

Phil Norrey  
Chief Executive

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To: The Chairman and Members of  
the Development Management  
Committee

County Hall  
Topsham Road  
Exeter  
Devon  
EX2 4QD

(See below)

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Your ref :  
Our ref :

Date : 17 January 2017  
Please ask for : Gerry Rufolo

Email: 01392 382299

**DEVELOPMENT MANAGEMENT COMMITTEE**

Wednesday, 25th January, 2017

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 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 23 November 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: East Devon District: Construction of an 830m single carriageway road with roundabouts forming junctions at either end linking Dinan Way & the A376 Exmouth Road. Includes the provision of a footway on the south side of the carriageway, earthworks and associated landscaping. The road is located between Pitt Farm and Summer Lane, Lypstone (Pages 1 - 36)

Report of the Head of Planning, Transportation and Environment (PTE/17/5) attached

*Electoral Divisions(s): Exmouth Halsdon and  
Woodbury*

- 5 County Matter: Waste: East Devon District: Variation of planning condition 8 of planning permission 09/0824/CM, relating to on-site operational hours at the Kerbside Waste Recycling and Storage Facility at Unit 42, Greendale Business Park, Woodbury Salterton (Pages 37 - 48)

Report of the Head of Planning, Transportation and Environment (PTE/17/6) attached

*Electoral Divisions(s): Budleigh*

- 6 County Matter: Waste: Teignbridge District: Consolidating application for the retention of the integrated waste management facility for the processing, transfer and recycling of waste and production of recycled aggregates, including offices, parking, hardstanding, associated plant and equipment and the extension in time (20 years) and area of the inert landfill at Kenbury Wood Landfill Site, Old Dawlish Road, Kennford (Pages 49 - 76)

Report of the Head of Planning, Transportation and Environment (PTE/17/7) attached

*Electoral Divisions(s): Exminster and Kenton*

- 7 County Matter: Waste: Torridge District: The construction and operation of a Resource Recovery Centre comprising a permanent new waste transfer station building; a 2MWe solar farm; an extension of the lifetime of the existing non-hazardous and asbestos waste landfill, recycling facility and green waste composting until 31 December 2030; and associated new internal access roads, office, weighbridges and weighbridge office, associated surface water attenuation features and other ancillary development, land at Deep Moor Landfill Site, High Bullen, Torrington (Pages 77 - 96)

Report of the Head of Planning, Transportation and Environment (PTE/17/8) attached

*Electoral Divisions(s): Torrington Rural*

#### **OTHER MATTERS**

- 8 Delegated Action - Schedules (to include ROMPS Actions) and Summary Schedule (Pages 97 - 98)

Report of the Head of Planning, Transportation and Environment (PTE/17/9) 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**

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|---|
| <b>Membership</b>   |
| Councillors J Brook (Chairman), P Bowden (Vice-Chair), A Dewhirst, P Diviani, A Eastman, G Gribble, R Hannaford, J Hawkins, R Hosking, R Julian, E Morse, P Sanders, R Vint, E Wragg and J Yabsley  |
| <b>Declaration of Interests</b>   |
| 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.   |
| <b>Access to Information</b>  |
| Any person wishing to inspect any minutes, reports or lists of background papers relating to any item on this agenda should contact Gerry Rufolo.<br>Agenda and minutes of the Committee are published on the Council's Website.  |
| <b>Webcasting, Recording or Reporting of Meetings and Proceedings</b>   |
| 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: <a href="http://www.devoncc.public-i.tv/core/">http://www.devoncc.public-i.tv/core/</a> |
| 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.

#### **Mobile Phones**

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Induction loop system available



PTE/17/5

Development Management Committee  
25 January 2017

## County Council Development

**East Devon District: Construction of an 830m single carriageway road with roundabouts forming junctions at either end linking Dinan Way and the A376 Exmouth Road, at land between Pitt Farm and Summer Lane, Lympstone**

**Applicant: Devon County Council**

**Application No: 16/2606/CM**

**Date application received by Devon County Council: 21 October 2016**

Report of the Head of Planning, Transportation and Environment

***Please note that the following recommendations are subject to consideration and determination by the Committee before taking effect.***

**Recommendation: It is recommended that subject to Natural England confirming the Council's conclusion that Habitat Regulation Assessment is not required:**

- (a) **Planning Permission is granted subject to the conditions set out in Appendix II of this report (with any subsequent changes to the conditions being agreed in consultation with the Chairman and Local Member).**
- (b) **That the applicant uses reasonable endeavours to secure appropriate mitigation for impacts on Cirl Bunting and Great Crested Newts by securing a land management agreement, or by providing appropriate off site compensation if such agreement is not made, with such arrangements put in place before the development starts.**
- (c) **That East Devon District Council be asked to consider making a Tree Preservation Order to protect the trees and hedgerows in the designated Green Wedge area, between Summer Lane and the proposed new road.**

## **1. Summary**

- 1.1 This Report relates to a proposal for an 830m new road connecting the A376 to Dinan Way on the outskirts of Exmouth.
- 1.2 In this case the main material planning considerations in the determination of the proposed development are: its allocation within the local plan; the public benefits; impacts upon the setting of historic assets; landscape and ecological impacts; traffic and transportation impacts; sustainability considerations; impacts upon the living and working conditions of those affected by the proposal (particularly from noise and air quality); and upon drainage and water quality.

## **2. The Proposal/Background**

- 2.1 The road proposal will provide the final section of a link road that currently runs around the outskirts of Exmouth. This would connect the A376, on the north west side of the town, to Salterton Road on the south east. The proposal is located within an area of land allocated for the completion of Dinan Way in the adopted East Devon Local Plan (2013-2031). Supplementary text to the plan sets out that the final road location and design will need to be *'compliant with Habitats Regulations*

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*Requirements and place full regard on the importance of heritage assets and setting of assets of heritage and landscape importance’.*

- 2.2 The new road would be located on agricultural land beyond the north western boundary of Exmouth. The road is close to A La Ronde, (a Grade 1 Listed National Trust property located just over 200m away at its closet point) and an associated cluster of Grade 1 & 2 listed buildings, and Registered Historic Park and Garden. The road is situated part way down the valley side from Courtlands Cross and Lymphstone, extending eastward towards Dinan Way. A number of residential properties are dotted in the fields around the scheme, the nearest is Green acres approximately 60m away to the north east, then Pitt Farm, located approximately 80m away to the north, and Summerfield House (approx. 100m); located along Summer lane to the south. There are also groups of residential properties that align Courtlands Lane (to the east); Exmouth Road (to the south) beyond Courtland’s Cross, and housing on the edge of the Dinan Way estate.
- 2.3 The proposed scheme involves the construction of an 830m single carriageway road ending in a roundabout junction on the A376 and another linking to the existing Dinan Way/Hulham Road junction. The road would be 6.5m wide with a 2m wide pedestrian footpath on the southern side. The road is set within verges, embankments and cuttings to fit within the landscape. New street lighting is proposed to be installed along the approaches to each arm of the roundabouts, but not along the full extent of the road.
- 2.4 The scheme includes: the removal of 690 linear metres, and replacement with 1,268 linear metres of mixed, native hedgerow. Approximately 16 trees, and 7,700m<sup>3</sup> of grassed agricultural land would be lost, whilst approximately 2,867 square metres of new mixed, native, woodland would be planted. A linear shaped drainage pond on the northern side of the road would be constructed, that would attenuate surface water, draining into the Wotton Brook, and the construction of a noise bund.
- 2.5 In terms of development proposals within the vicinity of the scheme, with possible cumulative effects, planning permission has been granted for 350 houses at Goodmores Farm to the north east of the Dinan Way junction. The East Devon District Council draft Sports Pitch Strategy identifies potential pitches (11 &12) on a site north of Courtlands Lane. At this time it is understood that this strategy requires significant additional work before the draft is published.
- 2.6 The application is Environmental Impact Assessment (EIA) development and is accompanied by an Environmental Statement (ES).

### **3. Consultation Responses**

- 3.1 East Devon District Council: support the application but make the following comments: Further consideration is given to impacts upon the setting of A La Ronde, Point in View and the Manse through consideration of key views to see if further mitigation is required; street lighting is kept to a minimum; support plans to restrict access to Summer Lane but state it is unclear how this will be managed; suggest consideration of removing the footpath alongside the road to further reduce its impacts; consideration of additional planting near the proposed roundabout on the A376 to protect views from A La Ronde, on slopes and within the attenuation pond; and protection of trees, with particular note on tree T16 and a tree to the north of the 450 marker on the A376.

3.2 Lympstone Parish Council: Objects to the proposal raising the following main concerns: Fear of surface water run-off from the scheme causing surface and foul water flooding; possible noise and visual intrusion for nearby residents; risk of development on land between the proposed new road and Summer Lane and protecting this land as 'Green Space'; the application does not address proposals for traffic measures for Summer Lane and Wotton Lane.

3.3 Exmouth Town Council: Members supported the link road, but raise the following points: concerns about access to A La Ronde, Point in View Church and for Residents; concerns about pedestrian safety and suggest the provision of a pedestrian crossing instead. Concerns are raised about traffic queuing back up along the A376 at peak times, as a result of cars joining from the link road, and other points were raised that do not relate to this application.

3.4 Historic England – Object to the application on the grounds of impact upon the setting of heritage assets and raise the following points:

Concerns are raised about the resulting views inter-visibility between the road (of high-sided vehicles and lighting columns). They are not convinced that the proposed additional planting will satisfactorily screen the road, in the long term when deciduous trees will be sparse. The permanence and longevity of the screening is also raised as a concern.

In line with Good Practice Advice it is expressed that a revised location of the road should have been considered in light of the impacts upon the setting.

Additional concerns are raised about the vulnerability of the fields between the road and A La Ronde for development as a result of the road proposal. Landowners have stated that they will need to remove hedgerows to ensure that viability of the use of fields, which is considered, would further erode the rural character of the surrounding landscape of A La Ronde affecting its setting.

Concerns are raised about impacts upon the tranquillity of the setting of A La Ronde and associated Historic Assets.

A La Ronde is a site of very high cultural and aesthetic value. As well as being of considerable academic interest in architectural circles, it forms a much loved landmark in Devon and its unique form and picturesque properties attract visitors from a very wide area. This application has the potential for very long-term harmful consequences to a heritage asset of the highest significance which merits every effort being made to avoid or minimise harm to it.

3.5 National Trust – Object to the application on the impacts of the road on the setting of A La Ronde and associated heritage assets and make the following key points:

Question the validity of the assessment made regarding the impact upon Heritage Assets within the Environmental Statement. It states that the resulting harm of the scheme has not been correctly assessed/recorded. The NT raise particular concerns about the assessment made of the impacts upon a principal views from the Gantry of A La Ronde, concluding themselves that these would be deemed to have an effect of Substantial Harm – whether it substantial or less than substantial if mitigation is taken into account. This includes concerns about the need for further assessment of any proposed planting, to take into account growth over 0.5 and 15 year periods. It is considered that the predicted visual effects are underplayed, and in fact should be measured as major/moderate impact, not moderate. Particular questions are raised

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as to why the junction with the A376 could not be located further to the north, and out of the Zone of Theoretical Visibility.

It is acknowledged that mitigation measures may help in screening the development in the longer term, but they comment that the extent to which alternative design solutions have been explored in the first place, which would have avoided the current predicted adverse visual effects from the junction with the A376, have not been fully assessed.

Concerns are additionally raised about the consequential effects of the road forming a new extension to the settlement boundary of Exmouth – and the resulting impacts upon the rural character of the setting of A La Ronde. It is also stated that the ES does not consider impacts resulting from changes to field access & connectivity, and so consequently the viability of the pastoral farming. They state these effects remain unclear.

- 3.6 Devon Gardens Trust: No comment.
- 3.7 Natural England: No objection in relation to Statutory Nature Conservation Sites (Particularly Exe Estuary SPA and East Devon Pebblebed Heaths SAC and SSSI). The response also recommends that the authority considers biodiversity enhancement as part of the proposal and benefits for Green infrastructure.
- 3.8 Environment Agency: No Objection – Comment on the Construction and Environment Management Plan (CEMP) and request that further measures regarding the following e.g. lagoons, silt-buster/vortex systems, hydro-seeding of verges, are provided to the EA for their comments.
- 3.9 RSPB: Object on the ground of impacts upon bird species and raise the following concerns:
- The loss of temporary and permanent habitat of some Cirl Bunting habitat, and that it is not certain that mitigation is sufficient to retain these birds at the site. They note that Cirl Buntings are not Woodland birds, and that the proposed mitigation in the form of woodland will not enhance their habitat as set out in the ES. (They require grassland.) They also comment on the loss of existing hedgerow and 6,870m<sup>2</sup> of existing grassland which currently provide foraging area for the birds.
- The RSPB are concerned about the potential impact upon Curlews as a result of the scheme. It is requested that more information is provided to assess the potential loss of habitat. They also state that it is not clear if the proposed embankment screening landform, pond and planting will be suitable for Curlews to continue to use the land to the north of the road, with no evidence presented within the application to demonstrate this.
- 3.10 South West Water: No objection but note that water mains are located in the vicinity of the proposed new roundabout and some protective measures may need to be provided should the cover over them be reduced or any valves/chambers be affected.
- 3.11 Western Power Distribution: No comments received.
- 3.12 Exeter Airport: No safeguarding objections raised.



## 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 32 letters/emails representations have been received. (2 of these sent comments twice as part of the re-consultation process.)

20 objections have been raised - In summary the concerns raised are:

- the scheme will not solve the traffic congestion problems on the A376, and it is considered it may make it worst, with particular concerns raised about this worsening at Courtland Cross;
- the railway link to Exeter should have been improved, or more buses provided;
- the building of the road is not considered to be environmentally friendly or sustainable;
- the scheme is a waste of money;
- the scheme would harm A La Ronde and associated listed buildings, including the impact upon the setting of these; concern that other listed buildings have not been considered - such as St Peters School,
- the scheme will open up green field land between Summer Lane and the road for future development;
- the scheme is destroying attractive local countryside, and creating a visual eyesore for locals and visitors;
- concern raised about the appearance of the cuttings if they look like Lords Meadow in Crediton; recommendation that the landscape banking better fits in with the natural contours;
- the scheme does not adequately consider cyclists – the proposal to use Summer Lane as a cycle path does not form part of the application and is only indicated as an intention. There is inadequate cycle provision on the new road;
- the scheme will result in increased noise, and worse air and light pollution;
- the scheme will make flooding worst at Wotton Brook and at the bottom of Lypstone Hill;
- concerns about the impact upon the existing farmland; both the loss of fields and the severance of fields, making them less usable; concerns are also raised about access to the fields by landowners;
- concerns are raised about impacts upon Wotton Lane during the construction period; requests to make Wotton Lane access only;
- concerns about impacts upon bats from lighting; and destruction of habits with potential impacts upon Curlews;
- concern about the viability of fields being severed by the road, and the consequent need to remove hedgerows.

3 letters support the application of the following grounds:

- Summer Lane is currently dangerous for pedestrians, so the link road help make this route safer for walkers and cyclists;
- the scheme would result in a reduced number of vehicles on Exeter Road on the Exmouth side of the roundabout;
- the scheme would result in benefits of shorter journey times for those travelling to Liverton, Dinan Way, Salterton Road Trading Estate and to local holiday parks;
- residents of the cottages at Point in View as well as on the members of the Chapel who worship there every Sunday, would benefit from the scheme.

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A further 7 representations have been received making general comments about the proposal or regarding matters not related to the application. These include comments on the dangerous nature of Summer Lane for pedestrians, and misuse by cars. Also general comments are made about severe congestion problems on the A376 at peak times, and that investment instead should be made for alternative strategic solutions.

- 4.2 Copies of representations and consultation responses are available to view on the Council website under reference DCC/3909/2016 or by clicking on the following link: <https://planning.devon.gov.uk/PlanDisp.aspx?AppNo=DCC/3909/2016>.

## 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 The material planning considerations in the determination of this application are discussed below.
- 6.2 The adopted East Devon Local Plan identifies the provision of a road connecting Dinan Way to the A376. The proposed route falls within the area allocated for this road, in this case the principle of the new road is not a matter for debate. However Strategic Policy (22) which refers to the Dinan Way extension, specifically states that *'Future planning for and the implementation of this proposal will need to be compliant with Habitat Regulation requirements and place full regard on the importance of assets and setting of assets of heritage and landscape importance'*, and in addition, the road proposal must accord with other policies within the plan.

### Highway Benefits

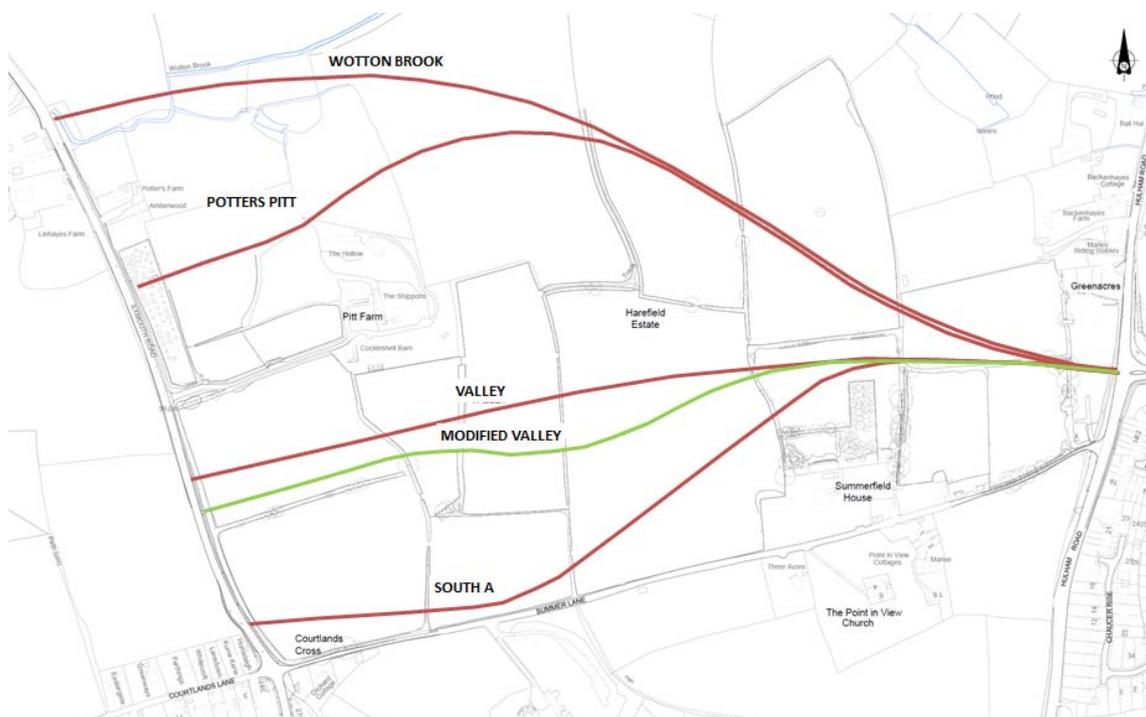
- 6.3 The road proposal would provide a final section of highway that connects to Dinan Way to the A376 to provide a seamless link around the outskirts of Exmouth, suitable for heavy good vehicles.
- 6.4 The Transport Assessment (TA) indicates predicted increases of 6.6% in the am peak hr, and 7.6% in the pm peak hour along Dinan Way as a 2031 forecast compared with 2015. Without the link road, and in combination with anticipated further growth in Exmouth, (most relevant being the 350 houses permitted at Goodmores Farm, and the expansion of Liverton Business Park), residential streets such as: Featherbed Lane; Rivermead Road; and single track country lanes such as Summer Lane and Wotton Lane would have to cope with this additional traffic. Traffic counts currently indicate that volumes of traffic are already higher than the appropriate levels for these types of road. For example, this would be supported by local perceptions/concerns raised about safety for pedestrians using Summer Lane. The Dinan Way extension would have a substantial positive impact upon these roads

reducing the need for through traffic and in turn reducing the likelihood of accidents, particularly at junctions.

- 6.5 Heavy Good Vehicles currently travel through the town centre or residential roads to Liverton Business Park and commercial development on Salterton Road, or to towns beyond Exmouth, such as Budleigh Salterton. Current base flows of HGV's along Salterton Road indicate between 5 and 11 of these vehicles travel in each direction during the am peak hour and between 3 and 7 travel in the evening peak. In this case the scheme would divert these vehicles away from the town centre, and from routes that currently travel past the Community College. Also by removing traffic from Summer Lane this road could be more congenial to pedestrian and cyclists.
- 6.6 The provision of the Dinan Way extension could provide an opportunity to improve the bus service to Exeter, by reducing journey times by at least 20 minutes. It is therefore concluded that there would be public benefits from the scheme in terms of traffic flow, benefits for cyclists using Summer Lane and Highway Safety.

## Alternatives

- 6.7 The ES firstly sets out alternatives to constructing a Dinan Way Extension, including increasing capacity on the Exmouth to Exeter train, constructing a new station, modifying bus routes and seeking improvements to walking and cycling routes. The ES discounts these for a number of reasons, including not providing alternative routing for HGV's outside the centre of Exmouth. None the less, in relation to this application, alternatives to the building of a road are not for consideration, (as the road is identified and allocated as possible development), but alternative locations within the area identified in the location plan are relevant. The following plan indicates alternative options considered in the ES.



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- 6.8 Five approximate locations have been considered in total, the modified Valley Route is the current scheme under consideration.
- 6.9 Firstly, the ES sets out that Wotton Brook and Potters Pitt options, would both result in impacts upon the Exe Estuary SPA, due to the current use by Curlews of the wet pasture land. The Wotton Brook option would result in greatest loss of foraging land in this case. This route is also located in a flood plain, within which policy states development should not be permitted here if there are reasonable alternatives. Both routes also fall within the Zone of Theoretical Visibility, identified in the setting study, for A La Ronde (Shell Gantry) and the Point in View, these are within the 10m & 12m area visible zones. In this case it would be expected that alternative options are pursued.
- 6.10 The South A Option is considered to result in significant visual and noise impacts upon the setting of A La Ronde, and associated listed buildings. It would seem reasonable in this case to discount this option.
- 6.11 This would leave the Valley and modified Valley routes. Neither route represents problems in relation to flood plain development or the SPA. Both are located closer to A La Ronde and associated heritage assets, yet in relation to the Zone of Theoretical Visibility it is noted that the Modified Valley Option falls predominantly beyond the area of visibility, except for the roundabout junction with the A376. It is evident that the Modified Valley Route fits better within the topography compared to the Valley Route. It can be seen that as the route could sit below the skyline and it is likely to better retain the local landscape character when compared to all the other options.
- 6.12 The conclusions made by the applicant in respect of alternatives are considered to be reasonable.

## Impacts upon the Historic Environment

### *A La Ronde, Point in View, The Manse and the Historic Park and Garden and their setting.*

- 6.13 The proposed new road lies north of a group of three Grade I listed buildings. These are A La Ronde (Grade I listed Cottage Ornee), Point in View Chapel (Grade I), The Manse (Grade I), as well as associated Pearson's Garage (Grade II Gardeners Cottage), which are all set within a Grade II Registered Historic Park and Garden. It is noted in the list description that "the whole complex is thus of major significance, not only architecturally but also historically and as a socially innovative group". The proposed development in this case has potential to impact upon the setting of these rare and important groups of buildings.
- 6.14 In this case, A La Ronde falls into a category of historic sites of particularly high aesthetic value, whose setting was consciously chosen and designed, and which is therefore intrinsic to its significance. The rural idyll in particular was part of the design concept for construction of the Cottage Ornee. Both its siting and design were intended to make it a distinctive landscape feature when viewed from the surrounding area. In addition to which, it was also intended to take advantage of a commanding position, overlooking a picturesque and tranquil countryside. Dormer windows were added to the roof on all sides when it was tiled, this reflects the significance of outlook from the house in all directions.

- 6.15 Today, the principal rural views from the house are focused to the south west, and North West. Towards the SW, views can be made over the fields of Lower Halsdon Farm, the Estuary and the Haldon Hills beyond. Views to NW are over agricultural fields that have been largely unaffected by development, and are typified by hedgerow boundaries and associated farm buildings. The Haldon Hills and distinct Belvedere Tower can also be viewed in in this direction. It is this view, within which the new road would be located. Views in this direction over the A376 specifically, and toward the estuary beyond, fall within what has been identified as a Core Setting Area in the National Trust Setting Study 2015. This is an area within which the National Trust has indicated as forming key views from the house.
- 6.16 The setting of A La Ronde in particular has changed significantly over the years, and it has been harmed as a consequence through the encroachment of housing to the south and south west, and along Exeter Road, (this includes a petrol garage at the junction of Courtlands Cross). The use of the A376 has grown significantly over the years, and noise from vehicles on this road and Summer Lane can be heard when walking around the pleasure grounds. Lighting along Summer Lane is currently a major source of night time light when viewed from the house.

### Visual Impacts upon setting

- 6.17 The Environmental Statement demonstrates that as a result of the removal of hedgerows/trees and the provision of new lamp columns, that views of high sided vehicles, and the top of lighting columns at the junction with the A376, would be seen until replacement vegetation has established. These views would be from the Gantry at A La Ronde and glimpse views through gateways from Summer Lane, resulting in impacts upon the setting of A La Ronde and the Registered Park and Garden as viewed from Summer Lane. Given the small number of high sided vehicles that use this route, moderate adverse impacts are concluded in this case.
- 6.18 It is also noted that when the road is viewed from Wotton Cross, back towards A La Ronde, that again high sided vehicles would be seen, with potential major/moderate visual harm at year 1. Views of these vehicles are still predicted after 15yrs, albeit slightly more obscured by vegetation.
- 6.19 In terms of night time impacts, as indicted on viewpoint 6a (Visualisation set out at the end of the report), the final street lighting proposed would be less visible, and result in less light spill into the surrounding area when compared with existing lighting. This is as a result of the use of LED lighting, and back shields.
- 6.20 In terms of the form and appearance, an arterial road (with associated signage) within an agricultural setting would clearly appear urban in form, however the road itself would not be visible from A La Ronde or the Registered Park and Garden. In addition, it is noted that the proposed landscaping, reduced road width (6.5m, rather than standard 7.3m, and provision for only one footpath 2m), and decision to not include street lighting through the rural section, all help limit visual impacts.
- 6.21 None the less it is the Council's view that the resulting views of high-sided vehicles and the tops of lighting columns would result in less than substantial harm on the significance of the heritage assets due to the impacts upon their setting.
- 6.22 Mitigation – It is considered that further advance planting, in particular a wooded copse and more dense screening alongside the A376 and proposed roundabout, using a mix of deciduous and appropriate coniferous planting, would help prevent views of high sided vehicles and lighting at the earliest opportunity. Additional

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planting /screening associated with the earth works and drainage ponds would help limit inward views of A La Ronde from the other side of the valley.

- 6.23 In addition, further tree planting in hedge banks, in particular those proposed near Dinan Way will help further reduce views from Summer Lane and the Registered Park and Garden.
- 6.24 It will be critical that the Highway Authority is able to manage this additional planting and screening in perpetuity, to ensure that this provides permanent mitigation against the impacts upon the setting of heritage assets. This shall be set out in a landscape management plan, as agreed through a condition of any permission.
- 6.25 Improving Summer Lane – It is considered that the replacement of existing lighting columns with LED lighting, could significantly reduce light spill and help to enhance setting through the use of softer lighting. This can be required through a condition in this case. Another element of the scheme would be the aspiration to alter Summer Lane so that it is a 'No Through road', reducing car use further along this route. This again could potentially provide enhancement, but as it stands does not form part of the application.
- 6.26 As a result of the partial urbanisation of the agricultural context, in combination with moderate short term impacts on views from A La Ronde and the Registered Park and Garden, which can be further mitigated against through additional planting as outlined above, it is considered the proposal will lead to less than substantial harm upon the significance of the heritage assets.

## Noise impacts upon setting

- 6.27 During the 12 month construction period, impacts would be most significant as a result of noise disturbance. Predicted noise levels for A La Ronde are anticipated to be 56.9 LAeq.T at their highest, which although high, according to the Noise Assessment falls within noise thresholds of 60 LAeq.T in line with guidance set in British Standard 5228 1:2009 & A1:2014 (Code of practice for Noise and Vibration). Nether the less this level of noise would be significant, particularly in terms of its impacts upon the tranquillity of the setting of this and associated listed assets, although it would be temporary.
- 6.28 A reduction in traffic flow along Summer Lane and the southern end of the A376, following the opening of the road, would result in a decrease noise levels in the region of 2dB LA10 18h, 1year after opening and 1dB LA10, 18h 15 years after opening, resulting in negligible impacts within a 15 year period. These predicted levels have since been further reduced following recent agreement of a 40mph limit, reducing levels by an additional 1 dB LAf10 18h for the Manse and Point in View Chapel in particular. It is considered that the development would have beneficial longer term noise impacts, upon A La Ronde and its immediate setting with localised benefits upon tranquillity within parts of the core setting area identified by the National Trust.
- 6.29 Mitigation - To minimise impacts for A La Ronde and the immediate vicinity upon tranquillity, and to ensure that the benefits resulting from the reductions in noise levels take place, the low noise surfacing, Stone Mastic Asphalt should be conditioned, as set out in the noise section.
- 6.30 It is considered that the benefits over the longer 15 year period to reduce noise levels for those experiencing A La Ronde and its grounds, as well as within its core setting area to a degree, help reduce overall impacts, which are noted to be significant

during the temporary construction period. In this case, it is concluded the overall impacts from noise would result in less than substantial harm.

## Conclusion

- 6.31 In arriving at this decision considerable importance and weight has been given to the desirability of preserving the setting of A La Ronde and associated Grade I & II heritage assets. It is nevertheless considered that the public interest to provide a link road which will divert heavy good vehicles away from residential streets and the town centre, and the predicted reduction in traffic along Summer Lane, outweighs the less than substantial harm that has been concluded to these heritage assets. This is in accordance with the Planning (Listed Building and Conservation Areas) Act 1990, paragraph 134 of the NPPF, and East Devon Local Plan policy: - Strategy policy 22 (Development at Exmouth); EN8 (Significance of Heritage Assets and their Setting) & EN9 (Development Affecting a Designated Heritage Asset).

## Impacts upon Archaeology

- 6.32 The drains linking with the pond lie in proximity to several dwellings shown on the mid-19th century Tithe Map. These appear to have been demolished later that century. In this case, groundworks in this area have the potential to expose archaeological and artefactual deposits associated with these dwellings. As such, a condition of the development should be that archaeological work takes place in advance of construction. This would ensure the development meets the requirements of Policy EN6 (Nationally and Locally Important Archaeological Sites) of the East Devon Local Plan and with paragraph 141 of the National Planning Policy Framework (2012).

## Landscape

- 6.33 The site is located within land that is designated as a 'Green Wedge' in relation to strategic policy 8 of the East Devon Local Plan. This area is also allocated as the 'Dinan Way Link Road' in association with Strategic Policy 22. In this case the proposal will need to meet other landscape policy requirements of the plan, which include land designated as a Coastal Preservation Area (CPA) to the west of the application site, and landscape character considerations.
- 6.34 The road alignment of the chosen 'Modified Valley' route fits in with the grain of local field patterns, and protects some visually important trees & hedgerows, helping to screen the road and traffic from sensitive views. Sensitive designed earthworks that respect the rolling landform, whilst helping to minimise cutting, also help to screen the proposal from Pitt Farm, and minimise impacts on some sensitive views. This also has the benefit of enabling more land to be returned for use for farming. Particular features of the final proposed scheme, to include the planting of hedgerow trees, small copse and new hedgerows also help to conserve the rural character and integrate the road into its setting whilst partially screening the traffic and lighting from sensitive views.
- 6.35 Impacts - Nonetheless, the scheme, as a new road within the open countryside, would result in adverse impacts upon the local landscape. The LVIA (Landscape and Visual Impact Assessment) predicts these to be moderate in the medium term (after 1 year), with the greatest impacts being from views from Wotton Lane. This reduces to slight/negligible impacts 15 year after the road is built.

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- 6.36 Mitigation - In order to ensure that impacts upon sensitive views are satisfactorily mitigated, additional planting is required (as set out in the historic environment section above). To ensure that the proposal fits into the local landscape as best as possible the following details are required. These should include: details and agreement of the location of hedgerow trees to screen lighting; details of fencing, walling, facing for hedgebanks; the colour/finish of the lighting columns; pond designs and soil management; and the submission and agreement of detailed for the cross sections of the road and bank profiles.
- 6.37 With this additional mitigation and agreement of the details, it is considered that the road proposal meets the local plan aspirations for an acceptable road scheme and the following landscape polices D1 (Design and Local Distinctiveness); D2 (Landscape Requirements) and D3 (Trees and Development Sites) and the NPPF (Paragraphs 17, 61, 64, 125, 129).

## Nature Conservation/Habitats

- 6.38 The Exe Estuary Special Protection Area (SPA) is located approximately 0.9km to the west of the proposed road scheme and is designated for its internationally important numbers of overwintering and passage waterbirds. The East Devon Pebblebed Heaths Special Area of Conservation (SAC) and Special Protection Area (SPA) is located 1.45km from the scheme. The scheme falls within both Cirl Bunting and Great Crested Newts Consultation Zones. The fields are largely arable and improved grassland surrounded by intensively managed hedges.

## European Wildlife Sites

- 6.39 Due to proximity to European sites, the Council, as Competent Authority, is required by the Habitats Regulations to carry out a Habitats Regulations Assessment (HRA) to screen for likely significant effects on the SPAs and SAC. A copy of the HRA can be found in Appendix III. The screening for the HRA confirmed that the only potential impact is on loss and/or disturbance to any foraging habitat used by waders from the Exe Estuary at high tide. However survey showed that the majority of the area impacted by the proposed road was not used by waterbirds. A few fields in the area are used by groups of curlew, largely away from the scheme. Given that curlew will still be able to use fields in this area and that disturbance to curlews from the road will be minimal (due to the use of cuttings and planting), it is considered by DCC that the proposal will not have a likely significant effect on the waterbirds population of the Exe Estuary SPA. Natural England has been consulted over the HRA and have agreed in principle with the conclusions of the screening. The attached HRA screening report will be subject to a number of refinements, and a final copy will be made available at the Development Management Committee Meeting. Note that the original response from Natural England stated that they had no objection to the scheme.

## Nationally and locally designated wildlife site

- 6.40 The A La Ronde County Wildlife Site, is located within the grounds of the house and associated Registered Park and Garden, although no impacts are predicted as a result of the scheme.

## Priority habitats

- 6.41 The scheme would result in loss of 370m of species rich hedgerows and 320m of non-species rich hedges, all of which are a UK Priority Habitat. The replacement of



these hedges with 1,381m of species rich hedgerow will be a condition of any permission, and are considered to appropriately mitigate the impacts.

## European Protected Species

- 6.42 Dormice: Surveys found only two dormice nests, neither of which will be impacted by the scheme. The site was assessed to be of limited value to dormice due to current intensive management of hedgerows but is still likely to be used for foraging, dispersal and hibernation. A licence is therefore likely to be needed from Natural England in order to remove this habitat. The County Council considers that, provided dormouse mitigation is implemented, the three Habitats Regulations tests would be met.
- 6.43 Great Crested Newts: The scheme itself does not impact upon a pond. However there are two ponds approximately 160m from the proposed road alignment which are connected to the alignment by hedges. The nearest Great Crested Newt record is 2.2kms away and before 2016 the site was outside a newt consultation zone. The developer's ecological consultant therefore considered it unlikely that there would be newts on the development site. However in 2016 the Devon Great Crested Newt guidance was amended and this site now lies in a consultation zone. Given this a pre-construction survey, and implementation of any mitigation measures required, will be a condition of any permission. The Method Statement provided with the application shows that, if needed, mitigation is achievable within the current proposals and that, if needed, NE would be likely to issue a licence.
- 6.44 Bat roosts: No bats were found during the survey of potential tree bat roosts. However pre-construction surveys will be carried out as per best practice.
- 6.45 Bat flight lines/foraging habitat: There were generally low levels of bat activity in the area, potentially due to the largely improved grassland fields and intensively managed hedges. The highest level of bat activity was along Summer Lane which will be unaffected by this proposal (although any subsequent reduction in traffic along Summer Lane will benefit bats). The bat species occurring in more than individual numbers are high flying species which are considered to be at less risk from collisions with vehicles. Lighting proposed at each end of the road has been designed to avoid impacts on wildlife, including bats. The new hedges and planting along the scheme corridor will be created and managed to provide enhanced bat flight lines and foraging habitat.

## Nationally Protected/Priority Species

- 6.46 Nesting birds: The scheme will impact upon nesting bird habitat and a condition is required to ensure that active nests are not destroyed or damaged and that Cirl buntings (as a Schedule 1 species) are not disturbed whilst nesting.
- 6.47 Cirl buntings: Cirl buntings are a UK priority species and a priority for species conservation in Devon. The UK population once bred across southern England but is now largely restricted to south Devon between Exeter and Plymouth. The few pairs recorded east of the Exe Estuary are therefore strategically important for the population and need to be protected. A Survey in 2015 has shown that Cirl buntings use the area of the proposed road during both summer and winter and that it is very likely that a pair nest just south (c.45m) of the scheme corridor. The proposed road will remove summer and wintering habitat from the core of the breeding territory,

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fragment habitat and potentially disturb birds. As a result of the road, the landowner has already stated that he will apply to take out hedges close to the nesting site in order to maintain the agricultural viability of his fields. In this case, adverse impacts are concluded without mitigation. It is essential that mitigation for this scheme is secured which includes sufficient habitat to maintain the viability of the breeding territory and minimise disturbance.

- 6.48 Badgers: The proposal will result in the loss of a subsidiary sett and the severance of foraging and commuting habitat leading to increased risk of traffic collisions. A licence from Natural England will be required to close a subsidiary sett which will be lost to the scheme. The road will sever foraging habitat leading to an increased risk of traffic collisions. A new sett will be created, a tunnel under the road provided and new habitat links created.
- 6.49 The applicant should use reasonable endeavours to secure appropriate mitigation to maintain a Cirl Bunting territory and, if required, to secure appropriate Great Crested Newt mitigation, in order to maintain existing populations within and adjacent to the application area affected by the proposal. If this is not possible then compensation will be required, as per the Devon Cirl Bunting Guidance and any Natural England Great Crested Newt licence, to maintain favourable conservation status of the populations. In this case it is considered that with the mitigation set out above and within the accompanying conditions that the requirements of policies EN4 (Protection of LNR's, CWS & CGS's) and EN5 (Wildlife Habitats and Features), of East Devon Local Plan and the requirements of the NPPF have been met.

## Highways Safety and Access

- 6.50 The proposed road and junction design is appropriate for the forecasted levels of traffic. As a result of discussions with the Highway Safety team, the proposed speed limit has been lowered to 40mph. In this case it is considered that the proposal will satisfactorily meet highway safety standards.
- 6.51 Concerns have been raised by a local land owner about access to their property and fields from Summer Lane as a result of the scheme. For clarification, the planning application does not include any proposals to alter Summer Lane, but there is an intention to alter the lane so that it is not a through road. The applicant has confirmed that this alteration would not affect access for properties.
- 6.52 Concerns have also been raised regarding the provision of crossing point over the new road so that access can be gained to existing agricultural fields. The details of any new accesses across the new road have not been submitted within the application. These will have to be addressed with the landowner, unless any proposal would be subject to a separate planning permission.
- 6.53 Letters of representation also raise concerns about safe crossing routes over the proposed new road. In this case the County Planning Authority considers that the provision of island at the junctions for pedestrians will provide safe crossing points.
- 6.54 It has been requested that a Construction Traffic Management Plan (CMP) is agreed with the Highway Authority. It is considered in this case that incorporating these requirements into a Construction Environmental Management Plan (CEMP), though a condition will satisfy this.

## Sustainable Transport

- 6.55 As the proposal stands, the road only has provision for a 2m only wide footway on one side, which would not allow use for cyclists. None the less the ES does set out that the intention is to provide alternative provision for cyclists along Summer Lane by closing this to through traffic. Although it states this will be dealt separately through a road diversion order.
- 6.56 Road miles would be reduced by Heavy Good Vehicles as they would no longer need to go through the centre of Exmouth, as they are currently directed due to vehicle weight restrictions on existing roads.

## Overall Sustainability Considerations – Greenhouse Gas Emissions (GHG)

- 6.57 The ES sets out that the proposed scheme will reduce cumulative GHG emissions over the period to 2030 by 1,086 tonnes of CO<sub>2</sub>e. This would help to contribute to reducing emissions, in helping support Paragraph 93 of the NPPF which seeks radical reduction in Greenhouse Gases. None the less, there could be opportunities to increase this amount further through new woodland planting or by further reducing the recycled content of new materials.
- 6.58 Addition woodland planting over and above that put forward in the application could compensate for lost pasture land (7,700m<sup>2</sup>), as it currently amounts to approximately half this area. This would reduce emissions by a further 22 tonnes (2% reduction in total), although this is considered negligible. This report recommends that additional planting alongside the A376 should be provided over and above that set out in the application, this will help to further mitigate against impacts.
- 6.59 The principal action used to reduce construction emissions as part of the scheme has been to retain all waste material on site. This will have the effect of reducing construction emissions by 37% that equates to 381 tonnes of CO<sub>2</sub> that would have otherwise been emitted to the air. It has been confirmed that due to lack of control regarding supply chains, and the need to meet stringent standard (restricting use of recycled materials) that it will be difficult to ensure that recycled content over 10% could be achieved. It would be appropriate to seek that that 10% minimum recycled content is achieved in this case through the submission of a final Waste Management Plan to ensure the proposed carbon reductions are in line with the NPPF, and the development accords with policies W21 (Making Provision for Waste Management) and W4 (Waste Prevention) of the Devon Waste Plan.

## Impacts from Noise and Air Quality on Neighbouring Properties.

### Noise from construction

- 6.60 Noise during the construction works would be expected from site preparation, excavation works, piling, final surfacing and associated plant and vehicles. Hours of operation are proposed as 0800 to 1800, Mondays to Fridays and 0800 to 1300 on Saturdays, but with an hour either side to allow for site start up and shut down. (The noise impact assessment has made the assumption of operating hours of 7am - 7pm). The Construction Environmental Management Plan also notes some night time working, would be associated with tie in, and road surfacing overlay works at either end of the road. It states that no continuous 24-hour activities would be envisaged.

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- 6.61 Moderate impacts are expected to occur within St Thomas Close and for properties at the top of Hulham Road during works connecting the road to Dinan Way, from the use of Planers and surfacing works in particular, levels would be around 70. LAeq.
- 6.62 In terms of measures to be taken to minimise impacts from construction activities – Best Practicable Means approach is proposed to be adopted which includes some of the following measures: ensuring low noise equipment is used for all works; managing equipment's location; use of appropriate silencers; and on-time of equipment for example. It is recommended that these methods put forward are ensured through a condition requiring an update of the CEMP to include these and that noisy operations (such as piling and surface works) are carried out during more restricted time periods, in particular between the 8-6pm, and not during the start up and shut down periods. If the construction period occurs at the same time as the Goodmores Farm development, additional practices should also be put in place through the CEMP.
- 6.63 It would also be reasonable in this case to limit overall night time working to ensure impacts are acceptable for those living near either end of the scheme - in this case a condition should be used to require agreement of the maximum number of days for night time working. Daylight hours of operation in the same vain, shall be limited to those set out in the application to include start up and shut down, as these have been incorporated into all assessment of the ES.
- 6.64 In this case it is considered that the construction phase of the development would not give rise to significant adverse impacts on health and quality of life as a result of noise associated with the operation in line with the NPPF and in line with East Devon Local Plan policy EN14 (Control of Pollution)

## Long term noise impacts – operational

- 6.65 Operational noise limits are assessed one year, and fifteen years after the opening of the road. Increase in noise levels would be experienced for properties directly adjacent to the road, such as Pitt Farm, those north of Summer Lane and to the west of Hulham Road, the remaining increases would be concentrated along and around Dinan Way, and would be as a result increased traffic flow.
- 6.66 One year after the completion of the road, 1,774 dwellings will experience a perceivable increase in noise (of 1dB  $L_{a10\ 18h}$ ) at ground floor level, of these 32 would experience a moderate increase. This compares to 598 receiving a decrease. 15 year after opening of the road the same assessment, but using a higher threshold (in line with Design Manual for Roads and Bridges (DMRB) guidelines), of 3  $L_{a10\ 18h}$ , indicates 989 properties with a perceived increase in noise levels, with 2 of these experiencing moderate level increases. 166 dwellings would experience a decrease.
- 6.67 Specific mitigation measures have been put forward as part of the design of the scheme to include the following: a false cutting is created nearest to Pitt Farm to screen and help attenuate noise from the road, and an additional noise bund has been located alongside the road in this location, the west woodland, which is 10m deep from the road edge would help reduce noise levels by around 1dB. In this case it is considered that these mitigation measures will help to reduce noise levels for the 6 properties in particular, experiencing moderate noise impact in the long term as a result of the scheme.

- 6.68 It is considered that as the modelling assumes Stone Mastic Asphalt would be used, it would be appropriate to condition the use of this low noise surface dressing to impacts reflect those concluded in the ES, and to help minimise overall impacts.

## Air Quality

- 6.69 The main impacts upon air quality would be from dust generated from construction activities, and from traffic emissions associated with vehicles using the road when the construction phase is complete. The ES assesses impacts upon the A La Ronde County Wildlife Site and 30 nearby sensitive locations, which are predominantly residential properties, but include buildings such as A La Ronde (as a sensitive receptor).
- 6.70 During the 12 month construction phase, there is considered to be significant potential for dust to be created as a result of the removal of topsoil, and the creation of embankments & cuttings. The assessment has assumed that the site compound would be located at the eastern end of the road – although the exact location is not identified within the application. Highest risk of dust is associated with dust soiling rather than impacts upon human health or ecology.
- 6.71 It is considered that the mitigation measures proposed in the ES which incorporate: ceasing operations during high winds; using water assisted dust sweepers; carrying out regular site inspections and developing stakeholder communications plans, would ensure dust impacts are negligible on these receptors.
- 6.72 Traffic emissions from the new road will result in increases in pollutants, such as Nitrogen Oxide and PM10/2.5 particles (essentially fine dust particles) along Dinan Way and Hulham Road, whilst decreases will be experienced on Summer Lane, Featherbed Lane and Rivermead Avenue as vehicles will choose to travel along this alternative route\*. Nonetheless overall impacts are predicted to be negligible.

\* Traffic conditions have been simulated in line with Defra Local Air Quality Management Technical Guidance Note (LAQM.TG(16)). This includes modelling of congestion in line with Appendix 9/2. In addition time varying emissions have been applied to reflect vehicle flow (i.e. diurnal patterns) based on Highways Agency (HA) data.

- 6.73 In this case it is considered that there would be no significant adverse air quality, impacts, and with the proposed mitigation would result in acceptable levels of impact in line with East Devon Local Plan policy EN14 (Control of Pollution).

## Water Environment

### Surface Water Drainage

- 6.74 The site is located in Flood Zone 1 (Low Risk), although Environment Agency maps identify the site can be susceptible to flooding (the probability is 1:1,000). Currently, water drains from the agricultural fields into the Wotton Brook, at the bottom of the valley. Wotton Brook is located within Flood Zones 2 & 3. Hulham Road has its own drainage system which would not be affected by run off from the road proposal.
- 6.75 The scheme includes drainage proposals to store surface water run off within an underground storage tank beneath the roundabout on the A376, and an attenuation pond south east of Pitt Farm. Both allow for the water to be stored and discharged at Greenfield run-off rates, and are designed to prevent flooding on the highway.

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- 6.76 The Lead Local Flood Authority has confirmed that the proposed surface water drainage is both acceptable and in accordance to local and national standards. Although it is also highlighted that it will be necessary to agree the management of the pond and surrounding earthworks/slopes to ensure that this is appropriately maintained and functions in perpetuity.
- 6.77 It is recommended that Surface Water Drainage Management Plan is agreed through a condition of the development. In this case it is felt the proposal accords with East Devon Local Plan policy (EN22 Surface Run-Off Implications of New Development).
- 6.78 The proposal includes the use of appropriate plant species to ensure the protection of vegetation, wildlife and downstream water quality in accordance with policy (EN18 - Maintenance of Water Quality and Quantity).

## Other Matters

- 6.79 To note are the concerns raised regarding the opening up of opportunities, as a result of the scheme, for housing or other development to take place between the road and Summer Lane. This area is located in a designated 'Green Wedge', which seeks to prevent the coalescence of settlements. Most importantly, this would guide decisions for any new development within this area, along with other material planning consideration at such time. In this instance, this is not a point for consideration within 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 In conclusion, the road proposal falls within an area designated for such a use in the East Devon Adopted Local Plan. This report demonstrates that the proposal is compliant with the Habitat Regulation requirements, and that full regard has been given to the importance of assets and the setting of assets of heritage and landscape importance, in line with East Devon Policy requirements. In this case, it is considered that the overriding public benefit of the road, (particularly for traffic flow, for cyclist using Summer Lane and highway safety), outweigh the less than substantial harm that will result upon the setting of heritage assets. It is considered that the mitigation proposals put forward, as set out in the report and through the attached conditions, will ensure that the impacts are minimised and that:- the road proposal fits within its surroundings; sensitive views are obscured as much as possible; wildlife is protected and enhanced, the proposal does not add to surface water flooding or flood risk and the living conditions of surrounding residents are protected as much as possible.
- 7.3 In this case it is recommended that the development be approved in accordance with the recommendations of the report.

Dave Black  
Head of Planning, Transportation and Environment

**Electoral Division: Exmouth Halsdon & Woodbury**

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Local Government Act 1972: List of Background Papers

Contact for enquiries: Hayley Stokes

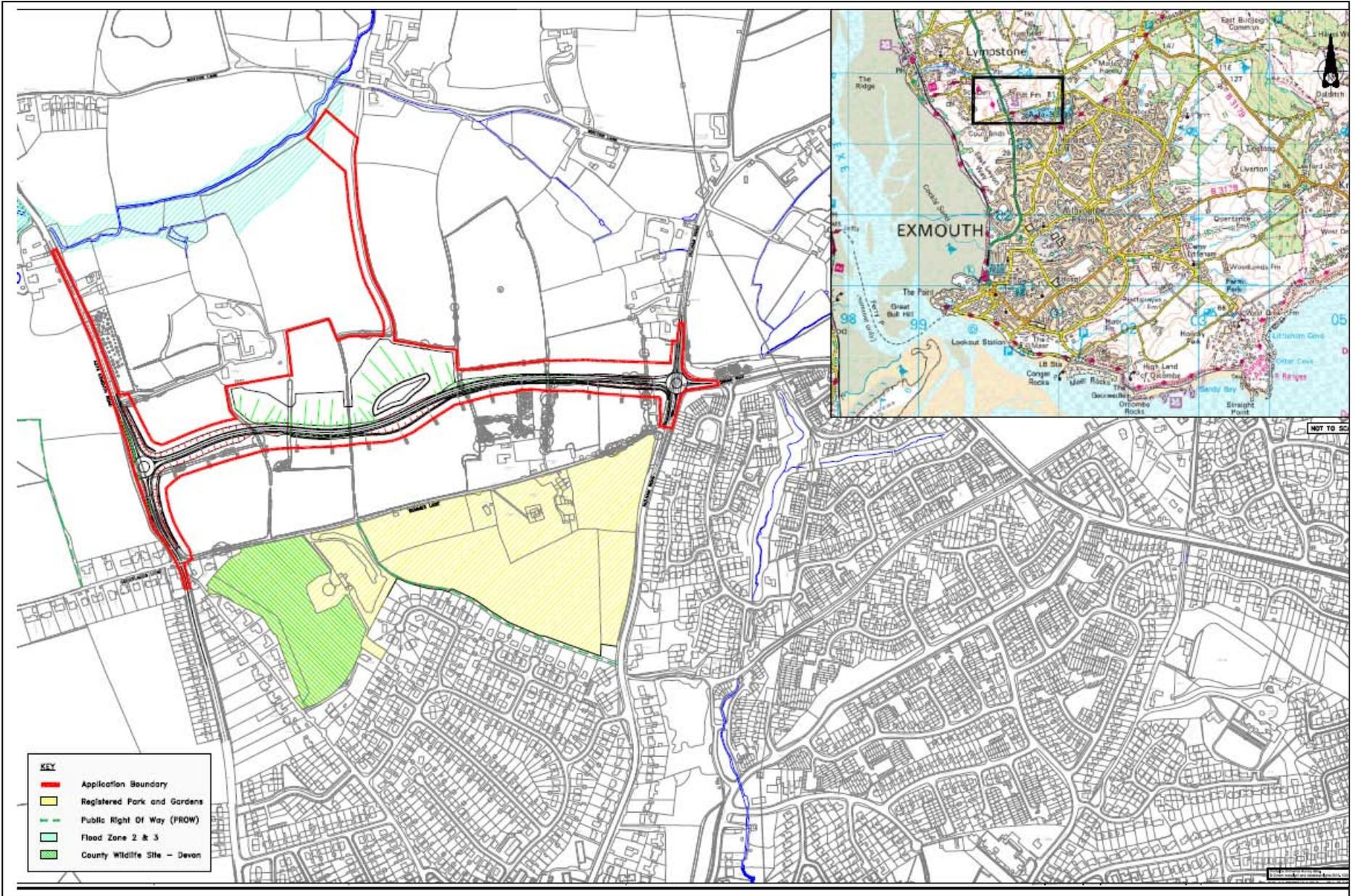
Room No: AB2, Lucombe House, County Hall

Tel No: 01392 383000

| <b>Background Paper</b> | <b>Date</b> | <b>File Ref.</b> |
|-------------------------|-------------|------------------|
| Casework File           | Current     | DCC/16/2606/CM   |

hs120117dma  
sc/cr/construction single carriageway road dinan way pitt farm summer lane Lympstone  
03 170117

Location Plan





Site Plan



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## Appendix I To PTE/17/5

### Planning Policy Consideration

#### East Devon Local Plan - 2013-2031 (Adopted January 2016)

Policies: D1 (Design and Local Distinctiveness); D2 (Landscape Requirements); D3 (Trees and Development Sites); EN4 (Protection of LNRs, CWSs & CGSs); EN5 - Wildlife Habitats and Features); EN6 (Nationally and Locally Important Archaeological Sites); EN7 (Sites of Potential Archaeological Importance); EN8 (Significance of Heritage Assets and their Setting); EN14 (Control of Pollution); EN18 (Maintenance of Water Quality and Quantity); and EN22 (Surface Water Run-Off Implications of New Development).

Strategy Policy 8 (Green Wedge); Strategy Policy 22 (Development at Exmouth).

#### Devon Waste Plan (December 2014)

Policies W21 (Making Provision for Waste Management); and W4 (Waste Prevention) of the Devon Waste Plan.

## Appendix II To PTE/17/5

### Planning Conditions

#### STANDARD COMMENCEMENT

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

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

#### STRICT ACCORDANCE WITH PLANS

2. The development shall be carried out in strict accordance with the details shown on the approved drawings and documents numbered A10020/50; A100/20/52/A; A100/20/53; A100/20/56; A100/20/58; AW/L/308/2; AW/L/308/4/A; L10A; L10B; L10C; and 16.30.2.TPP unless otherwise maybe varied by the conditions below.

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

#### CONDITIONS (PRE-COMMENCEMENT)

#### CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN

3. 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 Plan 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];
  - c) Days and hours of 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) Detail for proposals to promote care sharing amongst construction traffic staff;
  - i) Dust Control, in accordance with measures set out in table 9 -14 'Construction Dust Mitigation Measures' of the Environmental Statement;
  - j) Noise management procedures, in line with the Best Practicable Means as set out in section 10.4.2 of the Environmental Statement;
  - k) The hours for noisy operations that take place on site: to include Piling and breaking up of hard materials;
  - l) Proposed night- time operations/working;
  - m) Recycling during construction;
  - n) Detailed proposals and method statement for soil stripping, storage, handling and reinstatement;
  - o) Additional measures to be taken if the Goodmores Farm development occurs during the construction period of the road;
  - p) Details of the protection of wildlife habitat; including any requirements for ecological specialists.

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

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REASON: To ensure adequate access and associated facilities are available for the construction traffic and to minimise the impact of construction activities on nearby residents, the landscape, ecology and the local highway network in accordance with Local Plan policies: EN5 (Wildlife Habitats and Features) & EN14 (Control of pollution) and the NPPF.

## LANDSCAPING/TREES & ECOLOGY

4. No development shall take place until a Detailed Landscape and Ecological Design Scheme is submitted to and agreed with the County Planning Authority (CPA). This shall include updated landscape and ecological mitigation plans, and an updated 'Typical Cross Section' A10020/54/Rev A, as well as the following:
- a) further planting at specific locations to be agreed with the CPA, where high sided vehicles would be visible;
  - b) the design and location of fencing;
  - c) details of the hedge banks construction including bank ends and transitions to adjoining hedges;
  - d) materials to be used for retaining walls;
  - e) detailed landform and vegetation design of sustainable drainage features;
  - f) details of the colour and finish of lighting columns;
  - g) details of surfaces, edgings for roads and footways;
  - h) each landscape/ecological feature shall be clearly marked, and their purpose indicated.

The approved scheme shall be implemented according to a timetable to be approved by the County Planning Authority. The approved scheme shall be maintained for a period of ten years. Any tree, plant or grassed area, or any replacement of it, that is removed, uprooted, destroyed or dies within five years of the date of planting or seeding shall be replaced with the same or similar species in the same location.

REASON: To help protect the character and appearance of the local landscape and to mitigate adverse impacts of proposals of views from A La Ronde and associated Heritage Assets, in accordance with the NPPF and East Devon Local Plan policies D2 (Landscape Requirements), and EN8 (Significance of Heritage Assets and their Setting).

5. No development shall take place until a Landscape and Ecological Management and Monitoring Plan (LEMMP) has been produced in accordance with best practice guidance and approved in writing by the County Planning Authority at least one year before development commences. The LEMMP shall include annotated plans, an overview mitigation and monitoring report, detailed management and monitoring reports and a schedule for the timing of all works.

It shall also include the following:

- (a) A succinct overview of ecological and landscape requirements summarising for relevant habitat, species and landscape features:
  - i. Background (summarising impacts and mitigation/monitoring requirements);
  - ii. Objectives, including intended purpose/function and specific requirements in terms of habitat structure, height and composition;
  - iii. Any pre-construction surveys required;
  - iv. Any protection measures;
  - v. Mitigation requirements (avoidance, mitigation, compensation and enhancement measures) to achieve objectives;
  - vi. Management requirements (pre, during, post construction);
  - vii. Any monitoring requirements;
  - viii. The timing of actions required;

- ix The organisation responsible for actions required.
- (b) Annotated overview plans highlighting the location and function of features and works required for landscape and ecological protection and mitigation, as described in the overview.
  - (c) Detailed specification documents relating to creation, aftercare and long term management of each landscape/ecological feature required to achieve the objectives for each feature. Any tree, plant or grassed area, or any replacement of it, that is removed, uprooted, destroyed or dies within five years of the date of planting or seeding shall be replaced with the same or similar species in the same location.
  - (d) A detailed schedule for the timing of all landscape/ecology works.
  - (e) Details of the mitigation, on and off-site, required to maintain the cirl bunting territory as per the Devon Cirl Bunting Wildlife and Development Guidance Note.
  - (f) Detailed Pre-construction Surveys including (but not exclusive to) badgers, cirl buntings, potential tree bat roosts and Great Crested Newts.
  - (g) Detailed Ecological Monitoring Surveys and Remedial Action Plans including (but not exclusive to) Cirl Buntings.

The LEMMP shall be implemented in strict accordance with the approved details.

A report setting out implementation of the LEMMP, compliance and survey reports shall be submitted to the CPA at intervals as agreed in the LEMMP.

REASON: To conserve the character of the local landscape, to ensure that ecological mitigation is built into landscaping requirements, to ensure that the road landscape fits in with the landscape context and to respect the setting of A La Ronde and associated Heritage Assets in accordance with the NPPF and East Devon Local Plan policies: D2 (Landscape Requirements); D3 (Trees and Development Sites); EN4 (Protection of LNRs, CWSs & CGSs); EN5 - Wildlife Habitats and Features) & EN8 (Significance of Heritage Assets and their Setting).

## ARCHAEOLOGY/HISTORIC BUILDINGS

6. No development shall take place until the applicant has secured the implementation of a programme of historic building recording and analysis in accordance with a written scheme of investigation which has been submitted to and approved in writing by the County Planning Authority. The development shall be carried out in accordance with the approved scheme.

REASON: To ensure, in accordance with Policy EN6 (Nationally and Locally Important Archaeological Sites) of the East Devon Local Plan and paragraph 141 of the National Planning Policy Framework (2012), that an appropriate record is made of archaeological evidence that may be affected by the development.

## DRAINAGE

7. No part of the development shall commence until the detailed design of the proposed temporary (during the full period of construction) and permanent surface water drainage management systems have been submitted to, and approved in writing by, the County Planning Authority. The design of the surface water drainage management systems will be

# Agenda Item 4

in accordance with the principles of sustainable drainage systems. The development shall be carried out in accordance with the approved details and shall thereafter be so maintained.

Reason: To ensure that surface water runoff from the development, during construction and operation, is managed in accordance with the principles of sustainable drainage systems, so as to not to increase the flood risk, or pose water quality issues, to the surrounding area. In accordance with East Devon Local Plan policies EN18 (Maintenance of Water Quality and Quantity), EN22 (Surface Water Run-Off Implications of New Development).

## CONDITIONS (DURING CONSTRUCTION)

### HOURS OF OPERATION

8. Construction operations on site shall only take place between 0700 and 1900 on Mondays to Fridays and 0800 and 1300 on Saturdays. There shall be no working on Sundays and Public Holidays. Unless otherwise varied by condition 3 (Construction Environmental Management Plan).

REASON: To protect the living conditions of nearby residents and in accordance with policy EN14 (Control of Pollution).

### LANDSCAPE & ECOLOGY

9. Vegetation clearance shall be in strict accordance with the approved plans as varied by these conditions. No vegetation clearance shall take place during the bird nesting season (01 March to 31 August inclusive) unless the developer has been advised by a suitably qualified ecologist that clearance will not disturb nesting birds and a record of this is kept. Such checks shall be carried out in the 14 days prior to clearance works commencing.

REASON: To minimise impacts on nesting wild birds and ensure that no birds take up residence in the intervening period in accordance with paragraph 109 of the NPPF and the wildlife and Countryside Act 1981 (as amended).

10. Trees and hedges to be retained are to be protected prior to, during and after construction according to the Tree Protection Plan and Arboricultural Method Statement. No heavy plant to be brought onto site or excavation to commence until protective fencing shown on the Tree Protection Plan Drawing 16.30.2.TPP is erected to the satisfaction of DCC (or as delegated to EDDC).

REASON: To ensure that trees, shrubs and other natural features to be retained are adequately protected from damage throughout the construction period, to protect the setting of listed buildings, nature conservation interests and in the interests of visual amenity, in accordance with policy D3 (Trees and Development Sites).

### NOISE

11. Appropriate noise reduction surfacing, Stone Mastic Asphalt or similar, shall be used as a road coating surface.

REASON: To ensure noise levels fall within acceptable levels to minimise harm upon - local living conditions; ecology and the setting of Historic Assets. In accordance with policies EN4 (Protection of LNRs, CWSs & CGSs; EN5 - Wildlife Habitats and Features); EN8 (Significance of Heritage Assets and their Setting) and the NPPF (Paragraph 123).

## WASTE MANAGEMENT

12. No development shall take place until an updated Waste Management Plan for waste arising from the development has been submitted to and agreed in writing by the County Planning Authority.

The statement shall include:

- a) methods to reduce the amount of waste material;
- b) methods to re-use the waste within the development;
- c) methods for the reprocessing and/or final disposal of excavated materials, including locations (which should hold appropriate planning permission, Environment Agency licences and exemptions) where such activities will take place;
- d) estimated quantities of excavated/demolition materials arising from the site;
- e) evidence that all alternative methods of waste disposal have been considered;
- f) evidence that the distance travelled when transporting waste material to its final disposal point has been kept to a minimum.

The development shall be carried out in accordance with the approved statement.

REASON: To minimise the amount of waste produced and promote sustainable methods of waste management in accordance with policy W4 (Waste Prevention) of the Devon Waste Plan.

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Appendix III  
To PTE/17/5

## HRA Screening

|   |  |  |
|---|--|--|
| <b>Habitats Regulations 2010</b>  |  | <b>Devon County Council</b><br>November 2016 |
| <b>Section 1: Screening of likely significant effect on a European site</b>                                       |  |  |
| 1. Type of permission/activity:   | <b>New Planning Application</b>  |  |
| 2. Application reference no:  | <b>DCC/3909/2016</b><br><b>Exmouth, EX8 5BD</b>  |  |
| 3. National grid reference:   | <b>SX 8518 8079</b>  |  |
| 4. Brief description of proposal:   | <b>Construction of an 830m single carriageway road with roundabouts forming junctions at either end linking Dinan Way &amp; the A376 Exmouth Road. Includes the provision of a footway on the south side of the carriageway, earthworks and associated landscaping. The road is located between Pitt Farm and Summer Lane, Exmouth.</b><br><br>Proposed highway lighting would be limited to lighting at either end of the scheme sufficient to light the roundabout junctions. Lighting is already present along both the A376 and Hulham Road. |  |
| 5. Is the proposal directly connected with or necessary to management of a European site for nature conservation? | <b>No.</b>   |  |



|  |   |
|--|---|
| <p>6a. European site name(s) and relevant interest features:</p> | <p><u>Exe Estuary SPA and Ramsar Site</u></p> <p><b>The Exe Estuary SPA is located 0.9km from the proposal area. The proposal area contains functionally linked high tide roosting and foraging habitats that support birds associated with the Exe Estuary SPA.</b></p> <p>Qualifying features:</p> <p><b>This site qualifies under Article 4.1 of the Habitats Directive (79/409/EEC) by supporting populations of European importance of the following species listed on Annex I of the Directive:</b></p> <ul style="list-style-type: none"> <li>- <b>Avocet (<i>Recurvirostra avosetta</i>), 359 individuals representing at least 28.3% of the wintering population in Great Britain (5 year peak mean 1991/2 - 1995/6)</b></li> <li>- <b>Slavonian Grebe (<i>Podiceps auritus</i>), 20 individuals representing at least 5.0% of the wintering population in Great Britain (5 year peak mean 1984/85-1988/9)</b></li> </ul> <p><b>The site qualifies under Article 4.2 of the Directive (79/409/EEC) by regularly supporting at least 20,000 waterfowl</b></p> <p><b>Over winter, the area regularly supports 23,513 individual waterfowl (5 year peak mean 1991/2 - 1995/6) including: Black-tailed Godwit (<i>Limosa limosa islandica</i>), Dunlin (<i>Calidris alpina alpina</i>), Lapwing (<i>Vanellus vanellus</i>), Grey Plover (<i>Pluvialis squatarola</i>), Oystercatcher (<i>Haematopus ostralegus</i>), Red-breasted Merganser (<i>Mergus serrator</i>), Wigeon (<i>Anas Penelope</i>), Dark-bellied Brent Goose (<i>Branta bernicla bernicla</i>), Cormorant (<i>Phalacrocorax carbo</i>), Avocet (<i>Recurvirostra avosetta</i>), Slavonian Grebe (<i>Podiceps auritus</i>) and Whimbrel (<i>Numenius phaeopus</i>).</b></p> <p><b>Similarly, the Ramsar site is designated as the area is important for internationally important numbers of several species of wintering and passage waterbirds.</b></p> <p><b>During severe winter weather the Exe Estuary assumes even greater international importance acting as a cold weather refuge as waterfowl from other areas concentrate here, attracted by the relatively mild climate and abundant food resources available.</b></p> <p><b>The semi-improved pasture fields within the survey area have the potential to act as functionally linked foraging and high-tide roosting habitat for the birds associated with the Exe Estuary SPA. At times of high tide, the birds associated with the Exe Estuary SPA disperse to the surrounding grazing marshes to forage.</b></p> <p><b>These functionally linked habitats contribute to the ecological characteristics associated with the Exe Estuary SPA.</b></p> <p><b>The conservation objective for the Exe Estuary SPA is to maintain in favourable condition, the habitats for the internationally important assemblage of waterfowl under the Birds Directive. In particular:-</b></p> <ul style="list-style-type: none"> <li>• <b>Intertidal mud and sandflat communities (excluding seagrass bed communities).</b></li> <li>• <b>Saltmarsh communities.</b></li> <li>• <b>Seagrass bed communities.</b></li> <li>• <b>Intertidal and subtidal boulder and cobble scar communities</b></li> </ul> <p><b><i>The above is predominantly taken from Natural England Exe Estuary SPA Regulation 33 Conservation Advice Package, 2001.</i></b></p> |
|--|---|

# Agenda Item 4

|   |  |
|---|--|
| <p>6b. European site name(s) and relevant interest features:</p>  | <p><u>East Devon Pebblebed Heaths SAC/SSSI</u></p> <p>The proposed development is located approximately 1.45km to the south-west of the East Devon Pebblebed Heaths Special Area of Conservation (SAC) and Special Protection Area (SPA).</p> <p>Qualifying features:</p> <p>This is the largest block of lowland heathland in Devon. The site includes extensive areas of dry heath and wet heath associated with various other mire communities. The wet element occupies the lower-lying areas and includes good examples of cross-leaved heath – bog-moss (<i>Erica tetralix</i> – <i>Sphagnum compactum</i>) wet heath. The dry heaths are characterised by the presence of heather <i>Calluna vulgaris</i>, bell heather <i>Erica cinerea</i>, western gorse <i>Ulex gallii</i>, bristle bent <i>Agrostis curtisii</i>, purple moor-grass <i>Molinia caerulea</i>, cross-leaved heath <i>E. tetralix</i> and tormentil <i>Potentilla erecta</i>.</p> <p>Populations of southern damselfly <i>Coenagrion mercuriale</i> occur in wet flushes within the site. The SPA is designated for supporting Dartford warbler <i>Sylvia undata</i> and nightjar <i>Caprimulgus europaeus</i> populations of European importance.</p> <p>Qualifying habitats: The site is designated under article 4(4) of the Directive (92/43/EEC) as it hosts the following habitats listed in Annex I:</p> <ul style="list-style-type: none"><li>- European dry heaths</li><li>- Northern Atlantic wet heaths with <i>Erica tetralix</i>. (Wet heathland with cross-leaved heath)</li></ul> <p>Qualifying species: The site is designated under article 4(4) of the Directive (92/43/EEC) as it hosts the following species listed in Annex II:</p> <ul style="list-style-type: none"><li>- Southern damselfly <i>Coenagrion mercurial</i></li></ul> |
| <p>8. Survey results for wintering birds using the habitat functionally linked to the Exe Estuary SPA</p> | <p>The wintering population of curlew within Devon is in the order of 3000-4000, principally on the Exe, Taw/Torridge, Tamar and Kingsbridge estuaries (Devon Bird Reports, WeBS counts). The Exe Estuary is the largest wintering site for curlew, and their population has shown a gradual increase over the last two decades with annual counts usually in the region of 1400 (Devon Bird Reports). The 2014/15 overwintering count for curlew on the Exe Estuary was 1,535 individuals (WeBS counts).</p> <p>8 wintering bird surveys were undertaken monthly between September 2014 and March 2015 to determine use of the site by wintering birds. Alongside these 8 surveys, 4 incidental sightings of wintering birds were also recorded. The survey visits were undertaken for 3 hours across a range of tide states. Counts and activity of all water birds and any other potentially sensitive bird species were recorded using British Trust for Ornithology recording codes. The methods of these surveys are detailed in Section 2.2.6 of the submitted Ecological Appraisal report.</p> <p>Sightings of wintering birds were limited to three fields – a cattle grazed field (Number 1 of Figure 3), a sheep-grazed field (Number 2) and a northern wet-grazing field (Number 3). See Figures 2 &amp; 3 for the results of the wintering bird surveys.</p> <p>The survey results indicate that there this low use of the application area by curlew utilising habitats associated with the Exe Estuary SPA, in comparison to the total number of curlew found to overwinter on the Exe Estuary SPA. The conclusion is that survey area site does not constitute a regular or important high tide foraging/roosting area for wintering birds utilising habitats associated with the Exe Estuary SPA.</p>             |

## Screening Assessment for likely significant effect

### 9. Potential hazards likely to affect the interest features

| Sensitive interest feature       | Possible impacts  | Actual impact & Mitigation (if required)   |
|----------------------------------|---|--|
| Exe Estuary SPA:                 | <ul style="list-style-type: none"> <li>• <b>Direct impact upon the SPA habitats</b></li> <li>• <b>Disturbance to birds using the SPA.</b></li> <li>• <b>Direct loss of functionally linked habitat</b></li> <li>• <b>Disturbance to birds using functionally linked habitat.</b></li> </ul> | <p>The Exe Estuary SPA is located 0.9km from the proposal area.</p> <p>Direct impact upon the SPA habitats – <b>There is to be no direct impact upon the Exe Estuary SPA due to the proposals being located 0.9km away from the SPA boundary – <i>No Likely Significant Effect</i></b></p> <p>Disturbance to birds using the SPA – <b>There is to be no direct disturbance to birds using the Exe Estuary SPA due to the proposals being located 0.9km away from the SPA boundary– <i>No Likely Significant Effect.</i></b></p> <p>Direct loss of functionally linked habitat – <b>The proposals will avoid the wet grazing field to the north (Number 3 on Figure 3) where foraging curlew were recorded more frequently throughout the winter bird surveys. Although the large central cattle field (Number 1) will be severed, the two remaining fields will still be larger in area than the sheep field (Number 2), which was found to support foraging curlew. Impacts of habitat loss will be further minimised with the creation of a pond basin seeded with a native marshy grassland mix – <i>No Likely Significant Effect.</i></b></p> <p>Disturbance of birds using functionally linked habitat – <b>The main portion of this proposed road will be locating within a cutting. This will mean view lines of foraging birds utilising the functionally linked habitats will not be significantly be impeded and disturbance of birds will be minimal – <i>No Likely Significant Effect.</i></b></p> |
| East Devon Pebblebed Heaths SAC: | <ul style="list-style-type: none"> <li>• <b>Degradation to the structure and function of qualifying habitats</b></li> <li>• <b>Reduction in numbers or displacement of qualifying species</b></li> </ul>  | <p>The proposed development is located approximately 1.45km to the south-west of the East Devon Pebblebed Heaths Special Area of Conservation (SAC) and Special Protection Area (SPA).</p> <p>Degradation of habitats - <b>Given the nature of the development and its distance from the East Devon Pebblebed Heaths, it is considered impossible that there would be any direct habitat loss or significant indirect habitat damage - <i>No Likely Significant Effect.</i></b></p> <p>Disturbance - <b>there would be no species disturbance/displacement affecting the specialist habitats and species associated with the designated site; there are no suitable habitats for southern damselfly, Dartford warbler or nightjar within the survey area - <i>No Likely Significant Effect.</i></b></p> <p>It should be noted that the road will create a main link from existing and new housing developments at Dinan Way to the A376 Exmouth-Exeter road, and may therefore assist in reducing Exeter-bound traffic levels utilising the B3180 road which lies within the SAC and SPA.</p>  |

# Agenda Item 4

## Conclusion

### 11. Conclusion:

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

Section 9 shows that there will be no Likely Significant Effect of this proposal on a European Site alone. There are no residual effects which could, in-combination with any other plans or projects, have a likely significant effect a European Site.

**Enhancement measures associated with the proposals will further reduce any impacts through the provision of new grassland and wetland habitats. These enhancements will be secured through the delivery of the submitted Conservation Action statement.**

Natural England's response (dated 8 November 2016) also concluded that:

- *The proposal, if undertaken in strict accordance with the details submitted, is not likely to have a significant effect on the interest features for which Exe Estuary SPA and Ramsar Site has been classified. Natural England therefore advises that your Authority is not required to undertake an Appropriate Assessment to assess the implications of this proposal on the site's conservation objectives*

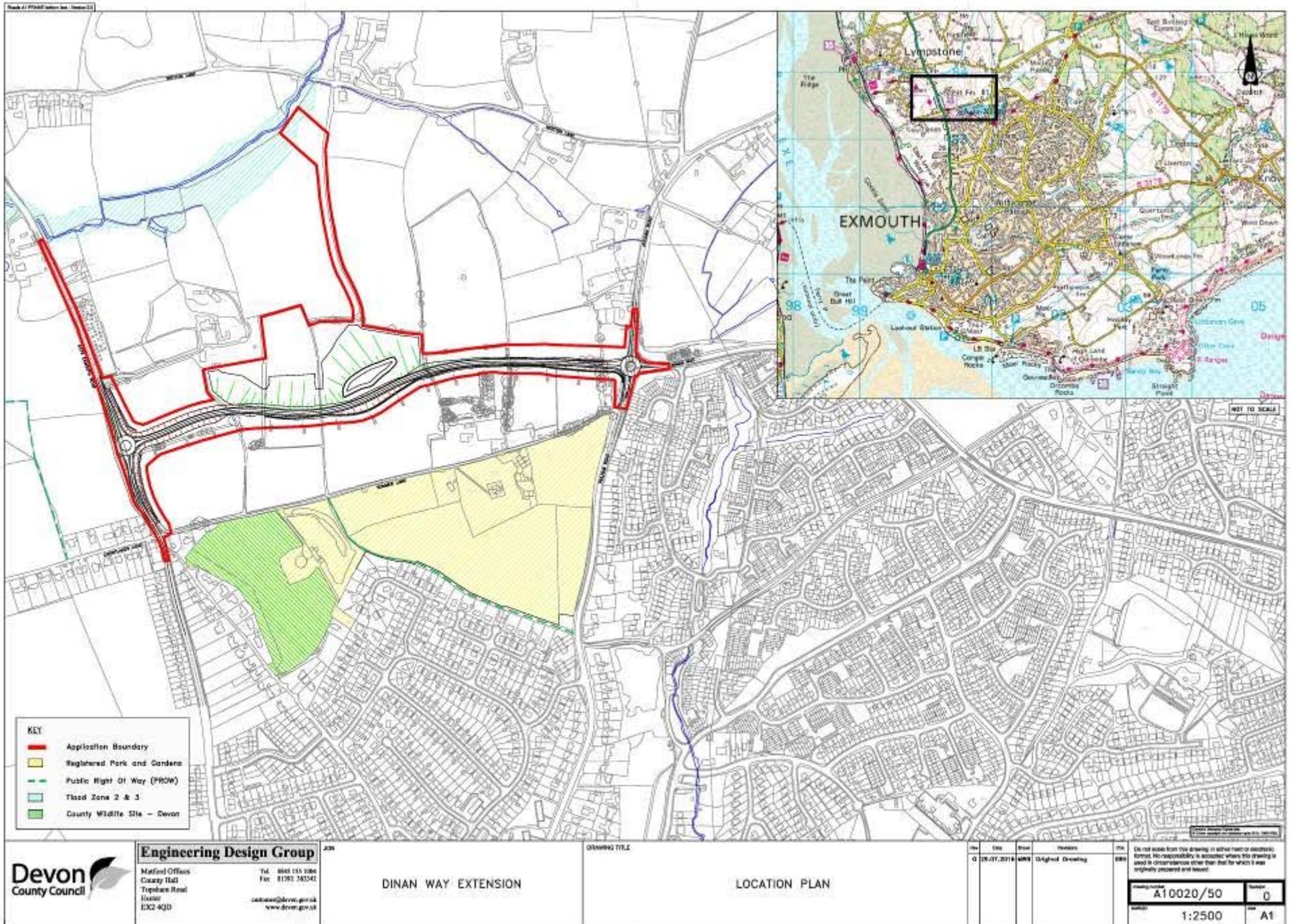


Figure 1 - Location plan of Dinan Way Link Road and surrounding land use



| Date       | Temp | Wind | Cloud | Rain    | Start time               | End time | Northern field            | Cow field      | Sheep field    |
|------------|------|------|-------|---------|--------------------------|----------|---------------------------|----------------|----------------|
| 29/08/2014 | 15   | F3   | 20%   | None    | 07:00                    | 09:00    | 0                         | 0              | 0              |
| 10/09/2014 | 13   | F3   | 80%   | None    | 09:00                    | 15:30    | 0                         | 0              | 0              |
| 17/10/2014 | 15   | F1   | 20%   | None    | 08:30                    | 13:00    | 0                         | 0              | 0              |
| 24/11/2014 | 11   | F1   | 80%   | None    | 11:30                    | 15:00    | 0                         | 0              | 0              |
| 03/12/2014 | 4    | F1   | 0%    | None    | 09:30                    | 13:30    | 8 curlew                  | 0              | 0              |
| 17/01/2015 | 3    | F1   | 40%   | Rain    | <i>Incidental record</i> |          | 0                         | 55 curlew      | 1 little egret |
| 28/01/2015 | 7    | F3   | 50%   | None    | 13:50                    | 16:50    | 1 curlew                  | 0              | 0              |
| 25/02/2015 | 10   | F1   | 10%   | Drizzle | 08:05                    | 11:00    | 0                         | 2 curlew       | 0              |
| 17/03/2015 |      |      |       |         | <i>Incidental record</i> |          | 0                         | 3 curlew       | 0              |
| 21/03/2015 |      |      |       |         | <i>Incidental record</i> |          | 25 curlew                 | 0              | 0              |
| 22/03/2015 |      |      |       |         | <i>Incidental record</i> |          | 5 curlew                  | 0              | 0              |
| 25/03/2015 | 10   | F1   | 20    | None    | 06:37                    | 09:37    | 13 curlew + 6 flying over | 1 little egret | 8 curlew       |

Wintering Bird Survey Results

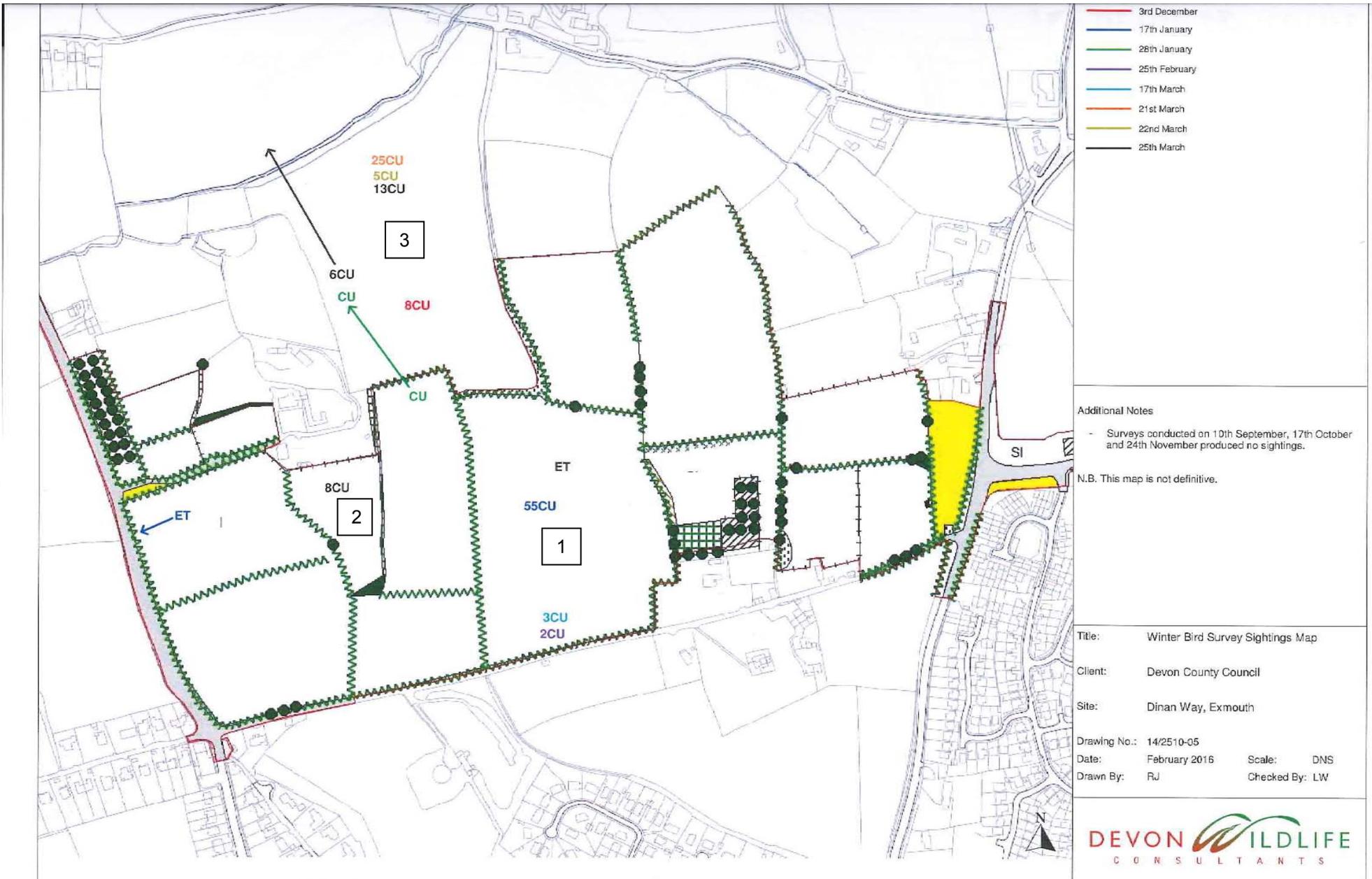


Figure 3 – Wintering Birds Survey Sightings Map





PTE/17/6

Development Management Committee  
25 January 2017

**County Matter: Waste Development**

**East Devon District: Variation of planning condition 8 of planning permission 09/0824/CM, relating to on-site operational hours at the Kerbside Waste Recycling and Storage Facility at Unit 42, Greendale Business Park, Woodbury Salterton**

**Applicant: Suez Recycling and Recovery UK Ltd**

**Application No: 16/2327/CM**

**Date application received by Devon County Council: 5 September 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 planning 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 to vary planning condition 8 of planning permission reference 09/0824/CM relating to hours of operation for a kerbside waste recycling processing and storage facility at Greendale Barton Business Park.
- 1.2 The main material considerations in the determination of this application is an examination of the proposal against Development Plan policies and whether the proposed additional hours of operation (1.5 hours in the morning and 1 hour in the evening) would have an unacceptable impact on nearby residential properties in terms of noise.

**2. Background/Proposal**

- 2.1 Greendale Business Park is located approximately 8km to the east of Exeter, and approximately 1km to the north of Woodbury Salterton. The Business Park has a number of established uses including storage, distribution, general industrial and waste recycling. Vehicular access to the site is available via a private haul road leading from the A3052 County Highway linking Exeter to Sidmouth.
- 2.2 Conditional planning permission for the facility was granted in 2009 on appeal following the refusal of planning permission by Devon County Council. The decision on the application was made by the Development Management Committee at its meeting on 16 July 2008. Report EEC/08/175/HQ refers. The reason for refusal related to the fact that the application site was, at the time, outside of the Devon County Waste Local Plan defined boundary for waste management facilities at Greendale Barton.
- 2.3 In April 2009 an application was submitted seeking to vary Conditions 7 and 8 of the permission in order to allow for working at the site on those Saturdays following a public holiday. This was approved at the meeting on 15 July 2009 (Report EEC/09/149/HQ refers). In October 2009 an application was submitted to further

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vary Condition 7 to allow collection vehicles to exit the site from 0630 hours. This was approved at the meeting on 2 December 2009 (Report EEC/09/269/HQ refers).

- 2.4 The applicant has the contract with East Devon District Council for kerbside collection of recyclables and this site deals solely with this waste stream. Upon arrival at the site the recyclables are unloaded from the collection vehicles inside the building and placed in individual bays before being bulked up for transfer to recycling facilities.
- 2.5 Recent changes to the contract have seen a widening in the range of materials that can now be collected for recycling and these now include glass; paper; metals; plastics; household batteries; and textiles. The applicant is seeking changes to the hours of operating condition in order to deal with the increase in recyclable materials delivered to the site.
- 2.6 The condition subject to this Application (Condition 8) states:

*“Without the prior written agreement of the waste planning authority, no waste transfer operations shall take place on the site on a Sunday or on a bank holiday Monday or any other public holiday or outside the following hours:*

*0730-1800 hours on Monday to Friday; and  
0730-1600 hours on a Saturday during a week in which there is a bank holiday or any other public holiday.*

*For the purposes of this condition, waste transfer operations shall include the loading and unloading of materials from vehicles and the sorting and processing of waste.”*

- 2.7 The applicant’s suggested new condition is:

*“Without the prior written agreement of the waste planning authority, no waste transfer operations shall take place on the site on a Sunday or on a bank holiday Monday or any other public holiday or outside the following hours:*

*0600-1900 hours on Monday to Friday; and  
0700-1700 hours on a Saturday during a week in which there is a bank holiday or any other public holiday.*

*For the purposes of this condition, waste transfer operations shall include the loading and unloading of materials from vehicles and the sorting and processing of waste.”*

## **3. Consultation Responses**

- 3.1 East Devon District Council (Planning): No objection.
- 3.2 East Devon District Council (Environmental Health): No comments received (consulted on 22/09/16).
- 3.3 Woodbury Parish Council: Do not support the application on the grounds that the standard operating hours for Greendale Business Park should apply and that the current consent approved in 2009 should be maintained.
- 3.4 Environment Agency: No objection.
- 3.5 Woodbury Salterton Residents Association: Object to the proposal on the grounds that the strict conditions that were attached following the appeal decision where

deemed appropriate in terms of neighbour amenity and that these should be maintained.

## **4. Advertisement/Representations**

- 4.1 The application has been advertised in accordance with the statutory publicity requirements and as a result of these procedures a total of 3 letters of objection were received.
- 4.2 The objections are impacts of any additional noise created from the proposal; development it is already unacceptable for a rural location; there has been no change in circumstances to make the change in hours any more acceptable; the application would set a precedent to increasing operating hours within the business park; all previous requests for an extension to the working hours have failed when companies have applied to either the East Devon District Authority or on an appeal.
- 4.3 Copies of representations and consultation responses are available to view on the Council website under reference DCC/3903/2016 or by clicking on the following link: <https://planning.devon.gov.uk/PlanDisp.aspx?AppNo=DCC/3903/2016>.

## **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 more detail in Section 6 below.

## **6. Comments/Issues**

- 6.1 The main material considerations in the determination of this application is an examination of the proposal against Development Plan policies and whether the proposed additional hours of operation (1.5 hours in the morning and 1 hour in the evening) would have an unacceptable impact on nearby residential properties in terms of noise, air quality and lighting.

### Planning Policy Considerations

- 6.2 The adopted Devon Waste Plan allocated Greendale Business Park for specific waste uses; including Energy Recovery and associated facilities. The business park is now an established industrial estate undertaking a range of industrial activities some of which are waste related.
- 6.3 The operator at the application site deals with East Devon's kerbside collected recyclable waste and Policy W5 (Reuse, Recycling and Materials Recovery) is relevant to the determination of the application. W5 states:
  - 1. *Sustainable waste management in Devon will aim to achieve and maintain sufficient capacity to enable the reuse, recycling or composting of waste in accordance with the following targets:*

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|      | 2016 | 2021 | 2026 | 2031 |
|------|------|------|------|------|
| LACW | 57%  | 61%  | 64%  | 64%  |
| CIW  | 58%  | 60%  | 62%  | 64%  |
| CDEW | 88%  | 89%  | 89%  | 90%  |

*Minimum % of waste to be recycled by key plan period dates*

*LACW – Local Authority Collected Waste*

*CIW – Commercial and Industrial Waste*

*CDEW – Construction, Demolition and Excavation Waste*

2. *To achieve this capacity, planning permission will be granted for additional facilities enabling preparation for reuse, sorting, transfer, materials recovery, composting and/or recycling of waste, unless material considerations indicate otherwise, where they:*
  - a) *are located at or close to the source of the waste or opportunities for its beneficial use; and/or*
  - b) *achieve the segregation of reusable, recyclable or compostable materials prior to energy recovery or disposal of the residual waste; and/or*
  - c) *are co-located with a complementary waste management operation; and/or*
  - d) *achieve the recycling of incinerator bottom ash and/or other non-hazardous thermal treatment residues arising within Greater Devon.*

- 6.4 The proposal is an established facility responsible for the sorting and transfer of recyclable waste and is in accordance with policy W5.

## Residential Amenity

- 6.5 The objection from a number of residents concerned the potential for disturbance from noise from the proposed earlier start of operations, both from site operations and associated traffic. Concerns were also raised that the extended operating hours would set a precedent for earlier starts at other units in the business park. Concern was also raised with regard to extended operating hours and the associated increase in vehicle movements relating to additional impacts relating to increased vehicle movements.
- 6.6 The application site is approximately 1km from the village of Woodbury Salterton. The nearest residential receptors are located approximately 400 metres to the east of the application site and 500 metres to the south west of the site. There have been in the past a history of complaints regarding the noise from Greendale Business Park.
- 6.7 With regard to the noise impacts it is noted that neither East Devon District Council nor their Environmental Health Department has offered objection to the proposal. The Environment Agency permit on the site already regulates noise and odour emissions at the site.
- 6.8 Paragraph 122 of the National Planning Policy Framework states that: “...local planning authorities should focus on whether the development itself is an acceptable use of the land, and the impact of the use, rather than the control of processes or emissions themselves where these are subject to approval under pollution control regimes. Local planning authorities should assume that these regimes will operate effectively.” This is further supported by the National Planning Policy for Waste (October 2014) which requires when determining waste planning application, waste

planning authorities should: “... concern themselves with implementing the planning strategy in the Local Plan and not with the control of processes which are a matter for the pollution control authorities. Waste planning authorities should work on the assumption that the relevant pollution control regime will be properly applied and enforced”

- 6.9 With this in mind it is considered the most appropriate regulatory regime to be maintained for noise and odour is through the existing permit issued by the Environment Agency.
- 6.10 In conclusion; there is no objection for a regulatory body with statutory interest in the site; there are no documented complaints that relate to the site; the existing regime appears to be operating well and; it may only be assumed that this will continue to do so.
- 6.11 It will however be necessary to condition that all waste processing at the proposed extended times occurs only within the building, including the loading and unloading of vehicles, to ensure there will be no negative impact to the amenity of local residential property in the early hours.

#### Transport Impacts

- 6.12 Representation was received which raised concerns regarding increased transport in regard to this application. This proposal does not however propose amendment to hours that collection vehicles are permitted to enter or leave the site. This will continue to be controlled by the existing condition 7 attached to permission 09/2049/CM which states the following, and on would remain unchanged:

*“Without the prior written agreement of the waste planning authority, no waste collection vehicles used in the waste transfer operations shall enter or leave the site on a Sunday or on a bank holiday Monday or any other public holiday or outside the following hours:*

*0630-1800 hours on Monday to Friday; and  
0630-1600 hours on a Saturday during a week in which there is a bank holiday or any other public holiday.”*

- 6.13 It is accepted that there would be a small number of staff vehicles arriving earlier and departing later than is presently permitted, however, this is considered to have a negligible impact in the context of the business park traffic.

#### **7. Reasons for Recommendation/Alternatives Options Considered**

- 7.1 The Waste Transfer Station has full current planning permission. It is considered that the variation in the operation hours is so that the Waste Collection Authority may continue to operate effectively and meet supported recycling targets and; that there is no evidence to suggest that the existing noise mitigation measures are not working effectively and cannot continue to do so. It is considered that planning permission to vary condition 8 of the current consent and extend operating hours should be granted in accordance with the recommendation of this Report.

Dave Black  
Head of Planning, Transportation and Environment

**Electoral Division: Budleigh**

# Agenda Item 5

Local Government Act 1972: List of Background Papers

Contact for enquiries: Charlotte Pope

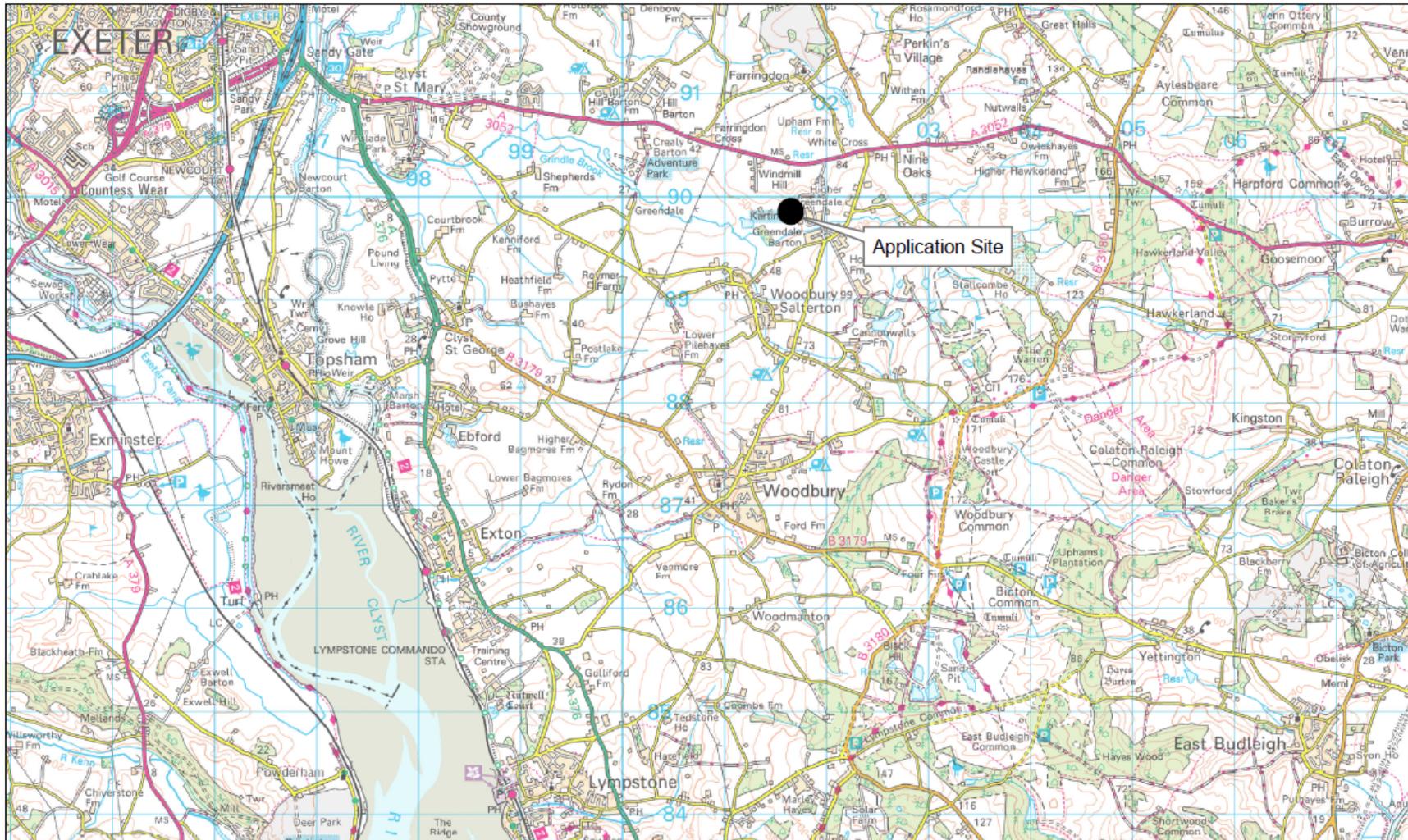
Room No: AB2, Lucombe House, County Hall

Tel No: 01392 383000

| <b>Background Paper</b> | <b>Date</b> | <b>File Ref.</b> |
|-------------------------|-------------|------------------|
| Casework File           | Current     | 16/2327/CM       |

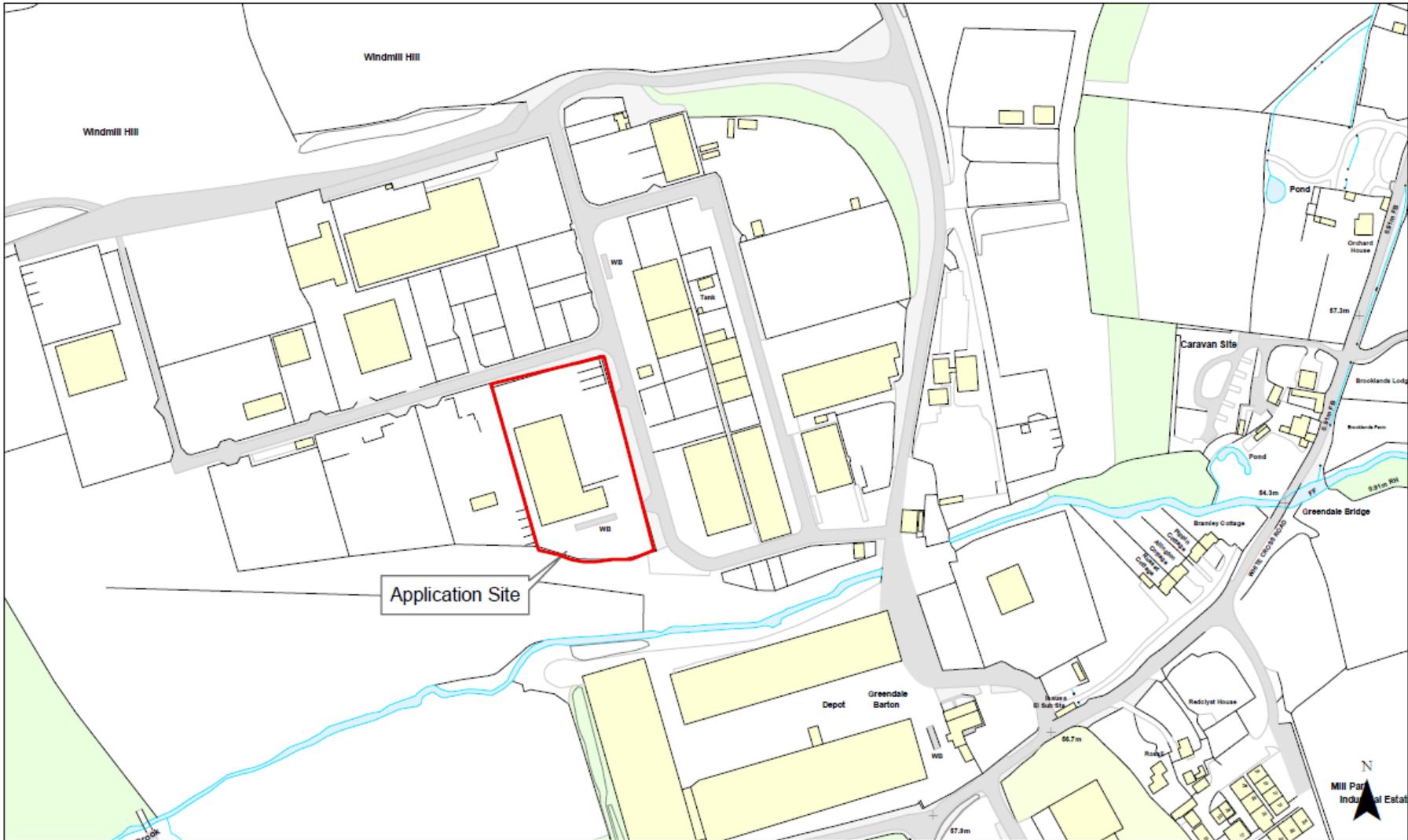
cp211216dma  
sc/cr/kerbside waste facility Greendale woodbury Salterton  
03 170117

Location Plan



|   |  |  |                      |                               |
|---|--|--|----------------------|-------------------------------|
|  | Head of Planning,<br>Transportation<br>and Environment | Development Management Committee   | date<br>January 2017 | scale<br>1:47,992             |
|   |  | County Matter: Waste Development:<br>East Devon District Council: Variation of planning condition 8 of planning permission<br>09/0824/CM, relating to on-site operational hours at Unit 42, Greendale Business<br>Park, Woodbury Salterton, EX5 1EW<br><small>© Crown Copyright and database right 2017. Ordnance Survey 100019783</small> |                      | Application No:<br>16/2327/CM |

Site Plan



|   |  |  |                      |                               |
|---|--|--|----------------------|-------------------------------|
|  | Head of Planning,<br>Transportation<br>and Environment | Development Management Committee   | date<br>January 2017 | scale<br>1:3,000              |
|   |  | County Matter: Waste Development:<br>East Devon District Council: Variation of planning condition 8 of planning permission<br>09/0824/CM, relating to on-site operational hours at Unit 42, Greendale Business<br>Park, Woodbury Salterton, EX5 1EW<br><small>© Crown Copyright and database right 2017. Ordnance Survey 100019783</small> |                      | Application No:<br>16/2327/CM |



## **Planning Policy Considerations**

**National Planning Policy Framework (2012):** NPPF National Planning Policy Framework (March 2012).

**National Planning Policy for Waste (2014):** NPPW7 Determining Planning Applications – Waste Development.

**Devon Waste Plan (Adopted December 2014):** Policies W1 (Presumption in Favour of Sustainable Development); W2 (Sustainable Waste Management); W3 (Spatial Strategy) W5 (Reuse, Recycling and Materials Recovery); W6D (Greendale Barton); and W18 (Quality of Life).

**East Devon Local Plan - 2013-2031 (Adopted January 2016):** Policies EN14 (Control of Pollution); EN16 (Contaminated Land); TC2 (Accessibility of New Development); TC7 (Adequacy of Road Network and Site Access); E7 (Extensions to Existing Employment Sites); and Strategy 7 (Development in the Countryside).

# Agenda Item 5

## Appendix II To PTE/17/6

### Planning Conditions

#### Schedule of Conditions - East Devon District Council Application No. 16/2327/CM Devon County Council Ref. DCC/3903/2016

1. The development hereby permitted shall begin not later than three years from the date of this decision notice.

REASON: To comply with Section 91 of the Town and Country Planning Act 1990.

2. The development shall be operated in accordance with approved Travel Plan prepared by Atkins dated June 2009 which has been as required by condition 2 of planning permission 08/0893/CM.

REASON: To ensure adequate access and minimise the impact of construction on nearby residents/local highway network in accordance with the Development Plan specifically policy TC7 of the East Devon Local Plan - 2013-2031 (Adopted January 2016) and W18 of the Devon Waste Plan (Adopted December 2014).

3. Access to and egress from the site shall be via the private road leading from the A3052 for all vehicles, except for waste collection vehicles that are travelling to or from Woodbury or Woodbury Salterton for the purposes of collecting waste from those settlements.

REASON: In order to minimise the impact of traffic on the local minor road network in the interests of traffic safety and the amenity of the area in accordance with the Development Plan specifically policy TC7 of the East Devon Local Plan - 2013-2031 (Adopted January 2016) and W18 of the Devon Waste Plan (Adopted December 2014).

4. The materials to be used in the external surfaces of the building shall match the existing building on the site, these being blue steel profiled sheet with light grey flashings and light grey profiled steel roof.

REASON: In the interests of the visual amenity of the area in accordance with the Development Plan specifically W18 of the Devon Waste Plan (Adopted December 2014).

5. No collection vehicles used in the waste transfer operations shall enter or leave the site on a Sunday or on a bank holiday Monday or any other public holiday or outside the following hours:

0630-1800 hours on Monday to Friday; and  
0630-1800 hours on a Saturday during a week in which there is a bank holiday or other public holiday.

REASON: In order to minimise the impact of traffic on the local minor road network in the interests of traffic safety and the amenity of the area in accordance with the Development Plan specifically policy EN14 of the East Devon Local Plan - 2013-2031 (Adopted January 2016) and W18 of the Devon Waste Plan (Adopted December 2014).

6. No waste transfer operations shall take place on the site on a Sunday or on a bank holiday Monday or any other public holiday or outside the following hours:

0600-1900 hours on Monday to Friday; and  
0700-1700 hours on a Saturday during a week in which there is a bank holiday or any other public holiday.

During the period 0600 to 0730 hours on Mondays to Fridays and 0700 to 0730 on applicable Saturdays, all work at the site shall be restricted to within the waste transfer building and during this time all doors to the building shall be closed.

For the purposes of this condition, waste transfer operations shall include the loading and unloading of materials from vehicles and the sorting and processing of waste.

REASON: In order to minimise the impact to the amenity of the area in accordance with the Development Plan specifically policy EN14 of the East Devon Local Plan - 2013-2031 (Adopted January 2016) and W18 of the Devon Waste Plan (Adopted December 2014).

7. Members of the general public shall not be allowed to dispose of waste directly to the development hereby permitted.

REASON: In the interests of safe site operation and in the interests of traffic safety in accordance with the Development Plan specifically policy TC7 of the East Devon Local Plan - 2013-2031 (Adopted January 2016) and W18 of the Devon Waste Plan (Adopted December 2014).



PTE/17/7

Development Management Committee  
25 January 2017

**County Matter: Waste**

**Teignbridge District: Consolidating application for the retention of the integrated waste management facility for the processing, transfer and recycling of waste and production of recycled aggregates, including offices, parking, hardstanding, associated plant and equipment and the extension in time (20 years) and area of the inert landfill at Kenbury Wood Landfill Site, Old Dawlish Road, Kennford, Devon.**

**Applicant: Kenbury Wood Ltd**

**Application No: 16/01969/DCC**

**Date application received by Devon County Council: 12 July 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 subject to the applicant signing a legal agreement relating to the areas in the Heads of Terms set out in Appendix III to this Report, planning permission be granted subject to the conditions set out in Appendix II to this Report (with any subsequent changes to the conditions or legal agreement being agreed in consultation with the Chairman and Local Member).**

## **1. Summary**

- 1.1 Kenbury Wood Resource Recovery Facility is an existing waste management facility located to the south west of Exeter. This Report relates to a planning application that seeks to consolidate all the existing consented activities at the site into one planning permission with one set of planning conditions. In addition the application seeks to obtain planning permission for existing unconsented developments on the site and an extension of the life and area of the inert landfill. The application was accompanied by an Environmental Statement.
- 1.2 The majority of the waste transfer facilities on the site already have permanent planning permission and will remain on site, it is therefore the impact of the unconsented developments including the inert landfill development that need to be assessed. It is considered that the main material issues in the consideration of this application are an examination of the development against relevant planning policy and the impact of the proposed development on; the landscape and the Area of Great Landscape Value (AGLV); archaeology; traffic; ecology; noise; litter; air quality; and drainage/flood risk.

## **2. The Proposal/Background**

- 2.1 The Kenbury Wood site lies to the south west of Exeter, close to the intersection of the A38 and A379 approximately 500 metres to the north-east of Kennford village. Vehicular access to the site is provided from Old Dawlish Road which itself connects onto the A379 enabling access to and from the north. The site covers an area of approximately 7.5 hectares. It lies entirely within the Haldon Hills Area of Great Landscape Value and its eastern edge is bordered by woodland that is designated as

# Agenda Item 6

ancient woodland. In the centre of the existing landfill site is an area of archaeological interest.

2.2 Planning permission for an inert landfill site at Kenbury Wood was originally granted in 1985 (84/2140/42/4). Subsequent planning permissions extended the area of the landfill site and the life of it until 31 December 2014 (90/1988/42/4, 2002/3924/42/9). Although planning permission for the landfill has now expired, the approved levels for the tipping were not achieved and operations have continued without planning permission.

2.3 Waste transfer/recycling operations commenced on the site in the 1990's. Currently different waste streams are sorted and separated on site and transported to recycling facilities elsewhere. Other than materials destined for the landfill all other materials which are not suitable for recycling are sent for disposal elsewhere. In 2012 permanent permission was granted for a Materials Recycling Facility (MRF) including a MRF building, lorry/car parking, skip storage, green waste shredding, lighting and a weighbridge (11/01200/DCC). Subsequent planning permissions have allowed for the relocation of certain operations and for the provision of additional facilities such as a picking line, a replacement trommel, additional car parking and office/welfare facilities. However, other buildings and operations have been established on the site without the benefit of planning permission, these include a covered waste bay and a processing building adjacent to the MRF and an aggregates processing/inert storage area.

2.4 The site deals with around 75,000 tonnes of waste material per annum which is broken down as follows:

|  |        |
|--|--------|
| Construction & Demolition                      | 40,172 |
| Domestic (Black Bag)/C&I waste                 | 16,048 |
| Green/Garden                                   | 13,845 |
| Paper and Cardboard                            | 4,073  |
| Waste Electrical and Electric Equipment (WEEE) | 1,152  |
| Pure Wood                                      | 272    |
| Plastics                                       | 157    |
| Metals   | 79     |

2.5 Depending on the type there are specific processes the waste material goes through which are; hand pick, trommel, picking station (construction and demolition waste/general waste); recycling MRF (commercial and industrial waste); crushing and screening (construction & demolition waste and soil, stone, brick and block); and green garden waste (shredded and, screened).

2.6 The output from the site include a number of recyclates (wood, plastics, metals, stone, card and paper); reuse of materials (soils and stone). Non-recyclable inert waste is landfilled at the site and other residual non-recyclable materials are sent off site for disposal.

2.7 Currently the Kenbury Wood facility employs around 55 staff, which includes drivers, site operations and administrative staff.

2.8 The Environmental Permit for the waste management facility allows for the 75,000 tonnes of waste materials to enter the site per annum and this application does not seek to increase this capacity. The intention of this consolidating planning application is to combine development on site that already benefits from planning

permission, development for which retrospective permission is sought and the proposed development into a single consent with one set of planning conditions.

2.9 The development for which retrospective planning permission is sought (see attached Existing Site Layout Plan):

- Lorry parking and skip/plant storage area (Area A). This bunded area has been extended and has a hardcore surface. It is used to store empty skips and containers, plant and machinery and provides parking for lorries. It is proposed to relocate fuel tanks into this area.
- Aggregate processing/inert materials storage area (Area B). This area of the site is approximately 1.3 ha and was formally part of the landfill operations. It is used for the crushing, screening and storage of aggregate and inert materials.
- Building to the east of the MRF. This building is used for storing sorted, baled waste. The dimensions are 10 metres x 20 metres by 5.86 metres to the ridge and it is constructed out grey profiled steel panels.
- Covered waste bay/building to the west of the MRF (Area D). This building is used for the reception of waste. The dimensions are 15.30 metres x 20 metres by 9 metres to the ridge and it is constructed out of a metal frame covered with heavy duty polythene.
- Plant and equipment storage area (Area J). This fenced area in the south of the site is used for storing plant and equipment. It contains a porta cabin building that is used for document storage.
- Wood storage area. The wood storage area has been relocated away from the processing facilities. The area is bounded by 3 metre high concrete walls on two sides.
- Outside storage of baled waste material (Area L). Currently waste that has been sorted and baled is stored on the concreted area to the south of the MRF building.
- Supervisor's office. A porta cabin is located on the western side of the waste processing area. The dimensions are 3.3 metres x 10.3 metres and 3.3 metres high and it is coloured dark brown.
- Staff car park. An additional car park for approximately 20 vehicles has been created on the western side of the access road. It has a hard core surface.
- Overnight lorry parking. Currently lorries are parked overnight in the area to the north of the weighbridge and area A.

2.10 Proposed development for which planning permission is sought:

- Extension of time and revised restoration contours for the inert landfill operation (Areas I and F). It is proposed to extend the life of the inert landfill site for an additional 20 years. The development proposals include plans that identify the phasing of the landfill operation and the progressive restoration of the site. The proposed capacity is approximately 227,000 tonnes, which would equate to approximately 11,350 tonnes of inert waste being landfilled per annum over the 20 year period. Currently approximately 12,000 tonnes of inert waste are landfilled per annum and it is estimated that the previously consented landfill had a remaining capacity of approximately 415,000 tonnes. The proposed restored landform differs from that which was previously consented and includes infilling over a field that is known to have of archaeological interest and the creation of two large bunds on the plateau area immediately north of the MRF (Area E).

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- Extension of operating hours. The applicant has applied to extend the operating hours of the site. Currently the permitted operating hours for the MRF and waste transfer/recycling operations are:  
0730hrs – 1800hrs Monday to Fridays  
0730hrs – 1800hrs on Saturdays between 1<sup>st</sup> March and 31<sup>st</sup> October only  
0730hrs - 1800hrs on public holidays  
No waste processing operations are allowed to take shall take place on Saturdays between 1<sup>st</sup> November and 29<sup>th</sup> February, or on Sundays.

The operating hours for the landfill and inert material crushing and screening operations are:

07.30 -18.00 Monday to Friday

07.30 – 13.00 Saturdays.

No operations shall take place on Sundays or public holidays.

The application proposes that the operating hours should be extended to:

07.00 -1800 seven days a week for MRF operations; and

07.00 – 18.00 Monday to Saturdays for all other operations.

The permitted hours for HGVs entering and leaving the site, associated with the MRF and waste transfer/recycling operations are between 0530 hours and 1800 hours on any day. The application does not propose to change these hours.

- Extension to the green waste processing area (Area C). The current processing area covers an area of approximately 1,800m<sup>2</sup> and it is proposed to extend it by approximately 2,000m<sup>2</sup>. This would entail raising the extension area with fill material to provide a level platform.
- Revised Landscaping Scheme. The previously approved landscaping scheme for the site has not been fully implemented. The revised scheme submitted with the application includes the provision of two large bunds to the north of the MRF to provide screening for the current waste transfer operations and buildings. In addition landscaping and planting plans are provided for the landfill area which includes provision for 0.6 hectares of woodland planting, grassland and hedgerows.
- Extension of the area of concrete hardstanding. It is proposed to concrete the area of the site in the vicinity of the weighbridge, which is currently heavily trafficked by HGV vehicles.

### 3. Consultation Responses

- 3.1 Teignbridge District Council (Planning): no objection to the proposal. The Council makes a number of observations in particular that in determining the application appropriate consideration be given to the impact of the proposal on the landscape (and specifically the Area of Great Landscape Value (AGLV)); integrity of green infrastructure and integrity of the South Hams Special Area of Conservation. The Council makes specific reference to policies S1A, S1 and EN2A of the Teignbridge Local Plan 2013-20133 (which seek to ensure that development is sympathetic to and conserves and enhances the landscape, in particular within the AGLV. It notes that the buildings, for which retrospective planning permission is required, are of a considerable scale and whilst bunding and screening will establish in time, the impact of these buildings on the AGLV should be considered as the development is already impacts on the AGLV.



The Council also notes the site's proximity to Kenbury Wood, the potential impacts on biodiversity should be considered. Unconfirmed wildlife sites should be protected and the impact of lighting on bats considered. Restoration plans should include ecological enhancement.

- 3.2 Teignbridge District Council (Environmental Health): no objection to proposal.
- 3.3 Kenn Parish Council. in principle, the Council has no objection to this planning application. However, it still has ongoing concerns regarding lorries using the village of Kennford to access the A38/380 and litter.
- 3.4 Exminster Parish Council: no comments.
- 3.5 Environment Agency: no objections to this proposal. With respect to the waste management aspect the Agency note that the operator has applied for a bespoke permit which would allow certain wastes to be stored outside. Where possible the Agency would prefer the storage of wastes within a building and therefore supports the retention of the buildings. If the bespoke environmental permit application is issued then the Agency would be likely to agree with the storage of wood and dry mixed recyclates outside. Inert waste such as rubble and hard core can be stored and treated on hardstanding. The litter fence is considered an appropriate measure to control litter where wastes are being stored. The Agency also notes that the Environmental Permit will require modifications to the drainage system but considers that the proposal is unlikely to result in significant additional risk to controlled waters.
- 3.6 Highways England: no objection.
- 3.7 Natural England: no comments.
- 3.8 Exeter Airport: no objections.
- 3.9 Wales and West Utilities: notification of high pressure gas pipeline to the south east of the site.
- 3.10 Highway Authority: no objections.

#### **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 no representations were received.

#### **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 more detail in Section 6 below.

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## 6. Comments/Issues

- 6.1 It is considered that the main material issues in the consideration of this application are an examination of the development against relevant planning policy and the impact of the proposed development on; the landscape and the Area of Great Landscape Value (AGLV); ecology; traffic; noise; litter; air quality; drainage/flood risk and archaeology.

### Waste Policy Considerations

- 6.2 Kenbury Wood is a well-established waste facility undertaking a large range of waste management activities. In this context it is considered that the application is in broad accordance with the adopted Devon Waste Plan policy W3: Spatial Strategy, which states:

*The provision of new waste management facilities should accord with the following mixed spatial approach, having regard to the other policies of the Plan:*

- (a) *strategic recycling, recovery and disposal facilities shall be located:*
- *within or close to Exeter, Barnstaple and Newton Abbot; or*
  - *at other opportunities within Devon for the efficient use of heat and power from energy recovery that are accessible to the settlements identified above;*
- (b) *non-strategic reuse, recycling and recovery facilities should be located at the settlements identified in (a) or within or close to Devon's other towns; and*
- (c) *small-scale community-based reuse, recycling and composting facilities should be located within or close to the community they serve and/or at the point of the arising or final use of the waste materials.*

- 6.3 *For all facilities, regard will be had to the merits of the use of previously-developed land or redundant buildings and/or co-location with other waste management facilities and the potential cumulative effects of doing so.*

- 6.4 Part of the proposal is to extend the life of the inert landfill site for an additional 20 years. The capacity is approximately 227,000 tonnes, which would equate to approximately 11,350 tonnes of inert waste being landfilled per annum over the 20 year period. Currently around 12,000 tonnes of inert waste are landfilled per annum. Although, landfill sits at the lowest level of the waste hierarchy, the Devon Waste Plan recognises that there will be a need to retain some inert landfill capacity throughout the Waste Plan period. Extending the life of the landfill capacity is supported by Waste Local Plan policy W7: Waste Disposal, part 3 of which states:

*3. Planning permission will normally be granted for the use of remaining capacity for landfilling of non-hazardous and inert waste where a temporary permission will expire prior to the permitted capacity being utilized.*

- 6.5 Retention of the landfill capacity on the site compliments the waste recycling and transfer operations that already have permanent permission. Co-location of the two facilities helps to ensure that only inert waste that is incapable of recycling or recovery is landfilled and it prevents the need for residual inert waste to be transported elsewhere. It is considered that the landfill element of the proposal is supported by Waste Local Plan Policy W5: Reuse, Recycling and Materials Recovery, which states:

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1. Sustainable waste management in Devon will aim to achieve and maintain sufficient capacity to enable the reuse, recycling or composting of waste in accordance with the following targets:

|      | 2016 | 2021 | 2026 | 2031 |
|------|------|------|------|------|
| LACW | 57%  | 61%  | 64%  | 64%  |
| CIW  | 58%  | 60%  | 62%  | 64%  |
| CDEW | 88%  | 89%  | 89%  | 90%  |

*Minimum % of waste to be recycled by key plan period dates*

2. To achieve this capacity, planning permission will be granted for additional facilities enabling preparation for reuse, sorting, transfer, materials recovery, composting and/or recycling of waste, unless material considerations indicate otherwise, where they:

*(a) are located at or close to the source of the waste or opportunities for its beneficial use; and/or*

*(b) achieve the segregation of reusable, recyclable or compostable materials prior to energy recovery or disposal of the residual waste; and/or*

*(c) are co-located with a complementary waste management operation; and/or*

*(d) achieve the recycling of incinerator bottom ash and/or other non-hazardous thermal treatment residues arising within Greater Devon.*

- 6.6 The applicants are proposing to extend the area of the green waste processing site. Currently, approximately 14,000 tonnes of green waste are shredded in this area per annum, before being transported to composting sites. Extending the site would improve efficiency at peak periods of high tonnage input during early summer as it would enable the stockpiles of fresh green waste, shredded material and screened material to be stored separately in defined areas. It is considered that this element of the application is consistent with Waste Local Plan Policy W5.
- 6.7 The existing permanent waste transfer/recycling facility provides valuable capacity to meet the recycling/composting targets set out in DWP policy W5.
- 6.8 An aggregate processing and storage facility has developed (without planning permission) on an area of the site that previously was part of the landfill consent (Area B). It covers an area of approximately 1.3 ha and is surrounded by high bunds on the west, south and east boundaries. The facility is used for the crushing, screening and storage of aggregates and handles approximately 25,000 tonnes of material per annum. The application seeks to regularise this use and it is considered that the provision of the facility and its co-location with existing waste operations is supported by Waste Local Plan Policy W5.

## Landscape/AGLV

- 6.9 The site lies within the open countryside that is characterised by rolling farmland. It is in a relatively open position being located on the side of a valley, sloping from 37m to 95m AOD. The entire site is within the Haldon Hills AGLV.
- 6.10 Teignbridge Local Plan policy EN2A seeks to conserve and enhance the qualities, character and distinctiveness of the AGLV and Devon Waste Plan policy W12

# Agenda Item 6

requires waste management developments to be sympathetic to the qualities, distinctive character and setting of the landscape. Given, the location of the site there is the clear potential that any development could harm the special qualities and character of the AGLV. The Landscape and Visual Impact Assessment (LVIA) that accompanies the application, assesses the significance of effects on both the landscape and people's visual amenity resulting from the proposed permanent development associated with the waste transfer/recycling facility and the inert landfilling proposal which would last for 20 years and result in a new landform.

- 6.11 Within the waste transfer/recycling facility in the southern part of the site, permanent planning permission already exists for the majority of the buildings and structures and operations taking place. These buildings and structures, along with HGVs and plant operating within the site, are visible within views from the north and north east and they have an urbanising impact on the countryside and an adverse impact on the AGLV. Two additional storage buildings have been erected adjacent to the MRF building, without the benefit of planning permission. The LVIA considers that the visual impacts of these two buildings have a slight adverse effect as they increase the lateral extension of the building group and intensify the built character of the site. Two screening bunds are proposed to the north of the buildings (the MRF and the two storage buildings requiring retrospective planning permission) and it is considered that these would help to minimise visual impacts and reduce the perceived scale of the buildings in the longer term. If permission is granted, conditions are recommended to ensure that the screening bunds are constructed and planted within the first year and that the external cladding of buildings and structures on site are coloured van dyke brown.
- 6.12 With regard to the landfill operation, the proposed scheme provides for the progressive phasing of the infilling and restoration of the site. The LVIA identifies that the infill operation would have some moderately adverse visual impacts on some sensitive views within a 1.5 km radius of the site, specifically from viewpoints to the north and north-east of the site, which would be contrary to Teignbridge Local Plan policy EN2A. However, it is estimated that these adverse effects would only be in the early phases of the landfill operation lasting approximately 5 – 6 years, as it is intended that later phases of the landfilling operation would be screened by the restored landform and woodland planting of the earliest phases. If planning permission is granted, conditions are proposed to ensure that the landfilling and restoration operation is carried out in progressive phases to ensure that adverse visual impacts are minimised. In addition conditions are proposed to ensure that screen planting is provided and maintained in the long term.
- 6.13 The proposed final landform of the inert landfill site would be restored to woodland and pasture fields bounded by hedgerows. It is considered that the proposed landform and vegetation cover respects the distinctive character of the AGLV and would not have any significant adverse effects on it. However, this landform would not be achieved for at least 20 years.
- 6.14 Concerns have been raised regarding the visual impact of the existing floodlighting on the surrounding countryside/AGLV. Monitoring on the site has identified that the lighting is not always switched off overnight and this has had a detrimental urbanising effect an edge of urban area where there is already some light pollution. However, it is considered that the proposed use of 'shut down' switches should adequately address this problem and if planning permission is granted a condition is recommended to ensure that shut down switches and timers are installed and used. In addition, a condition is recommended that requires a modified lighting scheme to be submitted that would reduce the impact of the lighting on the landscape by the

introduction of shields on the floodlighting at the weighbridge and the removal of floodlights on the eastern side of the MRF building.

- 6.15 The applicant has requested that the operating hours of the existing MRF, be increased to include every Saturday throughout the year (not just between March and October which is currently the case) and all Sundays (none are currently worked). In addition they have applied to extend the operating hours of the inert landfill to include Saturday afternoons.
- 6.16 Given that this site is adjacent to the A38 which carries heavy volumes of traffic on the edge of an urban areas and a remote form key recreational areas it is unlikely to have any noticeable impact. There are no local objections. To make the best use of an existing facility. For these reasons, it is considered that it would be appropriate to extend the operating hours to include Sundays for the MRF operation and Saturday afternoons for the inert landfill.

## **Ecology**

- 6.17 The site does not have any statutory nature conservation designations; however it is located adjacent to Kenbury Wood, which is designated as ancient woodland. Immediately to the north of the site, a small disused quarry has developed into broadleaved woodland and is an unconfirmed wildlife site. Within the site are two areas of grassland that would be affected by the development proposals i.e. the 'archaeological field' and the 'plateau area'. A small pond is located on the north eastern boundary of the site that takes run-off from the site. The Environmental Statement (ES) includes a Phase 1 Habitat Survey and bat, reptile and Great Crested Newt surveys.
- 6.18 The ES found that there would be no significant effects on any 'valued ecological receptors' as a result of the proposed developments. The valued ecological receptors include the ancient woodland, broadleaved woodland, semi-improved grassland, bats, dormice and hedgehogs. The effects of the proposed development on the ancient woodland (Kenbury Wood) and broadleaved woodland were found to be negligible.
- 6.19 The bat surveys that were carried out on the site identified low levels of bat activity. However, lighting on the site was highlighted as a cause for concern as although the bat surveys were carried out during summer months, the lighting on the site was operating. Artificial lighting has the potential to restrict the movements of bats through the landscape and can cut off important commuting routes and prevent access to key foraging areas and roost sites. To prevent lighting on the site being left on and impacting on bats, 'shut down' timer switches are proposed. The use of such timer switches would be required by condition if permission is granted.
- 6.20 The habitat survey concluded that the 'archaeological field' was the least species diverse grassland on the site and that its loss could be offset by managing and improving areas of species rich grassland in the plateau area and in an area immediately to the north of the landfill area. If permission is granted a condition would be required to achieve the grassland management in these areas. In addition, a number of other recommendations are made to ensure that the impacts on wildlife are mitigated and the site enhanced for wildlife, including vegetation removal outside the bird nesting season; soil stripping overseen by a qualified ecologist to protect reptiles and the management of woodland. These recommendations could also be achieved by imposing conditions if planning permission is granted.

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- 6.21 In the long term, it is considered that the restoration of the inert landfill site would enhance the biodiversity of the site by the provision of 0.6 hectares of broadleaved woodland and 170 metres of hedgerow. This biodiversity enhancement is in accordance with DWP policy W11 which seeks a net gain for wildlife proportionate to the nature and scale of the proposal.

## Traffic and Transportation

- 6.22 Currently the site generates an average of 78.5 goods vehicle trips (157 movements) per day. These movements tend to occur at regular intervals throughout the day, during the permitted delivery hours of 05:30 to 18:00 Monday to Sunday. This equates approximately to 1 goods vehicle trip movement occurring every 5 minutes on average throughout the day. In addition, 55 staff travel to the site resulting in an additional 55 trips (110 movements) per day (Monday to Saturday), although this is a worst case scenario as many of the staff car share.
- 6.23 Vehicle movements to and from the site are to a large extent governed by the existing annual tonnage throughput limit of 75,000 tonnes per annum. This consolidating application does not propose to increase this annual tonnage and if permission is granted a planning condition is recommended that would restrict the annual tonnage throughput to 75,000 tonnes. Consequently, operations at the site should not be intensified in traffic terms and there should be no detrimental impact on the operation of the highway or highway safety.
- 6.24 A routing agreement has been in place since permission for the permanent MRF (11/01200/DCC) was granted permission in March 2012. The purpose of the agreement is to prevent vehicles that use the Kenbury Wood site from travelling through Kennford village. The agreement requires that all drivers of vehicles that use the site are issued with instructions that specify a route to and from the site that avoids travelling through Kennford village. For the vast majority of vehicles this routing agreement has worked, however in the last year DCC has received a number of complaints regarding lorries going through the village, including from Kenn Parish Council. In response to these complaints Kenbury Wood Ltd, has put a number of measures in place, specifically all the company's drivers and all other users of the site have been issued with a new set of directions that identify the routes to the site that avoid Kennford. In addition, the company has agreed to set up a 'hot line' between the village and the weighbridge office on the site. The contact telephone number for the weighbridge will be published in the parish magazine, which will enable 'stray' vehicles in the village to be quickly reported to the company, so that the appropriate action can be taken. The company has also agreed to attend Parish Council meetings on a regular basis, so that any problems with vehicles can be discussed. In addition their 'Disciplinary Rules' have been amended to specify that 'failure to adhere to the routing agreement and driving through Kennford' is a 'misconduct' that can trigger the disciplinary procedure for their employees.
- 6.25 It is clear that stray vehicles going through the village is an ongoing problem, however if this consolidating application was refused, the existing permanent permission would still be in place and heavy vehicles would still be travelling to and from the site. However, it is considered that the new measures to report vehicles going through the village should have a positive impact in preventing them doing so. The applicants would be required to enter into a new legal agreement prior to planning permission being granted for this consolidated application, this would include compliance with the original routing agreement dated 7 March 2012. The Heads of Terms of the new agreement are set out in Appendix III.

## Amenity issues – noise, air quality, litter

### Noise

- 6.26 The proposed development would not result in a significant change to the magnitude or location of noisy activities on the site. Recent noise monitoring that has been undertaken at the nearest noise-sensitive properties, Kerswell Grange and Westfield Nursery, identified that noise from activities taking place on the site was considerably below the noise limit of 5dB Leaq (1 hour) free field above background noise levels. No concerns regarding noise have been raised by local residents.
- 6.27 Previous planning permissions associated with the site have had conditions attached that required noise monitoring and have restricted noise levels. However, it is not recommended for similar conditions to be attached if planning permission is granted for this consolidated application, as it would be against advice given in the National Planning Policy Framework. Para 122 of the NPPF states that “...*local planning authorities should focus on whether the development itself is an acceptable use of the land, and the impact of the use, rather than the control of processes or emissions themselves where these are subject to approval under pollution control regimes. Local planning authorities should assume that these regimes will operate effectively.*” In this instance the Kenbury Wood site is regulated by an Environment Agency environmental permit, which includes the control of noise. For this reason, no planning conditions are recommended to control noise on the site as they would duplicate the controls of the environmental permit.

### Litter

- 6.28 Litter escaping from the site has previously been a concern, specifically waste materials from the MRF area has been blown into the ancient woodland to the south of the site. However, high litter fencing has now been erected around the MRF working area. If permission is granted, a condition is recommended to ensure that this litter fencing is retained and maintained for the life of the site.
- 6.29 Kenn Parish Council has raised concerns regarding litter along the verge of the A38 and A379, which they believe has come, in part, from vehicles associated with the Kenbury Wood site. In the event that planning permission is granted a condition is recommended to ensure that all vehicles leaving the site and carrying waste have their loads enclosed, sheeted or netted.

### Air Quality

- 6.30 The Air Quality Assessment has considered the potential impacts and effects of the proposed development at the site on local air quality. Overall the proposed development is not predicted to give rise to significant adverse air quality effects for either human or ecological receptors and no significant cumulative effects have been identified.
- 6.31 Operations on the site, including crushing and screening of aggregates and waste transfer operations have the ability to create dust. However, dust mitigation is regulated by the site’s environmental permit, which includes a dust management plan.
- 6.32 The proposed development would not result in a significant change to the magnitude or location of potential sources of odour on the site e.g. green waste or mixed waste

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therefore the risks of odour impacts above the current baseline are considered negligible. Odour control is also controlled by the environmental permit.

## Flood Risk/Drainage/Water Environment

- 6.33 The ES was accompanied by a Flood Risk Assessment and Surface Water Management Plan. The FRA identifies that the site lies entirely within Flood Zone 1 and therefore is not at flood risk from fluvial sources. This accords with the Devon Waste Plan policy W19 (flooding) that favours locating waste developments in Flood Zone 1.
- 6.34 The proposed surface water management plan includes improvements to the existing drainage across the site to facilitate drainage of the working areas and discharge to the existing attenuation pond in the north-eastern corner of the site, with an overflow to the Berry Brook. It is proposed to enlarge the attenuation pond to provide adequate storage capacity and thereby limit discharge to below the pre-development greenfield runoff rate. Given that maintenance will be critical in the functioning of the drainage system, a maintenance scheme has been included in the plan. If permission is granted, conditions are recommended to ensure that the proposed drainage scheme and maintenance strategy are implemented.

## Archaeology

- 6.35 Within the landfill site is an area of 'archaeological interest', within which is a Romano-British enclosure along with an earlier cemetery. Whilst this heritage asset is not protected as a designated heritage asset it is of regional significance as evidence of Roman and earlier settlement and funerary activity in the County. However, the significance of the asset has been substantially degraded by the developments that surround it, namely existing elements of the resource recovery facility and landfill to the south, west and east, and by the A38 dual carriageway to the north, so that it no longer sits within its original landscape setting or is 'readable' in the landscape as a potential Romano-British settlement site. The previous archaeological evaluation of the site has also demonstrated that the archaeology has been substantially truncated by agricultural practices over the centuries.
- 6.36 The quality of the archaeological deposits are not of such significance that the DCC Historic Environment Team recommend preservation in situ, but it is considered that the assets are worthy of preservation by record via a programme of archaeological work to investigate, record and analyse prior to their destruction. If planning permission is granted a condition is recommended that would secure the appropriate programme of archaeological work. This programme would include an element of public outreach to disseminate the information gained from any archaeological work undertaken on the site, possibly in the form of talks to the community or a public open day. The applicant has indicated that they would support an open day at the archaeological site.
- 6.37 Devon Waste Plan policy W13 states: *'development that would lead to harm to the significance of a designated or non-designated heritage asset, including its setting, will be permitted if it can be demonstrated that:*
- a) substantial public benefits of the proposal outweigh the harm to the heritage asset; and*
  - b) all significant adverse effects can be adequately mitigated.*



It is considered that the proposed landfill development would have the public benefit of providing inert landfill capacity and that the use of the archaeological field would enable a final landform to be created that is in keeping with the surrounding landscape. In addition, public benefit would be gained from the dissemination of information gained from any archaeological work undertaken on the site.

## **7. Reasons for Recommendation/Alternatives Options Considered**

- 7.1 The Committee has the option of approving, deferring or refusing this planning application.
- 7.2 Within the planning balance it needs to be clearly recognised that permanent permission for the materials recovery/waste transfer facility already exists and if the current planning application was refused, the facility would still continue to operate. The facility supports a range of waste management operations that aids Devon to achieve the targets for reuse, recycling and composting set out in Devon Waste Plan policy W5. A clear benefit of granting consent for the consolidated application would be that the site would operate under one set of up to date conditions, which would allow operations on the site to be more easily monitored.
- 7.3 It is recognised that the inert landfill operation would have adverse visual impacts on the AGLV, specifically in the short to medium term (5 to 6 years) and would lead to the loss of the field of archaeological interest. However, continuation of the inert landfill facility is supported by the Devon Waste Plan, as inert landfill capacity is still required within the County, although landfill is at the bottom of the waste hierarchy. If permission was refused, the landfill site would still need to be restored and there is some uncertainty as to how this would be achieved. In the longer term (20 years) the final restored landform could be a positive element within the landscape.
- 7.4 The existing waste transfer/recovery facility has introduced buildings and activities into the open countryside/AGLV, which has had a detrimental urbanising impact. The two storage buildings that require retrospective planning permission add to this urbanising impact. However the proposed provision of two landscaped bunds on the 'Plateau Area' would have the beneficial effect of helping to integrate all the existing permitted and unpermitted buildings and operations into the surrounding landscape, in accordance with Teignbridge Local Plan policy EN2a and Waste Local Plan policy W12.
- 7.5 On balance, it is considered that the long term benefits of the development, ie the provision of an integrated waste facility, outweigh the potential harm to the AGLV. It is considered that the planning conditions set out in appendix II would adequately mitigate any potential adverse impacts of the development, including impacts on the AGLV.

Dave Black  
Head of Planning, Transportation and Environment

**Electoral Division: Exminster & Kenton**

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Local Government Act 1972: List of Background Papers

Contact for enquiries: Jackie Reffell

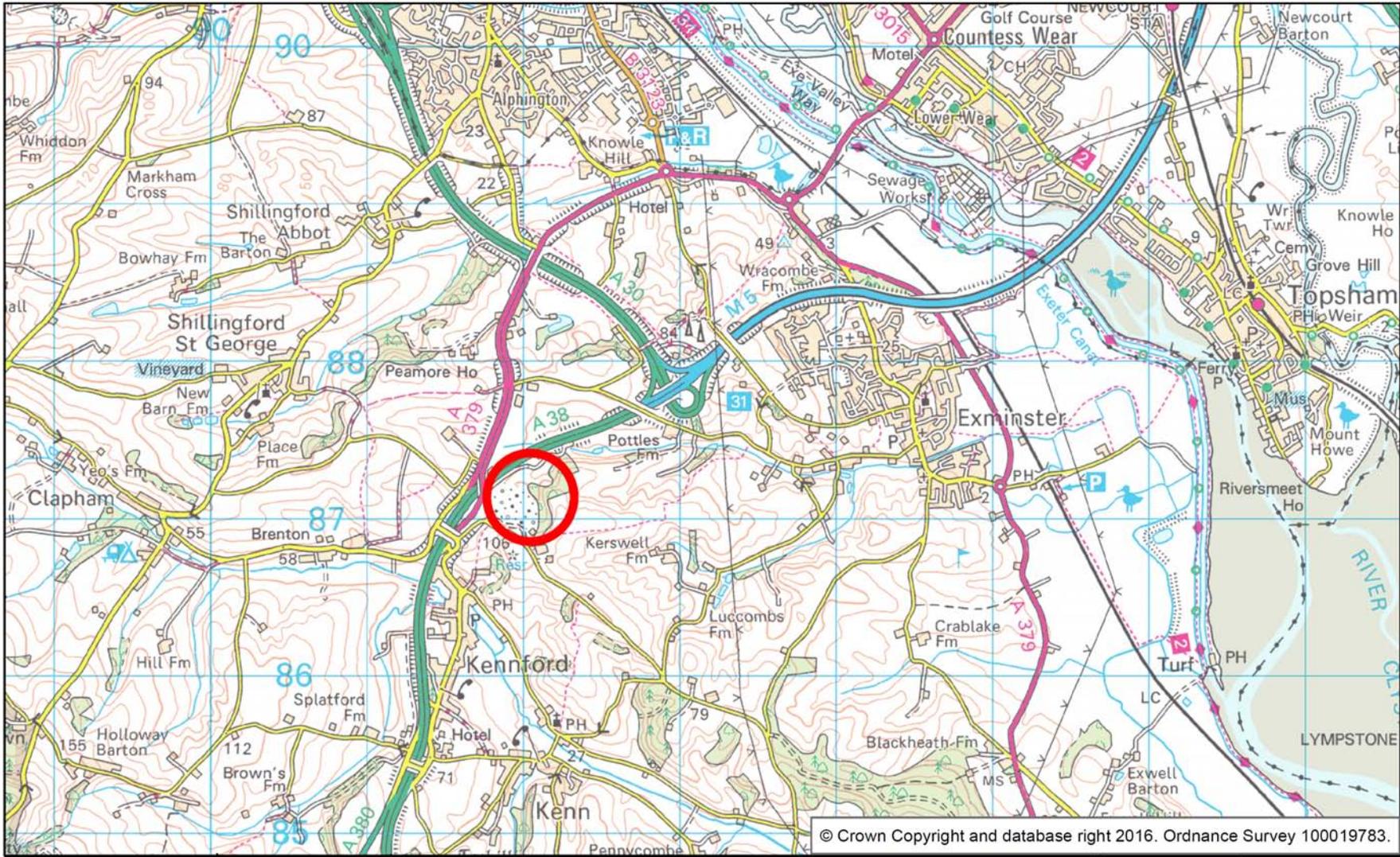
Room No: AB2, Lucombe House, County Hall

Tel No: 01392 383000

| <b>Background Paper</b> | <b>Date</b> | <b>File Ref.</b> |
|-------------------------|-------------|------------------|
| Casework File           | 06/08/15    | 16/01969/DCC     |

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sc/cr/integrated waste management facility kenbury wood landfill site kennford  
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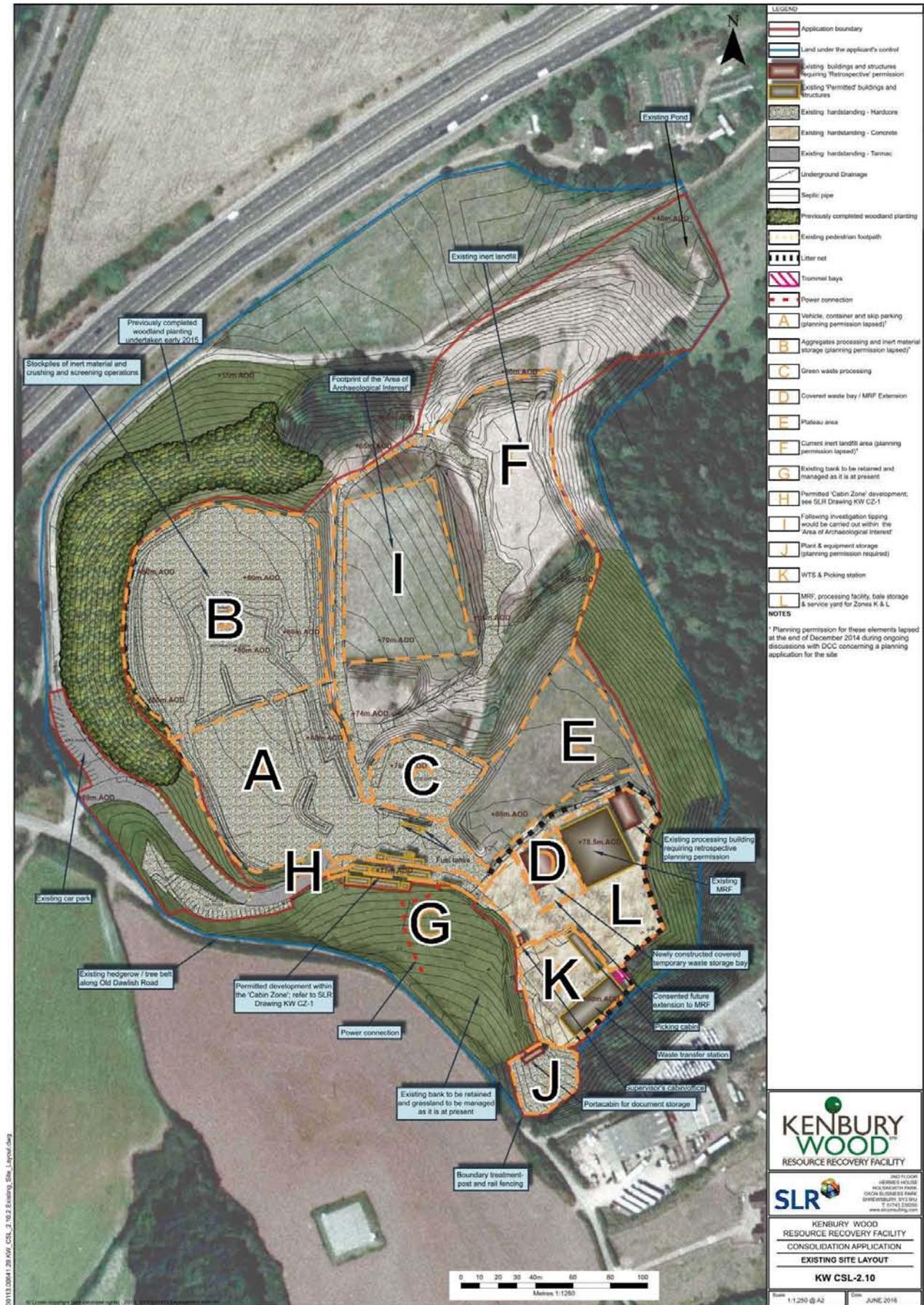
Location Plan



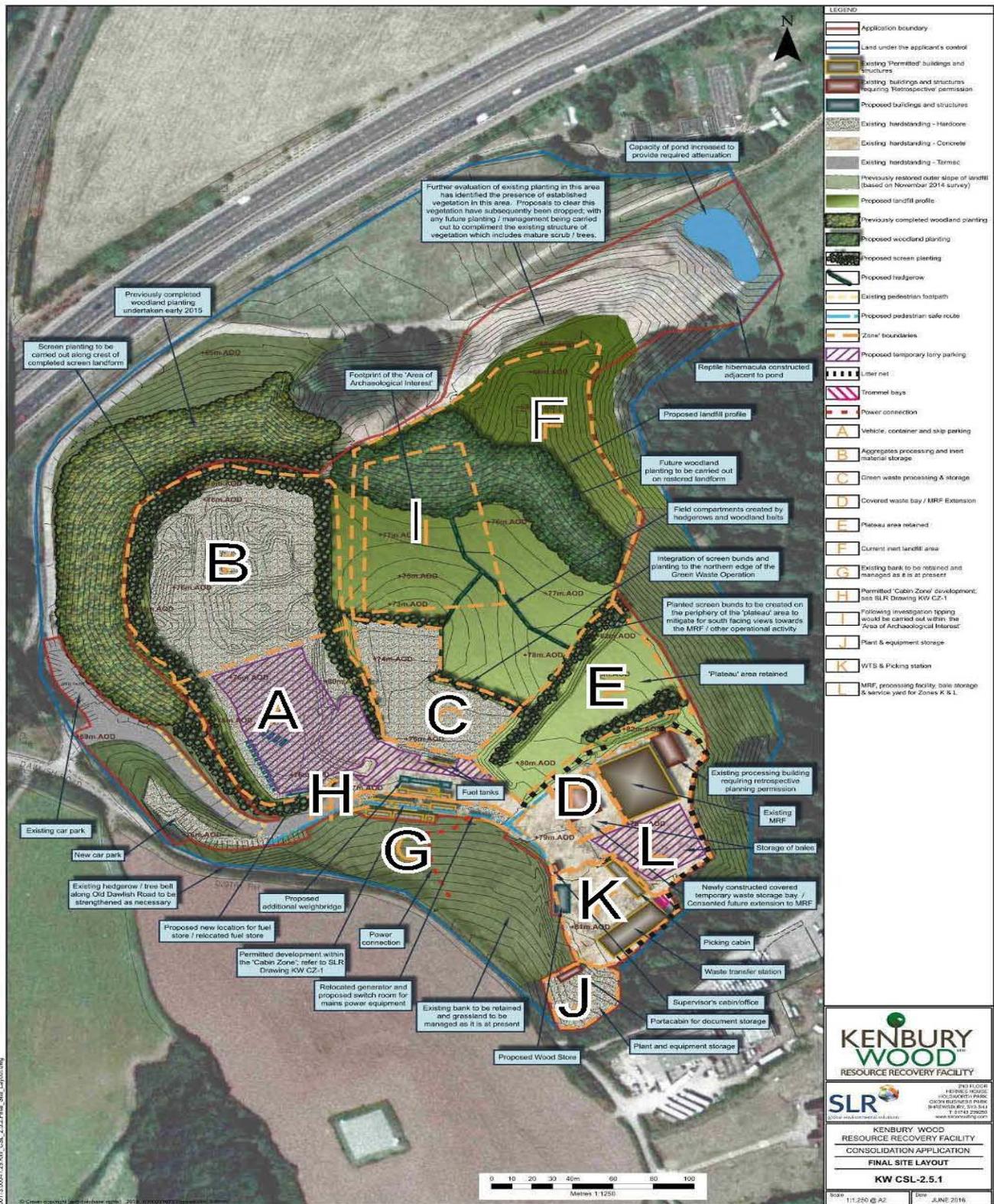
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|  | Head of Planning,<br>Transportation<br>and Environment | Development Management Committee  | date<br>January 2017 | scale<br>1:30,975               |
|   |  | County Matter: Waste<br>Teignbridge District Council: Consolidating application for the retention of the integrated waste management facility for the processing, transfer and recycling of waste and production of recycled aggregates, including offices, parking, hardstanding, associated plant and equipment and the extension in time (20 years) and area of the inert landfill at Kenbury Wood Landfill Site, Old Dawlish Road, Kennford, Devon, EX6 7XD |                      | Application No:<br>16/01969/DCC |

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## Existing site layout plan



## Proposed final site layout



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## Appendix I To PTE/17/7

### Planning Policy Considerations

**Devon Waste Plan: Adopted 11th December 2014:** Policies W01 (Presumption in Favour of Sustainable Development); W02 (Sustainable Waste Management); W03 (Spatial Strategy); W05 (Reuse, Recycling and Materials Recovery); W07 (Waste Disposal); W11 (Biodiversity and Geodiversity); W12 (Landscape and Visual Impact); W13 (The Historic Environment); W14 (Sustainable and Quality Design); W15 (Infrastructure and Community Services); W16 (Natural Resources); W17 (Transportation and Access); W18 (Quality of Life); W19 (Flooding); and W20 (Restoration and Aftercare).

**Teignbridge Local Plan 2013 - 2033 (Adopted May 2014):** Policies EN02A (Landscape Protection and Enhancement); EN04 (Flood Risk); EN05 (Heritage Assets); EN07 (Contaminated Land); EN08 (Biodiversity Protection and Enhancement); EN09 (Important Habitats and Features); EN11 (Legally Protected and Priority Species); EN12 (Woodlands, Trees and Hedgerows); S01 (Sustainable Development Criteria); S01A (Presumption in favour of Sustainable Development); S02 (Quality Development); and S11 (Pollution).

### National planning Policy Framework

## Proposed Planning Conditions

### STRICT ACCORDANCE WITH PLANS/DOCUMENTS

1. The development shall be carried out in strict accordance with the details shown on the approved drawings and documents numbered:  
Site Location 1.2 (March 2016); KW CSL 2.5.1 (Final site layout);  
Landfill: KW CSL 2.13 (Site sections); KW CSL/2.12 (Site sections); KW CSL/3 (Sightline location); KWCSL-2.14(2) (Overall phasing ); KWCSL-2.7 (Phase 1); KWCSL-2.8 (Phase 2); KWCSL-2.9 (Phase 3); KW AD 4.1 (Final landfill ); KW AD 2.1(sightline sections); KW AD 3.1 (Site sections); KW AD 3.2 (Site sections)  
Buildings:PL/EX&PRO Elevations 01 (Transfer); PL/EX&PRO Roof plan/01 (Transfer); DWM-460-10 Rev A (MRF building); DWM-450-010 RevA (TV tent elevations); DWM-440-010 Rev A (Reception tent); P1 DWM-300-101-RevL (Trommel); P2 DWM-300-101-RevL(Trommel); P3 DWM-300-101-RevL (Trommel) P4 DWM-300-101-RevL); DWM-470-010-A (Supervisors cabin); 001 Rev2 (Office elevations); 002 Rev1 (Mess elevations); 003 Rev1 (Changing rooms); 004 Rev1 (office elevations); 005 Rev 2 (cabin); 006 Rev2 (Cabin); KW CZ1.2 (Cabin Zone); KW CZ2 (Cabin zone); KW CZ3 (Cabin zone); 29(1)A (Datum control point).  
Landscaping: KW-01 (Phase 1 Bund details); KW-02 (Phase 2 Bund details);  
Proposed Landscape Scheme 00113.00041 Version 2 Oct 2016; KWPLS 1.0 (Proposed Landscape Scheme); WD/S(1)34 (proposed Fencing Northern Boundary of Landfill Area)  
Planning Statement (Vol 1) SLR 402.00113.00041 April 2016; Green Infrastructure Statement 402.00113.00041 June 2016; Ecology Appraisal and Management Plan; BlueSky Ecology, June 2015; Conservation Action Statement BlueSky Ecology June 2015; Blue Sky Ecology letter dated 22 September 2016 Dormice and Cirl Bunting; Noise Monitoring Scheme 402.00113.00041 April 2015; SLR letter 'DCC Request for additional Information on Surface Water Drainage Management Plan 20 October 2016; WD/S(1)/28E (Surface Water Management Plan).

Unless as varied by the conditions below.

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

### TEMPORARY INERT LANDFILL PERMISSION

2. The deposit of inert waste within the area of landfill shall cease no later than 31<sup>st</sup> December 2036. The inert landfill site shall be restored in accordance with conditions 27 to 29 by 31 December 2037.

REASON: To minimise the impact of the development and to secure effective restoration of the site in accordance with DWP policies W12 and W20.

3. The inert landfill operation shall be carried out in accordance with the approved phasing plans KW CSL 2.14 (2), KW CSL 2.7, KW CSL 2.8, and KW CSL 2.9. No waste shall be tipped in any new phase of landfill (as identified on plan KW CSL2.14 (2) until all tipping has been completed in the previous phase and restoration has been completed in the phase before that.

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REASON: To limit the area of land disturbed by landfill and thereby limit the impact on the AGLV in accordance with DWP policy W12 and W20.

## COMMENCEMENT AND CESSATION OF LANDFILL

4. Written notification shall be sent to the Waste Planning Authority no later than 21 days prior to the following dates:
  - a) commencement of the construction of the screening bunds in the Plateau area.
  - b) commencement of the extension of the green waste storage area;
  - c) commencement of the archaeological work;
  - d) commencement of each new phase of landfill as identified on approved plan KW CSL 2.14 (2);
  - e) completion of each landfill phase;
  - f) completion of restoration of each landfill phase;
  - g) completion of final restoration of the inert landfill under this planning permission.

REASON: To enable the Waste Planning Authority to control the development and to monitor the site to ensure compliance with the planning permission in accordance with policy DWP policies W12 and W20.

5. In the event that the inert landfill operations are terminated or suspended for longer than 12 months in the opinion of the Waste Planning Authority, the Authority shall give written notification that a revised restoration scheme must be submitted to the WPA, no later than 6 months after notification date. The written notification shall include the specifications for the restoration.

The revised restoration scheme shall be approved in writing by the Waste Planning Authority and shall be fully implemented within 12 months after approval.

REASON: To ensure effective restoration of the site to minimise the impact on the AGLV and to improve the biodiversity in accordance with DWP policies W11, W12 and W20.

## APPROVAL OF SCHEMES REQUIRED/PRE-COMMENCEMENT CONDITIONS

### SURVEY POINT

6. Within 3 months of the date of this permission a control datum point shall have been installed in the location identified on plan 29(1)A (Datum Control Point). This point shall be retained for the life of the development.

REASON: To enable the Waste Planning Authority to control the development and to ensure that the approved restoration scheme is achieved in accordance with DWP policy W20.

7. A survey of levels of the landfill area shall be carried every 5 years from the date of this permission to when the landfill site is finally restored. A copy of the survey shall be submitted to the Waste Planning Authority within 14 days of being undertaken.

REASON: To ensure effective management of the site to minimise the impact upon the Haldon Hills AGLV and to comply with policies in the Development Plan, in particular DWP policy W12 (Landscape) and TLP policy EN02A (Landscape).



## ARCHAEOLOGY

8. No soils shall be stripped and no waste shall be deposited in areas identified as 2A, 2B, 2C, 3A, 3B and 3C on plan KW CSL 2.14 until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Waste Planning Authority. The development shall be carried out in accordance with the approved scheme.  
The 'archaeological field' shall remain fenced until the programme of archaeological work is implemented.

REASON: To ensure that an appropriate record is made of archaeological evidence that may be affected by the development and to comply with policies in the Development Plan in particular DWP policy W13 and para 141 of the NPPF.

## SURFACE WATER

9. Within 2 months of the date of this permission a Surface Water Maintenance Plan for the site shall be submitted to the Waste Planning Authority for approval in writing. The plan shall be based on the provisions outlined in para 4.0 and Table 4.1 of SLR letter dated 20 October 2016 'DCC Request for Additional Information on Surface Water Drainage Management Plan'. Maintenance of the surface water drainage shall be carried out in accordance with the approved plan.

REASON: To prevent pollution of the water environment and flooding and to comply with policies in the Development Plan, in particular DWP policies W16 and W19.

## OPERATIONAL CONDITIONS

### WASTE RESTRICTIONS

10. No more than 75,000 tonnes of waste shall be delivered to the site in any calendar year.  
The operator shall maintain records of all waste entering the site and make them available to the Waste Planning Authority at any time upon request. The records shall contain details of all deliveries including date, vehicle registration, type of vehicle, type of waste, tonnage of waste, source of waste.

REASON: To minimise the impact of the development on the local residents and the local highway network and to comply with policies in the Development Plan, in particular DWP policies W18 and W17.

### HOURS OF USE

11. The site shall operate only between the following hours, except as varied by subsections (a) to (c) below:

From 07.00 to 18.00 hours Monday to Saturday.

The site shall not operate on Sundays, Christmas day, Boxing Day or new Years Day.

- (a) Delivery and export of materials shall only take place between 0530 hours and 1800 hours on any day. For the avoidance of doubt the loading and unloading of vehicles shall only take place between 0700 hours and 1800 hours.

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- (b) The inert landfill shall only operate between:  
7.00 -18.00 hours Monday to Friday;  
07.00-13.00 Saturdays.  
No landfill operations shall take place on Sundays or public holidays.
- (c) The use of the office and welfare facilities shall be restricted to between 05.30 hours and 18.00 hours on any day.
- (d) Use of the external lighting shall only take place between:  
0700 hours and 1830, Mondays to Saturday, excluding Christmas Day, Boxing Day and New Years Day, except for lighting at the weighbridge and pedestrian lighting that shall be restricted to between 0530 hours and 1830 hours on any day.

REASON: To minimise the impact of the development on the local residents, wildlife and the Haldon Hills AGLV and to comply with policies in the Development Plan , in particular DWP policies W12, W11 and W18 and TLP policy EN02A).

12. The external walls of all buildings and fixed plant on the site, including all office/welfare/storage cabins, waste storage/handling buildings, MRF, trommel and picking line shall be coloured Van Dyke Brown RAL 8014/BS08B29. The flexible covering of the storage building to the west of the MRF building shall be non-reflective and coloured Van Dyke Brown, for the life of the development.

REASON: To ensure that the colour of the buildings enables them to recede into the background landscape and thereby protect the character and appearance of the Haldon Hills AGLV and to comply with policies in the Development Plan, in particular DWP policies W12 (Landscape) and TLP policies EN02A and EN11.

## LIGHTING

13. Within one month of the date of this permission a lighting scheme for the site shall be submitted to the Waste Planning Authority for approval in writing. The lighting shall be designed, located and operated in such a way to avoid light spillage outside of the site boundary and upward light overspill; to minimise the impact on the wider AGLV and wildlife. The lighting scheme shall include:
- specification of lighting units and light shields and hoods
  - layout plan
  - mounting height
  - controls, specifically shutdown timers and movement sensors
  - Identify extent of light spill and details of mitigating measures.
  - Hours of use - use of the external lighting shall only take place between: 0700 hours and 1830, Mondays to Saturday, excluding Christmas Day, Boxing Day and New Years Day, except for lighting at the weighbridge and pedestrian lighting that shall be restricted to between 0530 hours and 1830 hours on any day

The lighting on the site shall only be installed and operated in accordance with the approved scheme.

Reason: To protect wildlife including bats, the Ancient Woodland and the AGLV and to comply with policies in the Development Plan, in particular DWP policies W12 (Landscape) and W11 (Biodiversity and geodiversity) and TLP policy EN02A (Landscape).

14. No vehicle, plant, equipment and/or machinery shall be operated at the site unless it has been fitted with and uses an effective silencer. All vehicles, plant, equipment

and/or machinery shall be maintained in accordance with the manufacturers specification at all times.

REASON: To protect the amenity of nearby residents and the tranquil nature of the rural environment and to comply with policies in the Development Plan, in particular DWP policies W12 and W18.

## STOCKPILES/STORAGE

15. The height of stockpiles, skip storage, baled waste and the storage of plant and machinery shall be restricted as follows:
- (a) No mobile or fixed plant, equipment, empty skips or containers shall be retained on the active landfill site.
  - (b) The height of stockpiles within the aggregate processing and inert material storage area, identified as B on plan KW CSL 2.5.1, shall remain below the height of the surrounding earth bund (not including the height of the vegetation). Processing plant shall be located on the floor of the processing area.
  - (c) The height of stored skips and containers within the storage area identified as A on plan KW CSL 2.5.1, shall remain below the height of the surrounding earth bund (not including the height of the vegetation).
  - (d) The stockpiles of processed and unprocessed green waste in area C (plan KW CSL 2.5.1) shall not exceed the height of 4 metres.
  - (e) Stockpiles of fines within the approved fines collection bays, identified on plan P2 DWM 300 101 RevL, and shall not exceed the height of 2.5 metres.
  - (f) The stockpile of wood shall not exceed a height of 4 metres.
  - (j) Baled waste shall only be stored outside in the area identified as 'materials storage area' on plan 29A Rev1. The height of the stored bales shall not exceed 5 metres.

REASON: To protect the Ancient Woodland and the AGLV and to comply with policies in the Development Plan, in particular DWP policies W12 (Landscape) and W11 (Biodiversity and geodiversity) and TLP policy EN02A (Landscape).

16. The proposed litter fencing identified on plan WD/S(1)/34 shall be fully installed within 2 months of the date of this permission in accordance with the approved details identified on drawing (plan number to be supplied) and shall be retained and maintained for the life of the development. Any variations to the size of the mesh netting shall be agreed in writing by the Waste Planning Authority.

REASON: To protect wildlife, the Ancient Woodland and the AGLV and to comply with policies in the Development Plan, in particular DWP policies W11 (Biodiversity and Geodiversity) and W12 (Landscape).

## ECOLOGY

17. No vegetation clearance shall take place during the bird nesting season (01 March to 31 August inclusive) unless the developer has been advised by a suitably qualified ecologist that clearance will not disturb nesting birds and a record of this is kept. Such checks shall be carried out in the 14 days prior to clearance works commencing.

Reason: To protect wildlife and to comply with policies in the Development Plan, in particular DWP policy W11.

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18. Unimproved species rich grassland within the site as identified as EZ1, EZ2 and EZ3 on plan KW PLS-1.0 shall be managed for the life of the site in accordance with the recommendations set out in section 6 of the Kenbury Wood Ecology Appraisal and Management Plan (June 2015).

REASON: To enhance the biodiversity of the site and to comply with policies in the Development Plan, in particular DWP policy W11.

19. Soil stripping of the archaeological field shall be carried out in accordance with the recommendations in section 5.2 (Reptile Mitigation) of the Bat and Reptile Survey Report (Sept 2015), relating to protection and translocation of reptiles. A suitably qualified ecologist shall be present during the soil stripping operation.

REASON: To ensure that reptiles are protected and to comply with policies in the Development Plan, in particular DWP policy W11.

20. No scrub vegetation, including the vegetation on the northern boundary of the Plateau area, shall be removed until a scrub clearance scheme has been submitted to and approved in writing by the Waste Planning Authority. The scheme shall include:

- Details of how any dormice and cirl bunting would be protected;
- Clearance only to take place in the presence of a suitably licenced ecologist and use of hand tools.

Scrub clearance on the site shall only be carried out in accordance with the approved scheme.

REASON: To ensure that dormice and cirl bunting are protected and to comply with policies in the Development Plan, in particular DWP policy W11.

21. **The steel gate identified on drawing (drawing number to be confirmed), shall remain locked closed except for occasions when access is needed to construct the bunds on the Plateau Area or to carry out maintenance.**

Reason: To protect the unimproved species rich grassland on the plateau area and to comply with policies in the Development Plan, in particular DWP policy W11.

## SOILS

22. No topsoil, subsoil or soil making material naturally occurring on the site, shall be removed from the site and shall only be used in the final restoration of the site.

REASON: To ensure suitable soils are available to reinstate the site during restoration and to comply with policies in the Development Plan, in particular DWP policy W16.

23. All soil stripping, regrading, subsoiling operations and the spreading of soils and their cultivation shall be carried out only when there is sufficient soil moisture deficit so as to prevent any degradation of soil structure.

REASON: To prevent degradation of soils and to comply with policies in the Development Plan, in particular DWP policy W16.

24. All topsoil, subsoil and soil making material naturally occurring on the site shall be stripped, handled, transported and stored separately to each other and kept free from contamination. All soil and soil making heaps shall be no higher than 3 metres.

When topsoil and subsoil heaps are to remain in situ for more than 2 months they shall be graded and seeded with grass and wildflower seed until reused in restoration.

REASON: to prevent the degradation of existing soils and to comply with policies in the Development Plan, in particular DWP policies W16.

## WATER PROTECTION AND POLLUTION CONTROL

25. All surface water shall be kept separate from foul water and managed in accordance with the approved surface water management plan WD/S(1)/28E.

REASON: To prevent pollution of the water environment and flooding and to comply with policies in the Development Plan, in particular DWP policies W16 and W19.

## LANDSCAPING, RESTORATION AND AFTERCARE

26. The proposed fencing on the northern boundary of the inert landfill site shall be erected in accordance with the approved details identified on plan WD/S(1)/34 (Proposed Fencing Northern Boundary of Landfill Area). The fencing shall be retained and maintained for the life of the inert landfill site.

REASON: To ensure that trees, shrubs and other natural features to be retained are adequately protected from damage by the development, in the interests of protecting the AGLV and to comply with policies in the Development Plan, in particular DWP policy W12.

27. The phased landscaping and restoration of the site shall be carried out in accordance with the approved landscaping scheme 'Proposed Landscape Scheme 00113.00041 Version 2 October 2016' and approved plans 'Proposed Landscape Scheme KWPLS.1.0, KW-01 and KW-02'.

For the avoidance of doubt:

- the proposed screening bunds on the 'plateau' area identified on plan KWPLS.1.0, shall be constructed and planted within 12 months of the date of this permission. The screening bunds shall be retained and maintained for the life of the waste management facility.
- The inert landfill shall be fully restored by 31 December 2037.
- All areas of existing woodland and scrub identified as Tree Management zones 1 to 4) on approved plan KWPLS.1.0 shall be retained and maintained for the life of the waste management facility.

REASON: To ensure effective restoration and landscaping of the site to minimise the impact on AGLV and improve biodiversity and comply with policies in the Development Plan , in particular DWP policies W12, W11 and W20.

28. Each phase of restoration/landscaping 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.

REASON: To ensure effective restoration and landscaping of the site to minimise the impact on AGLV and improve biodiversity and comply with policies in the Development Plan , in particular DWP policies W12, W11 and W20.

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29. On or before 31st December each year, during the duration of the planning permission, an 'Annual Aftercare, Ecological and Surface Water Management Report' shall be submitted to the WPA, for approval in writing. The Report shall include inter alia:
- The date when each aftercare period commenced on each area of restored land, identified on a plan.
  - A record of aftercare operations carried out on the site during the previous 12 months.
  - A record of ecological management operations, specifically the management of unimproved grassland areas identified on approved plan KWPLS 1.0 as EZ-1, EZ-2 and EZ-3.
  - A record of woodland and scrub management operations specifically associated with zones 1, 2, 3 and 4 identified on approved plan KW PLS 1.0.
  - A record of surface water maintenance.
  - A review of performance.
  - Aftercare/management steps for the following 12 months based on Table 6 'Annual Aftercare/Management Activities' of the Proposed Landscape Scheme 00113.00041 Version 2 Oct 2016. The management steps shall include provision for a site meeting between the Waste Planning Authority (WPA) and the operator/landowner at the commencement of each growing season to consider the aftercare management for the following year.

REASON: To ensure effective restoration and landscaping of the site and provide effective screening of buildings to minimise the impact on AGLV, improve biodiversity and protect the water environment and comply with policies in the Development Plan, in particular DWP policies W12, W11, W16 and W20.

## HIGHWAYS

30. No dust, mud, water or other debris shall be carried onto the highway from the site.
- REASON: In the interests of highway safety, in accordance with DWP policy W17.
31. All loaded vehicles carrying waste leaving the site shall have their loads either enclosed, netted or sheeted as appropriate for the type of waste being transported.
- REASON: In the interests of highway safety and to protect the local environment from litter in accordance with DWP policy W12, W17 and W18.
32. There shall be no public access to the site for the delivery of waste or sale of goods relating to the development.
- REASON: In the interests of highway safety in accordance with DWP policy W17 (Transportation and Access).
33. The weighbridge shall not be used as a public weighbridge.
- REASON: In the interests of highway safety in accordance with DWP policy W17 (Transportation and Access).

## **Appendix III To PTE/17/7**

### Proposed Heads of Terms of Planning Agreement

1. The site to be developed and operated in accordance with the planning permission and no other planning permissions that have previously been granted on the site.
2. Consent for previous planning permissions on the site to be revoked without compensation.
3. Compliance with routing agreement dated 7 March 2012, that sets out measures to avoid vehicles that use the site from travelling through Kennford village and control deliveries of green waste.
4. All drivers and contractors to be provided with a copy of instructions 'Directions to Kenbury Wood Resource Facility'.





PTE/17/8

Development Management Committee  
25 January 2017

**County Matter: Waste**

**Torrige District:** The construction and operation of a Resource Recovery Centre comprising a permanent new waste transfer station building; a 2MWe solar farm; an extension of the lifetime of the existing non-hazardous and asbestos waste landfill, recycling facility and green waste composting until 31 December 2030; and associated new internal access roads, office, weighbridges and weighbridge office, associated surface water attenuation features and other ancillary development, land at Deep Moor Landfill Site, High Bullen, Torrington

**Applicant:** Devon Waste Management

**Application No:** 1/0304/2016/CPO

**Date application received by Devon County Council:** 15 March 2016

Report of the Head of Planning, Transportation and Environment

***Please note that the following recommendations are subject to consideration and determination by the Committee before taking effect.***

**Recommendation:** It is recommended that subject to the applicant entering into a legal agreement (relating to the routing of HGV traffic associated with collection of waste from the Waste Transfer Station and refuse collection vehicles; a total capacity limit on the Waste Transfer Station of 60,000 tonnes per annum; and local authority collected waste dealt with at the Waste Transfer Station being restricted to that arising from the Torrige District Council and North Devon Council areas only):

- (a) Planning permission for the waste transfer station, extension to the life of the landfill, recycling facility and green waste composting facility is granted on a temporary basis until 31 December 2030.
- (b) Planning permission for the solar farm is granted on a temporary basis until 31 December 2041.
- (c) Both parts of the development set out in (a) and (b) above be subject to the planning 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 The application needs to be considered in terms of three main parts that collectively are proposed as constituting a Resource Recovery Centre;

- the construction of a new waste transfer station (WTS) with a throughput of 60,000tpa of municipal, commercial and industrial residual waste;
- a 2MWe Solar Farm on part of the restored landfill; and
- an extension of the time period for the active Deep Moor landfill site from 2018 to 2030 to allow for continued non-hazardous and asbestos waste landfill, green waste composting and retention of commercial waste recycling centre with approximate throughputs of 20,000 tpa (tonnes per annum).

1.2 In addition, permission being sought for auxiliary and support infrastructure would include: two weighbridges and a weighbridge office, for monitoring and recording all

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waste coming onto and leaving the site; surface water attenuation features; car/motorbike/cycle parking; hardstanding for vehicle manoeuvring; and a new internal site access road.

- 1.3 It is considered that the main material considerations in the determination of this application are: the examination of the elements of the proposal against relevant planning policy; the impacts on the amenity of local residents in terms of the construction and operation of the Waste Transfer Station and the extension of the life of the landfill and other waste facilities on the site; the visual impact of the Waste Transfer Station and the Solar Farm; traffic and transportation impacts; and surface water and drainage impacts.

## **2. Background/Proposal**

- 2.1 The Deep Moor waste management site is situated between Barnstaple and Great Torrington and currently serves the Northern Devon area for the disposal of household waste together with commercial and industrial waste.
- 2.2 The site extends to 41 hectares, and has been a landfill site for over 40 years with the first planning permission being granted in 1974 to cater for primarily household waste. Subsequent permissions were granted in 1977, 1981 and 1984 to extend the site to its currently approved area. Further permissions granted in 1995, 2002 and 2008 did not extend the site laterally but varied the proposed restoration contours and imposed a time period for completing operations. The last major planning permission granted in 2008 required the site to be closed, all structures and buildings removed and the site restored by 30 December 2018. In addition, planning permission was granted for a recycling and waste verification building, the life of which is tied to the life of the landfill site i.e. 2018. The current landfill inputs are in the region of 80,000tpa (broken down into 60,000 tpa household and 20,000 tpa industrial and commercial).
- 2.3 The south west corner of the landfill site contains the existing leachate and gas management facilities. These comprise two 1MW gas engines and flare which are used to generate electricity and leachate lagoons which treat the leachate to a primary standard by aeration, before it is pumped along a pipeline to the public sewer at Torrington. The leachate lagoons will be retained after 2032 to serve the proposed development as will gas control measures.
- 2.4 Within the application site there is also a Household Waste Recycling Centre which has the benefit of a Certificate of Lawful Use.
- 2.5 There is an in-vessel composting facility operated by a different waste management company on land adjoining the site which is subject to a separate planning consent. This consent expires in 2018 when the building is required to be removed and the site restored. This operation does not form part of this application.

### Access

- 2.6 Access to the Deep Moor site is via the B3232 which is the main link road between Great Torrington and Barnstaple. No public rights of way are affected by the development proposals.
- 2.7 The proposed developments will continue to use the existing site access. Average daily trips for the existing landfill are approximately 62 HGVs a day, the majority of which are domestic waste collection vehicles collecting household waste from the

Torrige District Council and North Devon Council areas. Average daily HGV trips for the proposed landfill and WTS are predicted to be 73 HGVs a day which is an increase of 11 HGVs per day due to the need for the waste to be transported elsewhere for treatment. The current average daily traffic flow on this road is approximately 4 – 5,000.

- 2.8 In seeking to ensure that the impacts from the additional HGV trips associated with the proposed WTS are mitigated in all locations on the B3232 north of the site, the applicant has proposed a revised routing management plan to replace the existing plan agreed as part of a S106 agreement.
- 2.9 The proposed legal agreement will seek to ensure that the additional HGV trips required for exporting waste from the WTS that travel to and from the site must be via the B3232 from Torrington, while use of the B3232 north to Barnstaple would be prohibited. The agreement would also include a number of measures to manage the movement of the WTS HGVs to and from the site. As well as signing within the site to direct the vehicles, drivers would be informed of the restriction as part of a Driver Induction Pack. Enforcement of the routing scheme would be the responsibility of the Site Manager and spot checks would be used to monitor compliance with the scheme. The agreement will also include the existing traffic control measures relating to the domestic refuse vehicles.

## Land Use

- 2.10 The predominant land use adjoining the application site is agriculture with a number of isolated dwellings in the vicinity. The nearest residential properties are Three Oaks and Belle Vue Lodge. Belle Vue Lodge, which is derelict, to the north of the site is owned by Devon Waste Management and is unoccupied.
- 2.11 Three Oaks is a residential property attached to a currently inactive metal recycling facility and is located to the north west of the site as shown on the Location Plan. The nearest settlements are located at High Bullen (approximately 500m south from the site access) the hamlet of Peagham Barton (approximately 600m to the south west and Great Torrington (approximately 2.5km as the crow flies from the site access).
- 2.12 To the east of the site is a private airstrip at Belle Vue Farm and the entire waste management site falls within an aerodrome safeguarding zone.

## The New Waste Transfer Building

- 2.13 The proposed building will be 12.3m to the ridge and 43.2m long by 26m wide giving an external footprint of 1,123m<sup>2</sup>. It will be sited in an excavated area 7m below the adjoining ground level of 175m AOD, giving a final floor level of 164m AOD, and adjacent to the gas engines and leachate management buildings. Approximately 3m of the building will be above the surrounding ground level, which will be screened by the existing tree belt between it and the adjoining property (Three Oaks).
- 2.14 External lighting will be required to ensure the safety of vehicles and pedestrians around the site and enhance general security. All lighting would be inward facing and at a low level and no external lighting to the buildings would be required other than above the main doors. There are no proposals for floodlighting or for high level lighting.

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- 2.15 The WTS would be the closest structure to Three Oaks (170m). The peripheral tree planting around the compound would be retained, with some low key alterations to land forming being required to establish an access point and accommodate the eastern part of the building.

## Proposed Operating Hours

- 2.16 The current working hours for the landfill element of the site allow it to open between the hours of 0630 and 1830 hours Mondays to Saturdays, and from 0900 to 1530 hours on Sundays and Bank Holidays for the receipt and disposal of waste from the operation of household waste recycling centres and for receipt and disposal of street waste. The proposed variations requested to those existing are set out in the table below.

|                         | Existing  | Proposed   |
|-------------------------|---|--|
| Landfill                | Mondays to Saturdays 06.30 to 18.30<br><br>0900 to 1530 hours on Sundays and Bank Holidays for the receipt and disposal of waste from the operation of civic amenity and recycling centre and for receipt and disposal of street waste. | Monday to Saturday and Bank Holidays: 07.00 - 17.00<br>Sundays: Closed<br><br>Closed<br>Christmas Day, Boxing Day, and New Year's Day: |
| Waste Transfer Building |   | Mon to Fri - 0700 to 1800<br>Saturdays and Bank Holidays - 0700 to 1700<br>Sundays - 1000 to 1400                                      |

## New Solar Farm

- 2.17 The Solar Farm will have a power capacity of 2MWe with an average output of around 1,752 MWh. The PV Panels will be static and installed in rows with an approximate height of 1.6m, with spaces between rows of at least twice the height of the panels to avoid panels over-shading each other, and access for maintenance. The rows will run east west and all panels will face south.
- 2.18 The panels will be mounted on concrete shoes to avoid any interference with the landfill cap or the creation of any potential pathways for contaminants. This system will also allow for quick remediation of the site following decommissioning of the Solar Farm. Cables, inverters and transformers will also be on-ground installations for the same reason.
- 2.19 It is anticipated that the solar farm will generate electricity for approximately 25 years. There would be no flood lighting of the solar farm. At the end of 25 years (2041) the site will be decommissioned and returned to grassland.

## The Waste Verification/Commercial Recycling Building

- 2.20 It is proposed to retain the existing commercial recycling building as part of this proposal, increasing the landscape planting around it to further integrate it into the

landscape. This building is used to verify commercial waste prior to landfill as part of the Environment Agency's Waste Management Licence requirements.

## Relocated Composting Facilities

- 2.21 A separate planning application for the permanent relocation of the green waste composting operations has been received and this is presently out to consultation. This is to be relocated to a concrete pad to the south of the Waste Verification Building. It is proposed that these operations will be enclosed by an enhanced and extended landscaped bund which will screen these operations from view.

## Time Extension for Landfill and Other Operations

- 2.22 The application is seeking an extended period for the completion of existing landfilling, composting and recycling operations to 2030 at Deep Moor, in recognition of the increased diversion of waste from landfill that has and will continue to occur.
- 2.23 As a result of improved rates of recovery, reuse and recycling, the amount of residual waste going to the existing Deep Moor landfill site is expected to fall from 80,000tpa to around 20,000tpa. As a result, the landfill site will have sufficient approved capacity to accommodate residual waste beyond the current permission which only allows it to be operational up to 2017 with restoration by 2018.
- 2.24 No change to the currently approved contours is sought and all existing gas and leachate management schemes will remain in place. Upon completion of landfilling, the landfill site will be restored in accordance with the approved restoration plans.

## **3. Consultation Responses**

- 3.1 Torridge District Council - No objection.
- 3.2 Environment Agency - No objection.

The Agency comment in relation to noise from the WTS that further detailed assessment of noise impact may be required when an application for an environmental permit is received. It notes that the applicant has carried out further work with regard to the cladding of the WTS building which is likely to result in a reduction of the noise Rating Level to 1 dB below background level. It notes that the specification for the cladding material could be subject of a planning condition. So far as the environmental permitting regime is concerned the Agency will require an approach of prevention and where this is not practicable minimisation of emissions, and considers that this is best achieved through careful attention to the design of the building. The Agency also comments that both odour and noise are matters which fall to regulatory control under the environmental permitting regime, and would be considered during the determination of any application for an environmental permit relating to the proposal. If issued, any environmental permit authorising operation of a waste transfer activity at this site would include conditions relating to emissions prevention and control for both odour and noise. See paragraph 6.12.

- 3.3 Natural England - No objection. It confirms that it is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which the Taw Torridge Estuary SSSI has been notified.
- 3.4 MOD (Safeguarding): No objection.

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- 3.5 St Giles in the Wood Parish Council – Objection on the grounds of the location of the Waste Transfer building and its proximity to the nearest residential site, and to the extension of the time limit. No objection to provision of the solar panels.
- 3.6 Great Torrington Town Council - Objection to extension of time for the landfill and the WTS due to lack of compliance with the Devon Waste Plan, which does not identify the site as a strategic location, increased vehicle movements, unsuitable location, and adverse impacts including on Three Oaks.
- 3.7 Alverdiscott and Huntshaw Parish Council - Objection to the WTS, which should be located at a site with better road access nearer Barnstaple such as Brynsworthy and avoid use of the unsuitable B3232, together with adverse impacts on Three Oaks. No objection to the solar farm, while the extension of time is acceptable as not aware of any suitable alternatives.

## 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 8 representations were received from local residents and Peagham Barton residents group.
- 4.2 Copies of representations are available to view on the Council website under reference DCC/3848/2016 or by clicking on the following link: <https://planning.devon.gov.uk/PlanDisp.aspx?AppNo=DCC/3848/2016>.
- 4.3 Issues arising from the responses received include:
- Location of the site.
  - Continuing failure to acknowledge the close proximity of the 12 residential properties, which comprise Peagham Barton, to the proposed site.
  - The impact of the proposed WTS on the neighbouring residential properties during its construction or operation.
  - The cumulative level of nuisance, dependent on the seasons, wind conditions and work patterns, caused by odour, deterioration in air quality, dust, litter, vermin and light pollution etc. which will have a significant and detrimental impact on the quality of life of local residents.
  - Extension of operating hours to 7 days a week including Bank Holidays and noise generated by both operations and traffic.
  - Traffic and transportation.
  - Not in accordance with the Devon Waste Plan.

## 5. **Planning Policy Context**

- 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 listed in Appendix I to this report and the most relevant are referred to in more detail in Section 6 below.

- 5.2 National guidance in the form of the National Planning Policy for Waste requires waste planning authorities to consider likely impacts on the local environment and amenity against a range of locational criteria including the suitability of the road network and the proximity of sensitive receptors.

## 6. Comments/Issues

### The Proposed Waste Transfer Station

- 6.1 The main material planning considerations in the determination of this aspect of the proposed development are as discussed below:

#### Location of a new Waste Transfer Station in the context of the Devon Waste Plan

- 6.2 Devon Waste Plan Policy W3: Spatial Strategy recognises the role of Barnstaple, along with Exeter and Newton Abbot, as a focus for growth and seeks the location of strategic recycling, recovery and disposal facilities (i.e. those managing 40,000 tonnes or more of waste) in those areas. While waste transfer is not specifically mentioned in Policy W3, it is considered that it can form an integral part of the waste recycling, recovery or disposal processes to which criterion (a) of Policy W3 relates. This states:

#### *Policy W3: Spatial Strategy*

*The provision of new waste management facilities should accord with the following mixed spatial approach, having regard to the other policies of the Plan;*

- (a) *strategic recycling, recovery and disposal facilities shall be located,*
- *within or close to Exeter, Barnstaple and Newton Abbot.*

- 6.3 Policy W17: Transportation and Access also requires that waste management development should seek to minimise the distance that waste is transported.

- 6.4 Deep Moor developed originally as a landfill site and is located within a reasonable distance of both Barnstaple and Bideford which are two of northern Devon's main centres of population and sources of waste. The scale of the existing waste management activities at Deep Moor fall within the definition of it being a 'strategic' facility under the terms of Policy W3. The current proposal for the WTS would maintain the strategic nature of the site, but in an ideal world it is considered that a WTS would be more appropriately located within or close to Barnstaple to ensure that waste can be managed close to its point of origin thereby minimise transportation distances. However, whilst the WTS would operate separately to the existing waste activities at Deep Moor there are operational benefits for the applicant company in terms of co-location of waste facilities. The second major part of this application is to extend the life of the landfill and taking the above planning policy considerations into account it is considered that the life of the WTS transfer station be tied to the overall life of the waste facility.

- 6.5 The Devon Waste and Resource Management Strategy indicates that there will be a reduction in Local Authority Collected Waste (LACW) being directly disposed of to landfill, with an objective that no LACW will be landfilled but is diverted to other facilities such as energy from waste or for further processing elsewhere. The nearest available energy from waste facilities are currently situated in Plymouth and Avonmouth (the Exeter facility having an area restriction for the sources of waste that does not include northern Devon), so there is a need for a waste transfer building within the northern Devon area to allow for the consolidation of LACW prior to onwards transportation for treatment. It is considered that this proposal would assist

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in the delivery of the Strategy and given the distance that transferred waste would travel for final disposal (i.e. Plymouth or out of County) the location of the WTS at Deep Moor would be acceptable in strategic planning terms.

- 6.6 Given that there are currently no alternative sites available and taking the Waste Plan policies and the Waste and Resource Management Strategy into account, it is considered appropriate to secure a legal agreement with the applicant so that the LACW waste dealt with at the facility is restricted to that arising from **the Torridge District Council and North Devon Council areas only**.

*Location of the proposed Waste Transfer building in the site and its impact on the neighbouring property*

- 6.7 A previous application at Deep Moor had proposed development of a new waste transfer building adjoining the existing waste verification building. Concerns were expressed that the positioning of the building in that area given its bulk close to the skyline would be detrimental in landscape and visual terms, and the applicant was asked to consider relocating it within the site. It is considered that the new proposal would have limited impact on the local landscape as the site is generally well screened and the WTS building would have a similar appearance to a large scale agricultural barn and the proposed use of external materials (Van Dyke brown) would help the building assimilate into the landscape.
- 6.8 In the current application the applicant has proposed to locate the new WTS building in an excavated area to the south of Three Oaks which in the previous application was the location for an Energy from Waste (EFW) plant.
- 6.9 In relation to the currently proposed WTS, concern has been expressed by the residents of Three Oaks as to the location of the building within 170m of their dwelling and within 100m of their boundary. This relates to the potential impact from noise, odour and the effect on their amenity, given the proposed intensification of activity in close proximity to their property and the effect it will have on their property over and above that which already affects them.
- 6.10 With respect to odour issues, the applicant has confirmed that the following measures are to be employed:
- ensuring a rapid turn-around of waste and operating on the principals of 'first in – first out' to prevent waste being stored in the WTS and allowed to degrade.
  - Incoming wastes would be subject to inspection by site personnel who would be aware of the permitted wastes that can be accepted at the facility and those which could be potentially malodorous and which could require special attention or be turned away.
  - All waste would be discharged directly into the enclosed WTS building and any waste which is found to be excessively malodorous would be immediately removed off site in a suitable vehicle and taken to an appropriately permitted facility.
  - All waste would be removed regularly and the base of the WTS building swept and cleaned as necessary to remove all waste debris.
  - Daily olfactory inspection would be carried out by site staff during the course of their normal working activities. Detection of levels of odour likely to lead to an unacceptable impact would trigger a review of the measures stated above and the removal of the waste causing the odour to resolve the situation.



- 6.11 In terms of noise impact, the applicant has provided a noise assessment which examines the existing and predicted noise levels both during the proposed week time and the weekend operating hours. The external sources of noise would be limited to HGV traffic delivering waste to the site and taking waste away from the site. During the week these would be around 60 movements per 10 hour day. It is understood that working of Sunday would only involve the removal of waste, this being required so that the waste is not held at the site for any longer than necessary. Operations within the building would be limited to a wheeled loading shovel. The noise assessment predicts that at all properties except at Three Oaks the activities from the Waste Transfer Station would be below existing background noise levels. At Three Oaks noise levels would be slightly above background levels, but this would not lead to adverse impacts.
- 6.12 The Environment Agency in its comment notes that the environmental permitting regime requires an approach of prevention, and where that is not practicable, minimisation of noise and odour emissions. Following the submission of additional information regarding potential noise impact the Environment Agency confirmed that it has no objection to the scheme. Whilst the control of noise is a matter for the environmental permit the cladding of the building is important in ensuring that noise can be controlled and this is a planning matter. It is therefore recommended that a planning condition is included requiring approval of the details of the noise prevention measures that would be incorporated into the building.

#### Traffic and Transportation Implication of the Waste Transfer Station

- 6.13 So far as the domestic refuse vehicles accessing the site are concerned the traffic would remain as existing, with the change in HGV vehicle numbers arising from the waste collection vehicles arriving at and leaving from the new WTS. The vehicles collecting waste from the WTS would be larger articulated HGVs and would result in an additional 11 movements per day.
- 6.14 Deep Moor is located close to Great Torrington accessed from the B3232 via a minor road leading into the site. The B3232 provides a direct link between Great Torrington and Barnstaple. The section of the B3232 towards Barnstaple at Stoneylands is in places narrow and makes passing for HGVs problematic. In terms of the accident record the route is not an area for concern.
- 6.15 In order to mitigate the potential impacts on the section of the B3232 from the site to Barnstaple the applicant has agreed to enter into a legal agreement that would require all new HGVs collecting waste from the WTS to travel south on the B3232 into Torrington. This route, from the site, travelling west on the B3232 and moving through Great Torrington is considered to be acceptable from a highways point of view. The operator of the site will have sufficient contractual control to ensure that the legal agreement is enforceable.
- 6.16 In terms of planning conditions it is recommended that conditions be imposed regarding the disposal of surface water drainage from the WTS (to prevent discharge onto the highway) and the submission and approval of a construction management plan before development commences.

#### **The Proposed Solar Farm**

- 6.17 The solar farm is a temporary use of land for a period of 25 years, following which the equipment will be removed and the site restored. The site proposed is restricted in area and it should not detract from what is an existing waste management/energy

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landscape. The proposals are considered acceptable. A detailed construction methodology will be required in relation to the anchoring system to prevent piercing of the landfill capping and demonstrate how the vegetation will be managed to provide the widest ecological benefit and this will be secured by planning condition.

## The Proposed Extension of the Lifetime of the Existing Non-hazardous and Asbestos Waste Landfill, Recycling Facility and Green Waste Composting until 31st December 2030

- 6.18 The main material planning considerations in the determination of this aspect of the proposed development are as discussed below:

### Extension of landfill operations in the context of the Devon Waste Plan

- 6.19 Policy W7 of the Devon Waste Plan indicates that planning permission will normally be granted for the use of remaining capacity for landfilling of non-hazardous and inert waste where a temporary permission will expire prior to the permitted capacity has been utilised. At Deep Moor, there will be residual non-hazardous landfill capacity which had been permitted previously which will not be completed in the time originally envisaged due to the decline in waste imported for disposal as a result of the development of the WTS and increased recycling rates. Following the commissioning of the WTS the disposal rates for the landfill will reduce from around 80,000 tonnes per annum to 20,000 tonnes per annum. It is also noted that of the two other non-hazardous landfill sites that catered for Local Authority Collected Waste area in Devon, Heathfield closed in January 2016, and Broadpath has planning permission until 2023.
- 6.20 Deep Moor is the sole site in Devon permitted by the Environment Agency for the disposal of asbestos as other sites have closed. Policy W9 indicates that development for the management of special wastes will be permitted where the site predominantly serve a need arising from within the catchment area of Devon and there are adequate design and mitigation measures to avoid significant harm to the local community and environment.
- 6.21 The proposed extension in the life of the landfill facility would retain the capacity already approved at the site and provide Devon's only non-hazardous and hazardous landfill capacity for the medium term, and is supported by Policies W7 and W9 of the Devon Waste Plan.

### **Ancillary Development**

- 6.22 These proposals comprise a range of minor works that are required in association with the proposed WTS and existing activities. It is considered that these works will not result in adverse impacts.

## **7. Reasons for Recommendation/Alternatives Options Considered**

- 7.1 The Committee has the option of approving, deferring or refusing this planning application.
- 7.2 With regard to the planning balance it is considered that the development of a Waste Transfer Site (WTS) at Deep Moor is acceptable in the context of the delivery of a facility that helps in the delivery of the Devon Waste and Resource Management Strategy. Whilst the location of the facility is not ideal in the context of the northern Devon waste catchment it is broadly acceptable in terms of the Devon Waste Plan

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provided the use of the WTS is tied to the life of the Deep Moor facility, restricted to Local Authority Collected Waste (LACW) arising from the two northern Devon Districts and has an annual capacity limit of 60,000 tonnes. Furthermore it is considered that the operational impacts in terms of traffic and amenity on local residential properties can be controlled by the suggested legal agreement and planning conditions.

- 7.3 With regard to the extension of life of the landfill, Deep Moor is an important facility and there will be a continued need for landfilling of residual wastes and special wastes that cannot be recycled or reprocessed. It is important that capacity at existing landfill sites is maintained.
- 7.4 It is considered that the solar farm will have a minimum impact on the local landscape given the location and context of the Deep Moor site.
- 7.5 Taking the above into account it is considered that planning permission for these developments is granted in accordance with the recommendation to this Report.

Dave Black  
Head of Planning, Transportation and Environment

## **Electoral Division: Torrington Rural**

Local Government Act 1972: List of Background Papers

Contact for enquiries: Andy Bowman

Room No: AB2, Lucombe House, County Hall

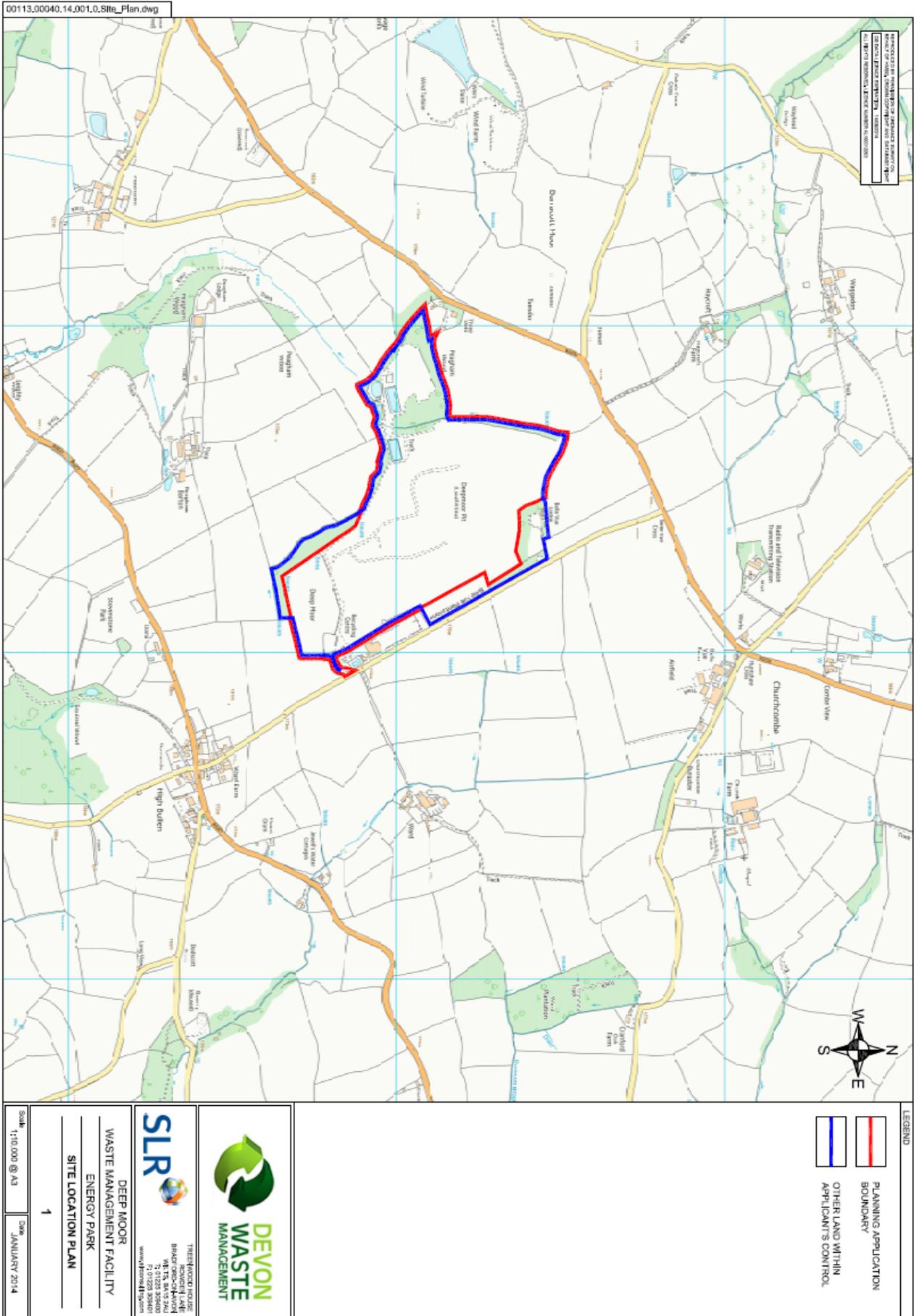
Tel No: 01392 383000

| Background Paper | Date       | File Ref.     |
|------------------|------------|---------------|
| Casework File    | 15/03/2016 | DCC/3848/2016 |

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## Location Plan



## Site Plan



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**Appendix I  
PTE/17/8**

## **Planning Policy Considerations**

### **National Planning Policy Framework (March 2012)** including:

Paragraph 32: take account of whether safe and suitable access can be achieved, and only prevent or refuse development on transport grounds where the residual cumulative impacts are 'severe'.

### **National Planning Policy for Waste (October 2014)** including:

Paragraph 7: consider the likely impact on the local environment and on amenity against the locational criteria in Appendix B.

**Devon Waste Plan (Adopted December 2014):** Policies: W1 (Presumption in Favour of Sustainable Development); W2 (Sustainable Waste Management); W3 (Spatial Strategy); W4 (Waste Prevention); W5 (Reuse, Recycling and Materials Recovery); W7 (Waste Disposal); W9 (The Management of Special Types of Waste); W10 (Protection of Waste Management Capacity); W11 (Biodiversity and Geodiversity); W12 (Landscape and Visual Impact); W13 (The Historic Environment); W14 (Sustainable and Quality Design); W15 (Infrastructure and Community Services); W16 (Natural Resources); W17 (Transportation and Access); W18 (Quality of Life); W19 (Flooding); and W20 (Restoration and Aftercare).

**Torridge Local Plan (September 2004):** Policies: DVT2C (Development in the Open Countryside); DVT7 (Design Considerations); DVT8 (Landscaping); and DVT18 (Impact of development on Traffic).

**North Devon and Torridge Local Plan (Submitted June 2016):** Policies: ST10 (Transport Strategy); DM01 (Amenity Considerations); DM02 (Environmental Protection); and DM04 (Design Principles).

## **Planning Conditions**

### Standard Commencement

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.

### Conditions relating to the Development of the Waste Transfer Station.

2. The Waste Transfer Station operations shall cease no later than 31 December 2030 and the land occupied by the building and infrastructure associated with the Waste Transfer Station operations shall be restored by 31 December 2031 in accordance with a restoration scheme that shall be submitted to and approved in writing by 31 May 2030.

REASON: It is considered that the life of the Waste Transfer Station should be tied to that of the landfill in order that it complies with Policy W3 of the Devon Waste Plan.

3. The Waste Transfer building shall be erected in accordance with Plans reference 00113.00040-GA-1.7; 010/A, 011/A; 012/A; 013/A and 014/A unless as may otherwise be varied by the planning conditions below.

REASON: To be able to control the development such that it accords with policy W12 and W18 of the Devon Waste local Plan.

4. Prior to commencement of the construction of the Waste Transfer Station the Waste Planning Authority shall have received and approved a Construction Management Plan including;
  - (a) the timetable of the works,
  - (b) daily hours of construction,
  - (c) any road closure,
  - (d) hours during which delivery and construction traffic will travel to and from the site, with such vehicular movements being restricted to between 8:00am and 6pm Mondays to Fridays inc.; 9.00am to 1.00pm Saturdays, and no such vehicular movements taking place on Sundays and Bank/Public Holidays unless agreed by the Waste Planning Authority in advance,
  - (e) the number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits,
  - (f) the compound/location where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored during the demolition and construction phases,
  - (g) areas on-site where delivery vehicles and construction traffic will load or unload building materials, finished or unfinished products, parts, crates, packing materials and waste with confirmation that no construction traffic or delivery vehicles will park on the county highway for loading or unloading purposes, unless prior written agreement has been given by the Waste Planning Authority,
  - (h) hours during which no construction traffic will be present at the site,
  - (i) the means of enclosure of the site during construction works,

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- (j) details of proposals to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off-site,
- (k) details of wheel washing facilities and obligations,
- (l) The proposed route of all construction traffic exceeding 7.5 tonnes,
- (m) Details of the amount and location of construction worker parking, and
- (n) Photographic evidence of the condition of adjacent public highway prior to commencement of any work.

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

REASON: To ensure that adequate provisions have been made for the construction traffic accessing the site and ensure the safety of other traffic and local residents in accordance with Policy W17 of the Devon Waste Plan.

5. No development shall take place until a sustainable drainage scheme [which is consistent with the approved/submitted Green Infrastructure Scheme] has been submitted to and approved in writing by the County Planning Authority. Unless it is demonstrated that it is unfeasible to do so, the scheme shall use appropriate Sustainable Urban Drainage Systems. The drainage scheme shall be designed so that there is no increase in the rate of surface water runoff from the site resulting from the development and so that storm water flows are attenuated. The development shall be carried out in accordance with the approved scheme.

REASON: To protect water quality and minimise flood risk in accordance with Policy W19 of the Devon Waste Plan.

In accordance with details that shall previously have been submitted to, and approved by, the Waste Planning Authority, provision shall be made within the site for the disposal of surface water so that none drains on to any County Highway.

REASON: In the interest of public safety and to prevent damage to the highway.

6. Notwithstanding the requirements of condition 3 above details of noise insulation for the building shall be submitted to the Waste Planning Authority for its approval before the building works start. The noise insulation measures shall be provided in accordance with the approved details.

REASON: To protect the amenity of local amenity in accordance with Policy W18 of the Devon Waste Plan.

7. The Waste Transfer Station shall only operate during the following hours:
- (i) From 07.00 to 18.00 Mondays to Fridays;
  - (ii) From 07.00 to 17.00 Saturdays and Bank Holidays
  - (iii) From 10.00 to 14.00 on Sundays

For the avoidance of doubt the hours of operation shall include deliveries of waste to the site and export of waste from the site.

REASON: To protect the amenity of local amenity in accordance with Policy W18 of the Devon Waste Plan.

8. A Landscaping Scheme in respect of the area surrounding the Waste Transfer Building shall be submitted to the WPA for approval in writing within three months of the date of this permission. The scheme shall include;



- a) finished contours of the site,
- b) means of enclosure in and around the site,
- c) hard surfacing materials to be used in the construction of the yard area,
- d) treatment and retention of existing landscape features including trees and hedgerows,
- e) written specifications, including methods of cultivation and other operations associated with plant and grass establishment,
- f) schedules of plants/grass, giving species, planting sizes and proposed numbers and densities and
- g) a schedule of maintenance to be carried out for a minimum of five years following completion.

The landscaping works shall be carried out in accordance with the approved scheme. The Landscaping Scheme shall be implemented in the first planting and seeding season after commencement of development.

REASON: To protect the character and appearance of the local landscape in accordance with policy W12 and W20 of the Devon Waste Plan.

## Conditions relating to the Extension to the life of the Landfill

9. The landfill site operations shall cease no later than 31 December 2030 and the Site shall be restored by 31 December 2031 in accordance with a restoration scheme that shall be submitted to and approved in writing by 31 May 2030.

REASON: To provide for the completion and restoration of the site in the interest of the amenity of the area in accordance with Policy W18 and W20 of the Devon Waste Plan.

10. The landfill development shall comply with the phasing programme indicated on approved drawing DM3/2/1 (permissions 01/0389/2007 and 01/0390/2007). The final restored levels shall not exceed the levels shown on that drawing and on approved drawings DM3/3/0 and DM3/4 (permissions 01/0389/2007 and 01/0390/2007). The restoration of the site shall be undertaken in accordance with the details shown on approved drawing no. DM3/3/1 and contained in the supplementary information and Environmental Impact statement submitted with applications 01/0389/2007 and 01/0390/2007.

REASON: To ensure that the amended scheme for the operation and restoration of the site is complied with in the interests of the amenity of the area in accordance with Policy W18 and W20 of the Devon Waste Plan.

11. All existing trees, shrubs and hedgerows within or on the boundaries of the application site shall be retained and protected during the course of operations such that they are not damaged, destroyed, uprooted, lopped or topped during the life of the site without the previous written approval of the Waste Planning Authority.

- Protection shall consist of a 1.2m minimum height chestnut paling mounted on 1.2 minimum height wooden posts driven firmly into the ground, situated 2m from the edge of the tree canopy.
- Any such trees removed without permission or dying or being seriously damaged or diseased during the life of the site shall be replaced in the following planting season with trees of such size and species as may be approved by the Waste Planning Authority.

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REASON: In the interests of the amenity of the area in accordance with Policy W18 of the Devon Waste Plan.

12. A full topographical survey of the site including levels based upon Ordnance Datum, together with cross sections' shall be submitted to the Waste Planning Authority on an annual basis on 1st April each year until the 1st April 2032 indicating the levels reached in that annual period.

REASON: To enable the Waste Planning Authority to adequately monitor the site in accordance with Policy W20 of the Devon Waste Plan.

13. Subsidence monitoring reports including compaction isopachytes shall be submitted to the Waste Planning Authority six monthly intervals until 1st April 2031.

REASON: To enable the Waste Planning Authority to adequately monitor the site in accordance with Policy W20 of the Devon Waste Plan.

14. Any security fencing shall not exceed 1.8 metres in height and, in the case of peripheral fencing, shall be placed on the inward side of any peripheral banks marking the boundary of the land.

REASON: In the interests of the amenity of the area in accordance with Policy W18 of the Devon Waste Plan.

15. All vehicles leaving the site shall use the wheel wash prior to leaving the bounds of the site.

REASON: To prevent mud and dust being brought onto the highway and in the interest of Highway Safety and in the interests of the amenity of the area in accordance with Policy W18 of the Devon Waste Plan.

16. Unless as may be otherwise agreed or required by the Waste Planning Authority the approved scheme submitted in respect of condition 12 of planning permissions 01/0389/2007 and 01/0390/2007 for keeping the site free of scavenging birds (Revision.1 dated October 2011) shall be implemented during the hours of daylight throughout the life of the site.

Reason: To protect public health, air safety and residential amenity in accordance with Policy W18 of the Devon Waste Plan.

17. Unless otherwise agreed in writing by the Waste Planning Authority, within three months of the completion of the restoration of any part of the site that area shall be securely fenced with a stock proof fence in accordance with details that shall first have been agreed in writing by the Authority.

REASON: To ensure that the restored areas of the site are capable of agricultural after-use in accordance with Policy W20 of the Devon Waste Plan.

18. Any storage of skips or containers stored on the land shall be incidental to the land filling of the site and shall be confined to the approved areas (condition 15 of permissions 01/0389/2007 and 01/0390/2007).

REASON: To control the appearance of the site in the interest of visual amenity of the local area in accordance with Policy W18 of the Devon Waste Plan.

19. Unless as may be otherwise agreed or required by the Waste Planning Authority the approved scheme submitted in respect of condition 16 of planning permission 01/0389/2007 and 01/0390/2007 for dust monitoring and control (dated October 2008) shall be operated throughout the life of the site.

REASON: To protect residential amenity in accordance with Policy W18 of the Devon Waste Plan

20. For a period of five years following its restoration, the site shall be managed to provide agricultural grassland, hedges and woodland in accordance with the restoration scheme shown on approved Drawing No: DM 3/3/1 of permission 01/0389/2007 and 01/0390/2007.

REASON: To ensure that the operation and restoration of the site is complied with in the interests of the amenity of the area in accordance with Policy W20 of the Devon Waste Plan.

21. Upon completion of the importation of waste materials to the landfill, all access roads, buildings and any other site facilities not required for restoration or aftercare or for continued landfill gas/leachate monitoring or treatment shall be removed and the areas occupied restored in accordance with the agreed restoration scheme.

REASON: To ensure the appropriate restoration of the site area in accordance with Policy W20 of the Devon Waste Plan.

## Conditions Relating to the Development of the Solar Farm

22. On 31st December 2041, or within six months of the cessation of electricity generation, whichever is the sooner; the solar PV panels, frames, foundations, inverter housings and all associated structures and fencing approved shall be dismantled and removed from the site. Following the removal of the electricity generating equipment the site shall be restored in accordance with a scheme that shall be submitted to the Waste Planning Authority by 31 December 2040 or within one month of the cessation of electricity generation, whichever is the sooner.

REASON: To ensure the achievement of satisfactory restoration in line with the approved existing restoration scheme and in accordance with Devon Waste Local Plan policy W20 and to provide for the completion and progressive restoration of the site within the approved timescale in the interest of local amenity and residents.

23. The development shall be carried out in accordance with the details shown on drawing 00113.00040-GA-1.7.

REASON: To ensure that the development is carried out in accordance with the approved details area in accordance with Policy W18 of the Devon Waste Plan.

24. No development shall take place in respect of the Solar Farm until the Waste Planning Authority shall have received and approved a Construction Management Plan including;

- (a) the timetable of the works,
- (b) daily hours of construction,
- (c) any road closure,
- (d) hours during which delivery and construction traffic will travel to and from the site, with such vehicular movements being restricted to between 8:00am and 6pm

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- Mondays to Fridays inc.; 9.00am to 1.00pm Saturdays, and no such vehicular movements taking place on Sundays and Bank/Public Holidays unless agreed by the Waste Planning Authority in advance,
- (e) the number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits,
  - (f) the compound/location where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored during the demolition and construction phases,
  - (g) areas on-site where delivery vehicles and construction traffic will load or unload building materials, finished or unfinished products, parts, crates, packing materials and waste with confirmation that no construction traffic or delivery vehicles will park on the county highway for loading or unloading purposes, unless prior written agreement has been given by the Waste Planning Authority,
  - (h) hours during which no construction traffic will be present at the site,
  - (i) the means of enclosure of the site during construction works,
  - (j) details of proposals to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off-site,
  - (k) details of wheel washing facilities and obligations,
  - (l) The proposed route of all construction traffic exceeding 7.5 tonnes,
  - (m) Details of the amount and location of construction worker parking and
  - (n) Photographic evidence of the condition of adjacent public highway prior to commencement of any work.

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

REASON: To ensure that adequate provisions have been made for the construction traffic accessing the site and ensure the safety of other traffic and local residents in accordance with Policy W17 of the Devon Waste Plan.

25. No development shall take place until details of the framework of the Solar Panels have been submitted to and approved in writing by the Waste Planning Authority. The steelwork should not be reflective in appearance. The development shall be implemented in accordance with the approved scheme.

REASON: To ensure that local landscape is conserved and enhanced in accordance with Policy W12 of the Devon Waste Plan.

**Delegated Schedule – 12th January 2017 - Summary**

| <u>District/Location/Application Number</u>  | <u>Proposal</u>  | <u>Electoral Division</u>                    | <u>Action Taken</u>         |
|--|--|--|-----------------------------|
| <p><b>North Devon District Council</b><br/>SWM Waste Recycling Transfer Station, Hacche Lane, Pathfields Industrial Estate, South Molton, EX36<br/>DCC/3856/2016</p> | <p>Retrospective application for waste materials recycling plant and storage bays.</p>   | <p>South Molton Rural</p>                    | <p>Conditional Approval</p> |
| <p><b>South Hams District Council</b><br/>Mounts Quarry Plantation, A381 Fallapit Turn to Firs Cross, The Mounts, TQ9 7QJ<br/>DCC/3859/2016</p>                      | <p>Retrospective application for the importation and processing of waste wood and uPVC and the continuation of importing and shredding of green waste.</p>   | <p>Thurlestone, Salcombe &amp; Allington</p> | <p>Conditional Approval</p> |
| <p><b>Teignbridge District Council</b><br/>Bridge at Ngr 283748 74490, Road from Stover Caravan Park, To Forches Cross, Stover, NEWTON ABBOT,<br/>DCC/3876/2016</p>  | <p>Restoration works on the Grade II listed Bridge 300 metres north of Stover House.</p>   | <p>Kingsteignton</p>                         | <p>Conditional Approval</p> |
| <p><b>South Hams District Council</b><br/>St. Johns C of E Primary School, Pathfields, TOTNES, TQ9 5TZ<br/>DCC/3896/2016</p>   | <p>Demolition of existing single temporary classroom and construction of new permanent two storey building, hall and staff room extension including provision of new raised deck and MUGA.</p>   | <p>Totnes Rural</p>                          | <p>Conditional Approval</p> |
| <p><b>East Devon District Council</b><br/>Payhembury C of E Primary School, Road From Payhembury Cross to Markers Park, Payhembury,<br/>DCC/3900/2016</p>            | <p>Demolish existing single storey flat roof section of main building and construct new single storey extension to form classroom and store. Infill existing boundary wall opening opposite main school entrance.</p>                            | <p>Honiton St Paul's</p>                     | <p>Conditional Approval</p> |
| <p><b>East Devon District Council</b><br/>Payhembury C of E Primary School, Road From Payhembury Cross to Markers Park, Payhembury,<br/>DCC/3901/2016</p>            | <p>Listed Building Consent to demolish existing single storey flat roof section of main building and construct new single storey extension to form classroom and store. Infill existing boundary wall opening opposite main school entrance.</p> | <p>Honiton St Paul's</p>                     | <p>Conditional Approval</p> |

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Delegated Schedule - 12th January 2017 - Summary

| <u>District/Location/Application Number</u>  | <u>Proposal</u>   | <u>Electoral Division</u>  | <u>Action Taken</u>         |
|--|---|----------------------------|-----------------------------|
| <b>Torrige District Council</b><br>Appledore Primary School,<br>Kingsley Avenue, Appledore,<br>EX39 1PF<br>DCC/3912/2016 | Retention of 4 no. modular classroom blocks for a further 10 years.   | Northam                    | Conditional Approval        |
| <b>Mid Devon District Council</b><br>Pulsards Farm, Moor View,<br>Penny Moor, EX16 8LE<br>DCC/3931/2016                  | Retrospective planning application to regularise the works undertaken to renovate and upgrade the existing lagoon to enable the storage of digestate. | Newton St Cyres & Sandford | Withdrawn Before Validation |