the case with relation to this application.

Overall Sustainability Considerations

- 6.24 An increase in vehicle movements to import food and agricultural wastes might reduce the overall sustainability of this project. The previous use of abattoir waste from the adjacent site was however an unusually sustainable proposal and the site is still well located to take those wastes should they become available. The abattoir has itself received planning permission for the installation of a smaller AD plant to take some of its by products and so the overall amount would need to be made up from other products in any case and the use of the domestic and commercial food waste in this AD plant connected directly to the gas grid could be seen as a more sustainable approach to the management of the county’s waste than incineration or landfill.
- 6.25 The applicant has stated that the increased throughput, combined with a higher calorific source of feedstock would provide a range of 3.8-4.2Mw (electrical equivalent output) depending on the quality and calorific value of feedstocks. The waste materials and crops are already produced and therefore would be moved to an end user in any case. The proposed increase in throughput and alterations to the feedstock could therefore significantly increase the amount of energy from the original 2MW proposal.

7. Reasons for Recommendation/Alternatives Options Considered

- 7.1 The Committee has the option of approving, deferring or refusing this planning application.

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- 7.2 In terms of land use planning, the site already has permission to operate an AD plant, it was previously an abattoir, and as such is a brownfield site, located in close proximity to the major highway network. It is possible to impose operating conditions that would control odour from the transportation and storage of materials and the process itself is the subject of an Environmental Permit and therefore a matter for the consideration of the Environment Agency who has raised no objection to the application. The proposed height and bulk of the amended plant would not be greater than that already approved and so in the absence of any highway objection there is no policy reason to refuse the use of alternative materials to provide the feedstock for this plant.
- 7.3 The increase in the amount of throughput is from 49,000 tpa. to 65,000 tpa does not increase the size of the facility so significantly that the proposal would not comply with Policy W6 of the Devon Waste Local Plan; in that it will deliver gas directly into the National Gas grid, will manage waste (and crops) arising in Devon and is well located with relation to the strategic road network.
- 7.4 The NPPF is clear that the use of planning conditions should be necessary and precise; it should be made clear that the proposed variation would not preclude the importation of slurry (so long as it is kept in sealed trailers or containers). As odour is the concern expressed in association with the movement of the material it is considered that the application of this condition is necessary and proportionate.

Dave Black
Head of Planning, Transportation and Environment

Electoral Division: Willand & Uffculme

Local Government Act 1972: List of Background Papers

Contact for enquiries: Sue Penaluna

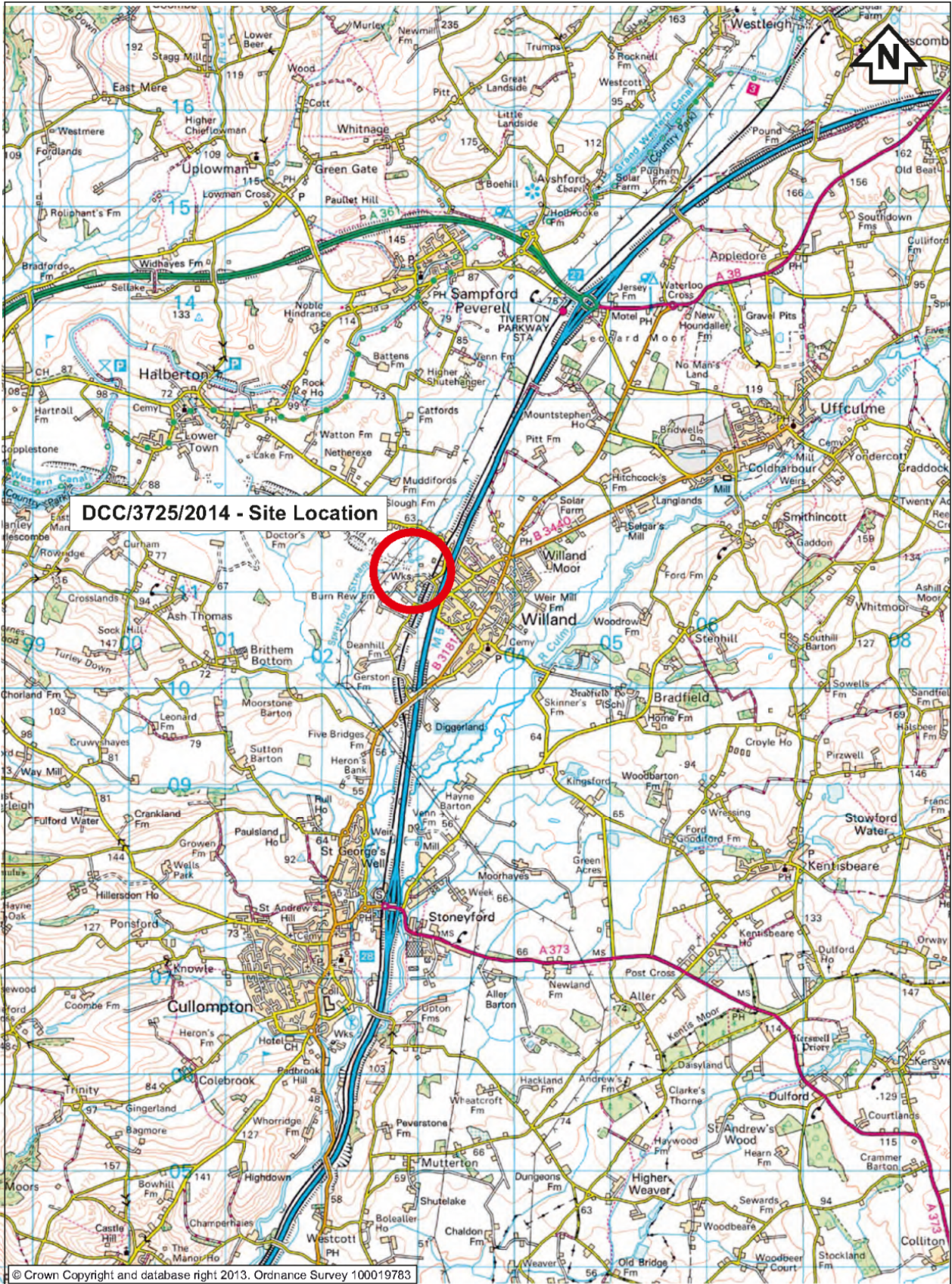
Room No: AB2, Lucombe House, County Hall

Tel No: 01392 383000

Background Paper	Date	File Ref.
Original Application	12 January 2015	DCC/3725/2014
Casework File	6 January 2016	DCC/3825/2015
Casework File	21 March 2016	DCC/3850/2016

sp110216dma
sc/cr/AD plant Lloyd maunder road willand
05 180416

Location Plan



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Head of Planning,
Transportation
and Environment

Development Management Committee

County Matter: Waste
Mid Devon District: Variation of condition 6 of application DCC/3725/2014
(Construction of 2MW Anaerobic Digestion Plant with new access road and
weighbridge on land adjacent to existing site at Lloyd Maunder Road,
Willand) to vary the amount and type of livestock delivered by road

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April 2016

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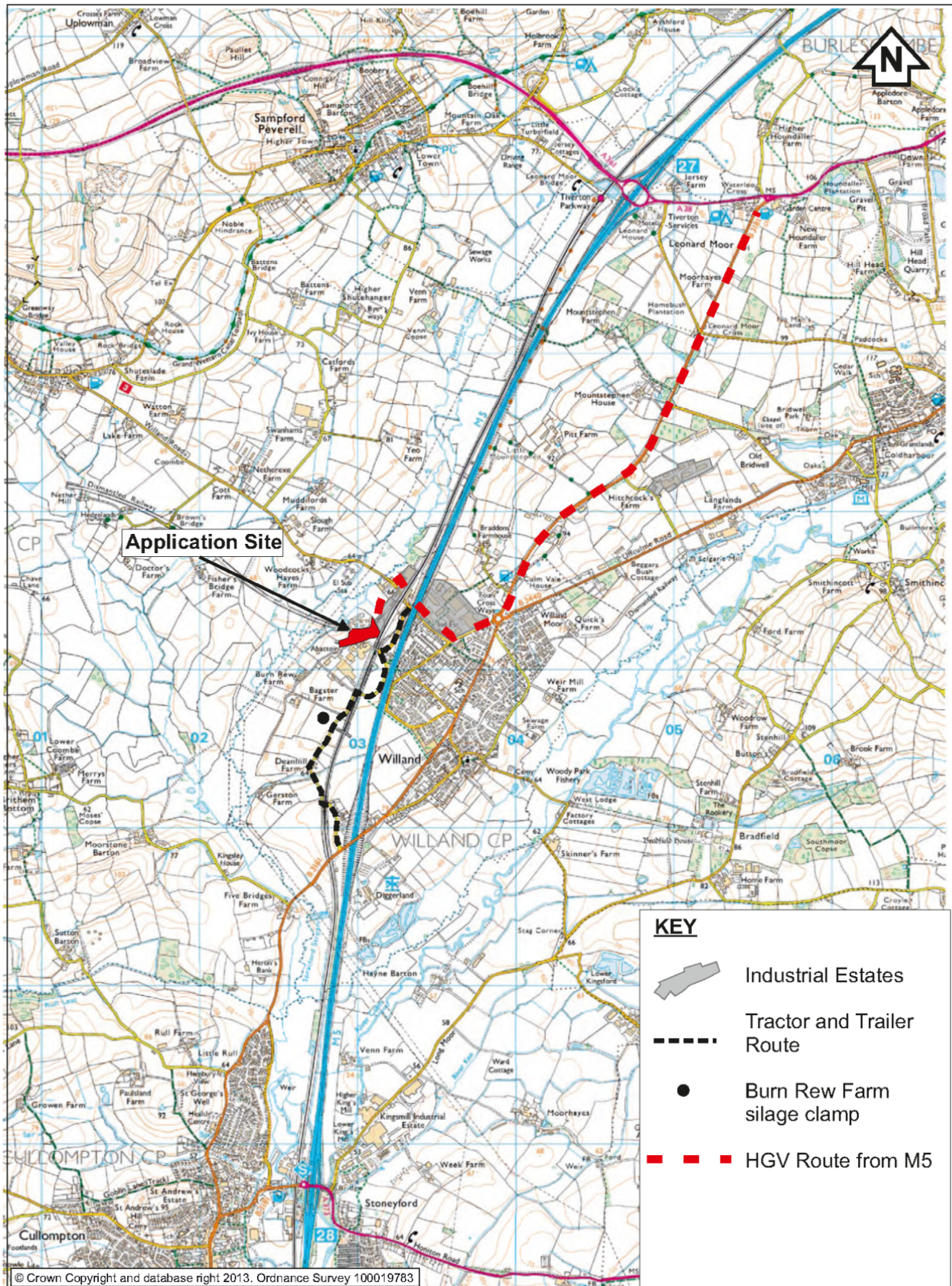
NTS

Application No:

16/00049/DCC

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Routing of Food Waste and digestate



Appendix I To PTE/16/24

Planning Policy Considerations

Devon Waste Plan: Adopted 11 December 2014

Policies: W1 (Presumption in Favour of Sustainable Development); W2 (Sustainable Waste Management); W3 (Spatial Strategy); W5 (Reuse, Recycling and Materials Recovery); W6 (Energy Recovery); W15 (Infrastructure and Community Services); W17 (Transportation and Access); and W18 (Quality of Life).

Mid Devon Local Development Framework Core Strategy 2026 (Adopted July 2007):

Policies: COR01 (Sustainable Communities); COR05 (Climate Change); COR07 (Previously Developed Land); COR08 (Infrastructure Provision); COR09 (Access); and COR10 (Strategic Transport Networks).

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Appendix II To PTE/16/24

Planning Conditions (Amendments or additions to Permission DCC/3725/2014 in bold)

Schedule of Conditions – Mid Devon District Council Application No. 16/0049/DCC and 16/00456/DCC

Devon County Council Ref. DCC/3825/2015

1. The development shall commence within 3 years of the date of this permission. Written notification of the date of commencement shall be sent to the Local Planning Authority within seven days of commencement.

REASON: To comply with Section 91 of the Town and Country Planning Act 1990 and to enable the Local Planning Authority to adequately monitor the development.

2. The development shall be carried out in strict accordance with the details shown on the approved drawings and documents numbered: WIN01_Willand_SLa_002 (Figure 1a: Site Location); WIN01_Willand_SLb_001 (Figure 1b: Site Location); **Plan 20160308 GFLE-Willand Phase 3 Planning v04-32- Site Plan**); **Figure 3a Elevations shown with existing buildings (WIN01_WIL4_EIEx_001)** (Figure 3 - Elevation - Silage Clamps); WIN01_Willand_CSa_003 **Figure 4 Cross Section (20160308 GFLE-Willand Phase 3 Planning v04-35-Cross Section A-A)** (Figure 6 - Silage Clamp Cross Section - Overview); WIN01_Willand_CSb/c_002 (Figure 6 - Cross Sections B-B and C-C); WIN01_Willand_CSD-D_002 (Figure 8 - Planting Specification for a screening bund); WIN01_Willand_PP_01 (Figure 9 - Planting specification for Willand Anaerobic Digester); WIN01_Willand_Flg10_001 (Figure 3 - Individual Structures - site overview); WIN01_Willand_Flg10_001 **Figure 10 Individual Structures (20160308 GFLE-Willand Phase 3 Planning v04 1-36 – Structures 1-6; 13854-SC001 (Access Track Long Section);A3-002 (indicative Road Transverse Sections A&B)**); except as varied by the conditions below.

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

3. **The development hereby permitted shall be constructed in accordance with the construction traffic management plan approved on 22 July 2015 under Article 30 of the Town and Country Planning (Development Management Procedure) (England) Order 2010.**

REASON: In the interest of highway safety and the efficient operation of the M5 motorway and its junctions

4. No development approved by this permission shall be commenced until details of a scheme for the provision of surface water management has been submitted to and approved in writing by the Local Planning Authority. The details shall include:-
 - (a) details of the drainage during the construction phase;
 - (b) details of the final sustainable drainage scheme;
 - (c) provision for exceedance pathways and overland flow routes;
 - (d) a timetable of construction;
 - (e) a construction quality control procedure;

- (f) a plan for the future maintenance and management of the system and overland flow routes.

Prior to occupation of the site it shall be demonstrated to the satisfaction of the Local Planning Authority that relevant parts of the scheme have been completed in accordance with the details and timetable agreed. The scheme shall thereafter be managed and maintained in accordance with the approved details unless otherwise approved in writing by the Local Planning Authority.

REASON: To prevent the increased risk of flooding and minimise the risk of pollution of surface water by ensuring the provision of a satisfactory means of surface water control and disposal during and after development.

- 5. No material shall be imported for storage at the clamps at Burn Rew Farm until such time as the highway improvement shown on drawing DCC/01 shall have been carried out.

REASON: In the interests of highway safety.

- 6. **The amount of feedstock delivered by road to this site shall not exceed 55,000 tonnes per annum and no poultry products shall be delivered by road to this site.**

REASON: To ensure that the impacts on the public highway network and on odour management as set out in the supporting Transportation Statement and Planning Supporting Statement are not exceeded in the interests of local amenity and highway safety.

- 7. The external materials for the cladding of the proposed buildings and digestate tanks shall be RAL 7038 (Goose wing grey) and the security fencing shall be RAL 6005 (Dark green) unless otherwise agreed in writing by the Waste Planning Authority

REASON: To ensure the chosen materials for this development minimise its impact on the character and appearance of the landscape in accordance with policy W12 of the Devon Waste Local Plan.

- 8. No vehicle or mobile plant used (other than visiting road lorries) shall be operated within the permission area unless they have been fitted with and use “white noise” alarms.

REASON: In the interest of protecting the local environment and community from adverse impact of noise generated at the site and to comply with policies of the Development plan: in particular policies W02 of the Devon Waste Local Plan and Policy COR01 of the Mid Devon Local Plan.

- 9. The landscaping scheme shown on plans: WIN01_Willand_PP_002 (Figure 8 - Planting Specification for a screening bund) and WIN01_Willand_PP_01 (Figure 9 - Planting specification for Willand Anaerobic Digester) shall be carried out in the first planting and seeding seasons following completion of the development. The approved scheme shall be maintained for a period of five years. Any trees, plants or grassed areas, or replacement of it, that is removed, uprooted, destroyed or dies within five years of the date of planting shall be replaced with the same or similar species in the same location.

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REASON: To protect the character and appearance of the local landscape in accordance with policy W12 of the Devon Waste Local Plan.

10. The applicant shall implement the habitat enhancement and ecological mitigation measures as set out in the report dated 26 March 2015 (Appendix 11).

REASON: To ensure that proposed development minimises the impact on species and habitats and delivers the proposed mitigation and enhancement proposed in support of the proposal in accordance with Policy W02 of the Devon Waste Local Plan.

11. **Prior to the importation of any feedstock to this operation, the applicant shall submit to and have approval in writing from the Waste Planning Authority a Traffic Management Plan (CMP) including:**
- (a) **Official delivery routes;**
 - (b) **Actions to be taken against those in breach of the delivery instructions;**
 - (c) **hours during which delivery and construction traffic will travel to and from the site, with such vehicular movements being restricted to between 8:30 am to 9.30 am and 3.00pm to 4.00pm Mondays to Fridays to safeguard school pick up and drop off;**
 - (d) **the number, sizes of vehicles, and origin and destination of vehicles visiting the site in connection with the development and the frequency of their visits should be logged for Planning Authority inspection;**
 - (e) **details of proposals to promote car sharing amongst staff in order to limit staff vehicles parking off-site.**

On approval the applicant shall take all reasonable steps to implement the approved plan.

REASON: In the interests of highway safety.

12. **The applicant shall keep records of the amount and nature of the deliveries to the site and such records shall be made available on written request to the Waste Planning Authority.**

REASON: To ensure that the proposed vehicular movements are maintained within the levels set out in the Transportation Statement in the interests of highway safety and public amenity.

13. **All waste feedstock delivered to this site and digestate leaving it by road shall be transported in sealed containers or tankers.**

REASON: To prevent odours from the transportation of waste feedstock causing detriment to the amenity of residents along the delivery routes.

14. **There shall be no external storage of waste materials or soiled containers.**

REASON: To prevent odours from this site affecting the amenity of nearby property.

PTE/16/25

Development Management Committee
27 April 2016

County Matter: Minerals

Teignbridge District: Variation of Condition 10 attached to Planning Permission 2013/3520/COU Change of use to allow existing buildings on site for general office and workshop use and part of site for storage Whitecleave Quarry, Plymouth Road, Buckfastleigh, Devon, TQ11 0DQ

Applicant: Sam Gilpin Demolition Ltd

Application No: 15/01695/DCC

Date application received by Devon County Council: 12 June 2015

Report of the Head of Planning, Transportation and Environment

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

Recommendation: It is recommended that planning permission be granted subject to conditions attached at Appendix II of this report.

1. Summary

- 1.1 This report relates to a planning application to vary a condition of an existing temporary planning permission at Whitecleave Quarry, Buckfastleigh relating to the limits of heights in approved storage areas.
- 1.2 It is considered that the main material considerations in the determination of this application are the potential impacts on landscape character, visual amenity and any additional impacts on nature conservation interests.

2. The Proposal/Background

- 2.1 At the 15 July 2014 Development Management Committee meeting Members considered report PTE/14/52 and resolved to grant planning permission for the use of land within Whitecleaves Quarry for the storage of plant, vehicles and machinery associated with the applicant Company's demolition business; the additional use of the quarry office building for activities associated with the Company's demolition business; and, the additional use of the quarry workshop for the maintenance of vehicles and machinery associated with the Company's demolition business, minute *63 refers.
- 2.2 Report PTE/14/52 is attached as Appendix III to this report and sets out the details of the original proposal, the background to the development and the planning issues considered in the determination of that application.
- 2.3 A conditional temporary planning permission was granted subsequent to the committee resolution. The application subject of this report seeks to vary part of condition 10 of the planning permission relating to the restriction in the permitted height of equipment stored in storage area SA1. In full, the condition says:

In designated area SA1 and SA2, no plant and equipment shall be stored which exceeds 3m in height. The slope behind SA2 shall be planted in accordance with a scheme to be submitted within three months of the date of this permission. The

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approved scheme shall be maintained for a minimum period of five years. Any trees, plants or grassed areas, or replacement of them, that are removed, uprooted, destroyed or dies within five years of the date of planting shall be replaced with the same or similar species in the same location.

REASON: To protect the visual amenity of the site in the interests of local amenity.

- 2.4 The application seeks to vary the first sentence of condition 10 relating to the limit of heights in the storage areas SA1 and SA2. The applicant seeks to vary the condition on the basis that they consider that the condition contradicts the accepted ecological mitigation strategy and the accepted drawings for storage in storage area SA1. The applicant wishes the condition to be varied so that in storage area SA1 all stored materials be kept 1m away from the base of the embankment and for a distance of 10m away from the embankment the height be restricted to 4 metres. After the 10m distance the applicant requests that there would be no height restriction on storage of equipment. The application does not seek to remove the 3m height restriction in storage area SA2.
- 2.5 The application is supported by a Landscape and Visual Assessment (LVA) which examines the visual impact of the increasing the heights of both storage areas SA1 and SA2 (although as noted above the application does not seek to vary the storage height limit in SA2) and suggests mitigation to reduce any impacts.

3. Consultation Responses

- 3.1 Teignbridge District Council (Planning) – No objection.

The Council considers that the mitigation proposed as a part of the LVA should be secured and implemented.

- 3.2 Teignbridge District Council (Environmental Health) – no response received.

- 3.3 Buckfastleigh Town Council – object to the application on the grounds that:

- It is not appropriate to consider a planning application to vary a condition on an existing temporary consent which has just over a year to run, particularly in the context of the upcoming mineral review.
- The Council comments on the NPPF guidance on imposing planning conditions and consider that condition 10 meets these tests.
- It considers that the LVIA is inadequate and any increase in height would have an unacceptable impact on landscape character.
- The nature of the plant and machinery, being bright coloured, makes it highly visible and create a negative perception of the town.
- It is particularly concerned about storage area SA2 as it is elevated and visible from a number of locations in the town.

- 3.4 Totnes Town Council – object to the application on the ground that the council has submitted a formal complaint to the European Commission following the grant of planning permission for the use of parts of the site as a storage area, and that no changes or variation of the conditions should be allowed until the complaint has been investigated and a decision made.

- 3.5 Dartmoor National Park – No objection.

3.6 Natural England – No objection.

4. Advertisement/Representations

4.1 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 representations have been received. Of these 3 supported the application and the remainder objected to the proposal on the following planning grounds:

- Unacceptable impact on the landscape character
- Damage to visual amenity
- Need for the variation given that there are other permitted areas for storage which do not have a height restriction
- Impact on protected bat species
- The use of the site for storage is contrary to the long term proposals for the restoration of the site

4.2 Copies of representations are available to view on the Council website under reference DCC/3784/2015 or by clicking on the following link: <https://planning.devon.gov.uk/PlanDisp.aspx?AppNo=DCC/3784/2015>

5. Planning Policy Considerations

5.1 In considering this application the County Council, as Mineral 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 in Appendix I to this report and the most relevant are referred to in more detail in Section 6 below.

6. Comments/Issues

6.1 It is considered that the main material considerations in the determination of this application are the potential impacts on landscape character, visual amenity and any additional impacts on nature conservation interests.

Impact on the landscape character and visual amenity

6.2 In relation to storage area SA2 it is noted that whilst the LVA assesses the impact on the increase of the height restriction to 4 metres, the application does not seek to change the height restriction for this area. In the event that planning permission is granted it would be appropriate to impose a condition on a new consent restricting the height to the existing 3 metre limit. This being the case there would be no additional landscape or visual amenity impacts over and above those which were considered in the determination of the previous application.

6.3 With regard to storage area SA1, the current situation is that the height of material stored in the area is in excess of the currently permitted 3 metre height limit. The highest elements are the shipping containers (stacked 2 high) located at the north-western boundary of SA1 which are about 5.5m above ground level. This was

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identified as a breach of condition and in order to address the issue the operator submitted the application to vary condition 10.

- 6.4 Following the submission of the application the Council required that the operator produce a LVA and the submitted document takes into account the presence of the containers and assesses a worst case scenario, i.e. in the winter months when there are no leaves on the trees which provide screening into the site. The LVA considered the visual impact of the proposal, including consideration of the effects from six publicly accessible viewpoints; four of which are within the Town.
- 6.5 The landscape character is influenced by past and current consented uses and it is considered that the existing visual impact of storage area SA1 is limited due to the screening effect of existing vegetation and the site topography. It is considered that the proposal to increase the height of storage area SA1 can be accommodated without harming the distinctive character, qualities and features of the landscape and without adversely affecting the visual amenity of sensitive receptors.
- 6.6 In order to ensure any residual adverse visual impact resulting from the current operations on nearby sensitive receptors is kept to a minimum during the remaining term of the current consent it is considered that the mitigation measures suggested in the LVA are implemented. In particular the storage containers located at the boundary of storage area SA1 are visible and it would be appropriate to paint the northern faces of the containers a natural dark recessive colour with a matt and non-reflective finish. These containers are stacked two high at about a height of 5.5 metres and to ensure this height is not exceeded to one higher than that assessed in the LVA a condition would be imposed limiting the maximum height at the boundary of SA1 to be restricted to a maximum of 5.5 metres.
- 6.7 Other mitigation measures, such as additional planting and maintenance of planting are pre-agreed matters which have been secured as part of the approved Environmental Monitoring and Mitigation Plan (EMMP).

Impact on Nature Conservation Interests

- 6.8 Storage area SA1 is located adjacent to the Greater Horseshoe bat flight pathway and the potential impact on this bat species was a key consideration in the determination of the application for the storage of equipment at this site. Report PTE/14/52 (attached as Appendix III to this report) considered this aspect and the Council carried out the required Habitats Regulation Assessment (HRA) which concluded that the proposal would not impact (directly or indirectly) on the bat flight lines, or any Greater Horseshoe bat foraging habitat and concluded no likely significant effect on the South Devon or Dartmoor Special Areas of Conservation.
- 6.9 This conclusion was on the basis of the information supplied in the EMMP. In particular the EMMP noted that the storage areas were outside of the bat flight lines, but as a precautionary measure storage area SA1 would be kept 1 metre away from the base of the embankment and equipment and materials would not be stored above a height of 4 metres for a distance of 10 metres following the 1 metre standoff.
- 6.10 Planning condition 7 of the temporary planning permission requires that the development be carried out in accordance with the EMMP which allows for storage up to 4 metres and the operator points out the inconsistency between this requirement and the requirement of condition 10 which presently limits the height to 3 metres. This is the case but the reason for condition 10 related to a visual amenity, rather than nature conservation reason. Since the development commenced the

operator's ecological consultant has carried out further monitoring work and the indication is that the use of storage area SA1 has not had an impact on commuting Greater Horseshoe bats, and it is confirmed that the HRA remains valid and there are no nature conservation concerns regarding the continued use of SA1 as set out in the EMMP.

Other Matters

- 6.11 Buckfastleigh Town Council's contention that it is not appropriate to consider a variation of a planning condition on a temporary consent is noted, but this is not a material planning consideration as the application was properly made. The permission for the use of parts of the quarry as storage areas will expire in 2017 and this was timed to coincide with the mineral review application for the quarry. Neither the site operator nor the site owner has confirmed its long term aspirations for the site, but should either wish the storage use and/or the mineral use to continue further applications will be required in 2017. This will give the planning authority the opportunity to consider landscape and nature conservation mitigation measures looking at the site as a whole.
- 6.12 Totnes Town Council's objection to the application is noted, but to date DCC has not received any correspondence from the European Commission concerning the complaint made the Town Council and in any event this is not a reason to defer the determination of the application. A request has been made to the Town Council to provide an update on its complaint (which it is understood was made in 2014) and any further update will be verbally reported to this committee at the meeting.

7. Reasons for Recommendation/Alternatives Options Considered

- 7.1 The Committee has the option of approving, deferring or refusing this planning application.
- 7.2 It is considered that the variation of condition 10 will not result in additional impacts on the landscape or character or on the visual amenity of the area, nor will it impact on Greater Horseshoe bat flight lines and planning permission therefore be granted in accordance with the recommendation to this report.
- 7.3 The alternative option would be to refuse this application, but this would not result in the cessation of the storage activities but would result in the need to consider enforcement action in respect of the current contravention regarding the heights of storage of material in SA1. Taking into account the planning considerations set out in this report it is considered that an appeal by the operator against enforcement action, or against refusal of this application, is likely to be successful.

Dave Black
Head of Planning, Transportation and Environment

Electoral Division: Ashburton & Buckfastleigh

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Local Government Act 1972: List of Background Papers

Contact for enquiries: Andy Bowman

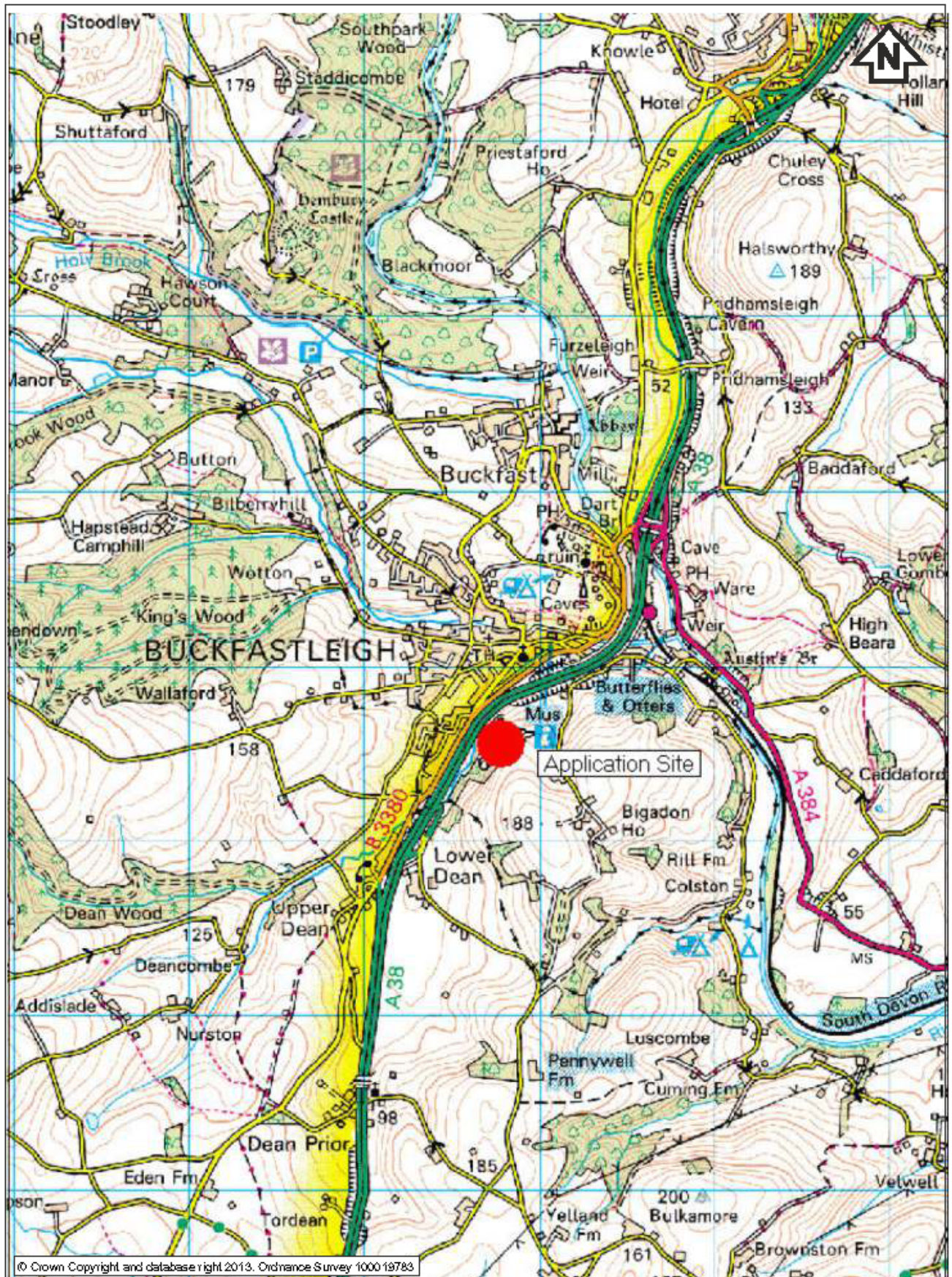
Room No: AB2, Lucombe House, County Hall

Tel No: 01392 383000

Background Paper	Date	File Ref.
Casework File		DCC/3784./2016
Casework File	11/03/2014	DCC/3643/2014

ab110416dma
sc/cr/ change of use whitecleave quarry
04 180416

Location Plan



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Head of Planning,
Transportation
and Environment

Development Management Committee

County Matter: Minerals
Teignbridge District Council: Change of use to allow existing buildings on site for general office and workshop use and part of site for storage and site clearance, Quarry, Plymouth Road, Buckfastleigh

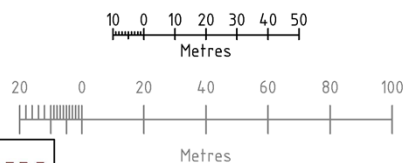
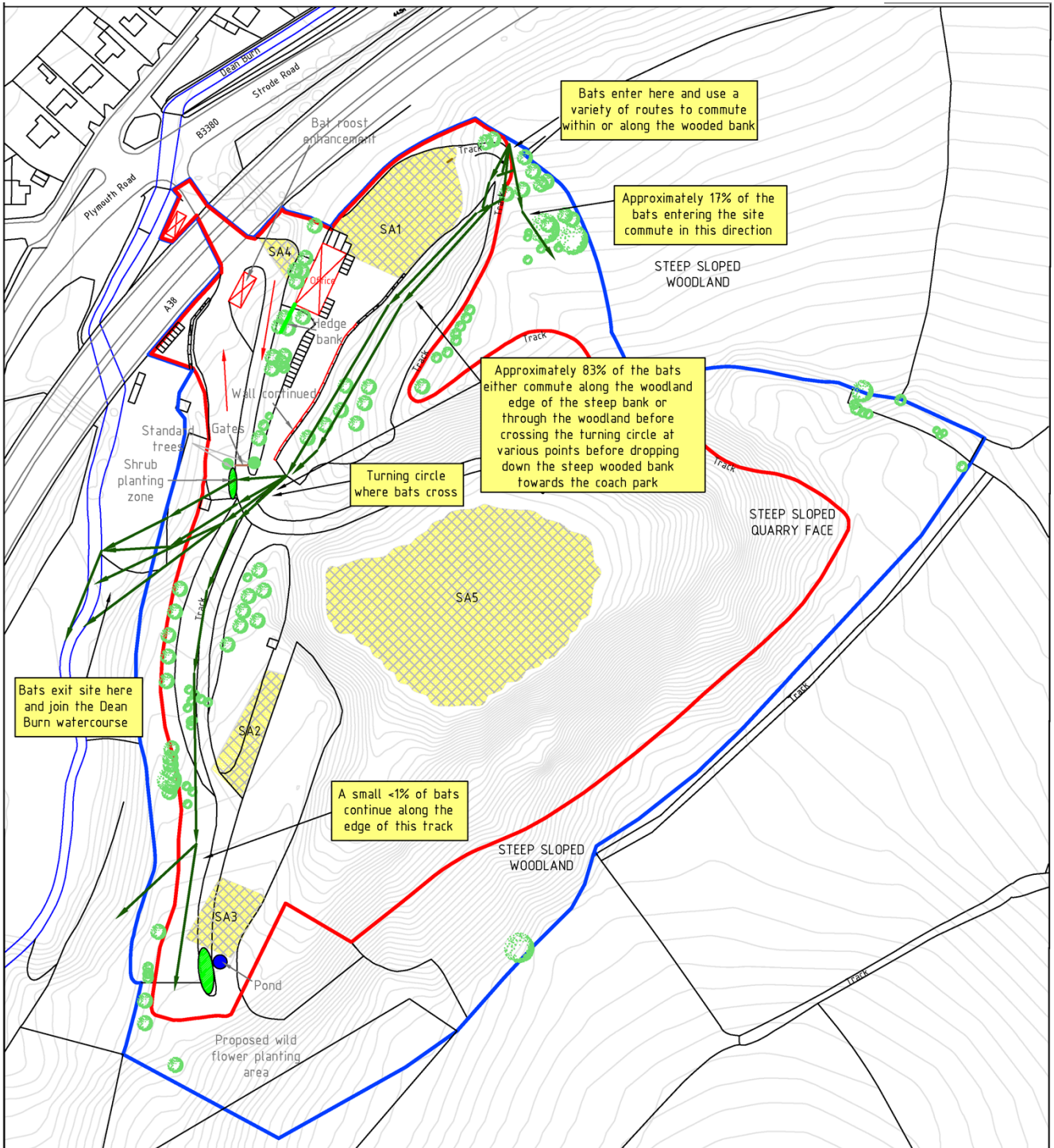
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Application No:
2013/03520/COU

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Site Plan



LEGEND	
	PLANNING APPLICATION BOUNDARY
	LAND UNDER CONTROL OF APPLICANT
	EXISTING/PROPOSED STORAGE
	GREATER HORSESHOE BAT COMMUTING ROUTE IDENTIFIED BY THE 2012 & 2013 SURVEY



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JOB
WHITECLEAVE QUARRY

DRAWING TITLE
GREATER HORSESHOE BAT COMMUTING ROUTES

No.	Date	Revisions

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Author	GG	Date	MAY 2014
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Planning Policy Considerations

Devon County Minerals Local Plan (Adopted June 2004): Policies MP16 (Non-mineral Development in Buffer Zones); MP28 (Recycling, Storage, and Processing Facilities); MP41 (Development Control Considerations); MP55 (Non-operational Land and Features); MP56 (Restoration); and MP57 (Securing Effective Restoration).

Teignbridge Local Plan 2013 - 2033 (Adopted May 2014): Policy EN02A Landscape Protection and Enhancement.

To protect and enhance the area's landscape and seascape, development will be sympathetic to and help to conserve and enhance the natural and cultural landscape and seascape character of Teignbridge, in particular in Areas of Great Landscape Value and within the setting of Dartmoor National Park.

Development proposals should:

- (a) conserve and enhance the qualities, character and distinctiveness of the locality;*
- (b) where appropriate restore positive landscape and seascape character and quality;*
- (c) protect specific landscape and seascape, wildlife and historic features which contribute to local character and quality; and*
- (d) maintain landscape and seascape quality and minimise adverse visual impacts through high quality building and landscape and seascape design.*

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Appendix II To PTE/16/25

Planning Conditions

1. The use hereby permitted shall be discontinued on or before 8 June 2017.

REASON: To enable a review of the permission as part of the 1st Periodic Review of ROMP 98/3304/32/9DCC in order to safeguard the requirements for restoration of the quarry.

2. The development shall be carried out in strict accordance with the details shown on the drawings and documents approved pursuant to condition 2 of consent 2013/3520/COU numbered GG-WQ-002; GG-WQ-003 and, CG-WQ-004; and the document entitled Ecological Mitigation and Monitoring Plan, except as may be varied by the conditions below.

For the avoidance of the doubt, and unless otherwise agreed in writing by the County Planning Authority, the outside storage areas identified on the application plans shall be used only for the storage of plant, machinery and equipment associated with the applicant's demolition business as detailed below:

- 40 yd metal containers
- Plant, equipment and machinery such as diggers, excavators, forklifts etc
- Associated attachments for the above equipment such as buckets and hammers
- Baskets and cages used for men and equipment accessing heights
- Trailers
- Stability platforms metal and polystyrene
- Wooden beams
- Other such similar and associated items

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

3. With the exception of bona fide emergency out of hours access as specified in condition 4 or relevant ecological surveys that need to be carried out, out of hours the site shall be open to site personnel only during the hours 07.30 to 18.30 Monday to Friday and 07.30 to 13.00 Saturday. All operational activity on the site shall be confined to the hours 08.00 to 18.00 (Monday to Friday) and 08.00 to 13.00 on Saturdays. There shall be no operational activity on Sundays or Bank Holidays except for the emergency out of hour's operations aforementioned.

REASON: To reduce noise and disturbance from the site during quiet periods in the interests of residential amenity.

4. Notwithstanding the provisions of Condition 3 above, the site shall be open to site personnel for access outside of the permitted hours to collect equipment for bona fide unplanned emergency demolition contracts. This shall not include out of hours deliveries or return of equipment and a log shall be kept recording each instance of such emergency access including the hours the site was open, the number of

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vehicles attending and any subsequent complaints about such access. This log shall be made available to the Mineral Planning Authority on request. If the emergency access outside the above permitted hours in Condition 3 leads to substantive complaint, the operator shall within one month of receiving a written request from the Mineral Planning Authority submit a scheme containing details of proposed measures to reduce noise and disturbance during times of emergency access. Such Scheme shall be implemented in full upon approval by the Mineral Planning Authority.

REASON: To enable the operator to access the site for equipment needed to carry out emergency works without causing disturbance to neighbours or protected species

5. Pursuant to condition 5 of consent 2013/3520/COU the approved pollution control measures shall be operated at all times unless an alternative scheme is agreed in writing by the Mineral Planning Authority.

REASON: In the interests of the amenity of the area and in order to prevent pollution to the local water environment.

6. No additional lighting other than that approved under ROMP 98/3304/32/9DCC shall be erected without the written consent of the Mineral Planning Authority.

REASON: To prevent adverse effects on the bat flight corridor through the site.

7. The development shall be carried out in accordance with the Ecological Mitigation and Monitoring Plan (EMMP) (Final Report) dated May 2014. The EMMP shall be updated annually to include the results of the revised monitoring programme, and a revised timetable for ecological works. Any updated EMMP shall be submitted to the Mineral Planning Authority for approval in writing and shall be implemented as approved thereafter.

REASON: To make appropriate provision for natural habitat within the approved development in the interests of biodiversity and to ensure that this condition relates to one up to date document with a clear timeline for required works and actions for the avoidance of doubt.

8. The landscaping provided pursuant to condition 8 of consent 2013/3520/COU shall be maintained for a period of five years following the date of planting. Any trees, shrubs or planting carried out that is removed, uprooted, destroyed or dies within five years of the date of planting shall be replaced with the same or similar species in the same location.

REASON: To make appropriate provision for natural habitat within the approved development in the interests of biodiversity and to enhance the visual amenity of the site.

9. The detailed monitoring programme approved pursuant to condition 9 of consent 2013/3520/COU shall be implemented and adhered to throughout the duration of the development.

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REASON: To ensure that the ecological monitoring and mitigation identifies and responds to emerging issues in the interests of protecting species and habitats, and to monitor success of the mitigation measures and identify amendments to the monitoring requirements or additional mitigation to protect species and habitats.

10. In designated storage area SA2 no plant and equipment shall be stored which exceeds 3m in height.

REASON: To reduce the visual impact of the site in the interests of local amenity.

11. There shall be no storage of plant, equipment or machinery within 1 metre of the foot of the embankment to the east of storage area SA1. There shall be no storage of plant, equipment or machinery above a height of 4 metres for a distance of 11 metres measured from the foot of the bank. Outside of these restricted areas no plant, equipment shall be stored at a height above 5.5 metres.

REASON: In the interests on nature conservation and visual amenity.

12. Within 3 months of the date of this consent the northern (outward) faces of the visible containers shall be painted dark olive green (or similar) and be of a matt non-reflective finish. Any other plant, equipment of machinery stored at the northern boundary of storage area SA above a height of 4 metres shall be of a similar dark olive green colour and matt finish.

REASON: To reduce the visual impact of the site in the interests of local amenity.

13. No maintenance of plant or machinery shall occur outside of the immediate confines of the existing workshop.

REASON: To control noise in the interests of the local amenity.

PTE/14/52

Development Management Committee
15 July 2014

County Matter: Minerals

Teignbridge District: Change of use to allow existing buildings on site for general office and workshop use and part of site for storage at Whitecleaves Quarry, Plymouth Road, Buckfastleigh

Applicant: Gilpin Demolition Group Ltd

Application No: 2013/03520/COU

Date application received by Devon County Council: 11 March 2014

Report of the Head of Planning, Transportation and Environment

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

Recommendation: It is recommended that temporary planning permission be granted for a period of three years subject to the Conditions attached at Appendix II of this report.

1. Summary

1.1 This report relates to a planning application for the use of land within Whitecleaves Quarry for; the storage of plant, vehicles and machinery associated with the applicant company's demolition business; the additional use of the quarry office building for activities associated with the Company's demolition business; and, the additional use of the quarry workshop for the maintenance of vehicles and machinery associated with the Company's demolition business.

1.2 It is considered that the main material considerations in the determination of this application are; the validity of the application; impact on nature conservation interests; impacts on the amenity of local residents; landscape and visual impacts; impacts on the long term restoration of the site; and, impacts on water environment.

2. The Proposal/Background

2.1 Whitecleaves Quarry has site area of about 9ha and lies to the immediate south east of the elevated section of the A38 Trunk Road, to the south of Buckfastleigh. The site access runs beneath the trunk road and exits northwards onto the B3380 at the junction between Strode Road and Plymouth Road. This road is the boundary of the Dartmoor National Park and was the old A38 before the town was bypassed in the early 1970s. This access is shared with an adjoining site used by a coach hire company. Plymouth Road/Strode Road is accessed from the A38 at the Dart Bridge junction to the north and from the Lower Dean junction to the south. The nearest residential dwellings are located on the northern side of Strode Road and the western side of Plymouth Road. Dwellings are 42 m from the site entrance with a road, grass verge and stream separating them from the site access.

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- 2.2 The quarry works a dolerite intrusion and has the benefit of a number of planning permissions granted between 1950 and 1984. The conditions attached to the planning permissions were reviewed (as required by the Environment Act 1995) and new conditions were imposed on the quarry permissions in 2002. Following this Initial Review the Environment Act allows for a 15 year periodic review planning conditions and this review is due in 2017. The Environment Act also required that all mineral applications subject of the required review have an end date of 2042.
- 2.3 In terms of landscape designations, the quarry adjoins the southern boundary of Dartmoor National Park and is about 275m west of an Area of Great Landscape Value (AGLV).
- 2.4 The planning application is for:
- The use of five areas within the quarry to store the company's demolition business equipment, including containers, plant, equipment and machinery, trailers, stability platforms and beams. The storage areas are land adjacent to the office building, adjacent to the workshop building, the bottom of the quarry void, and two areas of hard standing on internal roadways.
 - Additional use of existing office building (erected under quarry permitted development rights) in connection with the company's demolition business.
 - Additional use of workshop to repair plant, equipment and machinery associated with the company's demolition business.
- 2.5 The quarry was a major roadstone aggregate production unit until 2003 and sales on a large scale from the site continued until 2007. The current operator acquired the lease for the quarry in 2008 and since that time has prepared the quarry for the resumption of mineral working. Currently the quarry produces aggregate at a relatively low production level.
- 2.6 In August 2011 a planning application for an Incinerator Bottom Ash and Materials Recycling Facility (including the part infilling of the quarry void) was submitted to the County Council. At the Development Management Committee on 25 April 2012 Members considered report PTE/12/29 and resolved to refuse planning permission. The applicant lodged an appeal against the refusal and the appeal was dismissed on the grounds of it being unsustainable in respect of the waste management/landfill aspect which precluded the proper restoration of the site.
- 2.7 The site lies within the consultation zone for the South Devon SAC for Greater Horseshoe bats. The Dean Burn stream adjoins the application site and flows into the River Mardle, which subsequently joins the River Dart. The River Dart is a migratory route for salmon, which are an interest feature of the Dartmoor SAC. In order to take into account the potential impact on these protected sites a Habitats Regulations Assessment (HRA) has been prepared to demonstrate that the requirements of Regulation 61 of the Habitats Regulations have been considered by this authority.

3. Consultation Responses

- 3.1 Teignbridge District Council (Planning) – comment that if the proposed use is considered acceptable it is considered that permission should only be granted on a temporary basis so as to ensure that the remedial measures set out in the ROMP (First Review) are not delayed or impacted upon.

It notes that the applicant has submitted the Phase 1 Ecological Report and in light of the sensitivities of the site, in particular regarding protected bats, any approved scheme should ensure there is no detrimental impact on the biodiversity of the site.

The Landscape Officer comments that the area of vegetation on the spur has been removed and that this appears to have opened up the site in views from the houses to the west and it is not clear if this is going to make the storage areas visible from the town.

3.2 Teignbridge District Council (Environmental Health) - no objection.

3.3 Buckfastleigh Town Council - the observations of Buckfastleigh Town Council applicable to the application are as follows:

"We respectfully ask that you are mindful of the recent Planning Inspector's report which upheld the DCC decision to refuse planning permission for the indefinite industrialisation of Whitecleaves Quarry.

The Planning Inspector also stated that, 'I find that likely harm to biodiversity is a consideration in this case to be weighed against the developments of this proposal. The NPPF aims for sustainable development which moves from a net loss of biodiversity to archiving net gains for nature which in this case is an asset of national importance.

This application for change of use of the buildings [and storage] should not be granted in view of the ROMP conditions. The ROMP impacts on this application and we would wish to see enforcement of any breaches".

3.4 Dartmoor National Park - does not believe that this development will affect 'Dartmoor' species, including greater horseshoe bats or barbastelle bats. Providing the proposed storage facilities are restricted to those areas shown, the Dartmoor National Park Authority has no objection to the proposed change of use of the existing buildings or to part of the site being used for storage.

3.5 Natural England (Summary) - no objection.

It notes that DCC, as 'competent authority' under the provisions of the Habitats Regulations, has screened the proposal to check for the likelihood of significant effects (June Final Whitecleaves HRA 2014.doc). It notes that DCC's assessment (June Final Whitecleaves HRA 2014.doc) concludes that the proposal can be screened out from further stages of assessment because significant effects are unlikely to occur, either alone or in combination. On the basis of information provided and subject to the implementation of advice provided below, Natural England concurs with this view.

It notes that the DCC assessment makes implicit reference to the mitigation and enhancement measures put forward by the applicant. Natural England suggests that the DCC assessment is updated to provide a more explicit reference to the documents that contain both mitigation measures and enhancement measures (Ecological Mitigation and Monitoring Plan, Final Report, Simon Geary Ecology Services Ltd, May 2014). Further, Natural England's advice is on the understanding that all of the mitigation measures, enhancement measures, and monitoring will be secured via appropriate planning condition and/or planning obligation. It also observes that the date of the assessment should be updated from March 2014 to June 2014.

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In addition, Natural England advise that the proposals to plant standard specimen copper beech trees (Ecological Mitigation and Monitoring Plan, Final Report, Simon Geary Ecology Services Ltd, May 2014) should be replaced with native trees that will not be as shade bearing (e.g. Oak, Ash, etc.) – this will be better for greater horseshoe bats by facilitating shrub development below the trees and provide better opportunities for biodiversity. Accordingly, we advise that this amendment should be secured via appropriate planning condition and/or planning obligation.

Further to the site meeting Natural England had with the applicant on 30 April 2014, it understands that proposals to install security gates at the entrance will be carried out in a fashion to ensure that the gap at the base of the gates will be kept to a minimum to reduce scope for draughts that could interrupt low flying GHBs in the turning circle. In addition, a speed ramp along the line of the gates will also help to minimise this risk, and ensure that vehicles approach the turning circle at an appropriate speed. Accordingly, we advise that this amendment should be secured via appropriate planning condition and/or planning obligation.

As confirmed in the DCC assessment, Natural England observe that the proposals will not undermine requirements to restore the site as part of the ROMP conditions for the site.

- 3.6 Highways Agency – no objection as it considers the proposal is unlikely to have any material effect on the A38.
- 3.7 Environment Agency - no objection.
- 3.8 Totnes Town Council - the Town Council objects strongly to the proposed change of use based on the potential impact of any undefined materials leaking into the Dean Burn and thence into the River Dart and the detrimental impact this would have on all users of the river and the South Hams Special Area of Conservation.

It comments that the Town Council does not intervene in planning applications affecting other Parishes, however the ill-defined nature of the materials that could be stored under this application could allow Incinerator Bottom Ash (IBA) - as per the appeal that was lost last year – to be landfilled, which is not only a potential pollutant that could affect adversely Totnes, but also part of a waste hierarchy that is not sustainable.

- 3.9 Devon Wildlife Trust – comments that the principal ecological concern relates to the need to maintain the favourable conservation status of the Greater Horseshoe Bat (GHB) population which emanates from the internationally important maternity roost at Rock Farm, Buckfastleigh, and commutes through the Whitecleaves Quarry site.

Devon Wildlife Trust comment that the mitigation measures presented are well considered, however due to the international importance of this site the risk of unacceptable disturbance remains significant. The mitigation proposals will therefore only be effective if they are adopted in full and comprehensively monitored. This will require constant vigilance and attention to detail from the operators and ecological contractors.

It recommends that the monitoring results and details of any proposed corrective measures be forwarded to Natural England and the Devon County Council Ecologist for information and action where appropriate.

Devon Wildlife Trust comments that it is aware that DCC will be carrying out a review of the previous minerals permission conditions in 2017 and would recommend that any permission for the current change of use application is only given up to this date. This would maintain the requirement to restore the site to an enhanced future ecological state.

It recommends that any planning permission must be subject to a planning condition which requires the implementation of the conclusions detailed in the revised Habitat Regulations Screening Report (March 2014) and monitoring recommendations described in the Ecological Mitigation and Monitoring Plan (May 2014) as augmented by its suggestions set out above.

3.10 Buckfastleigh Community Forum (Summary of Concerns) - object to the proposal for the following reasons:

This planning application appears to be largely a retrospective application for activities that have been ongoing on the site in breach of the extant planning permission. The application proposes a change of use of the quarry and is therefore in conflict with the 2013 Appeal Decision. It is contended that the majority of the landscaping and the development at the site has been done so with dubious legitimacy under the auspices of “preparing for quarrying” and in some cases with no planning permission at all.

It is apparent that the linear features intended to be used for storage are bat flyways which obviously should not be obstructed by activity such as storage or large vehicles or 40yd containers. This is particular true for Great Horseshoe Bats, the key protected species of the South Hams SAC, which fly within two metres of the ground as they commute to their foraging grounds. There is concern that the historic parking of HGV and placement of storage containers has already changed flight paths. Attempts to police this specific activity would appear to be impossible. Appropriate planning conditions to strictly limit types of storage. Placement of storage; times of working would be legitimately requires, proportionate and necessary in the circumstances. Unfortunately it would appear that no planning conditions could realistically be expected to serve any practical purpose in limiting activity.

One of the main concerns of the community is that this application is seeking to turn a temporary planning permission for quarrying – and one that legally requires restoration of the site after use – into permission for permanent industrial use. This would – without any reasonable doubt – lead to a loss of biodiversity in the longer term.

It appears that there is currently no formally approved Habitat Regulation Assessment (HRA) operative and no comprehensive Environmental Management Plan for the existing activity on site under the temporary permission. The Habitat survey is outdated and does not take into account the removal of woodland in 2012 and the possible consequences to wildlife. It is therefore not fit for purpose and further survey work is necessary. Some of the woodland appears to have been removed illegally.

Notwithstanding the lack of necessary detail in the application, it would appear, not least with respect to the Planning Inspectors decision, the NPPF and the development plan that the proposed development has an extremely high hurdle to get over if it is to be permitted.

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There are clear alternative solutions for Gilpin Demolition to find office space and a storage yard to continue their successful business at a more appropriate location. These are uses which are commonly facilitated in various industrial sites and business parks around the region, as such uses are incredibly footloose.

Facilitating the permanent change of use at such a valuable ecological asset is clearly inappropriate. There are no overriding reasons of public interest for this development. There is a stated obligation by TDC to protect the buffer zone and sustenance zone of the South Hams SAC and the Framework's aims for sustainable development including moving from a net loss of biodiversity to achieving net gains for nature.

- 3.11 Buckfastleigh Neighbourhood Plan consultative committee - all public and Sub-Committee responses to the proposed industrial development of the Whitecleaves Quarry site find that it conflicts with the ambitions for the Parish and the numerous recommendations that are likely to be included in the Neighbourhood Plan which are for the site to be restored for ecological and conservation.

The Neighbourhood Planning Steering Group agrees with the recent Public Inquiry Inspector's conclusion that the quarry should be restored for nature conservation and that it has huge potential to be a biodiversity asset of considerable importance to the parish, particularly as an area valued for its wildness.

4. Advertisement/Representations

- 4.1 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 357 representations have been received. Of these 72 supported the application and the remainder objected to the proposal on the following planning grounds.

Nature of application

- Confusion as to what is to be stored at the site.
- Retrospective nature of application.
- Validation of application.
- EIA required as development is Schedule 2.

Effect on Bats and Biodiversity

- Lack of mitigation to protect Bats and their flight lines.
- Effect upon SAC and woodland.
- Effect on Devon Wildlife Trust plan for major Bat project.

Amenity of local residents

- Increased Noise and dust pollution.
- increased traffic.
- Effect on the amenity of local residents.

Landscape implications

- Storage visible to local residents.

Long term restoration of the site

- The effect of the proposal on the long term restoration of the site taking the comments of the Planning Inspector in relation to the dismissal of the previous proposal at the site.

Unauthorised activity

- The nature of the activities which have occurred at the site.

Flooding

- Potential for Increased Flooding and river pollution.

5. Planning Policy Considerations

- 5.1 In considering this application the County Council, as Mineral 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 in Appendix I to this report and the most relevant are referred to in more detail in Section II below.

6. Comments/Issues

- 6.1 The main material planning considerations in the determination of this application are analysed in this section.

Nature of the application

Validation of application.

- 6.2 Concerns have been raised by objectors that the application is not valid. In this case the application was submitted to Teignbridge District Council in December 2013 and was validated by them on the basis that it was a change of use application relating to non-mineral activities. However, as the application is for non-mineral related activities within an active quarry, the development falls within the definition of a 'county matter' as the use could conflict with the restoration conditions of the site. On this basis the application was transferred to the Mineral Planning Authority for determination in March 2014. It is considered that the application contained sufficient information for it to be valid, but it will be noted that it is open to the planning authority to ask for additional information, which has occurred in the case, if it is considered necessary to determine the application.

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Retrospective nature of application.

- 6.3 Concerns have been received that the application is in part retrospective in respect of some of the proposed storage areas and the use of the office building and workshop. Prior to the submission of this application the Council had investigated complaints into these unauthorised uses but following the submission of the application it concluded that it would not be expedient to take enforcement action pending determination of the application.

Confusion as to what is to be stored at the site.

- 6.4 Concerns have been raised as to the nature of materials that would be stored at the quarry. Indeed some representations have indicated that in their opinion that this is a backdoor attempt to store waste materials arising from other waste processes and the tipping of waste.
- 6.5 The submitted application relates only to the storage of plant, machinery and equipment used in company's demolition business and is not an application to store or process waste material and the determination of the application should be made on the basis of what is being applied for. Any use other than that applied for would require a further planning permission.

Requirement for Environmental Impact Assessment (EIA)

- 6.6 All county matter planning applications are screened to establish whether or not the proposal is EIA development. This was undertaken and the judgement was that although the proposal was included in Schedule 2 of the Regulations, given the nature of the proposed development EIA was not required as it would have no direct or indirect impact on the already identified Greater Horseshoe Bat flight line which passes through the site. However ecological surveys were requested in order to ensure that all wildlife impacts were identified and addressed. Sufficient information was provided by the application for the LPA to produce a Habitats Regulations Assessment of impacts on the South Devon and Dartmoor SACs.

Habitats Regulations Assessment (HRA)

- 6.7 One of the key considerations in the determination of this application is the potential for impact on protected species, particularly Greater Horseshoe bat. Greater Horseshoe bat survey carried out for this application confirmed the location of the flight route through the site (as identified through previous survey). The HRA (Copy attached at Appendix III) was discussed at length with the applicant and Natural England. It states that the proposal will not impact (directly or indirectly) on the flight line, or on any Greater Horseshoe Bat foraging habitat, and concludes no likely significant effect on the South Devon or Dartmoor SACs. Natural England agreed to this conclusion in their response dated 12 June 2014. Also note that Devon Wildlife Trust has no objection to this proposal subject to the imposition of suitable conditions.
- 6.8 It is considered that the proposal does not have a negative impact on any other wildlife habitat or species and planting will enhance the site's value.

Amenity of local residents

Increased Noise and dust pollution

- 6.9 The proposed storage use will not result in increased noise and dust as the storage will be static except when it is required by the company for its use offsite. This should not increase the noise levels coming from the site. The site has permission for mineral extraction and the generation of noise from that operation is controlled by existing conditions.
- 6.10 The only operation which may produce increased noise is that from the workshop. This can be controlled by imposing a restriction on hours of working to ensure that operations do not take place outside of normal working hours. The Environmental Health Officer has not objected to this proposal.

Increased traffic from the site

- 6.11 The increase in traffic as a result of this proposal (increased office use and placement and removal of stored plant and machinery) would be a maximum of 20 traffic movements a day. It is considered that the B3380 and junctions onto the A38 are adequate to deal with this small increase in traffic. In coming to this view it is also noted that this is significantly lower than that traffic which would have been generated if planning permission had been granted for the IBA/MRF Facility. Members attention is drawn to the appeal decision on that application where the planning inspector concluded (Para 36) that there is no weight limit on the B3380 and this indicated to him that there was no technical reason why HGV's should be prevented from using this route. He further considered that there was no evidence that supported a convincing case that the southern link to the A38 could not be used by HGV's on highway safety grounds. He further concluded that there was no convincing evidence that HGVs using the northern link to the A38 would significantly impair the safety of those using the Orchard Millennium Green.

Effect on the amenity of local residents

- 6.12 Local residents may notice the marginal increase in traffic coming from the site but as this will be within normal working hours the effect on local residents will be minimal. As the A38 lies between the site and the town this is thought to be more of a significant impact on the amenity of local residents than the storage of plant and machinery and a small increase in overall vehicle numbers. The Inspector in relation to the previous appeal for a larger scale development on the site concluded that given the extant quarrying permission that the proposed development (MRF and IBA reprocessing plant) would not have an unacceptable adverse effect on the living conditions of neighbouring residents by reason of noise and vibration. The current application is on a much smaller scale and therefore it is concluded that this will also not have an adverse effect.

Long term restoration of the site

Conflict with proposed final restoration of the site to nature conservation and underpinning long-term restoration and Prematurity of application given the need for a ROMP submission in 2017.

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- 6.13 The underlying planning permissions for the site are for mineral extraction and following the Environment Act Initial Review of conditions the end date, by which the site has to be restored, is 2042.
- 6.14 The required final restoration of the quarry is for nature conservation and one of the key considerations in the determination of the application is whether this final restoration would be affected by the proposed additional uses. The quarry has limited reserves and currently a low level of production and the quarry operations are being undertaken in accordance with the conditions attached to the mineral permission. Given the requirement to restore the quarry following the cessation of quarrying it is considered that the granting of permanent planning permission for the current proposal would not be appropriate.
- 6.15 The 1st Periodic Review of the conditions is due to take place in July 2017 and this gives the Council the opportunity to examine the current working and restoration conditions attached to the mineral planning permission. Given this review date it is considered that this would be appropriate that any grant of planning permission for the current application be temporary and tied into the Periodic Review.

Conflict with Teignbridge Local Plan and emerging Buckfastleigh Neighbourhood Plan.

- 6.16 Whilst Whitecleaves Quarry is not identified for future development in the Teignbridge Local Plan 2013-2033 (adopted 6 May 2014), policy S3 seeks to provide for additional employment provision in rural locations. In such rural locations the Plan does not set a target for provision, relying on proposals to be considered on their own merits. It is considered that this proposal accords with Policy S3 and Members will note that Teignbridge District Council has raised no objection to the proposal.
- 6.17 It is understood that a Neighbourhood Plan is being prepared and there is an aspiration that Whitecleaves Quarry would be included and this would look to the restoration of the site to nature conservation. On this basis the Buckfastleigh Neighbourhood Plan consultative committee has objected to the planning application. The neighbourhood plan is at an early stage and can only be given very limited weight in the determination of this application and in preparing such plans the government has made it clear that neighbourhood plans cannot be used to resist development nor can they remove existing consented development. In any event, the approved restoration scheme at the quarry is for restoration to nature conservation and the granting of a temporary permission for this development would not conflict with the approved restoration.

Objection to use of the site for industrial development.

- 6.18 Policy MP 13 of the Devon County Minerals Local Plan prohibits development within Mineral Consultation Areas where it would sterilise mineral resources. It is considered that the permanent industrialisation of the site would not be compatible with the safeguarding of the mineral reserve or the final restoration objective. Any permission for storage can be conditioned both in respect of time and area so that it would not conflict with the underlying permission.

Inspectors comment on effect of short term industrialisation of the site on the long-term restoration of the mineral site and Para 56 of the Planning Inspectors Decision.

- 6.19 Para 56 of the Planning Inspectors Decision letter indicates that the Inspector found that *“the likely harm to biodiversity is a consideration in this case to be weighed against the benefits of the proposal”*. This was in respect of the refusal of planning refusal for the processing of IBA (Incinerator Bottom Ash) where he concluded that the use of the site for permanent Waste Management uses would necessarily harm the potential for restoration of the site to a nature conservation use. This application is not for waste management but for a use of part of the site for storage purposes. It is considered that a temporary permission would not impact on the final restoration of the site which is a requirement of the mineral permission.

Flooding and Pollution of watercourses

- 6.20 None of the proposed development is within the Flood Zone which only affects the entrance to the site. The Environment Agency was consulted on this application and raised no objection on the ground of flooding or potential pollution of the neighbouring watercourse. Conditions attached to the mineral permissions provide protection for the local water environment.

Landscape

- 6.21 The portacabin, office buildings, and existing and proposed stockpiles utilise existing woodland cover to screen and filter views from Buckfastleigh with their upper sections were just discernible through trees beyond the busy A38 in views from the residential area to the west. They are not considered visually intrusive, given the immediate context of the A38 Bridge and associated traffic.
- 6.22 In relation to the office building there is scope to slightly improve the screening of the building through establishment of shade-tolerant native shrubs in the woodland understorey immediately adjacent.
- 6.23 The site operator has taken opportunities to enhance the character and appearance of the quarry site through planting of new native vegetation (including new planting to enhance bat flight corridors agreed with Natural England) and the use of stone cladding of visible wall faces rather than bare concrete.
- 6.24 It is considered that the proposals can be accommodated at the site whilst conserving and enhancing the qualities, character and distinctiveness of the local landscape. The change of uses proposed would not result in any perceivable change to the landscape character or quality of the site. The visual impact of the proposals is not significant and can be controlled by conditions relating to height of storage in Area SA1 and SA2 and additional planting. There is scope to further screen and integrate the two buildings into the landscape through additional planting which would be provided as part of the Ecological Mitigation and Monitoring Plan. Such mitigation measures are considered reasonable and appropriate given the high sensitivity of nearby visual receptors in Buckfastleigh, the location of the site within the setting of Dartmoor National Park.

Overall Sustainability Considerations

- 6.25 In terms of the site location, it has good access and is reasonably well located to the areas covered by the demolition business activities and it is considered that the proposal will bring some economic benefit to the area. However, weight has to be given to the potential for environmental impact and in this case it is considered that there would be no impact on protected species as a result of the proposal and the long term restoration of the quarry would not be prejudiced by the granting of a

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temporary permission. In the event of planning permission being granted conditions would be imposed that both protect and enhance the environment.

7. Reasons for Recommendation/Alternatives Options Considered

7.1 The Committee has the option of approving, deferring or refusing this planning application.

7.2 It is considered that the proposed development is relatively small scale in nature and the additional use of the existing quarry offices and workshop will not have any additional impacts. The use areas within the quarry for storage of equipment will not be visually intrusive nor will they impact on nature conservation interests. The required long term restoration of the quarry will be secured by permitting only a temporary consent. The additional use of the site for providing office space for the demolition business, the use of the existing workshop for plant and vehicle maintenance and storage of plant and equipment associated with the demolition business will provide economic benefit for the area. Taking these material considerations into account it is considered appropriate to grant temporary planning permission in accordance with the recommendation to this report.

Dave Black
Head of Planning, Transportation and Environment

Electoral Division: Ashburton & Buckfastleigh

Local Government Act 1972: List of Background Papers

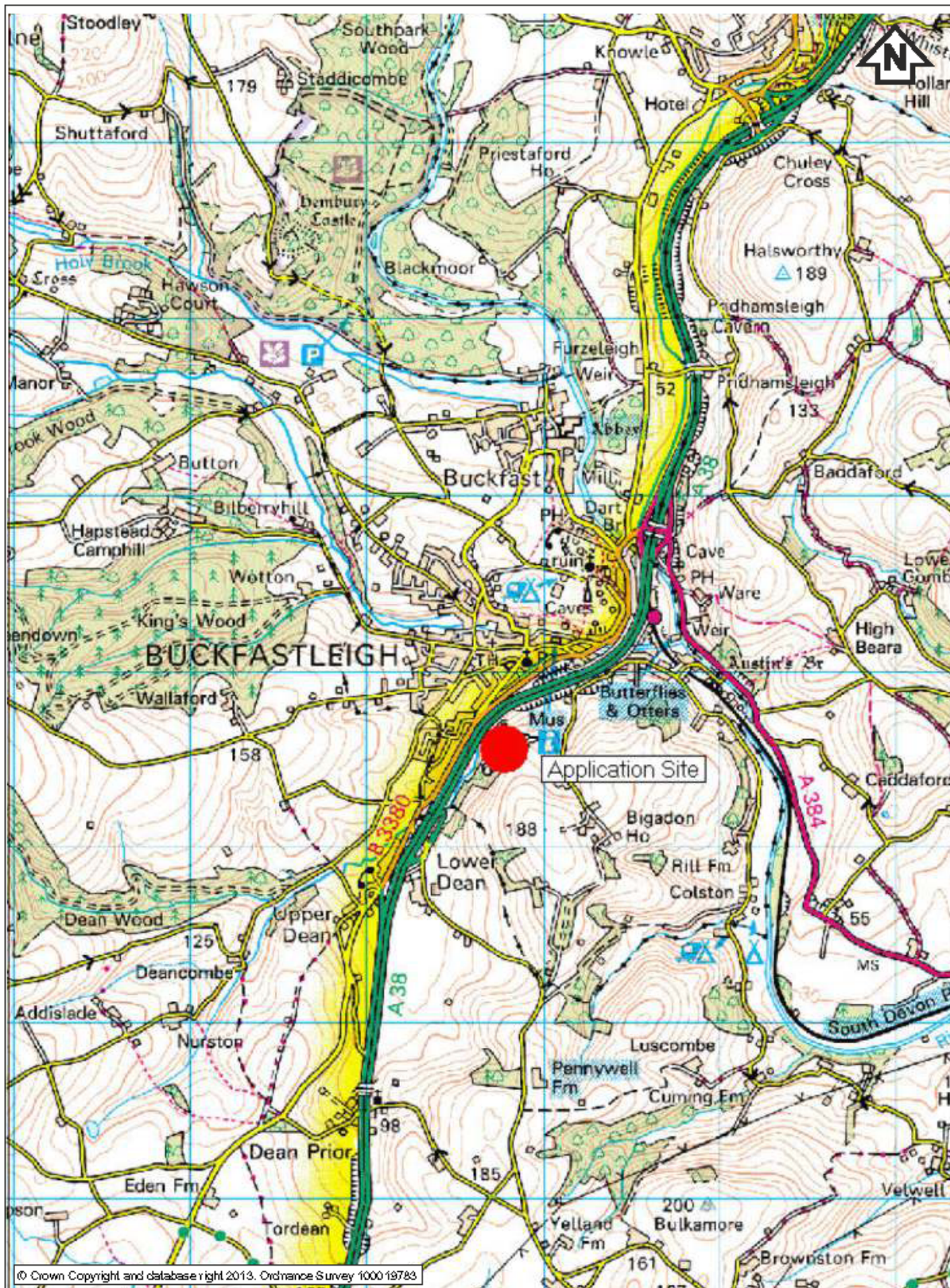
Contact for enquiries: Andy Bowman

Room No: AB2, County Hall

Tel No: 01392 382967

Background Paper	Date	File Ref.
Casework File	11/03/2104	DCC/3643/2014

ab300614dma
sc/cr/whitecleaves
05 070714



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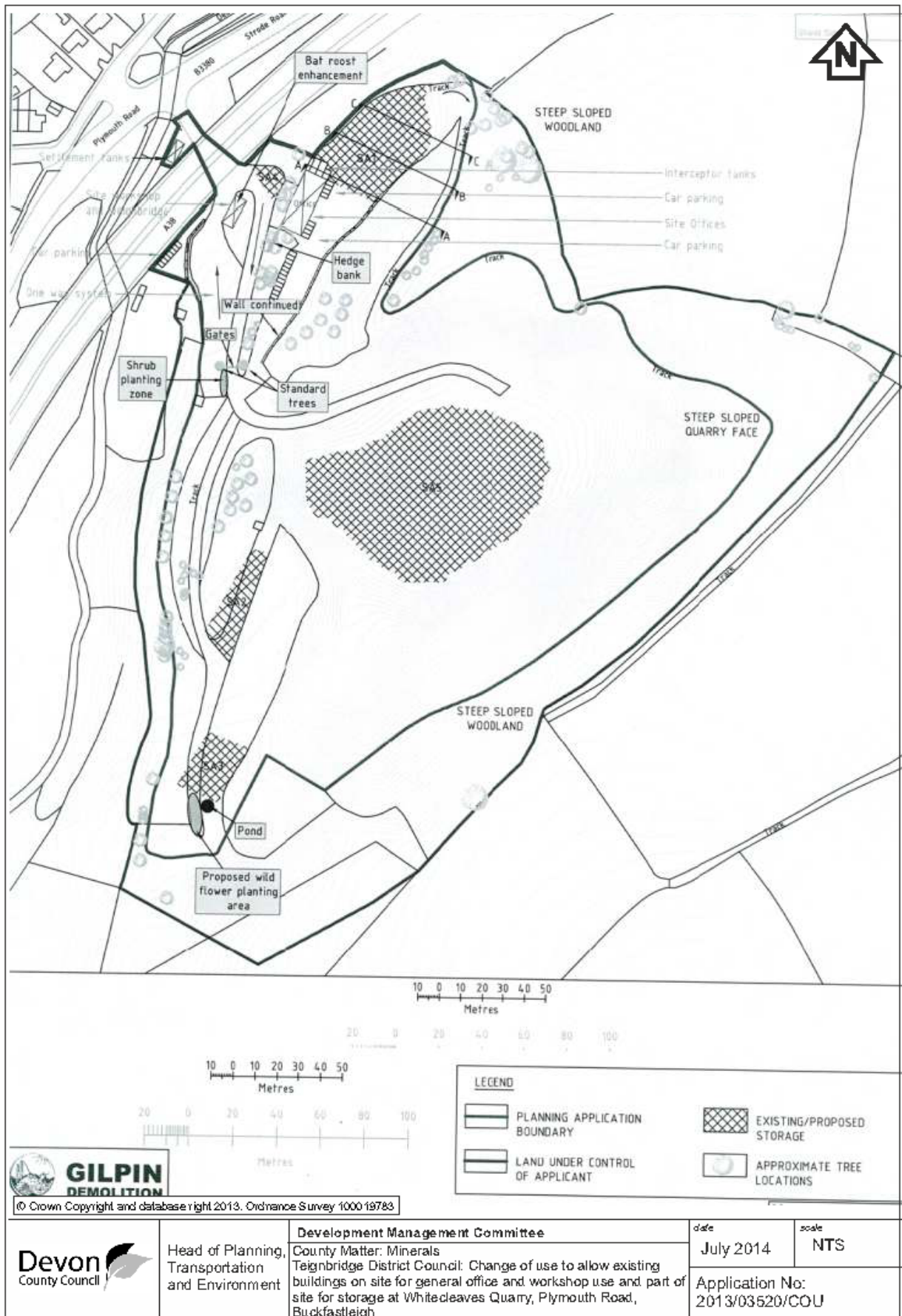


Head of Planning,
Transportation
and Environment

Development Management Committee
County Matter: Minerals
Teignbridge District Council: Change of use to allow existing buildings on site for general office and workshop use and part of site for storage at Whitecleaves Quarry, Plymouth Road, Buckfastleigh

date	scale
July 2014	NTS
Application No: 2013/03520/COU	

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Appendix I To PTE/14/52

Planning Policy Considerations

Devon County Minerals Local Plan (Adopted June 2004): Policies MP1 (International Designations); MP3 (Sites of Special Scientific Interest); MP10 (Maintenance of the County's Nature Conservation Resource); MP13 (Development in Mineral Consultation Areas); and, MP14 (Mineral Consultation Areas).

Teignbridge Local Plan 2013 – 2033 (Adopted May 2014): Policies S1A (Presumption in favour of Sustainable Development); S1 (Sustainable Development Criteria); S3 (Land for Business, General Industry and Storage and Distribution); EN2A (Landscape Protection and Enhancement); EN8 (Biodiversity Protection and Enhancement); EN9 (Important Habitats and Features); EN10 (European Wildlife Sites); and, EN12 (Woodlands).

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Appendix II To PTE/14/52

Planning Conditions

TEMPORARY PERMISSION

1. The use hereby permitted shall be discontinued on or before 8 June 2017.

REASON: To enable a review of the permission as part of the 1st Periodic Review of ROMP 98/3304/32/9DCC in order to safeguard the requirements for restoration of the quarry.

2. The development shall be carried out in strict accordance with the details shown on the approved drawings and documents numbered ***** unless varied by the conditions below.

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

3. With the exception of bona fide emergency out of hours access as specified in condition 4 or relevant ecological surveys that need to be carried out, out of hours the site shall be open to site personnel only during the hours 07.30 to 18.30 Monday to Friday and 07.30 to 13.00 Saturday. All operational activity on the site shall be confined to the hours 08.00 to 18.00 (Monday to Friday) and 08.00 to 13.00 on Saturdays. There shall be no operational activity on Sundays or Bank Holidays except for the emergency out of hour's operations aforementioned.

REASON: To reduce noise and disturbance from the site during quiet periods in the interests of residential amenity

4. Notwithstanding the provisions of Condition 3 above, the site shall be open to site personnel for access outside of the permitted hours to collect equipment for bona fide unplanned emergency demolition contracts. This shall not include out of hours deliveries or return of equipment and a log shall be kept recording each instance of such emergency access including the hours the site was open, the number of vehicles attending and any subsequent complaints about such access. This log shall be made available to the Mineral Planning Authority on request. If the emergency access outside the above permitted hours in Condition 3 leads to substantive complaint, the operator shall within one month of receiving a written request from the Mineral Planning Authority submit a scheme containing details of proposed measures to reduce noise and disturbance during times of emergency access. Such Scheme shall be implemented in full upon approval by the Mineral Planning Authority.

Reason: To enable the operator to access the site for equipment needed to carry out emergency works without causing disturbance to neighbours or protected species.

5. All heavy goods vehicles carrying demolition plant entering or leaving the site shall be cleaned so as to prevent any debris or material falling onto the highway.

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Reason: To minimise dust arising from the operation and to enable the occasional unsheeted vehicle to access the site if its load is not dust generating (e.g. plant and machinery or metal recycling).

6. No lighting other than that approved under Planning permission 98/3304/32/9DCC shall be erected.

Reason: To prevent adverse effects on the bat flight corridor through the site.

7. The development shall be carried out in accordance with the Ecological Mitigation and Management Plan (EMMP) (Final Report) dated May 2014. The EMMP shall be updated annually to include the results of the revised monitoring programme, and a revised timetable for ecological works. Any updated EMMP shall be submitted to the Mineral Planning Authority for approval in writing and shall be implemented as approved thereafter.

Reason: To make appropriate provision for natural habitat within the approved development in the interests of biodiversity and to ensure that this condition relates to one up to date document with a clear timeline for required works and actions for the avoidance of doubt.

8. The landscaping scheme shown on the Ecological Mitigation Management Plan (EMMP) dated May 2014 shall be carried out in the first planting and seeding seasons following issue of this permission. The planting required by the approved scheme shall be maintained for a minimum period of five years. Any trees, shrubs or planted carried out to implement this scheme areas, or replacement of it, that are removed, uprooted, destroyed or dies within five years of the date of planting shall be replaced with the same or similar species in the same location.

Reason: To make appropriate provision for natural habitat within the approved development in the interests of biodiversity.

9. A detailed monitoring programme setting out methods to be employed to shall be submitted to and approved in writing by the Mineral Planning Authority within three months of the date of this permission: This shall include the following:

- (i) Programme to monitor, assess and report on populations of protected species on the site;
- (ii) Programme monitor, assess and report on compliance with the mitigation measures specified in the EMMP; and
- (iii) Provision for the programme to be reviewed annually.

The approved programme must be implemented and adhered to throughout the duration of the development unless otherwise approved in writing by the Mineral Planning Authority.

Reason: To ensure that the ecological monitoring and mitigation identifies and responds to emerging issues in the interests of protecting species and habitats, and to monitor success of the mitigation measures and identify amendments to the monitoring requirements or additional mitigation to protect species and habitats.

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10. In designated area SA1 and SA2, no plant and equipment shall be stored which exceeds 3m in height. The slope behind SA2 shall be planted in accordance with a scheme to be submitted within three months of the date of this permission. The approved scheme shall be maintained for a minimum period of five years. Any trees, plants or grassed areas, or replacement of them, that are removed, uprooted, destroyed or dies within five years of the date of planting shall be replaced with the same or similar species in the same location.

REASON: To protect the visual amenity of the site in the interests of local amenity.

11. No maintenance of plant or machinery shall occur outside of the confines of the existing workshop.

REASON: To control noise in the interests of the local amenity.

<p>Habitats Regulations 2010</p> <p>Section 1: Screening of likely significant effect on a European site</p>		<p>Devon County Council March 2014</p>
1. Type of permission/activity:	Full Planning Permission	
2. Application reference no:	DCC/3643/2014 Whitecleave Quarry, Buckfastleigh, Devon	
3. National grid reference:	SX 7377 6552	
4. Brief description of proposal:	<p>The application is for:</p> <p>(a) 'Additional use' of five areas within the existing working site, specifically to store materials and equipment that will be used to support the applicant's demolition business. The applicant proposes to store:</p> <ul style="list-style-type: none"> ○ 40 yd metal containers ○ Plant, equipment and machinery such as diggers, excavators, forklifts etc ○ Associated attachments for the above equipment such as buckets and hammers ○ Baskets and cages used for men and equipment accessing heights ○ Trailers ○ Stability platforms – metal and polystyrene ○ Wooden beams ○ Other such similar and associated items <p>(b) Change of use/additional use to allow existing buildings on site to be used for general office and workshop use.</p> <p>Note that there will be no removal of vegetation and no lighting (other than vehicle headlights).</p>	
5. Is the proposal directly connected with or necessary to management of a European site for nature conservation?	No	
6. European site name(s) and qualifying features + features relevant to this application:	<p><u>South Hams SAC –</u> Qualifying features: <u>Annex I Habitats</u> European dry heaths Semi-natural dry grasslands and scrubland faces: on calcareous substrates (<i>Festuco-Brometalia</i>) Vegetated sea cliffs of the Atlantic and Baltic coasts Caves not open to the public Tilio-Acerion forests of slopes, screes and ravines * Priority feature <u>Annex II Species</u> Greater horseshoe bat <i>Rhinolophus ferrumequinum</i></p>	

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	<p>Relevant feature: Greater horseshoe bats (<i>Rhinolophus ferrumequinum</i>)</p> <p>- South Hams is thought to hold the largest population in the UK. It contains both maternity and hibernation roosts and contains the largest known maternity roost in the UK and possibly in Europe. The quarry is within Natural England's Greater Horseshoe Bat consultation zone for the SAC, lying within the sustenance zone for Buckfastleigh Caves and a strategic flyway (NE, 2010).</p> <p>This site is 700m from Buckfastleigh Caves SSSI (a Greater Horseshoe Bat maternity roost) and 2.5km from Bulkamore Iron Mine SSSI (a GHB hibernation roost). Both form part of the South Hams SAC. The site lies with a sustenance zone and flyway as identified in Natural England's 2010 South Hams SAC – Greater horseshoe bat consultation zone planning guidance.</p>
	<p><u>Dartmoor SAC</u> Qualifying features: <u>Annex I Habitats</u> Northern Atlantic wet heaths with <i>Erica tetralix</i> European dry heaths Blanket bogs Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles <u>Annex II Species</u> Southern damselfly <i>Coenagrion mercuriale</i> Atlantic salmon <i>Salmo salar</i> Otter <i>Lutra lutra</i></p> <p>Relevant feature: Atlantic salmon (<i>Salmo salmar</i>) and Otter (<i>Lutra lutra</i>) The Dean Burn (adjacent to this site) flows into the River Dart which is a migratory route for salmon to the Dartmoor SAC and supports otters (and therefore may impact on the otter population of the SAC).</p> <p>Please note that, due to distances between this site and European sites and lack of connectivity between this site and European sites (other than the Dean Burn), there are no other qualifying features of these SACs and no other SACs / SPAs that need to be considered within this HRA screening.</p> <p><u>Conservation Objectives</u> With regard to the natural habitats and/or species for which the site has been designated (the Qualifying Features" listed above);</p> <p>Avoid the deterioration of the qualifying natural habitats and the habitats of qualifying species, and the significant disturbance of those qualifying species, ensuring the integrity of the site is maintained and the site makes a full contribution to achieving Favourable Conservation Status of each of the qualifying features.</p> <p>Subject to natural change, to maintain or restore:</p> <ul style="list-style-type: none">- The extent and distribution of qualifying natural habitats and habitats of qualifying species;- The structure and function (including typical species) of qualifying natural habitats and habitats of qualifying species;- The supporting processes on which qualifying natural habitats and habitats of qualifying species rely;- The populations of qualifying species;- The distribution of qualifying species within the site.

<p>7. Ecological characteristics associated with the relevant interest features</p>	<p>Greater horseshoe bats (South Hams SAC)</p> <p>Greater horseshoe bats use the wider countryside of South Devon for the majority of their activities, including commuting, foraging, roosting, and mating. The SAC designated roost sites were identified on the basis of their relative importance for hibernating during winter, and summer roost sites including nursery roosts where the females for a whole colony gather together to give birth and rear their young.</p> <p>The key aspects associated with maintaining the integrity of the greater horseshoe bat interest (and its favourable conservation status are) :-</p> <p>1) The area has to be large enough to provide a range of food sources capable of supporting the whole greater horseshoe bat population; the bats feed at a number of locations through the night and will select different feeding areas through the year linked to the seasonal availability of their insect prey.</p> <p>2) Greater horseshoe bats regularly travel through South Devon between feeding sites and their roosts via a network of established flyways. They also travel greater distances between the sites designated as the South Hams SAC at certain times of the year, for example: in the spring and autumn between hibernacula and maternity sites; and, in the autumn to mating sites.</p> <p>3) Greater horseshoe bats need to be able to move through the landscape between their roosts and their foraging areas to maintain favourable conservation status. They require linear features in the landscape to provide landscape permeability. The greater horseshoe bat tends to use landscape features to navigate, such as lines of vegetation (hedgerows, woodland edge, vegetated watercourses etc) and will tend to fly close to the ground up to a height of 2 meters, and mostly beneath vegetation cover.</p> <p>4) Greater horseshoe bats are sensitive to light and will avoid lit areas. The interruption of a flyway, by light disturbance or physical removal/ obstruction would force the greater horseshoe bat to find an alternative route which is likely to incur an additional energetic burden and will therefore be a threat to the viability of the bat colony. In some circumstances, an alternative route is not available and can lead to isolation and fragmentation of the bat population from key foraging areas and/or roosts.</p> <p>5) Most feeding activity is concentrated in an area within 4km of the roost (juvenile bats will forage within 3km at a stage in their life when they are most susceptible to mortality). The most important types of habitat for feeding have been shown to be permanent pasture grazed by cattle, hay meadows, and wetland features such as stream lines and wet woodland.</p> <p>Taking the above requirements into account, greater horseshoe bats are particularly susceptible to the following changes in their habitat that may arise as a result of development:-</p> <ol style="list-style-type: none"> 1. Impact on roost sites (including damage, destruction and disturbance) 2. Removal, severance or disturbance of linear features used for navigation and commuting 3. Disturbance from new illumination causing bats to change their use of an area 4. Physical injury by wind turbines 5. Change in habitat structure and composition (loss or change in quality of foraging habitat) <p>Planning development proposals need to demonstrate that there will be no detrimental impact upon the ability of the greater horseshoe bats to navigate and feed by affecting the ecological impacts identified above. Since these impacts are common to most development types, appropriate mitigation needs to be incorporated to prevent unacceptable damage.</p> <p><i>The above is predominantly taken from Natural England South Hams SAC planning guidance, 2010.</i></p> <p>Atlantic salmon (Dartmoor SAC) - require Clean water Suitable and consistent minimum flows - avoiding over-abstraction Sequences of riffle/pool providing varied depths for feeding and high quality refugia Access to spawning areas - removal of barriers to migrations Suitable spawning locations (cobbles and gravels washed clean of silt) and habitat for fry and parr Foliage cover to provide security, shading and cooling</p> <p>Otters (Dartmoor SAC) – require (source: Ecology of the European Otter, Chanin, 2003) High water quality – to ensure good invertebrate and fish populations and no direct or direct impact to otters from pollutants such as toxic chemicals Riparian vegetation – increases invertebrate prey for fish populations (otter diet is dominated by fish) Watercourses free from physical barriers (which could prevent travel) Low disturbance (although otters do occur in urban areas and so can habituate to some disturbance)</p>
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8. Planning context:

This site is an extant quarry with associated buildings and tracks.

1950 - Original planning permission granted for winning and working minerals (dolerite). Since then there have been three extensions to the quarry area as well as a planning permission granted for tipping of spoil and for construction of various parts of the plant area.

1997 - Production of roadstone ceased at the site, quarry stone still produced. Crushing and coating plant were dismantled and most of the buildings dismantled or demolished.

1998 – Hanson Aggregates Ltd submitted a ROMP application (Ref: 98/3304/32/9DC) to work the site using mobile plant. At that time the site was controlled by a 1963 permission which had only a few relatively poor conditions governing operation. There were no formal hours of working at the site, no noise limits, no limits to the effects of blasting, and no effective restoration and aftercare conditions.

1999 – ROMP discussed with English Nature. English Nature indicated possible impacts on the South Hams SAC (note that the South Hams Site of Community Importance was proposed in 1996 and confirmed in 2004. The SAC was designated in 2005).

2002 – **Determination of a new Scheme of Conditions (ROMP) for the site** (Ref - 98/3304/32/9DC). An Appropriate Assessment was carried out (in consultation with English Nature). Information on bats was provided by Shaw (1999) and Bemment (2001). **The Appropriate Assessment concluded no significant effect on the South Hams SAC** (in relation to Greater Horseshoe bats) subject to specific mitigation measures being included in the Scheme of Conditions (see Conditions 19, 21, 22, 25 and 28). In particular these conditions required the protection of existing trees as well as submission of Management Schemes (incl for bat use) and Restoration and Aftercare Schemes.

2003-2007 – No blasting during this time. Hansons moved large quantities of quarried material to their quarry at Stoneycombe.

2007 – Hanson’s lease expired (landowner = Mrs Trueman). None of the Schemes mentioned above had been discharged by the MPA at this point. Hanson required to carry out a number of obligations as outgoing tenant. These included removing scrap, concrete structures and buildings.

2008 – Planning application submitted by Sam Gilpin Demolition Ltd for the development of an integrated waste materials facility. Application withdrawn before determination by DCC.

2009 - Gilpins pursued reopening the quarry under the 2002 ROMP permission. No further development of the site (quarrying, removal of vegetation or erection of buildings) could take place until planning conditions had been formally submitted and approved. Devon Wildlife Consultants were commissioned to carry out bat surveys (DWC, 2008) in order to inform the required wildlife management scheme (as well as the 2008 planning application) and a new Appropriate Assessment. Flight routes through the site were identified and mitigation (to protect the flight line from quarrying activities) was discussed and agreed with Natural England. Mitigation (such as the new hedge between the flight line and quarry) was set out in the *Appropriate Assessment Management Scheme* and *Whitecleaves Mitigation Strategy*. These schemes were a condition of the permission and the Appropriate Assessment concluded no adverse affect on the integrity of the SAC. The Mitigation Strategy required annual bat monitoring from the start of quarrying for a period of five years. Monitoring surveys were carried out in 2009 and 2010 by Devon Wildlife Consultants, 2011 by URS Scott Wilson and in 2012 and 2013 by Green Lane Ecology.

- **Scheme for the protection of trees and vegetation approved by MPA on 10th July 2009**
- **Management Scheme approved by MPA on 10th July 2009 – this Scheme includes the Whitecleaves Mitigation Strategy (DWC, 2009).**
- **Restoration and Aftercare Scheme - submission date extended to 10th July 2014**

2009/10 – Works carried out under permitted development (including erection of offices relating to quarrying and enhancement of the bat flight line) in order for Gilpins to re-open the quarry.

2012 – Planning application by MVV Environment Devonport Ltd for the proposed development of an Incinerator Bottom Ash (IBA) Facility and Materials Recycling Facility (MRF). Landscape and Ecological Management Plan produced by URS consultants, April 2012. (Ref - 11/02685/DCC). Bat surveys carried out by URS in 2011. Detailed Landscape and Ecological Management Plan (LEMP) drawn up and agreed with Natural England. Appropriate Assessment concluded no significant effect on the SAC provided that mitigation secured via conditions. Application refused by DCC and refused on appeal.

Nov 2012 – woodland on the western edge of Block D removed with DCC approval (under ROMP) and under a dormouse licence from NE.

2014 – Current application for additional use of areas to store materials relating to a demolition business and change of use of existing buildings.

Note that DCC’s monitoring officer carries out regular monitoring visits (max three a year) and inspections (as necessary) to the site to check compliance with permissions, including the protection of the bat flight lines. Monitoring reports are available on request.

9. Greater horseshoe bat use of the application site – relevant to this application

A series of bat surveys of the site were undertaken on this site between 2008 and 2013 (see list below). These surveys related to the ROMP, previous planning applications and this application (see planning context above). All surveys have demonstrated that there is an important commuting route for greater horseshoe bats through site (see map 1). In August 2010 a peak count of 143 greater horseshoe bats was recorded commuting along this route in one night. The peak was 325 bats in August 2012 and 374 bats in August 2013. As for other surveys the 2013 survey showed numbers gradually increasing to the August peak and then tailing off towards the autumn. Numbers in early spring and autumn were low. On average bats started commuting through the site 33 minutes after sunset and all bats had flown through the site in 21 minutes. The 2013 survey observed no foraging activity within the site. It is likely that the bats commuting through the site are from the South Hams SAC roost in Buckfastleigh, the largest known greater horseshoe bat breeding roost in the UK.

Historic surveys

1999 – Shaw

2008/9/10 – Devon Wildlife Trust Consultants

2011 – URS

2012 – Green Lane Ecology. **Two surveys each month from May-October. Included three static points and two transects (with four experienced bat surveyors and one static bat detector used for the survey at any one time with five different surveyors employed).** GHBs were recorded commuting through the quarry on every survey with a peak of 325 bats on one night in August. Bats followed a similar commuting route throughout the survey to that identified in previous surveys – see map 1

Recent surveys

2013 - Green Lane Ecology. **Methodology as for 2012 but started in March 2013 (in order to try and identify when GHBs started to commute through the site) and used extra static detectors. Survey found that 83% of bats followed the main commuting route through the site (as identified in previous surveys) – see map 1. Evidence suggests that 17% of the bats commute in a south easterly direction and do not commute through the quarry. GHB numbers were lower at the beginning of the survey in May compared to 2012, probably due to the cold spring. Numbers reached a peak of 374 on the 18th August. Overall there was a 13% increase in numbers commuting through the site in 2013. Please see bat report for details.**

Screening Assessment for likely significant effect

10. Potential hazards likely to affect the interest features

Sensitive interest feature	Possible impacts	Actual impact
South Hams SAC: Greater Horseshoe bat sustenance zone (foraging habitat)	<ul style="list-style-type: none"> • Change / degradation of foraging habitat • Physical loss of foraging habitat • Disturbance to foraging habitat e.g. increased lighting 	<p>None. No foraging activity was observed in the 2013 survey.</p> <p>Also note that this application will not lead to the loss of, or impacts on, any existing habitat which could be used by foraging bats in the future.</p>

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<p>South Hams SAC: Greater horseshoe bat strategic flyway</p>	<ul style="list-style-type: none"> • Loss/severance of linear features e.g. trees, hedges, fence lines • Creation of physical barriers along the flyway e.g. security fencing • Disturbance e.g. increased lighting >0.5 Lux 	<p>Loss / severance. There will be <u>no loss of vegetation anywhere within the site as a result of this application.</u> This will be a condition of any planning permission (and is already a condition of the existing ROMP).</p> <p>Physical barriers. <u>The storage areas are outside the identified flight lines and are on disturbed bare ground already used for existing quarrying operations.</u> See map 1 which shows the flight line in the context of the storage areas. However as a precautionary measure Storage Area 1 will be kept 1m from the base of the embankment and storage in this area will be kept below 4m in height (boulders and height indicator posts will be used on site to ensure that this happens) in order to allow any bats to fly along the embankment below the woodland should they choose to do so. This will ensure that storage materials are well below and away from the flight line along the woodland on the adjacent embankment. Use of the identified storage areas (and demarcation of the height and location of Storage Area 1) will be conditioned and monitored by DCC. All parking of vehicles connected to office use will be restricted to the defined parking areas by the offices and well away from the flight line (see black hatching on Map 1). This application does not therefore result in any barriers to the bats.</p> <p>Lighting. <u>This proposal does not include external lighting.</u> The offices are already used during normal office hours (7.30 - 18.00pm) and this will not change (note that the site has permission for working hours of 7.00-19.00). Note however that the consultant ecologist has confirmed that lighting from the offices does not illuminate the bat flight line which passes through the wooded bank opposite the buildings.</p> <p>The site will be open for some or all of the bat sunset commute (all GHBs pass through the site in ~ 20 minutes) during mid March (1-18th March) and mid October (14–31 October) only. Survey has shown that numbers of GHBs commuting through the site are much lower during this period (0 in March 2013 - although note the cold 2013 spring- and 23 and 30 bats commuting through on 6th and 23rd of October 2013 respectively). Other surveys confirm that the number of GHBs flying through the site builds up to a peak in August (374 in one night in 2013) and then tails off again. This application will result in an increase in vehicles using the site during this period. Current use is approx. 4 office vehicles and an occasional HGV. This proposal will increase this to 16 staff vehicles and 4 HGVs. Possible impacts include collisions with vehicles as low flying GHBs cross the track at the turning circle, and lighting of the flight line through the woods from headlights. Note that dawn monitoring has shown that the return commute occurs no later than an hour before local sunrise and as such there is unlikely to be an overlap with working hours (although mitigation below also applies).</p> <p>Collisions – The potential impact is considered to be negligible at the turning circle. All vehicles are limited to a 10 mph speed limit on site but are likely to be travelling slower around this bend. GHBs have a high ability to detect and avoid obstacles and there is therefore negligible risk. Furthermore there is evidence that light averse species such as GHBs will roost and wait until there are no vehicles before attempting to cross roads (Lemaire and Arthur, 1999).</p> <p>Illumination of the flight line - Lights from vehicles may illuminate the flight line <u>briefly</u> as they drive from or towards the offices. In order to mitigate this potential impact all vehicles entering or leaving the site will operate mandatory dipped headlights (a sign will be erected to ensure that this is clear) and all headlights will be turned off as soon as vehicles are parked.</p>
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	<ul style="list-style-type: none"> • 	<p>Note that the applicant operates flexible working hours (7.30- 9.30 start and 16.00- 18.00 finish) which reduces the chances of everyone leaving as any bats commute through the site in March or October.</p> <p>The enhancement and mitigation measures relating to lighting will be conditioned and the number of vehicles on site will also be conditioned as per numbers above.</p> <p>Further enhancement: The flight line will be enhanced through further planting. Please see the EMMP (2014). These enhancements will be conditioned.</p>
South Hams SAC: Hibernating Greater Horseshoe bats.	<ul style="list-style-type: none"> • Disturbance to roosts e.g. from blasting, lighting • Loss / degradation of roosts 	<p>None. This application does not result in any activities which could impact on an existing roost (no lighting or blasting).</p>
Dartmoor SAC: Atlantic salmon and otters	<p>Impacts due to changes in water quality creating a barrier to salmon migration up the Dart to Dartmoor SAC and otter use of the catchment.</p> <p>Disturbance to otters.</p>	<p>Potential impacts on the Dean Burn from leaks from stored equipment and oil, fuel, lubricant storage. Note that surface water management and liquid storage facilities are already conditioned via the ROMP. However there will be an additional condition imposed on this permission relating to liquid storage facilities from the plant and machinery to be stored on site in order to ensure no impact on the Dean Burn. There will be no change to surface water management as a result of this application.</p> <p>This application is well away from the Dean Burn and will not lead to potential disturbance to otters.</p>

Conclusion

11. Conclusion:

Is the proposal likely to have a significant effect 'alone' or 'in combination' on a European site?

Further to the screening assessment above it can be concluded that this proposal will not have a likely significant effect 'alone' on the South Hams SAC or the Dartmoor SAC. As there are no residual effects there can be no significant effect 'in-combination' with other plans or projects.

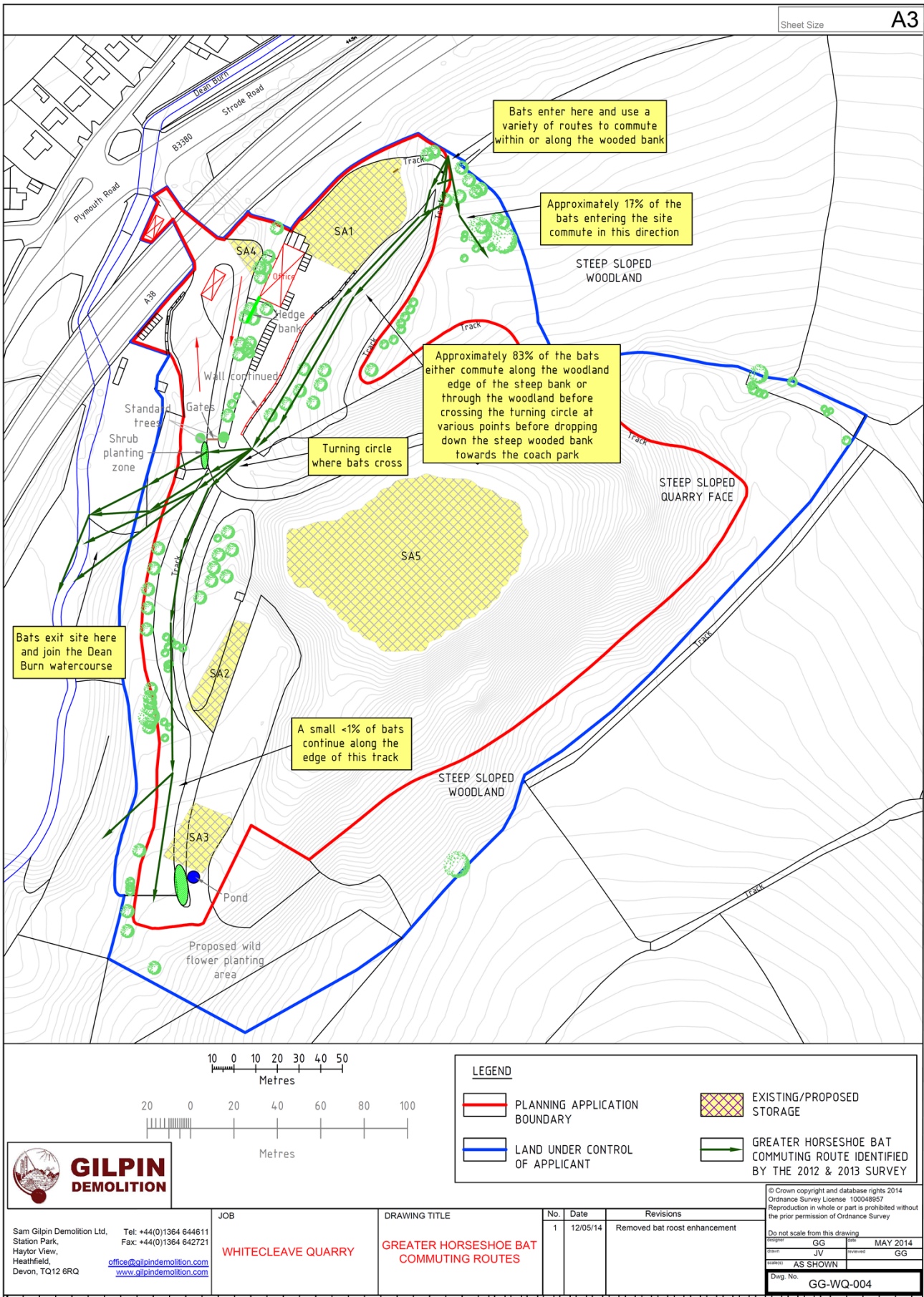
Note that any permission given would be for a temporary three year period (in order to tie in with the ROMP review) in order to ensure that this proposal does not impact on the long term restoration of this site relating to the promotion of nature conservation interests (as conditioned in the ROMP).

Also note that, as a precautionary measure, monitoring of GHB use of the site will be conditioned during the lifetime of any permission granted (see the EMMP, 2014 for further details). Any issues will be discussed with the site operator and LPA immediately and suitable measures agreed.

Lemaire M, Arthur L (1999) Bats and roads. In: *Actes des troisiemes rencontres "Routes et Faune Sauvage".* *Ministere de l'Equipement, des Transports et du Logement et Ministere de l'Amenagement du Territoire et de l'Environnement*, 30 septembre au octobre 1998. SETRA. 3'd Meeting - Roads and wildlife in France. Museum of Natural History, Bourges, France.

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Map 1 Greater horseshoe bat flight lines in the context of the storage areas and offices



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JOB
WHITECLEAVE QUARRY

DRAWING TITLE
GREATER HORSESHOE BAT COMMUTING ROUTES

No.	Date	Revisions
1	12/05/14	Removed bat roost enhancement

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Do not scale from this drawing

Drawn	GG	Issue	MAY 2014
Checked	JV	Revised	GG
Scale	AS SHOWN		
Dwg. No.	GG-WQ-004		

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PTE/16/26

Development Management Committee
27 April 2016

Delegated Schedule – 14 April 2016 - Summary

<u>District/Location/Application Number</u>	<u>Proposal</u>	<u>Electoral Division</u>	<u>Action Taken</u>
Teignbridge District Council ABC Siddals Skip Hire, Coventry Farm, Torquay Road, Kingskerswell, Devon TQ2 7HX DCC/3800/2015	Retrospective application for building to house a picking line, and proposed extension of site boundary for waste operations - including 2 existing buildings and a new access track	Teignbridge South	Conditional Approval
Mid Devon District Council Landscape County Primary School, Threshers, Crediton, Devon, EX17 3JH DCC/3820/2015	Construction of a new early years building on the site of the former swimming pool and extension of the existing school hall in order to provide facilities to support the school's proposed expansion to 420 places	Crediton Rural	Conditional Approval
East Devon District Council South West Highways, Rockbeare Hill, Lane past Rockbeare Hill Quarry, Rockbeare, EX5 2HB DCC/3829/2015	Stockpiling and processing of inert and waste materials generated as a result of South West Highways' business activities	Broadclyst & Whimble	Conditional Approval
Teignbridge District Council Lanherne, Exeter Road, Dawlish, EX7 9JW DCC/3831/2016	Partial reduction of height to Lanherne Wall adjacent to the A379 and installation of Treif Kerbs	Dawlish	Conditional Approval
West Devon Borough Council Okehampton Primary School, Glendale Road, Okehampton, EX20 1JB DCC/3834/2016	Single classroom extension with associated toilets and stores, and provision of a new artificial turf pitch over the existing grass playing field	Okehampton Rural	Conditional Approval
Exeter City Council A379 Bridge Road, Exeter, Devon DCC/3836/2016	Variation of the following conditions of Listed Building Consent 14/2109/26 (Construction of a footbridge); Condition 2 (change of parapet infill to incorporate diamond shaped architectural net) and Conditions 3 and 5 (timings changed to better suit construction sequence)	Alphington & Cowick	Conditional Approval

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Delegated Schedule - 14th April 2016 - Summary

<u>District/Location/Application Number</u>	<u>Proposal</u>	<u>Electoral Division</u>	<u>Action Taken</u>
Teignbridge District Council Bishopsteignton Primary School, Cockhaven Close, Bishopsteignton, TQ14 9RJ DCC/3839/2016	Demolition and replacement of existing single classroom block, with a double classroom block, complete with the formation of new access path	Teign Estuary	Conditional Approval
Teignbridge District Council St Michael's Church of England Primary School, Church Street, Kingsteignton, TQ12 3BQ DCC/3847/2016	Provision of new single-storey modular building to provide two classrooms for Keystage 1 pupils with associated WC facilities and storage. External works to include provision of access and steps to suit the site topography	Kingsteignton	Withdrawn Before Validation