

Phil Norrey Chief Executive



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To:

The Chair and Members of the Development Management Committee

County Hall Topsham Road Exeter Devon EX2 4QD

(See below)

Your ref : Our ref : Date : 10 March 2020 Please ask for : Gerry Rufolo

Tel: 01392 382299

DEVELOPMENT MANAGEMENT COMMITTEE

Wednesday, 18th March, 2020

A meeting of the Development Management Committee is to be held on the above date at <u>2.15 pm in</u> the Committee Suite - County Hall to consider the following matters.

P NORREY Chief Executive

AGENDA

PART 1 - OPEN COMMITTEE

- 1 Apologies for Absence
- 2 <u>Minutes</u>

Minutes of the Meeting held on 27 November 2019 (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 <u>County Matter: Waste: South Hams District: Planning application for the provision of: (a)</u> <u>Construction of waste transfer building (62mx31mx8m); asbestos compound; waste treatment</u> plant; weighbridge, parking for 5 additional cars and associated landscaping and drainage at existing waste transfer site; and, (b) Land raise operations - importation of 585,000m3 of inert waste material over a 10 years period, requiring a change of use from agriculture (16.25 hectares) to waste disposal, incorporating phased landscape restoration. Land at Challonsleigh Farm, Smithaleigh (Pages 1 - 32)

Report of the Chief Planner (PTE/20/5), attached

Electoral Divisions(s): Bickleigh & Wembury

5 <u>County Matter: Waste: Mid Devon District: Variation of Condition 7 of DCC/4074/2018 to alter the</u> <u>current restriction on road delivery tonnage from 55,000 tonnes per annum to 120,000 tonnes per</u> <u>annum, Willand Anaerobic Digestion Plant, Station Road, Willand</u> (Pages 33 - 48)

Report of the Chief Planner (PTE/20/6), attached

Electoral Divisions(s): Willand & Uffculme

OTHER MATTERS

6 <u>Delegated Action - Schedules (to include ROMPs Actions) and Summary Schedule</u> (Pages 49 - 52)

Report of the Chief Planner (PTE/20/7), attached

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

Membership

Councillors J Brook (Chair), Y Atkinson, S Aves, R Bloxham, J Hook, A Connett, G Gribble, I Hall (Vice-Chair), L Hellyer, J Hodgson, R Hosking, T Inch, P Sanders, C Slade and J Yabsley

Declaration of Interests

Members are reminded that they must declare any interest they may have in any item to be considered at this meeting, prior to any discussion taking place on that item.

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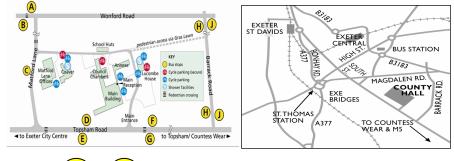
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PTE/20/5

Development Management Committee 18 March 2020

County Matter: Waste

South Hams District: Planning application for the provision of:

- (a) Construction of waste transfer building (62mx31mx8m); asbestos compound; waste treatment plant; weighbridge, parking for 5 additional cars and associated landscaping and drainage at existing waste transfer site; and,
- (b) Land raise operations importation of 585,000m³ of inert waste material over a 10 years period, requiring a change of use from agriculture (16.25 hectares) to waste disposal, incorporating phased landscape restoration.

Land at Challonsleigh Farm, Smithaleigh

Applicant: Dorton Group Application No: 1105/18/DCC Date application received by Devon County Council: 16 March 2018

Report of the Chief Planner

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 entering into a legal agreement providing for contributions of (a) £40,000 towards a traffic capacity, safety and amenity scheme for Lee Mill and (b) £5,000 towards the cost of a traffic regulation order, planning permission is granted subject to the conditions set out in Appendix I of this report (with any subsequent minor changes to the conditions being agreed in consultation with the Chair and Local Member).

1. Summary

- 1.1 This report relates to the expansion of an existing waste transfer and treatment facility involving the construction of a new transfer building, together with a large-scale inert waste land raising operation.
- 1.2 It is considered that the main material planning considerations in the determination of this application are planning policy considerations; impacts on nature conservation sites and habitats; landscape and visual impacts; highways and traffic impacts; noise and air quality; flood risk and drainage; impact on historic assets; loss of agricultural land; and other environmental impacts including climate change.
- 1.3 The planning application, representations received and consultation responses are available to view on the Council website under reference DCC/4038/2018 or by clicking on the following link: https://planning.devon.gov.uk/PlanDisp.aspx?AppNo=DCC/4038/2018.

2. The Proposal/Background

2.1 The application site occupies an area of approximately 19 hectares comprising land currently or previously used for waste management purposes in the south of the site, together with land presently in agricultural use. Plympton lies 3km to the west, with the centre of Plymouth being 11km away, while lvybridge is 2.5km to the east.

- 2.2 Directly to the north of the site is the A38 trunk road, with the village of Lee Mill lying to the north east. The eastern boundary of the site is formed by the River Yealm, beyond which is the Strashleigh Hams waste management facility which undertakes recycling of inert waste. To the south of the site is woodland and the closed New England Quarry, while agricultural land is to the west of the site. Lower Challonsleigh Farm is the closest residential property, with the house 100m from the site boundary and its garden being 75m away, and this is occupied by the owner of the application site's freehold. Also located at Lower Challonsleigh Farm are two waste transfer units, served by the same access as the application site, but both of these have recently closed.
- 2.3 The southern part of the application site was originally developed as an inert landfill facility with planning permission first granted in 1987, followed by subsequent extensions and renewals, with permission given in 2003 for the final restoration of the landfill site. Permission for the recycling of inert waste was first granted in 1995, with the current facility, occupying the western part of the former landfill site and contained within screening bunds, being approved in 2010 (DCC/2961/2009).
- 2.4 The application comprises two main elements, expansion of the existing waste transfer/recycling operation and development of a new inert landraise facility, and these are described in turn below.

Waste Transfer/Recycling Facility

- 2.5 The existing inert waste recycling facility occupies the western part of the original landfill site and comprises stockpiles of waste and recycled materials together with processing plant and a small site office, located behind screening bunds.
- 2.6 The redeveloped facility would cover 2.6ha and will include a new processing building; new access roads and turning area; weighbridge and site offices/welfare facilities; a fenced asbestos storage compound; waste treatment plant; an area for crushing, screening and storage of aggregates; and a drainage attenuation/settlement pond.
- 2.7 The new processing building would measure 62m in length, 31m in width and 8m in height to eaves level and would be faced in concrete panels and timber boarding with a steel roof. This building would be used for the sorting and separation of waste materials, with crushing and screening of construction and demolition waste continuing to take place externally.
- 2.8 The secure asbestos storage area would be contained within a 2.4m high fence and have four lockable skips for the storage of up to 40 tonnes of asbestos. When these skips become full, the asbestos will be transported to a disposal facility elsewhere that is permitted to accept hazardous waste, and these materials will not be disposed of within the landraise facility that forms part of this planning application.
- 2.9 The proposals will result in an increase in impermeable, hard surfaced areas, and therefore include a surface water attenuation pond in the southern corner of the site.

Landraise Facility

2.10 The proposed landraising operation will extend over 16.25ha of agricultural land, currently used for grazing, between the waste transfer facility and the A38 to the north. It is anticipated that the landraising will take place for around 10 years and will accommodate approximately 585,000m³ of inert wastes that are not suitable for

recycling. Development of the landraising site will require the removal of existing hedgerows but will retain the existing watercourse across the site that drains to the River Yealm to the east.

- 2.11 Landraising will take place in four phases, commencing to the north of the watercourse and then proceeding in the southern part of the site. A temporary bund will screen operations around each phase, and this will be removed once restoration of a phase is completed. The final landform will amount to a raised area on each side of the watercourse at a maximum of 10m above existing ground level, with levels reducing from west to east towards the Yealm. Restoration planting will comprise species rich grassland, replacement hedgerows, woodland and an area of native scrub planting, with the retention of three surface water ponds.
- 2.12 Vehicular access to the waste transfer and landraising facilities will use a private road leading from the Smithaleigh slip road off the A38. The proposed operating hours for the site are 0730 to 1800 on Monday to Fridays and 0800 to 1300 hrs on Saturdays.
- 2.13 The proposals are Environmental Impact Assessment (EIA) development and are accompanied by an Environmental Statement. In accordance with Regulation 25 of the EIA Regulations, additional environmental information has been required from the applicant, and further consultation and publicity have been undertaken on this information.

3. Consultation Responses

- 3.1 Consultation was undertaken on the submitted application in March 2018 and, following the submission of additional or amended information, further consultation was undertaken in May 2018, August 2018, February 2019 and November 2019. The consultation responses outlined below are the most recent from each consultee, with dates provided for each.
- 3.2 <u>South Hams District Council (Planning)</u> (16/05/2018): objection. The plans as currently presented are not acceptable because of the impact in the landscape in the area. Whilst it is accepted that the site is already used for waste transfer, the current proposal has a building which is excessively large in this location and there will be a considerable change in the landscape as a result of the additional inert waste.

If these issues can be mitigated, then the Council would be happy to review. At this time however, it is considered that the proposal would be contrary to Policies CS9 of the Core Strategy and DP1 and DP2 of the Development Policies DPD. Impacts on the residential properties nearby are also a concern.

- 3.3 <u>South Hams District Council (Environmental Health)</u> (10/05/2018): objection, raising concerns over the impact of noise on neighbouring amenity, the proposed hours of operation, the lack of assessment on air quality on the Western Road AQMA in Ivybridge and the guidance used to assess dust impacts.
- 3.4 <u>Sparkwell Parish Council</u> (22/04/2018): objection due to the increase in traffic volumes; asbestos handling; loss of amenity and peace for neighbours; and impact on lvybridge roundabout.
- 3.5 <u>Ermington Parish Council</u> (04/12/2019): objection due to the potential environmental impact on the River Yealm, which is adjacent to site proposed; extra heavy traffic on A38 slip road, which is already heavily congested; and the proximity of the proposed site to New England Woods.

- 3.6 <u>Yealmpton Parish Council</u> (14/05/2019): objection to this proposal due to direct potential to cause an environmental impact to the River Yealm; its siting between a National Park and the AONB and the proximity to New England Woods; its potential to disrupt traffic locally; and its proximity to Smithaleigh village with the general loss of amenity and lifestyle to the area.
- 3.7 <u>Environment Agency</u> (01/03/2019): no objections subject to conditions regarding an annual review of the systems in operation and to ensure any unsuspected contamination is appropriately dealt with.
- 3.8 <u>Natural England</u> (17/12/2019): no objection and concur with the conclusions of the appropriate assessment, providing that all mitigation measures are appropriately secured. Within the context of the adjacent New England Woodland Reserve managed by Devon Wildlife Trust, it would be beneficial to explore opportunities to restore further areas to broadleaf woodland to compliment adjacent habitats that are managed for nature conservation.
- 3.9 <u>Highways England</u> (25/11/2019): no objection subject to a condition requiring that the location, construction, planting and maintenance of the proposed bund adjacent to the A38 be submitted to the LPA for review and approval to protect the integrity of the strategic road network and associated soft estate.
- 3.10 <u>DCC Highways</u> (10/12/2019): no objection subject to a condition requiring completion of off-site highway works prior to the use of any buildings. It is noted both the Transport Statement and Environmental Statement imply that HGV traffic travelling from the Plymouth direction to the site will utilise the Lee Mill junction to turn around (to travel south) on the A38 so that drivers can then proceed to exit the A38 at Smithaleigh to reach the site. The Highway Authority has no objections to this approach subject to a legal agreement requiring contributions of (a) £5,000 towards a Traffic Regulation Order to secure a new highway sign, and (b) £40,000 towards a capacity, safety and amenity scheme in and around Lee Mill.
- 3.11 <u>DCC Landscape</u> (11/04/2019): no objection. Slight to moderate short-term adverse effects of landfilling operation on the rural character of the area and availability of agricultural land together with slight adverse permanent effect of the WTS building on the rural character of the area to be weighed against the benefits of the scheme, subject to securing suitably worded conditions that allow potential adverse landscape and visual effects to be moderated to acceptable levels.
- 3.12 <u>DCC Ecologist</u> (11/12/2019): no objection subject to conditions requiring development to be in accordance with submitted documents, submission of a Landscape and Ecological Management Plan, implementation of tree protection and landscaping measures, and timing of vegetation clearance. It is considered likely that Natural England will issue a dormouse mitigation licence due to the new woodland, scrub and hedgerow planting.
- 3.13 <u>DCC Flood Risk Management</u> (21/02/2020): no in-principle objections subject to conditions relating to detailed design of surface water drainage, percolation testing, condition of watercourse, exceedance pathways and overland routes, and adoption and maintenance arrangements.
- 3.14 <u>DCC Historic Environment</u> (08/03/2019): recommend that the application should be supported by the submission of a Written Scheme of Investigation setting out a

programme of archaeological work to be undertaken in mitigation for the loss of heritage assets and archaeological interest.

3.15 <u>DCC Public Health</u> (03/12/2019): recommend that the proposed mitigation measures to prevent the impacts of dust are implemented and monitored throughout the various stages of the application. There have been concerns about the impact of the local population using the land for physical activity, but our understanding is that the site is not accessible to the public and therefore the application is not likely to reduce the accessibility of publicly accessible green space.

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. Further publicity was undertaken on receipt of the further information submitted under Regulation 25. As a result of these procedures 18 representations have been received, of these one is in support and seventeen objecting to the proposal.

The objectionsraised relate to:

- the increased traffic attracted to the site together with attendant noise and environmental effects on residents on Plymouth Road;
- mud and dust on the roads;
- traffic using the Smithaleigh slip road;
- impact on adjoining land uses including the campsite;
- danger to other road users including horse riders;
- impact on the local landscape due to the size and scale of the development;
- use of best and most versatile agricultural land;
- loss of existing hedgerows;
- impact on neighbouring national and county wildlife designations including ancient woodland;
- net loss of biodiversity in an area associated with the ecological network in the vicinity of the River Yealm; and
- contrary to the requirements of the National Planning Framework in respect of the net loss of biodiversity.

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 below and the most relevant are referred to in more detail in Section 6.
- 5.2 <u>Devon Waste Plan</u> (adopted December 2014)

Policies W2 (Sustainable Waste Management); W3 (Spatial Strategy); W5 (Reuse, Recycling & Materials Recovery); W7 (Waste Disposal); W9 (Management of Special Types of Waste); W11(Biodiversity & Geodiversity); W12 (Landscape and Visual Impact); W13 (Historic Environment); W14 (Sustainable and Quality Design); W16

(Natural Resources); W17 (Transportation & Access); W18 (Quality of Life) and W19 (Flooding) W20 (Restoration & Aftercare).

5.3 Plymouth and South West Devon Joint Local Plan [PSWDJLP] Adopted 21 March 2019

Policies SPT1 (Delivering sustainable development); SPT7 (Working with neighbouring areas); SPT12 (Strategic approach to the natural environment); TTV26 (Development in the countryside); DEV1 (Protecting health and amenity); DEV2 (Air, water, soil, noise, land and light); DEV15 (Supporting the rural economy); DEV21 (Development affecting the historic environment); DEV23 (Landscape character); DEV25 (Nationally protected landscapes); DEV26 (Protecting and enhancing biodiversity and geological conservation); DEV28 (Trees, woodlands and hedges); DEV29 (Specific provisions relating to transport); DEV31 (Waste management); DEV32 (Delivering low carbon development) and DEV35 (Managing flood risk and water quality impacts).

5.4 Other material considerations include:

- National Planning Policy Framework;
- National Planning Policy for Waste; and
- Planning Practice Guidance.

6. Comments/Issues

6.1 It is considered that the main material planning considerations in the determination of this application are planning policy considerations; impacts on nature conservation sites and habitats; landscape and visual impacts; highways and traffic impacts; noise and air quality; flood risk and drainage; impact on historic assets; loss of agricultural land; and other environmental impacts including climate change. These issues are discussed in turn below.

Planning Policy Considerations

- 6.2 The Devon Waste Plan contains a range of strategic and development management policies, with the latter considered under the relevant topic-specific sections below. Objectives of the Plan include the management of waste in accordance with the waste hierarchy; delivery of adequate waste management capacity through a network of strategic sites; tackling climate change; conserving and enhancing Devon's environment; and avoiding adverse impacts from waste transportation by locating facilities close to major sources of waste and considering local impacts.
- 6.3 Policy W2 (Sustainable Waste Management) of the Devon Waste Plan requires that waste is managed in accordance with the waste hierarchy, which places recycling and recovery of materials above disposal, while Policies W5 (Reuse, Recycling and Materials Recovery), W7 (Waste Disposal) and W9 (The Management of Special Types of Waste) provide criteria for specific types of facility. Finally, Policy W3 (Spatial Strategy) provides an approach to the location of strategic and other waste management facilities, and this and the other relevant policies are considered in more detail below.

Location of the Site

6.4 Policy W3 requires that strategic recycling, recovery and disposal facilities (defined as those capable of managing a minimum of 40,000 tonnes of waste) should be located within or close to Exeter, Barnstaple and Newton Abbot. For all facilities,

Policy W3 requires that consideration be given to the use of previously developed land and/or co-location with other waste management facilities and the potential cumulative effects of doing so.

6.5 Although Policy W3 refers specifically to Exeter, Barnstaple and Newton Abbot as main settlements and the foci for growth in Devon, the presence of Plymouth on the Plan area's boundary is a material consideration. Policies W5 and W7 include reference to location of sites close to the source of the waste and to reducing the distance that waste is transported. Given that the proposed development amounts to a strategic facility, is located adjacent to the A38 and 3km from the edge of Plymouth, and is based on an existing waste management facility, it is considered that the proposal is consistent with the spatial approach of Policy W3.

Waste Transfer and Recycling Facility

- 6.6 The proposed waste transfer station and associated inert waste recycling facility will replace and enhance the current recycling facility that has operated from 1995 and was most recently approved in 2010. That permission was for a permanent facility and had no limit on annual tonnages of waste, although a limit was imposed on stockpile heights in the interests of visual amenity.
- 6.7 The redevelopment of the facility will retain an external area for the crushing and screening of construction and demolition waste for production of recycled aggregates, with stockpiles for waste and processed materials. To the north of this area will be the new waste transfer building which will enable the unloading of mixed wastes and their sorting and storage for subsequent recycling.
- 6.8 Policy W5 supports the provision of facilities for the sorting, transfer and recycling of waste where they are located close to the source of the waste or opportunities for its beneficial use, achieve the segregation of recyclable materials prior to disposal, and/or are co-located with a complementary waste management location. The proposed development meets these requirements in being close to Plymouth, which represents a major source of waste as well as a market for the recycled aggregates, as well as being developed as an integrated recycling and disposal facility.
- 6.9 The new asbestos storage facility will receive locally collected asbestos, classed as a hazardous waste, until sufficient quantities are present to allow it to be transported for disposal elsewhere, with the closest disposal site being at Deep Moor near Great Torrington. Provision of this facility is consistent with Policy W9 of the Devon Waste Plan in serving the local area, and it will avoid the need to transport individual loads of asbestos to Deep Moor or other similar sites. In accordance with Policy W9, the storage facility will be segregated from handling of other waste streams and kept secure through the use of fencing, a lockable gate and lockable skips.

Inert Landraise Facility

- 6.10 At the time of adoption of the Devon Waste Plan in 2014, Devon was anticipated to have adequate inert disposal capacity for the Plan period to 2031. However, in recognition of the uneven distribution of this capacity across the county, Policy W7 allows for new inert disposal capacity where a proposal will achieve a significant reduction in the distance that waste is transported, and subject to the materials disposed of being limited to residual non-recyclable waste.
- 6.11 The Council's waste monitoring report for 2017/18 indicated that the available inert disposal capacity (1.67 million m³) was less the requirement for that year forecast in

preparation of the Waste Plan (1.81 million m³). Further analysis of the most recent data suggests that the annual rate of inert disposal is higher than anticipated, indicating a need for additional capacity in Devon during the Plan period.

- 6.12 A factor in the adequacy of Devon's inert disposal capacity is that inert disposal sites are supplemented by waste recovery sites, which are usually shorter-term construction and quarry restoration sites that are authorised to use inert waste for beneficial purposes. However, changes to the permitting regime by the Environment Agency in 2015/16 has led to closure of several of Devon's recovery sites with the remaining sites taking in 300,000 tonnes in 2018 (that year being a short term increase with over half of the inputs accounted for by one short-term quarry restoration, with inputs in the preceding two years averaging 112,000 tonnes), with inert disposal rising to 464,000 tonnes to partially compensate.
- 6.13 The operational inert disposal sites within Devon are not well distributed to serve the county as a whole, with three sites around Exeter and one near Barnstaple but none in southern Devon. Shorter term recovery capacity is available in South Hams with Lee Moor and New England Quarry accepting inert waste materials in 2018, while Steer Point near Brixton commenced importation in 2019 for the purpose of quarry restoration. However, the planning permission for Steer Point requires importation to cease by May 2023 and has an annual limit of 50,000m³, so it should be seen as contributing to, but not meeting, the area's inert waste disposal capacity requirement.
- 6.14 As well as Devon having an overall need for inert disposal capacity, there is likely to be increased demand for capacity to cater for planned growth in and around Plymouth that, without specific provision in the south of the county, may lead to waste being transported as far as Exeter for disposal if available recovery capacity proves insufficient. There are no inert waste disposal sites within Plymouth, and the PSWDJLP makes no provision for new capacity.
- 6.15 The development of an inert waste disposal site at Challonsleigh would be welllocated to serve the Plymouth and south Devon area, and is supported by Policy W7 as it will achieve a significant reduction in transportation distances in comparison with existing sites in Cornwall and at Exeter.
- 6.16 Policy W7 also requires that materials disposed of at inert disposal sites are limited to residual non-recyclable waste. Challonsleigh has an existing recycling facility that will undertake crushing and screening to produce recycled aggregates, with inputs to the landraise facility being limited to the residues of the recycling operations and materials such as subsoil that are unsuitable for recycling.
- 6.17 In conclusion, the proposal is considered to accord with Policies W3, W5, W7 and W9 for the reasons outlined above and, subject to compliance with the development management policies of the Devon Waste Plan that are considered in the following sections, the development is acceptable in principle.

Nature Conservation

6.18 The northern part of the site comprises improved grassland bounded by hedgerows, while the southern part contains a range of habitats including semi-natural and plantation woodland, scrub and semi-improved grassland. While no part of the site is designated for nature conservation value, a large area of woodland and former quarry to the south forms the Mackarell Parks, Southwood Woods & Strashleigh Ham County Wildlife Site (CWS), of which some parts are defined as Ancient Woodland. The River Yealm, which forms the eastern boundary of the application site, provides

a hydrological link to the Start Point to Plymouth Sound & Eddystone Special Area of Conservation (SAC), which lies 5.9km downstream at its closest point south west of Yealmpton.

6.19 Policy W11 of the Devon Waste Plan and Policy DEV26 of the PSWDJLP provide the policy context for considering the impacts of a proposed development on the hierarchy of wildlife sites together with other considerations including species and net biodiversity gain, and these are considered in turn below.

International and National Wildlife Sites

- 6.20 The Start Point to Plymouth Sound & Eddystone SAC referred to above (which includes the Yealm Estuary and Wembury Point Sites of Special Scientific Interest) is designated for its range of habitats including estuaries and inlets, sandbanks, reefs and salt meadows, and is vulnerable to pollution or changes in groundwater in the catchments that drain to the SAC such as the River Yealm. If not properly managed, the proposed development has the potential to generate sediments or pollutants in surface water or groundwater flowing to the River Yealm on the eastern boundary of the application site that could lead to a reduction in water quality and a likely significant effect on the SAC.
- 6.21 Following discussions with the applicant and consultees including Natural England, a package of measures has been developed to prevent any adverse impact on the River Yealm and, therefore, the downstream SAC, including:
 - (a) installation of protective fencing to prevent development encroaching within 5m of the river and retained riverside vegetation;
 - (b) planting of woodland adjacent to the river to maintain a sufficient buffer from potentially polluting activities;
 - (c) good practice adopted for dust mitigation, with all used water separated from watercourses through filtration/retention ponds;
 - (d) compliance with pollution prevention guidelines including storage of all oils and chemicals in bunded bases;
 - (e) drainage from the impermeable waste transfer area discharging to an attenuation pond that will filter particulates and allow silt and dust to settle; and
 - (f) a drainage strategy for the landraise area using Sustainable Drainage Systems (SuDS) including ditches, detention basins and attenuation ponds with straw filtration bales, silt fences and erosion prevention matting.
- 6.22 The Council has undertaken Appropriate Assessment under the Habitats Regulations to consider the potential impacts on the SAC, which concludes that, subject to the measures outline above being secured through planning conditions, the development would have no adverse effect on the integrity of the SAC due to water quality issues, either alone or in combination with other plans or projects.

Local Wildlife Sites

6.23 The Mackarell Parks, Southwood Woods & Strashleigh Ham CWS lies to the south of the application site and comprises woodland on either side of the River Yealm and a disused quarry. Implementation of the measures identified above in relation to the SAC will ensure that the proposed development does not harm the biodiversity value of the CWS.

Species

- 6.24 Desktop and field species surveys were undertaken on behalf of the applicant and identify a relatively low level of bat activity over the site with a few key areas; a local level of importance for birds; evidence of one dormouse nest with connectivity to adjacent woodland; and evidence that otters are commuting or foraging within the vicinity of the application site but not using it as a resting place.
- 6.25 Areas of highest activity for bats are located in the south east corner of the site and along with hedgerow on the north west boundary, and connectivity for bats will be maintained through the protection of vegetation being retained and by planting of 383m of hedgerow along the western boundary.
- 6.26 A dormouse mitigation licence will be required to enable the development to proceed, and it is considered likely that Natural England would issue due to the proposal meeting the three Habitats Regulations tests. New woodland planting will be carried out during the construction and restoration phases, together with 1,018m of hedgerow planting to maintain connectivity across the site and encourage dispersal and genetic exchange within the local dormouse population, and this mitigation is considered to be proportionate.

Enhancement and Net Biodiversity Gain

- 6.27 Policies W11 and DEV26 support development that achieves a net gain for wildlife proportionate to the nature and scale of the proposal, which is consistent with the Government's intention for mandatory net gain introduced through the Environment Bill. To address this requirement, the applicant has applied the Defra biodiversity offsetting metric, which provides a structured methodology for quantifying habitat loss and the value of replacement habitat provision. Use of the metric is an iterative process, with initial versions showing a net loss in biodiversity leading to amendment and refinement of the planting and restoration schemes to achieve a net gain, including the following measures:
 - to compensate for the loss of 1.77ha of broadleaved woodland (0.16ha of seminatural woodland and 1.61ha of young plantation woodland), 2.1ha of new broadleaved woodland will be planted;
 - (b) the development will lead to the loss of 713m of hedgerow, for which compensation will amount to 1,018m of new hedgerow;
 - (c) the loss of 0.13ha of poor semi-improved grassland and 10.32ha of improved grassland will be compensated for by the creation of 11.08ha of neutral species-rich semi-improved grassland; and
 - (d) new areas of native shrub planting amounting to 2.02ha will be managed to allow the habitat to undergo natural succession and develop into woodland.

6.28 In avoiding harm to statutory and non-statutory wildlife sites and making provision for the enhancement of habitats for species and delivering a net gain in biodiversity, the proposals accord with Policy W11 of the Devon Waste Plan and Policy DEV26 of the PSWDJLP, subject to securing the proposed measures through planning conditions.

Landscape and Visual Impact

- 6.29 Policy W12 (Landscape and Visual Impact) of the Devon Waste Plan requires that waste management development should be sympathetic to the qualities, distinctive character and setting of the landscape, should not have an adverse effect on the natural beauty, distinctive landscape character and special qualities of a National Park, and should meet specific criteria where it may affect an Area of Outstanding Natural Beauty [AONB], and is consistent with Policies DEV23 and DEV25 of the PSWDJLP. The tests in Policy W12 relating to National Parks and AONBs reflect paragraph 172 of the NPPF.
- 6.30 The application site is located 3km south of Dartmoor National Park and a similar distance north of the South Devon AONB, although it is not visible from the latter. There are views of the site from elevated locations within the National Park such as Henlake Down. Landscape character assessment defines the character type for the site and its surroundings as being 'lower rolling farmed and settled valley slopes', for which key characteristics include fields that are generally medium in size and semi-regular in shape, and secretive valleys contrasting with the more open farmland.
- 6.31 The proposed development is large in scale and raises several issues relating to its landscape and visual impact that are considered below.

Scale of the Waste Transfer Building

- 6.32 The horizontal scale and mass of the proposed waste transfer building could appear incongruous and out of scale with the rural character of the area and not sympathetic to the scale of rural buildings. In combination with other waste development to the south of the A38, the building could potentially result in an adverse effect and appearance of the surrounding countryside.
- 6.33 The applicant has provided additional illustrative material to clarify the effectiveness of the proposed screening bunds and mitigation planting, which demonstrates that these works are essential to mitigate the adverse visual impact to acceptable levels. Subject to securing delivery of the screening works as early as practically possible and ensuring integration of the building into the landscape through the use of appropriate building materials and colours, the proposed building is considered to be acceptable.

Phasing and Restoration of the Landraise Operation

6.34 The landraise operation will be undertaken in a series of phases working from north to south and, as the duration of each phase is uncertain, there is a risk that the whole extent of the site operations would be laid bare for periods of time. People travelling along the A38 and using rights of way and rural lanes in the area would be sensitive to the visual intrusion of the landraising operation in the foreground of wider views into the South Hams countryside, while the visibility of the site within rural views with Dartmoor as a backdrop increases the sensitivity of the visual impacts.

6.35 These concerns can be addressed through imposition of conditions requiring progressive phasing and restoration to limit the perceived scale of adverse visual impacts from the landraising operation at any one time.

Potentially Artificial Landform

6.36 The originally submitted proposals for Phase 1 of the landraising operation were considered to create an artificial landform that would be prominent in views from the north. However, the proposals have been amended to achieve a gently rolling landform without any abrupt change of slope, and they are now consistent with the character of the wider area.

Impacts on Tranquility

- 6.37 Commercial development in the area is largely confined to Lee Mill north of the A38, and the proposals could extend the urbanising effects of development into the countryside. This may have an adverse effect on the tranquillity of nearby accessible woodland in the river valley, together with cumulative effects in combination with other nearby waste management operations. To limit these impacts, conditions are proposed to control noise levels and hours of operation.
- 6.38 Overall, the landraising operation is anticipated to have a slight to moderate shortterm adverse effect on the rural character of the area, with the waste transfer building having a slight permanent adverse effect. Given the potential waste policy benefits of the proposed development, these limited impacts are considered to be acceptable and the proposal in accordance with Policy W12 of the Devon Waste Plan and Policies DEV23 and DEV25 of the PSWDJLP, subject to the inclusion of suitable conditions covering phasing and progressive restoration, woodland and hedgerow planting, building materials and colours, lighting and management of planting.

Highway and Traffic Impacts

- 6.39 The applicant's Transport Statement indicates that the existing waste transfer and recycling facility generates 30 operational (i.e. light or heavy goods vehicle (LGV/HGV)) movements and 22 staff car movements each day. Enlargement of that facility would generate an additional 24 daily LGV/HGV movements, although the planning permission for the existing facility is not limited in terms of vehicle numbers or throughput of waste. A further 68 daily LGV/HGV movements would be generated by the new landraising operation (assuming its completion in six years). The total number of daily LGV/HGV movements would therefore be 122 (i.e. 61 in and 61 out), with staff movements increasing to 38.
- 6.40 The application assumes that 90% of operational traffic and 80% of staff traffic will arrive from the west and leave in that direction. While vehicles leaving the site to travel west will join the A38 at the Smithaleigh slip road, the lack of an eastbound off-slip road at Smithaleigh means that there are two options for vehicles travelling to the site from the west:
 - (a) leave the A38 at the Lee Mill exit and travel through the village to turn right beneath the A38, rejoin the A38 westbound and then leave at the Smithaleigh exit; and
 - (b) continue on the A38 past Lee Mill to leave at the lvybridge exit and pass over the A38 to rejoin it in a westerly direction, before exiting at Smithaleigh.

- 6.41 At the time of submission of the application, the applicant proposed that traffic from the west should use the lvybridge exit to avoid vehicles travelling through Lee Mill. However, concerns from the County Council's highways officer regarding the limited capacity of that junction, and from South Hams District Council's environmental health officer on the implications for the Western Road Air Quality Management Area, the applicant amended the proposals to refer to the Lee Mill exit (i.e. option (a) above). As the Lee Mill exit would only be used for inbound traffic (with outward traffic gaining access to the A38 via the Smithaleigh slip road), the number of additional daily movements through Lee Mill that would be generated by the new landraising operation would be 35 over a six years period.
- 6.42 For all vehicles arriving at the site from the Smithaleigh exit, the tight angle of the private access road with the public highway requires the use of an informal roundabout arrangement, with vehicles reaching the access turning around a traffic island to cross the highway and enter the site at a right angle.
- 6.43 Policy W17 (Transportation and Access) of the Devon Waste Plan seeks to minimise the distance that waste is transported, which reflects Policy W7, and paragraph 6.15 addresses this point. The Policy also requires that development should not have an adverse effect on road safety or the capacity and functionality of the road network, and that transportation impacts on local communities and the environment should be mitigated through infrastructure improvements, reflecting Policy DEV29 of the PSWDJLP.
- 6.44 The highways officer has no objection to the use of the Lee Mill option to gain access to the site, subject to a contribution by the applicant of £40,000 towards a capacity, safety and amenity scheme in and around Lee Mill, with this sum reflecting the degree of additional lorry movements. By including a means of mitigating the impact of the development on the local community, the proposal accords with Policy W17 and Policy DEV29.
- 6.45 The application includes a proposal for the improvement of the access roundabout through provision of lining and a new sign. As a Traffic Regulation Order will be required to facilitate these works, the applicant has offered to contribute £5,000 to fund this process which will need to be secured through a legal agreement.
- 6.46 The planning permission for the nearby inert waste recycling facility at Strashleigh Hams was subject to a legal undertaking that included a routing agreement that requires that inbound HGVs travelling eastwards on the A38 should use the Ivybridge junction to access the site, rather than travelling through Lee Mill. While this arrangement was considered for the Challonsleigh Farm site, it was considered likely to cause capacity and air quality impacts at Ivybridge. The Lee Mill option has therefore been pursued instead, with the circumstances differing from the Strashleigh Hams proposal in that the applicant has agreed to fund work associated with a highway capacity, safety and amenity scheme for Lee Mill to alleviate adverse impacts that may occur.

Amenity Considerations

6.47 Policy W18 (Quality of Life) of the Devon Waste Plan, together with Policy DEV2 of the PSWDJLP, seek to protect the quality of life for local residents and require that applications should demonstrate that noise and air quality impacts will be strictly controlled to prevent significant nuisance to properties close to the site or its transportation routes. The planning application included noise and vibration and air quality assessments, and these were subsequently updated through the Regulation

25 response to reflect changes to the vehicle routing and address concerns raised by the Environmental Health Officer.

6.48 The existing waste transfer and recycling facility is in a rural location, with the nearest dwellings not occupied by persons connected with the site being at Lee Mill (north of the A38) 520m or more to the north east, and at Smithaleigh (south of the A38), approximately 530m to 770m to the north west. Also located at Smithaleigh are a caravan and camping site and an hotel. Development of the new landfill facility will occur closer to these dwellings than the existing operations, with the closest tipping locations being 160m from Smithaleigh and 120m from Lee Mill in the initial phases. Individual rural dwellings are located to the south, south east and south west of the application site including Beacon View (650m W), Cloakford (860m SW), Southwood (720m S) and Swainstone (875m SE).

Noise

- 6.49 The main sources of operational noise at the proposed facilities will be the movement and unloading of vehicles, emptying of skips, operation of crushing and screening plant and processing and storage of recyclable materials. In addition, traffic generated by the site will result in noise occurring along the access routes, notably on the roads used to travel between the A38 and the site, while further noise will be caused for a temporary period during construction of the new building and other infrastructure.
- 6.50 The assessment of operational noise identified a 'low impact' for the majority of receptors and a 'slight adverse impact' for three properties to the west, together with a potential 'adverse impact' for a few properties to the south west and south east that are located further from the A38 and therefore experience lower background noise levels. With suitable working practices and mitigation measures, the assessment concludes that the potential residual noise impact of the site can be managed to the 'noticeable and not intrusive' category for all of the assessed receptors.
- 6.51 The additional traffic through Lee Mill that will be generated by traffic to the application site is stated in the updated noise assessment to increase traffic flows by less than 1% and not a material impact. Potential off-site noise impacts from traffic are therefore assessed as being at most a 'minor adverse effect' and of 'slight or neutral significance'.
- 6.52 The proposed conditions in Appendix I include limitations on hours of operation, a requirement for use of silencers on vehicles and plant, and provision and maintenance of screening bunds, and it is considered that these will ensure that the proposed development is consistent with Policies W18 and DEV2.

Air Quality

6.53 The proposed operations have the potential to generate dust from the unloading and movement of soils and other materials, the movement of vehicles and plant over unbound surfaces and the operation of processing plant, while air quality can be adversely affected by the generation of contaminants (e.g. NO₂) and particulates by traffic and plant within the site and on access routes. As well as the receptors identified in 6.47 that would be sensitive to air quality as well as noise impacts, generation of dust can also have adverse impacts on sensitive habitats and wildlife sites.

- 6.54 In the Lee Mill area, the existing air quality is primarily influenced by the A38 dual carriageway that forms the northern boundary of the application site, with further influences being other local routes, agricultural activities and existing waste management operations. At lvybridge, Western Road has been designated as an Air Quality Management Area, which would potentially have been affected by the applicant's original intention to route HGVs via the Western Road junction of the A38; however, the routing has subsequently been altered through Lee Mill.
- 6.55 The air quality assessment proposes a range of mitigation measures including dust suppression on stockpiles and site roads; wheel washing at the site exit; sheeting of lorries; limiting material movement during high winds; minimising stockpiling of materials; cleaning of site and public roads; and monitoring of dust conditions and management measures. As noted above, the increase in traffic in Lee Mill that can be attributed to the proposed development is less than 1% and therefore not a material impact on air quality.
- 6.56 Subject to implementation of the mitigation measures, which can be secured through planning conditions, the potential impact of dust from the proposed development is assessed as a 'magnitude of no change' with 'neutral significance' for all potentially sensitive receptors, with 'no significant adverse residual effects' on ecological receptors. In respect of of-site traffic impacts on air quality, this is assessed as being of 'negligible adverse magnitude' with 'neutral significance'. The proposals are therefore considered to accord with Policies W18 and DEV2 subject to the recommended conditions.

Flood Risk and Drainage

6.57 Policies W19 of the Devon Waste Plan and DEV35 of the PSWDJLP require that waste management development must be resilient to the impacts of flooding and not lead to increased risk of flooding, and applies a sequential test towards developing sites, while Policy W16 (Natural Resources) seeks to avoid adverse effects on the quality and/or availability of water resources. As indicated above, the relationship of the application site with downstream wildlife sites results in potential impacts on the water environment requiring consideration under Policy W11 (Biodiversity and Geodiversity), which is addressed in 6.20-6.22.

Fluvial Flood Risk and Surface Water Drainage

- 6.58 The River Yealm is an Environment Agency main river and is situated immediately adjacent to the site in the east, running from north to south. Within the area proposed for landraising is a ditch running west to east which conveys overland flows to the River Yealm, with this ditch falling under the responsibility of Devon County Council as the Lead Local Flood Authority (LLFA).
- 6.59 The majority of the application site is located within Flood Zone 1 (meaning a probability of fluvial flooding of less than 1 in 1,000 (i.e. 0.1%) chance of flooding in any given year). Areas along the eastern edge of the site are designated as being within Flood Zones 2 and/or 3, with the area within Flood Zone 2 indicating that this land is at medium to high risk of flooding. The risk of flooding from rivers equates to an annual probability of between 1 in 100 (1%) and 1 in 1,000 (0.1%) for Flood Zone 2 and greater than 1 in 100 (>1%) for Flood Zone 3.
- 6.60 The area within which landraising will take place has been defined to exclude any land within Flood Zones 2 and 3 to ensure that no loss of flood capacity or obstruction to flood flows occurs. In addition, a sustainable drainage system is

proposed to manage surface water run-off from the landraise area through a system of ditches and attenuation ponds before discharge to the River Yealm.

6.61 A separate sustainable drainage system is proposed for the waste transfer and recycling facility, with two attenuation basins storing run-off to greenfield rates before it is discharged to an existing ditch.

Groundwater

- 6.62 The bedrock underlying the site is classed as a Secondary A aquifer, defined by "permeable layers capable of supporting water supplies at a local rather than strategic scale, and in some cases forming an important source of base flow to rivers". As there is likely to be hydraulic continuity between groundwater beneath the application site and the River Yealm, there is the potential for a pathway between imported waste materials, the underlying groundwater and the river unless appropriate mitigation is made.
- 6.63 Following an initial objection from the Environment Agency, the applicant has provided further evidence in the form of a hydrological risk assessment which confirms an absence of risk as the waste materials will not be placed below the water table; a geological barrier can be provided to achieve separation between waste and groundwater; deposition of inert wastes only; and control of surface water drainage.
- 6.64 In the light of the additional information provided on surface water and groundwater measures, the Environment Agency and the Lead Local Flood Authority have confirmed that they have no objections subject to inclusion of suitable conditions to ensure implementation of the mitigation measures.

Historic Environment

- 6.65 Prior to submission of the application, the applicant commissioned a geophysical survey of the site followed by a programme of archaeological trench evaluation, and the reports of these investigations accompanied the application. The main features found within the site are an enclosure and related settlement dating from the Middle Bronze Age, and evidence of a medieval chapel or other high-status building.
- 6.66 The archaeological work undertaken on the site has demonstrated the presence of significant prehistoric and later archaeological deposits across this site. However, the significance of these heritage assets is not sufficient to warrant preservation *in situ*, and the impact of the proposed development upon these heritage assets can be mitigated by securing a programme of archaeological investigation and recording through a planning condition.
- 6.67 It is envisaged that a suitable programme of work would take the form of (a) the excavation of a series of further evaluative trenches to determine the extent of the archaeological deposits across the proposed development site and (b) the full archaeological excavation of all areas affected by the proposed development that are demonstrated to contain archaeological or artefactual deposits. This will ensure an appropriate record is made of the heritage assets prior to their destruction by the proposed development. The results of the fieldwork and any post-excavation analysis undertaken would need to be presented in an appropriately detailed and illustrated report.
- 6.68 Policies W13 of the Devon Waste Plan and DEV21 of the PSWDJLP allow for proposals that may cause harm to the significance of non-designated heritage assets

if it can be demonstrated that this is outweighed by the benefits of the development and that adverse impacts are mitigated, and subject to excavation and recording of the heritage assets. These Policies reflect paragraph 197 of the National Planning Policy Framework.

6.69 As the Council's historic environment advisor has concluded that the significance of the non-designated heritage assets does not warrant preservation, the proposals are considered to accord with Policies W13 and DEV21 subject to inclusion of a planning condition requiring implementation of a programme of archaeological work in accordance with a written scheme of investigation to be approved by the Council.

Agricultural Land

- 6.70 Policy W16 of the Devon Waste Plan discourages "the loss of the best and most versatile agricultural land [i.e. land within Grades 1, 2 and 3a] unless the environmental, social and economic benefits of the proposal outweigh this loss".
- 6.71 Strategic mapping of the Agricultural Land Classification published by Natural England indicates that the northern half of the area proposed for landraising is Grade 3, with the southern part being Grade 4. However, this mapping is subject to the caveat that "it represents a generalised pattern of land classification grades and...does not show subdivisions of Grade 3 which are normally mapped by more detailed work". It is therefore not possible to confirm whether any part of the site falls within the scope of 'best and most versatile land', although the available evidence suggests that at least part of the proposed landraising area may fall within that category.
- 6.72 The development of the landraise facility will include the deposition of inert waste materials such as subsoil over 16ha of agricultural land, followed by restoration to agricultural use with enhanced biodiversity, ponds and hedge and woodland planting. Provided that development and restoration of the site are undertaken in accordance with good practice, i.e. that existing soils are stripped and stored for the duration of landraising for re-use in the site's restoration and laid to a depth and method that accords with good practice, the temporary loss of the agricultural land is considered to be outweighed by the economic and social benefit of delivering waste disposal capacity and therefore in accordance with Policy W16.

Other Environmental Impacts including Climate Change

- 6.73 Paragraph 148 of the National Planning Policy Framework requires that "the planning system should support the transition to a low carbon future in a changing climate", while Devon County Council has declared a climate emergency and committed to facilitating the reduction of Devon's carbon emissions to net-zero by 2050. The scope for individual planning applications to contribute to these initiatives will be dependent on the nature and scale of the development being proposed, and relevant considerations are outlined below.
- 6.74 The application proposes an integrated approach to the management of construction, demolition and excavation wastes that will ensure that materials are separated and recycled where feasible, with disposal limited to non-recyclable wastes. Supply of recycled aggregates from the site will assist in reducing demand for primary aggregates and thereby improving resource efficiency.

- 6.75 While disposal is at the bottom of the waste hierarchy, landfill capacity is still required for inert waste materials that are not suitable for recycling. The current lack of capacity in the Plymouth and South Devon areas is likely to increase the distance that waste is transported for disposal and, therefore, contribute to emissions from vehicles. Provision of new disposal capacity in a location accessible to Plymouth and towns in South Hams will reduce the need for waste vehicles to travel to more distant sites.
- 6.76 The proposals also address climate change through delivering a net gain for biodiversity and allowing for increased levels of surface water in providing for flood attenuation.

7. Reasons for Recommendation/Alternatives Options Considered

- 7.1 The Committee has the option of approving, deferring or refusing this planning application.
- 7.2 It is considered that the proposed development will deliver sustainable waste management by enhancing an existing waste transfer and recycling facility and providing new disposal capacity in an area that is currently not well served. While the proposed development has implications for biodiversity, loss of agricultural land, archaeology and drainage, discussions with the applicant and relevant consultees has resulted in improvements to the proposals to address these concerns. It is recognised that some increase in traffic on local roads will occur, but it is considered that this will not have a significant adverse impact upon the amenity of local residents, and the applicant has offered a contribution towards the costs of a highway enhancement scheme. On balance, it is concluded that any negative impacts of the development are outweighed by the benefits from delivery of additional waste management capacity.

Mike Deaton Chief Planner

Electoral Division: Bickleigh & Wembury

Local Government Act 1972: List of Background Papers

Contact for enquiries: Andy Hill

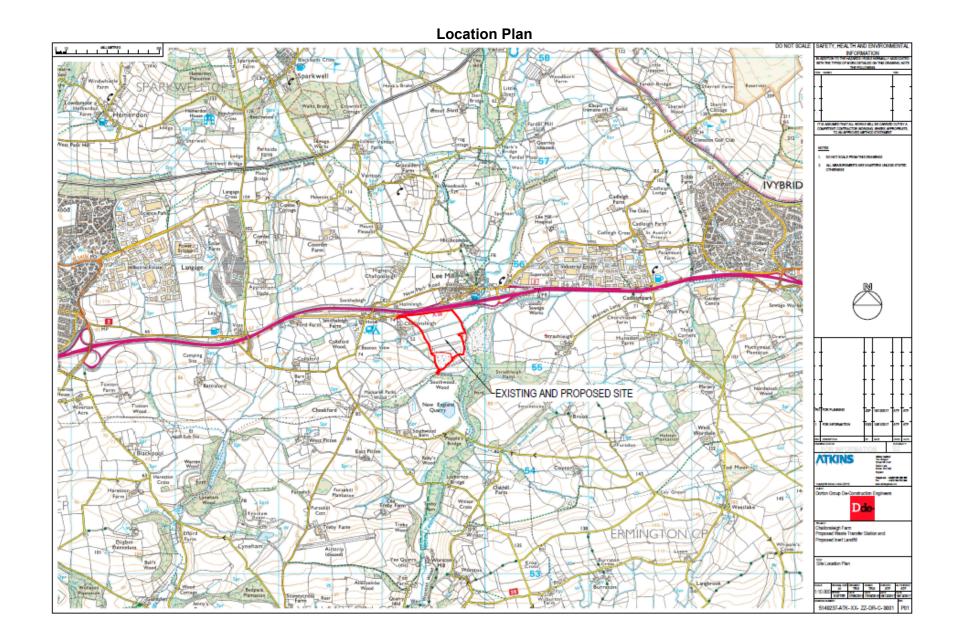
Room No: AB2, Lucombe House, County Hall

Tel No: 01392 383000

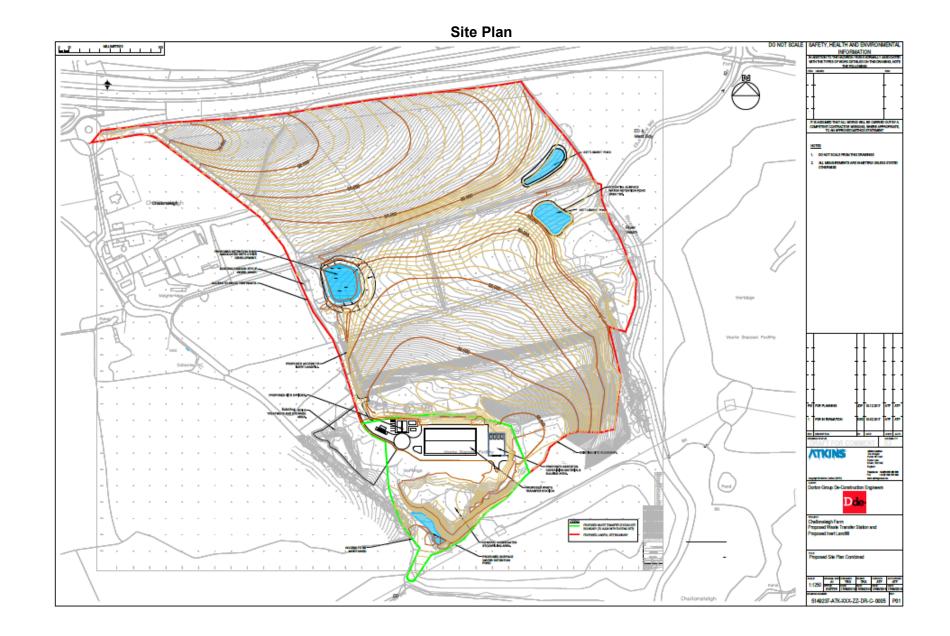
Background Paper Casework File File Ref. DCC/4038/2018

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Date



Page 20



Appendix I To PTE/20/5

Planning Conditions

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.

TEMPORARY LANDRAISE PERMISSION

2. The deposit of inert waste materials within the area identified on the approved drawings for landraising shall cease no later than ten years from the date on which waste is first deposited.

REASON: To minimise the impact of the development and to ensure the timely completion of restoration of this part of the site in accordance with Policies W18 and W20 of the Devon Waste Plan and Policy DEV23 of the Plymouth and South West Devon Joint Local Plan.

NOTIFICATION OF STAGES OF DEVELOPMENT

- 3. Written notification shall be provided to the Waste Planning Authority no later than 14 days prior to the following events:
 - (a) commencement of the programme of archaeological work required by Condition 13;
 - (b) installation of the datum control point required by Condition 14;
 - (c) commencement of the deposition of waste materials within the proposed landraise area;
 - (d) commencement and completion of each new phase of the landraise operations as defined on drawing no. 5149237-ATK-XX-ZZ-DR-C-0029/P03; and
 - (e) completion of final restoration of the inert landraise area.

REASON: To enable the Waste Planning Authority to control the development and to monitor the site to ensure compliance with the planning permission and to comply with Policies W12 and W20 of the Devon Waste Plan and Policy DEV23 of the Plymouth and South West Devon Joint Local Plan.

STRICT ACCORDANCE WITH PLANS/DOCUMENTS

- 4. The development shall be carried out in strict accordance with the details shown on the approved drawings and documents numbered/titled:
 - Site Location Plan (5149237-ATK-ZZ-DR-C-0001/P01)
 - Existing Site Plan/Red Line Boundary Plan (5149237-ATK-ZZ-DR-C-0002/P02)
 - Proposed Site Plan Combined (5149237-ATK-ZZ-DR-C-0005/P01)
 - Proposed Site Plan Waste Transfer Station (5149237-ATK-ZZ-DR-C-0006/P01)

- Cut and Fill (Sheet 1 of 2) (5149237-ATK-XX-ZZ-DR-C-0017/P01)
- Cut and Fill (Sheet 2 of 2) (5149237-ATK-XX-ZZ-DR-C-0015/P01)
- Cross Sections (Sheet 1 of 2) (5149237-ATK-XX-ZZ-DR-C-0024/P02)
- Waste Transfer Station Tracking (5149237-ATK-XX-XX-DR-C-0025/P01)
- Asbestos Bulking Area Tracking (5149237-ATK-XX-XX-DR-C-0026/P01)
- Phases (5149237-ATK-XX-ZZ-DR-C-0029/P03)
- Proposed Waste Transfer Station (5149237-ATK-XX-ZZ-DR-C-0030/P02)
- Proposed Office (5149237-ATK-XX-ZZ-DR-C-0031/P01)
- Long Section Plan Option 4 (5149237-ATK-XX-ZZ-DR-C-0035/P04)
- Long Sections (Sheet 1 of 2) Option 4 (5149237-ATK-XX-ZZ-DR-C-0036/P08)
- Long Sections (Sheet 2 of 2) Option 4 (5149237-ATK-XX-ZZ-DR-C-0037/P04)
- Cross Sections (Sheet 2 of 2) (5149237-ATK-XX-ZZ-DR-C-0039/P01)
- Visibility Long Sections (5149237-ATK-XX-ZZ-DR-C-0045/P03)
- Landscape GA with Landscape Phases (5149237-ATK-XX-ZZ-DR-C-0046/P01)
- Landscape General Arrangement (5149237-LA-DR-100-4900/J)
- Tree Protection & Removal (5149237-LA-DR-100-4901/G)
- Amended Pre-development Habitat Map (5149237-EC-DR-100-0001/B)
- Amended Post-development Habitat Creation Map (5149237-EC-DR-100-0002/B)
- Amended Post-development Habitat Creation Map with Suggested Alternative Habitats (5149237-EC-DR-100-0003/B)
- External Lighting Layout (5149237-ATK-Z1-XX-PL-E-6101/P01)
- Planning Statement (August 2018)
- Design and Access Statement (December 2017)
- Landscape & Visual Impact Assessment (Atkins, December 2017)* as amended by supplementary information submitted in February 2019
- Ecological Impact Assessment (WSP, December 2017)
- Air Quality, Dust and Odour Impact Assessment (Atkins, February 2017)*
- Noise and Vibration Impact Assessment (Atkins, August 2016)*
- Transport Statement v6 (WSP, May 2018)
- Level 2 Flood Risk Assessment rev. 2 (WSP, June 2018)
- Hydrological Assessment (Atkins, June 2018)
- Arboricultural Impact Assessment Report (Aspect, ref. 04744 AIA 5.1.18)
- Landscaping Management Plan (Aspect, ref. 04744 LMP 23.3.17)
- Geophysical Survey Report (SUMO Services Ltd, August 2017)
- Results of an Archaeological Trench Evaluation (AC Archaeology, November 2017)
- Archaeology & Heritage Assessment (BSA Heritage, 16th December 2017)
- Ground Investigation Report (YourEnvironment, 8th March 2017)
- Environmental Statement (Atkins, February 2018)*
- Regulation 25 Submission rev. 2 (Atkins, August 2018)
- Response to Request for Further Information (Biodiversity Metric) (Atkins, 11 November 2019)

[* as amended by the Regulation 25 Submission rev. 2 (Atkins, August 2018)] unless as varied by the conditions below.

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

PRE-COMMENCEMENT CONDITIONS - DRAINAGE

5. No part of the development hereby permitted shall be commenced until a programme of percolation tests has been carried out in accordance with BRE Digest 365 Soakaway Design (2016), and the results approved in writing by the Waste Planning Authority. A representative number of tests should be conducted to provide adequate coverage of the site, with particular focus placed on the locations of the proposed infiltration devices/permeable surfaces.

REASON: To ensure that surface water from the development is discharged as high up the drainage hierarchy as is feasible in accordance with Policies W16 and W19 of the Devon Waste Plan and Policy DEV35 of the Plymouth and South West Devon Joint Local Plan.

6. No part of the development hereby permitted shall be commenced until a detailed assessment of the condition and capacity of the receiving watercourse has been undertaken on behalf of the applicant and approved in writing by the Waste Planning Authority. This detailed assessment must also identify, and commit to, any repair and/or improvement works to the receiving watercourse which will be required to facilitate the development.

REASON: To ensure that the receiving watercourse is of a satisfactory condition to receive the surface water runoff generated from the proposed development in accordance with Policies W16 and W19 of the Devon Waste Plan and Policy DEV35 of the Plymouth and South West Devon Joint Local Plan.

7. No part of the development hereby permitted shall be commenced until the detailed design of the proposed surface water drainage management system which will serve the development site for the full period of its construction has been submitted to, and approved in writing by, the Waste Planning Authority. This temporary surface water drainage management system must satisfactorily address both the rates and volumes, and quality, of the surface water runoff from the construction site.

REASON: To ensure that surface water runoff from the construction site is appropriately managed so as to not increase the flood risk, or pose water quality issues, to the surrounding area in accordance with Policies W16 and W19 of the Devon Waste Plan and Policy DEV35 of the Plymouth and South West Devon Joint Local Plan.

Advice: Refer to Devon County Council's Sustainable Drainage Guidance.

8. No part of the development hereby permitted shall be commenced until the detailed design of the proposed permanent surface water drainage management system has been submitted to, and approved in writing by, the Waste Planning Authority. The design of this permanent surface water drainage management system will be in accordance with the principles of sustainable drainage systems, and those set out in the Dorton Quarry, Smithaleigh, Level 2 Flood Risk Assessment, dated June 2018 Rev 2. No part of the development shall be occupied until the surface water management scheme serving that part of the development has been provided in accordance with the approved details and the drainage infrastructure shall be retained and maintained for the lifetime of the development.

REASON: To ensure that surface water runoff from the development is managed in accordance with the principles of sustainable drainage systems in accordance with

Policies W16 and W19 of the Devon Waste Plan and Policy DEV35 of the Plymouth and South West Devon Joint Local Plan.

Advice: Refer to Devon County Council's Sustainable Drainage Guidance.

9. No part of the development hereby permitted shall be commenced until details of the exceedance pathways and overland flow routes across the site in the event of rainfall in excess of the design standard of the proposed surface water drainage management system have been submitted to, and approved in writing by, the Waste Planning Authority.

REASON: To ensure that the surface water runoff generated from rainfall events in excess of the design standard of the proposed surface water drainage management system is safely managed in accordance with Policies W16 and W19 of the Devon Waste Plan and Policy DEV35 of the Plymouth and South West Devon Joint Local Plan.

10. No part of the development hereby permitted shall be commenced until the full details of the adoption and maintenance arrangements for the proposed permanent surface water drainage management system have been submitted to, and approved in writing by, the Waste Planning Authority.

REASON: To ensure that the development's permanent surface water drainage management systems will remain fully operational throughout the lifetime of the development in accordance with Policies W16 and W19 of the Devon Waste Plan and Policy DEV35 of the Plymouth and South West Devon Joint Local Plan.

PRE-COMMENCEMENT CONDITIONS - HIGHWAYS

11. Prior to the commencement of the landraise operations hereby permitted, a detailed design for the location, construction, planting and maintenance of the proposed bund adjacent to the A38 trunk road boundary shall be submitted for written approval to the Waste Planning Authority (in consultation with Highways England). Construction and maintenance of the bund shall be undertaken in line with the approved plans.

REASON: in order to protect the integrity of the strategic road network and associated soft estate in accordance with Policy W17 of the Devon Waste Plan and Policy DEV29 of the Plymouth and South West Devon Joint Local Plan.

12. No deposition of waste materials within the landraise area or occupation of new buildings shall occur until the off-site highway works shown on drawing no. 27257-PHL-001 Rev A included in Appendix A of the Transport Statement (WSP v5 May 2018) have been fully implemented.

REASON: In the interests of highway safety in accordance with Policy W17 of the Devon Waste Plan and Policy DEV29 of the Plymouth and South West Devon Joint Local Plan.

PRE-COMMENCEMENT CONDITIONS – ARCHAEOLOGY

13. No development shall take place until the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which shall first have been submitted to and approved in writing by the Waste Planning Authority. The development shall be carried out at all times in

accordance with the approved scheme, or such other details as may be subsequently agreed in writing by the Waste Planning Authority.

REASON: To ensure, in accordance with Policy W13 of the Devon Waste Plan, Policy DEV21 of the Plymouth and South West Devon Joint Local Plan and paragraph 199 of the National Planning Policy Framework (2018), that an appropriate record is made of archaeological evidence that may be affected by the development.

SURVEY AND MONITORING

14. Prior to the deposit of any waste materials within the area proposed for landraising, a control datum point shall be installed in a location that shall first have been agreed in writing by the Waste Planning Authority. This control datum point shall be retained for the duration of landraising and restoration operations.

REASON: To enable the Waste Planning Authority to control the development and to ensure that the approved restoration scheme is achieved in accordance with Policy W20 of the Devon Waste Plan and Policy DEV23 of the Plymouth and South West Devon Joint Local Plan.

15. A survey of levels of the landraise area shall be carried every three years from the date on which waste materials are first deposited within the landfill area until the cessation of landraising operations and restoration of the site. A copy of each survey shall be submitted to the Waste Planning Authority within 21 days of being undertaken.

REASON: To ensure effective management of the site to minimise the impact upon the local landscape in accordance with Policies W12 and W20 of the Devon Waste Plan and Policy DEV23 of the Plymouth and South West Devon Joint Local Plan.

PRE-CONSTRUCTION CONDITIONS

- 16. Prior to commencement of construction of any part of the proposed waste transfer and recycling facility (including buildings, hardstandings, access roads and associated infrastructure), a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Waste Planning Authority. The CEMP shall include the following:
 - (a) timetable/programme of works;
 - (b) measures for construction 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 building operations and deliveries; including any further restrictions on noisy operations;
 - (g) parking of vehicles of construction site personnel, operatives and visitors;
 - (h) wheel washing for construction traffic;
 - construction dust management and mitigation measures; including complaints procedures and notification, inspections, screening, site layout and liaison meetings;
 - (I) habitat protection measures including control of invasive species;

- species mitigation measures including requirements for Natural England Licences, measures to prevent animals being trapped within trenches, and timing of vegetation removal; and
- (n) any lighting control measures for the construction phase.

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

REASON: To protect local communities and the local environment from potential adverse impacts of construction in accordance with Policies W11 and W18 of the Devon Waste Plan and Policies DEV1, DEV2 and DEV26 of the Plymouth and South West Devon Joint Local Plan.

17. Prior to the commencement of construction of the new waste transfer buildings, details of all external materials shall be submitted to and approved in writing by the Waste Planning Authority. The building shall subsequently be constructed in accordance with the approved details.

REASON: To ensure that the proposed building is effectively integrated within the local landscape in accordance with Policy W12 of the Devon Waste Plan and Policy DEV23 of the Plymouth and South West Devon Joint Local Plan.

18. No new permanent fencing shall be erected within the site unless details of its height, materials and colour have first been submitted to and approved in writing by the Waste Planning Authority.

REASON: To ensure that any proposed fencing is effectively integrated within the local landscape in accordance with Policy W12 of the Devon Waste Plan and Policy DEV23 of the Plymouth and South West Devon Joint Local Plan.

OPERATIONAL CONDITIONS

19. The site shall only operate between the hours of 0730 to 1800 on Mondays to Fridays and 0800 to 1300 on Saturdays, with no operations on Sundays or Public Holidays.

REASON: To protect the amenity of nearby residents in accordance with Policy W18 of the Devon Waste Plan and Policies DEV1 and DEV2 of the Plymouth and South West Devon Joint Local Plan.

20. No more than 75,000 tonnes of waste shall be delivered to the waste transfer and recycling facility 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 and source of waste.

REASON: To minimise the impact of the development on local residents and the local highway in accordance with Policies W17 and W18 of the Devon Waste Plan and Policies DEV1, DEV2 and DEV29 of the Plymouth and South West Devon Joint Local Plan.

21. The measures for the control of dust listed in Table 5-3 of the Air Quality, Dust and Odour Impact Assessment (Atkins, revision 02, 16/12/2017) shall be complied with for the duration of the operations hereby permitted.

REASON: To protect properties and habitats that are sensitive to the effects of dust in accordance with Policies W11 and W18 of the Devon Waste Plan and Policies DEV1, DEV2 and DEV26 of the Plymouth and South West Devon Joint Local Plan.

22. The site shall be managed in a manner to ensure that no mud, water or other debris is carried onto the public highway from the site.

REASON: In the interests of highway safety in accordance with Policy W17 of the Devon Waste Plan and Policy DEV29 of the Plymouth and South West Devon Joint Local Plan.

23. All loaded vehicles carrying waste entering and leaving the site shall have their loads 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 Policies W17 and W20 of the Devon Waste Plan and Policy DEV29 of the Plymouth and South West Devon Joint Local Plan.

24. Any weighbridge within the site shall not be used as a public weighbridge.

REASON: In the interests of highway safety in accordance with Policy W17 of the Devon Waste Plan and Policy DEV29 of the Plymouth and South West Devon Joint Local Plan.

25. No vehicle, plant, equipment and/or machinery controlled by the operator shall be operated at the site unless it has been fitted with and uses an effective silencer. All such vehicles, plant, equipment and/or machinery shall be maintained in accordance with the manufacturer's 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 and Policies DEV1 and DEV2 of the Plymouth and South West Devon Joint Local Plan.

26. Lighting shall be installed in accordance with the details shown on drawing no. 5149237-ATK-Z1-XX-PL-E-6101/P01 (External Lighting Layout, March 2018). No additional or increased intensity lighting shall be installed within the site without the prior written approval of the Waste Planning Authority.

REASON: In the interests of the amenity of local residents and the local environment in accordance with Policies W11, W12 and W18 of the Devon Waste Plan and Policies DEV1 and DEV2 of the Plymouth and South West Devon Joint Local Plan.

27. No stockpiles of waste and processed materials relating to the development shall exceed a height of 65.5m AOD or be visible from the north or north west of the site.

REASON: To ensure that stockpiles of materials are screened from public viewpoints in the interests of the local landscape in accordance with Policies W12 and W18 of the Devon Waste Plan and Policy DEV23 of the Plymouth and South West Devon Joint Local Plan.

ECOLOGY, LANDSCAPING AND RESTORATION

28. No vegetation clearance shall take place during the bird nesting season (1 March to 31 August, inclusive) unless the developer has been advised by a suitably qualified ecologist that the clearance will not disturb nesting birds and a record of this kept.

REASON: To avoid adverse impacts on nesting birds in accordance with Policy W11 of the Devon Waste Plan and Policy DEV28 of the Plymouth and South West Devon Joint Local Plan.

29. No waste materials shall be deposited within any part of the inert landraise area until the tree protection measures indicated on drawing 5149237/LA/DR/100/4901/G (Tree Protection & Removal, February 2019) have been implemented. These measures shall subsequently be maintained for the duration of landraise operations.

REASON: To ensure that trees and hedgerows are protected from damage by deposition of materials or the activity of plant and machinery in accordance with Policy W11 of the Devon Waste Plan and Policy DEV28 of the Plymouth and South West Devon Joint Local Plan.

- 30. The development, landscaping and restoration of the inert landraise site shall be undertaken in phases as indicated on drawing no. 5149237-ATK-XX-ZZ-DR-C-0029/P03 and in accordance with the details shown on drawings nos. 5149237-EC-DR-100-0003/B and 5149237-LA-DR-100-4900/J subject to the following requirements:
 - no waste shall disposed of in any new phase of landraising until all practicable tipping has been completed in the previous phase and restoration has been completed in the phase before that;
 - (b) planting of the proposed woodland screening belt in Phase 0 immediately to the north of the proposed waste transfer building shall be completed prior to occupation of that building; and
 - (c) no waste shall be deposited in Phase 1 until the proposed 10m wide woodland planting on Phase 0 has been implemented.

REASON: To minimise the landscape impact of the development and to ensure the timely completion of restoration of this part of the site in accordance with Policies W12 and W20 of the Devon Waste Plan and Policy DEV23 of the Plymouth and South West Devon Joint Local Plan.

- 31. No waste materials shall be deposited within any part of the inert landraise area until a Landscape and Ecological Management Plan (LEMP) has been submitted to and approved in writing by the Waste Planning Authority. The LEMP shall provide details of proposed creation and management of existing and new planting and habitats, and shall include:
 - (a) the intended purpose and structure/composition at end of the maintenance period of each vegetation type and intended ultimate size once mature, with clear composition targets;
 - (b) timings and frequencies of maintenance/management interventions including identifying any restrictions on timing of operations and responsibilities for necessary permissions/licences;

- (c) measures for the maintenance and management of other landscape elements that are critical to the way the landscaping scheme functions, including fencing, surfaces, sustainable drainage features and culverts;
- (d) measures for the control of invasive weeds;
- (e) arrangements for the use and storage of chemicals for Landscape Maintenance Operations/Control of Substances Hazardous to Health; and
- (f) arrangements for reporting and monitoring, which shall be consistent with the approved landscaping scheme and any relevant development consents and licenses.

REASON: To ensure the appropriate management of the site during its operation and following its restoration in accordance with Policies W11, W12 and W20 of the Devon Waste Plan and Policies DEV23 and DEV26 of the Plymouth and South West Devon Joint Local Plan.

32. Each phase of landscaping and restoration shall be maintained for a minimum 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 the local landscape and improve biodiversity in accordance with Policies W11, W12 and W20 of the Devon Waste Plan and Policies DEV23 and DEV26 of the Plymouth and South West Devon Joint Local Plan.

33. In the event that the inert landraise operations permanently cease prior to the approved final levels being reached, a revised restoration scheme shall be submitted to the Waste Planning Authority within three months of the Authority giving written notice of a requirement for such a scheme.

The revised restoration scheme shall be fully implemented within 12 months of the approval of the scheme by the Waste Planning Authority.

REASON: To ensure effective restoration of the site in the interests of the local landscape and biodiversity in accordance with Policies W11, W12 and W20 of the Devon Waste Plan and Policies DEV23 and DEV26 of the Plymouth and South West Devon Joint Local Plan.

SOIL MANAGEMENT

34. No topsoil, subsoil or soil making material naturally occurring on the site shall be removed from the site.

REASON: To ensure suitable soils are available to restore the site in accordance with Policies W16 and W20 of the Devon Waste Plan.

35. No waste materials shall be deposited within any part of the inert landraise area until a soil strategy has been submitted to and approved in writing by the Waste Planning Authority. This strategy shall include details of:

- (a) the stripping and storage of existing topsoil, including heights of stockpiles and measures for their temporary seeding and prevention of weeds; and
- (b) the proposed restoration method including subsoiling operations, spreading of soils (which shall be carried out only when there is sufficient soil moisture deficit so as to prevent any degradation of soil structure), and the soil profile and soil specification for each vegetation type, to ensure effective establishment of new seeding and planting and subsequent agricultural use.

The soil strategy shall be implemented for the duration of landraise, landscaping, restoration and aftercare operations.

REASON: To ensure that the landscaping and restoration proposals conserve and enhance soil resources and agricultural land quality in accordance with Policy W16 of the Devon Waste Plan.

DRAINAGE AND CONTAMINATION

36. The development hereby permitted shall not commence until a scheme to review the drainage system operations annually has been submitted to and approved in writing by the Waste Planning Authority. The review shall include both surface and groundwater quality monitoring, and shall be implemented following its approval for the duration of the development hereby approved.

REASON: To ensure that the site does not pose any further risk to the water environment by managing ongoing operations in accordance with Policy W16 of the Devon Waste Plan.

37. If contamination not previously identified is found, during implementation of the development, to be present at the site then no further development (unless otherwise agreed in writing by the Waste Planning Authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the Waste Planning Authority. The remediation strategy shall be implemented as approved.

REASON: To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site, in accordance with paragraph 170 of the National Planning Policy Framework and Policy W16 of the Devon Waste Plan.

PTE/20/6

Development Management Committee 18 March 2020

County Matter: Waste Mid Devon District: Variation of Condition 7 of DCC/4074/2018 to alter the current restriction on road delivery tonnage from 55,000 tonnes per annum to 120,000 tonnes per annum, Willand Anaerobic Digestion Plant, Station Road, Willand Applicant: Mr Henry Waite Application No: 19/01986/DCC Date application received by Devon County Council: 22 November 2019

Report of the Chief Planner

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 to make an appropriate highway safety contribution and controlling deliveries within school pick up and drop off times and routeing, planning permission be granted subject to the conditions set out in Appendix I (with any subsequent minor changes to the conditions being agreed in consultation with the Chair and Local Member).

1. Summary

- 1.1 This application is to vary the amount of feedstock to be delivered by road to this existing anaerobic digestion (AD) plant by varying a condition of the existing permission. Condition 7 of permission DCC/4074/2018 requires that no more than 55,000 tonnes per annum of feedstock shall be delivered to this plant by road, and this application seeks to vary this condition to enable the importation of 120,000 tonnes per annum by road.
- 1.2 It is considered that the main material planning considerations in the determination of this application are waste planning policy, highways and access, sustainability and climate change, and general amenity.
- 1.3 The planning application, representations received, and consultation responses are available to view on the Council website under reference DCC/4153/2019 or by clicking on the following link: https://planning.devon.gov.uk/PlanDisp.aspx?AppNo=DCC/4153/2019

2. The Proposal/Background

- 2.1 The AD plant at Willand is an existing facility built on the site of a disused abattoir. Planning permission (DCC/3725/2014 – report <u>PTE/15/25</u>) was originally granted in 2015 for a 2MW plant using a mixture of crops/silage and abattoir wastes, subject to a limitation on feedstock delivered by road not exceeding 25,000 tonnes per annum. There have been a number of subsequent amendments considered and approved by this Committee including:
 - variation of conditions to increase deliveries of feedstock by road to a maximum of 55,000 tonnes per annum (DCC/3825/2015 –report <u>PTE/16/24</u>); and

- (b) variation of a condition to remove the restriction on importation of poultry products by road (DCC/4037/2017 –report <u>PTE/18/34</u>).
- 2.2 The currently approved operation is able to take a mixture of crops, farm and food wastes, of which up to 55,000 per annum tonnes can be transported by road, and has a notional electrical output equivalent capacity of 4.2 MW, with the biogas produced being fed directly into the national gas grid which is immediately adjacent to the site. The existing consent assumes a notional average of 33 movements per day.
- 2.3 The new application proposes to vary Condition 7 to allow up to 120,000 tonnes of feedstock to be delivered by road annually, of which a maximum of 75,000 tonnes could be waste materials. Such an increase in feedstock would enable an increase in renewable energy capacity to 8MW. The required plant and machinery are already consented or built and, therefore, the main change would be in terms of highway movements and the capacity, safety and amenity implications of this.
- 2.4 The application states that the process has changed and that they intend to produce a digestate that is a dry pelleted material with the liquid part of the digestate being cleaned to a standard that would enable it to be discharged to a watercourse. Although the plant and machinery required for this process are already consented, the Environmental Permit will deal with this element of the process and, therefore, this process is not yet guaranteed. To ensure that the worst-case scenario is assessed the applicant was asked to include the traffic numbers dealing with digestate from the original process to ensure that, if the permit is not achieved, the traffic figures do not increase as a result of this application.

3. Consultation Responses

- 3.1 <u>Mid Devon District Council</u>: objection. Serious concerns about the increase in traffic generation through and around Willand. The increased movement of waste may add to pollution and potential odour. The site has already increased from its original intent and is likely to cause harm. No details of the source of waste which is likely to be from neighbouring authorities.
- 3.2 <u>Willand Parish Council</u> (16.12.19): recommend refusal. The Parish Council supports the comments and objections of the Campaign to Protect Rural England (see section 4). The comments made question the information given to support the original permission and the fact that increases in capacity have been made by submitting subsequent planning applications which comprise "*planning by stealth*".

Willand Parish Council disagrees that the increase in deliveries is small and considers the application to be misleading and queries some of the commentary in the highways information regarding traffic flows, especially along South View Road and at Four Ways Cross. It says that there is no information about the source of waste, destination of digestate or the carbon footprint set against the AD plant generation. It queries the awarding the of the DCC food waste contract to an operator with insufficient capacity and the fact that the current application doesn't accord with the Environmental Permit. It says that there is no proven need for the additional tonnage and is concerned about the potential adverse impacts on the wider road network as well as potential odour impacts in the village. The council considers that the proposal represents a significant adverse effect when looked at cumulatively with other developments.

3.3 <u>Environment Agency (EA)</u>: no objection in principle. The EA has provided advice on the application with relation to the current tandem application to vary the Environmental Permit (EP). The current EP application is to vary the existing permit from 55,000tpa to 100,000tpa which is lower than that being applied for in this application. Whilst advice in the NPPF is that planning and permitting issues should not overlap, it is not desirable that they should conflict.

The EA is currently concerned about odour control and have received complaints relating to external storage of the crop feedstocks. The current permit application states that all feedstock would be stored in a building with an odour control system and the EA considers this to be a necessary measure. The application also includes a new treatment process for the digestate and this is being considered by the EA with relation to odour management.

- 3.4 <u>Highways England</u>: no objection.
- 3.5 <u>DCC Highways</u>: no objection. The applicant has submitted a transport statement, the content of which is acceptable to the Highway Authority and the new technologies, if implemented, to reduce liquid waste will give rise to an additional 18 movements per day. The additional 2 movements per day if liquid waste is to be exported are also accepted. These represent only 5% of the total traffic on South View Road and in planning terms is less than significant (based on worst case scenario of 20 movements per day necessary to export liquid digestate). These figures are based upon use of Duoliners/Tankers for all feedstock deliveries and the implementation of the new technologies identified by the applicant. The planning authority may wish to consider conditions restricting the import to Duoliner/Tanker type vehicles and no increase in feedstock until the implementation of the new technology for the digestate has been installed and is operational.
- 3.6 <u>DCC Waste Management</u>: support the application which provides more local capacity within the Devon area, thus reducing the distances travelled by waste. The application supports the Government "Resources and Waste Strategy" (Dec 2018) which states that "…anaerobic digestion (AD) represents the best environmental outcome for food waste that cannot be redistributed to others or, if this is not possible, used as animal feed. It provides both low carbon renewable energy and digestate, which can be used as fertiliser, compost or soil improver".

They confirm that there is no Local Authority Collected Waste going to the plant at this time (which would in any case be a breach of the Environmental Permit) but that the existing waste contract would enable approximately 5,500 tonnes per annum of food waste to be received from Brynsworthy Transfer Station, near Barnstaple, in due course once the EP revision is granted.

4. Advertisement/Representations

- 4.1 The application was advertised in accordance with the statutory publicity arrangements by means of a site notice, notice in the press and notification of neighbours by letter. As a result of these procedures 26 letters of representation have been received from local residents, all of which are objections to the proposal based on concerns about highway capacity and safety, odour, vibration, need and safety of the gas plant. A letter has also been received from the local MP expressing concerns raised with him by his constituents.
- 4.2 The Campaign to Protect Rural England (Devon) has made representations expressing concerns about the impact on the residents living along the access road due to the increase in traffic, uncertainty about the source of crops and destination of

digestate (and thus overall mileage), storage of digestate and potential pollution/health issues, conversion of fleet to biogas would reduce the amount being sent to the grid, distance for transporting food waste from North Devon, reduction in soil health due to growing maize, querying the County Council's "due diligence" in awarding a waste contract to this operator and stating that the proposal has no quantifiable benefits. They further state that the amount of food waste being imported from North Devon does not require the variation of the condition and the forward planning is a speculative claim with no information about where the higher amounts of waste would arise from.

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 below and the most relevant are referred to in more detail in Section 6.
- 5.2 **Devon Waste Plan 2011-2031** (adopted December 2014) Policies W2 (Sustainable Waste Management); W3 (Spatial Strategy); W6 (Energy Recovery); W14 (Sustainable and Quality Design); W15 (Infrastructure and Community Services); W17 (Transportation and Access) and W18 (Quality of Life).
- 5.3 Mid Devon Local Plan Core Strategy 2026 (adopted July 2007) and Development Management Policies (adopted October 2013)
 Policies COR5 (Climate Change); COR9 (Access); DM5 (Renewable and Low Carbon Energy); DM6 (Transport and Air Quality) and DM7 (Pollution).
- 5.4 Other material considerations include: National Planning Policy Framework National Planning Policy for Waste Planning Practice Guidance Mid Devon Local Plan Review 2013-2033 (emerging)

6. Comments/Issues

6.1 It is considered that the main material planning considerations in the determination of the proposed development are: waste planning policy, highways and access, residential amenity, sustainability and climate change.

Waste Policy Considerations

- 6.2 The Devon Waste Plan, through Policy W2 (Sustainable Waste Management) seeks to maximise the efficiency of low-carbon energy derived from waste materials, and to deliver sufficient waste management capacity with flexibility to respond to changes in the quantity, nature and composition of waste. As this proposal will achieve an increase in renewable energy by increasing the throughput of the plant, it is considered that it is consistent with Policy W2.
- 6.3 Policy W3 sets out the Waste Plan's spatial strategy for strategic waste management facilities, with these to be located within or close to Exeter, Barnstaple and Newton Abbot. The AD plant was originally approved at Willand due to the merits of co-location with the adjacent abattoir which, together with its accessibility to the M5

and A361 that connect Exeter and Barnstaple, justified its location away from the specified settlements. Given that the plant is now established, it is considered that its further increase in capacity is not contrary to Policy W3.

- 6.4 The Waste Plan's approach to energy recovery facilities, including AD, is dealt with in Policy W6, which sets capacity requirements (including up to 356,000 tonnes by 2021) to which the proposal will contribute. Part 3 of Policy W6 suggests a capacity limit of 80,000 tonnes for any one energy recovery facility to avoid over-concentration of capacity in one location and, as it is envisaged that the amount of waste to be managed at the expanded Willand facility will be no more than that (with the balance being accounted for by agricultural products), the proposal is considered to be consistent with this part of Policy W6.
- 6.5 Policy W6 also seeks to ensure that facilities achieve the maximum feasible level of efficiency in the use of the energy resource. The Willand facility supplies gas to the gas grid, which has a greater efficiency than burning the gas to produce electricity.

<u>Highways</u>

- 6.6 The applicant was requested to provide information to assess the type and level of traffic associated with the operation and to provide a "worst case scenario" in terms of overall movements.
- 6.7 Highways impacts remote from the site will depend on many factors including contracting, availability, energy mix and farming practice, none of which can be effectively controlled by planning condition. Given that the importation and export of all feedstuff and digestate is now subject to a planning condition to be via sealed tanker or HGV and there is an existing legal agreement requiring that the routeing avoids Willand Village and deliveries take place outside school pick up and drop off times, then the main planning consideration is whether the highway network could accommodate the additional numbers and whether the increase would lead to an unacceptable impact on the living conditions of neighbours.
- 6.8 The applicant has submitted a transport statement the content of which is acceptable to the Highway Authority. If the new technologies are implemented to reduce liquid waste, the proposal will give rise to an additional 18 movements per day (over the 33 already permitted). There would be a further 2 movements per day if liquid waste is to be exported. This is acceptable as it represents only 5% of the total traffic on South View road and in planning terms is less than significant (based on worst case scenario of maximum additional 20 movements per day necessary to export liquid digestate). These figures are based upon use of Duoliner type vehicles or tankers for all feedstock deliveries and removal.
- 6.9 The survey data and conclusions cited in terms of capacity are consistent with previous planning applications at Mid Devon Business park and Hitchcock's which both lie on the access route from the M5 and the Highway Authority would agree that there are no capacity issues resulting from the increase in traffic from this site under the scenarios proposed.
- 6.10 There have been concerns raised at the content of the highways documents relating to the various kinds of feedstock (crops vs commercial vs local authority collected food wastes) and the averaging out of vehicle movements. These concerns have been discussed with the applicant and it is agreed with them and the Highway Authority that the highway movements would be best determined by a maximum importation restriction rather than dealing with various types of feedstock given that they are all delivered in the same manner along the same lorry route from the M5.

The applicant has therefore agreed to the imposition of a that there should be a planning condition restricting deliveries to a maximum of 120,000 tonnes per annum.

- 6.11 The Highway authority suggests that conditions are considered, restricting the import/export of feedstock and digestate products to Duoliner/Tanker type vehicles and that there should be no increase in feedstock until the implementation of the new technology for the digestate has been installed and is operational. Based upon the current proposals and the suggested conditions, the Highway Authority raise no further objections to the application.
- 6.12 There are no proposals to deliver or remove feedstock or digestate at night and the applicant has accepted that a condition requiring HGV deliveries to be restricted to the hours of 07.00am to 20.00pm will overcome the concerns of residents along Station Road about night time noise.

Highway Safety

- 6.13 The highway safety team has confirmed that there have been 5 shunt type slight injury collisions on the A38 approach to the roundabout at Junction 27 of the M5. Screening on this approach might help to reduce traffic pulling onto the roundabout without stopping or looking carefully and, should planning permission be granted, the safety team request that the applicant makes a contribution to a feasibility study to support this. This has been agreed by the applicant in principle.
- 6.14 The applicant has agreed to abide by the existing legal agreement not to generate lorry movements during school drop off and pick up times, and the agreement can be varied to apply to this new consent.
- 6.15 There have been representations seeking improvements to pedestrian facilities along South View Road from this application. The application would not attract additional staff to the site and, given that the traffic increases are less than significant nor severe, it would not be CIL compliant to require this. T
- 6.16 The comments made by residents about thoughtless parking in Willand cannot be attributed to vehicles that do not currently exist. The applicant has agreed to amend their advice to drivers as all of their movements are under their control or under direct contract to them. This is a lorry route also used by the large Two Sisters abattoir as well as a number of businesses on the adjacent industrial estate and the comments are noted, but the management of parking on pavements and inconsiderate driving are police enforcement matters.

Residential Amenity Considerations

6.17 The site is not in any immediate proximity to residential properties, the nearest being some 100m distant across the railway line. This proposal would not increase the proximity, although there have been concerns from owners of properties along the haul route especially in Station Road. The highways response indicates that the overall increase in traffic would not be material above existing and it is clear that a number of the objections being made are based on the existing situation caused by the traffic from the Two Sisters plant which is significantly higher and on a 24 hours basis unlike this site which does not and would not accept waste or send out digestate between the hours of 20.00 and 07.00.

6.18 There have been some complaints and concerns raised about odour relating to external storage of silage. The Environment Agency advises that the Environmental Permit restrictions on external storage of any feedstock do not apply until such time as wastes are imported. The existing planning permission, although it restricts the external storage of waste and soiled skips, does not restrict external storage of crops. The EA is still investigating and is of the view that this is an occasional occurrence, but it is concerned that there are currently no controls over this matter. It is suggested that a new condition which restricts any external storage of silage would deal with this matter. This may cause an element of double handling as the hopper for silage and crops is outside the building, but it would enable the EA to update the permit through the current application if they feel it to be necessary and will enable the storage of silage to take place in the transfer building. It is not considered necessary to restrict the storage of crops in this way.

It would be reasonable to apply such a condition to manage known effects from the existing site.

6.19 The existing consent restricts the import/export of waste and digestate to sealed containers and tankers, so the additional movements per day are unlikely to present any significant change in terms of overall living conditions with relation to odour.

Site Safety Considerations

6.20 There is a specific concern raised by a local resident about the nature and storage of the biogas from objector in terms of site safety. This was also sent to the County Council's Emergency planning team. The applicant has stated that there is very limited storage of gas on the site and that the domes contain only 53% methane which is very wet and therefore difficult to ignite. Once the gas is cleaned and dried it is injected directly into the national gas grid which poses the same risk as any gas connected premises. The plant is managed under the Dangerous Substances and Explosive Atmospheres (DSEAR) Regulations 2002 (managed by the HSE) and ATEX protection zones (required by EU legislation) with all of the necessary fire and safety procedures in place. The increase in road deliveries is not therefore likely to have any additional impact over that existing and already managed by other regimes and the safety of the storage and equipment is not a planning consideration being covered by other legislation and regulations.

Off-site impacts

- 6.21 The off-site impacts of Anaerobic Digesters continue to be a matter of concern, for the Parish Council, CPRE and the District Council and the management of digestate on farms has been an issue. However, there are other regulatory regimes that deal with this if planning consent is not required.
- 6.22 The movement of crops on and off unspecified farms is not a matter for the waste planning authority and the highways authority takes the view that crops will be on the roads in any case unless the farming industry reverts entirely to livestock farming. Even then, feedstuffs and animals will have to be moved. The issue of off-site impacts was set out in some detail in the previous report to this Committee relating to this site (DCC/4037/2017 see paragraph 2.1 for a link to the report) and the situation is unchanged for this application.
- 6.23 Whilst the issue of off-site digestate storage is not a material consideration in respect of the current application, it is worth noting that the EA permit requires the site to have six months' on-site storage capacity. Additionally, the operator has confirmed that they are in discussions with ex dairy farms that have existing storage capacity on

site in the event of storage issues at Willand. The proposed system of converting the digestate to dry pellets and clean water would in any case reduce the storage requirements for liquid digestate, but it is clear that a combination of the EP conditions and the applicant's fall-back planning would deal with short term issues while the technology is demonstrated or in the event that the EA does not permit any discharge to watercourses.

6.24 The practice of waste management has altered significantly over the past few years and the nature of contracts would mean that identifying or specifying off-site impacts would not necessarily be helpful as contracts may change significantly over the life of an operation. For example, Mid Devon District Council has expressed concerns about the DCC food waste contract bringing in materials from North Devon; it is correct that Willand Biogas is currently contracted to DCC to recycle food waste collected from the North Devon and Torridge District Council areas (contract started in October 2019), but the operator is currently taking this material to a site outside Devon to be processed. Food waste from Mid Devon is also currently contracted to go to a site outside Devon. The Waste Plan seeks the delivery of a range of facilities which would mean that carbon issues as well as finances could, in future, dictate that wastes are able to be dealt with closer to their source as contracts are renewed and new facilities provided. Specifying the destination for food wastes through the planning process is likely to ensure that the waste management system is unable to respond to changing technology and contracts. The land use planning issues on this particular site are properly dealt with through the various planning and permitting systems as are off-site impacts wherever they may occur.

Relationship to the Environmental Permit

- 6.25 The NPPF guidance is that permitting and planning matters should not be duplicated. The current application for a permit variation seeks to import 100,000tpa of feedstock and this disconnect between the permitting and planning has been the subject of some concern.
- 6.26 The applicant was asked for an explanation, and their response is that the current technology being installed in quarter 2 of 2020 provides a theoretical capacity of 120,000tpa. The applicant will look to vary the permit to this level once the tolerance of the new technology has been tested within the plant. The throughput suggested in the current application could not therefore be reached until there is a further permit variation, and the existing permit remains in place controlling the likely environmental impacts. This application would therefore ensure that the longer-term intentions for this plant are clear and would avoid yet another planning application to dovetail the planning and permitting. This is helpful given some of the objections to the piecemeal nature of planning at this site.
- 6.27 The EP (existing and proposed) will deal with emissions from the plant, noise and odour as well as the management and storage of digestate. The principal planning issue remains therefore whether the road can accommodate the additional vehicle movements.
- 6.28 To deal with the overlap between the planning and permitting with relation to the external storage of digestate, it is proposed to attach a condition requiring that any storage of silage shall take place in a building or odour proof container.
- 6.29 There would be no reason to refuse planning permission on the grounds that the permit application is different. To date, the permit has been very different from the planning permission and many of its conditions would not come into effect until wastes begin to be imported. At present, due to permit restrictions, the food waste is

currently being sent outside Devon and it remains a crop-only facility until such time as the reception hall is completed.

Need

- 6.30 Objectors, including the CPRE, have quoted the existing domestic food waste contract as insufficient reason for the requested waste input as well as querying the lack of information about the source of materials and the destination of digestate.
- 6.31 The applicant has commented that, unless the planning consent is in place, they cannot bid for waste contracts (although they did receive the DCC contract). The applicant has also stated that, with relation to crops and storage, they are helping with farm diversification away from livestock by utilising crops from farms that have slurry stores no longer required for livestock farming. They are also investigating farms with livestock sheds that might be used for the storage of pellets. The transportation of these materials has a cost and therefore the use of proximate facilities would drive down costs and should deal with the concerns raised by the CPRE.
- 6.32 The policies in the Waste Plan do not require need to be demonstrated, merely that on-site issues can be resolved and that the facility contributes to a range of waste management facilities.

Overall Sustainability Considerations (Including Climate Change)

- 6.33 Paragraph 148 of the National Planning Policy Framework requires that "the planning system should support the transition to a low carbon future in a changing climate", while Devon County Council has declared a climate emergency and committed to facilitating the reduction of Devon's carbon emissions to net-zero by 2050. The scope for individual planning applications to contribute to these initiatives will be dependent on the nature and scale of the development being proposed, and relevant considerations are outlined below.
- 6.34 The biogas generated by this plant is scrubbed and injected directly into the national gas grid, minus that which is used to power the plant itself which is converted to power using on site gas engines.
- 6.35 There is also a current planning application with Mid Devon District Council to enable the biogas (along with grid gas) to be converted to electricity to support the electricity grid when other renewable energy sources are unavailable to "even out" supply. This application is currently undetermined, however, there is storage on the site and therefore the current application does not depend on that separate consent being granted.
- 6.36 Discussions have also been held with the applicant regarding the nature of the fuel used for their HGV fleet. The applicant recently received planning consent from Mid Devon District Council for a Renewable Compressed Natural Gas filling station and associated infrastructure within the site. The applicant has stated their intention to use this in their fleet.
- 6.37 There is no planning control relating to the growing of energy crops and for farmers receiving digestate in return. In terms of soil health and carbon sequestration, soils that have been treated with improvers which increase their bacterial content are known to retain and capture higher amounts of carbon.

- 6.38 The applicant has stated, in their response to objectors' comments about there being no benefit from the proposal, that the proposal supports the response to the ambitions of the Devon Climate Emergency Group to increase the renewable energy supply and this is further supported by the intention to convert their HGV fleet to biomethane which could result in a 60-85% CO₂ saving, with a 60% reduction in NO_X, 80% methane and 99% particulates. According to the applicant, RCNG HGVs are additionally approximately 50% quieter than diesel.
- 6.39 Although the production of renewable energy from a mixture of wastes and crops is not entirely carbon neutral, it is less carbon intensive than traditional generation methods and is acknowledged to be a lower carbon substitute. The use of food wastes to produce low carbon energy is supported by Government's Resources and Waste Strategy and the increased capacity of the plant to produce up to 8MW of energy is a material planning consideration especially on an existing site.

7. Reasons for Recommendation/Alternative Options Considered

- 7.1 The Committee has the option of approving, deferring or refusing this planning application.
- 7.2 It is considered that the proposed alteration to the existing planning consent is not likely to have a significant impact on the residential amenity along the delivery route given the low number of additional movements; there are measures in place to manage odour and the proposal would provide an important contribution to the diversion of waste up the waste hierarchy and in increasing the renewable energy contribution to a lower carbon economy as the Willand AD plant produces renewable natural gas which is fed straight into the gas supply grid.
- 7.3 It is recommended that planning permission be granted subject to the applicant entering into a legal agreement to make an appropriate highway safety contribution, revising the existing legal agreement controlling delivery hours to roll it forward to apply to this consent, and subject to the conditions set out in Appendix I (with any subsequent minor changes to the conditions being agreed in consultation with the Chair and Local Member).

Mike Deaton Chief Planner

Electoral Division: Willand & Uffculme

Local Government Act 1972: List of Background Papers

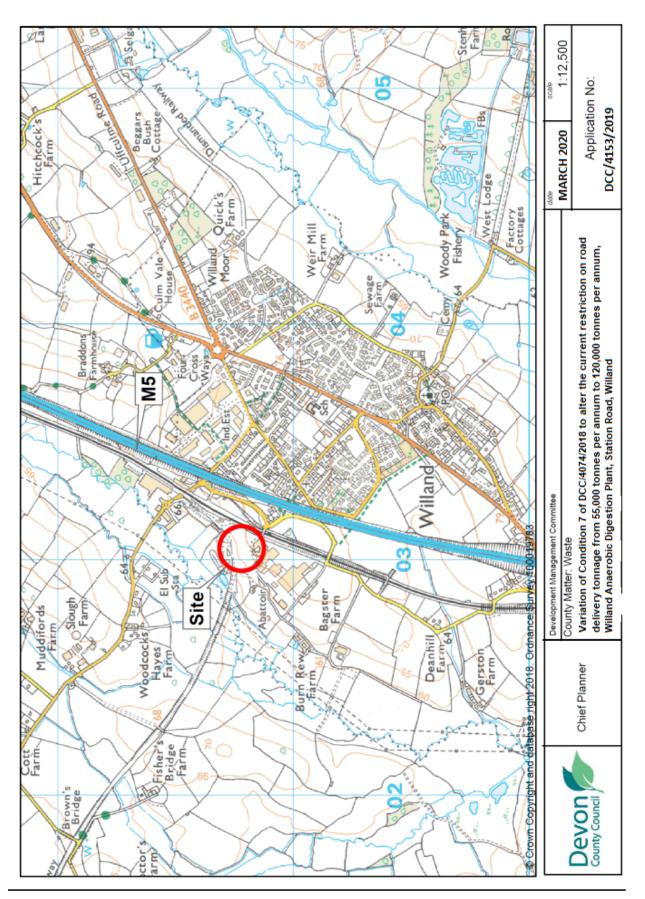
Contact for enquiries: Sue Penaluna

Room No: AB2, Lucombe House, County Hall

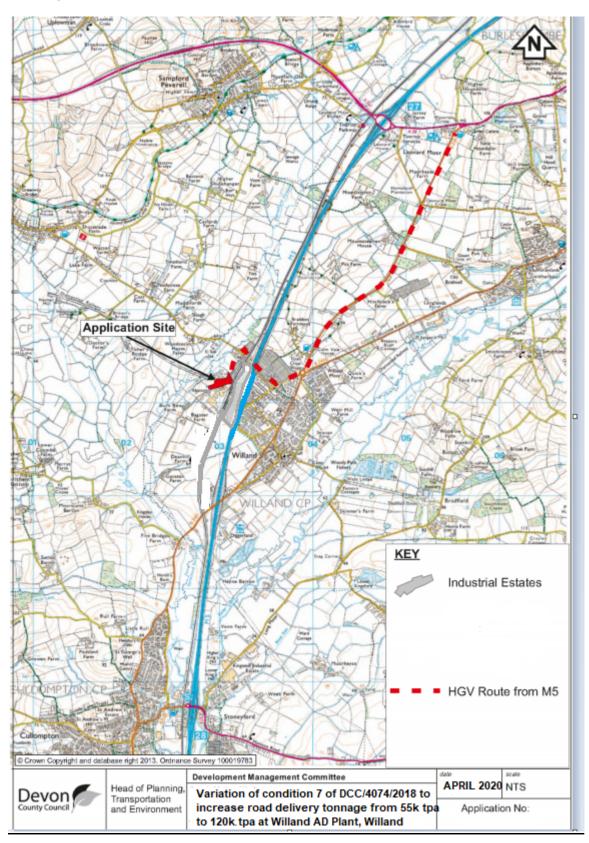
Tel No: 01392 383000

Background Paper	Date	File Ref.
Casework File	22.11.19	DCC4153/2019

sp200220dma sc/cr/variation of condition Willand Anaerobic Digestion Plan Station Road Willand 04 090320



Delivery route to M5



Appendix I To PTE/20/6

Planning Conditions (Changes to existing indicated in **bold** or *italic*)

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

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

2. The development shall be carried out in strict accordance with the details shown on the approved drawings and documents referenced:

Figure 1: Site Location AMZ01_SL_001;

Figure 2: Site Plan. Overall AMZ01_SP_029a;

Figure 2: Site Plan. Main Site Area AMZ01_SP_029b;

Figure 2: Site Plan. Access Road AMZ01 **SP_030***;

- Figure 3: Elevation AMZ01_EL_016;
- Figure 4: Cross Section A-A (Phase 3) DWG No 35;
- Figure 6: Cross Sections B-B and C-C (WIN01_Willand_CSb/c_002);
- Figure 7: Cross Sections D-D (WIN01 Willand CSD 002
- Figure 9: Planting specification for Willand Anaerobic Digester AMZ01 PP 001a;
- Figure 9: Planting specification Willand Access road AMZ01_PP_001b;
- Figure 10: Individual Structures 1-4 AMZ01_ST_004a;
- Figure 10: Individual Structures 5-8 AMZ01_ST_004b;
- Figure 10: Individual Structures 9-12 AMZ01_ST_004c;
- Figure 10: Individual Structures 13-16 AMZ01_ST_004d;
- Figure 10: Individual Structures 17-19 AMZ01_ST_004e;

Figure 11: Comparison drawing for new, consented and built development AMZ01_CBP_001;

13854-SKC001 Rev C: (Site Access Track Layout);

13854-SKC002 Rev A: (Access Track Sections);

00110-00-D-GFL: (Hydro-brake at attenuation pond outlet);

00110-00-D-GFL: (Typical manhole with penstock valve); construction traffic management plan (approved by discharge of condition under DCC/3725/2014); Appendix 11: Habitat enhancement and mitigation document dated 26/3/2014 (approved under DCC/3725/2014), except as varied by the conditions below.

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

* Alteration approved by Non-material Amendment procedure dated 11 November 2019.

3. The development hereby permitted shall be constructed in accordance with the traffic routeing and restrictions set out in the Construction Traffic Management plan submitted in respect of permission Ref DCC/3725/2014 approved on 22 July 2015 under Article 30 of the Town and Country Planning (Development Management Procedure) (England) Order 2010.

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

4. The development hereby permitted shall be carried out in accordance with the approved Construction Environmental Management Plan (Jan 2019) as set out

in the Determination of Conditions under Article 27 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 dated 30 September 2019.

REASON: To ensure that adequate measures are put in place to avoid or manage the risk of pollution or waste production during the construction works.

5. If contamination, not previously identified, is found to be present at the site during the construction period, then no further development (unless otherwise agreed in writing with the Waste Planning Authority) shall be carried out until the developer has submitted a remediation strategy to the Waste Planning Authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the Waste Planning Authority. The remediation strategy shall be implemented as approved.

REASON: To ensure the protection of controlled waters.

6. The development hereby permitted shall be carried out in accordance with the approved surface water management system as set out in the Determination of Conditions under Article 27 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 dated 30 September 2019.

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

7. The amount of feedstock delivered by road to this site shall not exceed **120,000** tonnes per annum.

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

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

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

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

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

10. The landscaping scheme shown on plans: AMZ01_PP_001a (Figure 9 - Planting specification for Willand Anaerobic Digester) and AMZ01_PP_001b (Planting specification for Willand Access Road) shall be carried out by 31 December 2019. The approved planting shall be maintained for a period of five years. Any existing

tree shown to be retained or trees or shrubs to be planted as part of the approved landscaping scheme which are removed, die, become severely damaged or diseased within the five - year maintenance period shall be replaced with the same species or an approved alternative to the satisfaction of the Waste Planning Authority within the next planting season.

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

11. The applicant shall implement the habitat enhancement and ecological mitigation measures as set out in Appendix 11 of the Habitat Enhancement and Mitigation Report dated 26 March 2015.

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

12. The development hereby permitted shall be carried out in accordance with the approved Traffic Management Plan as set out in the Determination of Conditions under Article 27 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 dated 30 September 2019.

REASON: In the interests of highway safety.

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

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

14. **There shall at no time be any external storage of wastes, silage** waste materials,. or soiled containers.

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

15. Within 6 months of the date of this permission, the access road shall be completed and surfaced to top course in accordance with drawings 13854-SKC001 Rev. C (Site Access Track Layout) and 13854-SKC002 Rev. A (Access Track Sections);

REASON: To prevent the deposit of mud on the public highway in the interests of highway safety.[Access track is now complete]

15. [New] There shall be no deliveries or removal of digestate from this site between the hours 20.00 and 08.00.

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

16. [New] The total number of HGV movements associated with the delivery of feedstock and removal of digestate shall not exceed 35 per day averaged out over a 12 month period. The operator shall keep written records of the

movements of feedstock and digestate into and out of the site and shall on request from the MPA make these available for inspection.

REASON: To ensure that the highway and amenity impacts of the proposal are not greater than those assessed in the supporting documentation in the interests of highway safety and to comply with policies of the Development plan: in particular Policies W02 of the Devon Waste Local Plan and Policy COR01 of the Mid Devon Local Plan.

Development Management Committee 18 March 2020

Delegated Schedule – 18 March 2020 - Summary

	District	Location	Application Number	Proposal	Electoral Division	Decision
	Mid Devon District Council	Knowle Quarry, Copplestone, Crediton, EX17 5PB	DCC/4109/2019	Extraction of up to 2,000 tonnes of Exeter Volcanic Series building stone per annum	Creedy, Taw & Mid Exe	Conditional Approval
	East Devon District Council	Marshbroadmoor, North of Rockbeare Quarry, EX5 2HB	DCC/4132/2019	Planning application to continue importation of inert soils and subsoil to allow for revised restoration contours at Marshbroadmoor including a revised restoration scheme at Rockbeare Quarry	Otter Valley	Conditional Approval
	Teignbridge District Council	Kenbury Wood Resource Recovery Facility, Old Dawlish Road, Kennford, Devon, EX6 7XD	DCC/4140/2019	The relocation of the existing construction and demolition waste transfer station including the relocation of the trommel, generator, picking station and aggregates storage area and the construction of a new waste reception building, metal sorting bay, water tank, fines storage bay, weighbridge and internal access roads. Incorporating provision for enhancements to visual screening, dust control and surface water attenuation measures	Exminster & Haldon	Conditional Approval
	Teignbridge District Council	K J Howard Civil Engineering, King Charles Business Park, Old Newton Road, Heathfield, TQ12 6UT	DCC/4145/2019	New profiled metal clad portal frame building for de-watering / treatment plant	Bovey Rural	Conditional Approval

Agenda Item 6

_ I	South Hams District Council	Tip T1, Lee Moor, Shaugh Prior, PL7 5JA	DCC/4146/2019	Application for 3.31ha lateral extension of existing extraction area, variation of condition 3 of planning permission 42/2213/08/CM to allow for the deepening of the combined extraction area to 228m AOD and continued processing of secondary aggregates	Bickleigh & Wembury	Conditional Approval
	East Devon District Council	Land at Hill Barton Business Park, Stuart Way, Clyst St Mary, Exeter, EX5 1DR	DCC/4150/2019	Variation of conditions 2, 4 & 10 of permission DCC/2909/2009 (09/1799/CM) dated 24/03/2010 for the proposed Energy Generation Plant at Land at Hill Barton Business Park, Clyst St Mary, Exeter, EX5 1DR	Broadclyst	Conditional Approval
· •	North Devon District Council	Brynsworthy Transfer Station, Roundswell, Barnstaple, Devon, EX31 3NS	DCC/4154/2019	Variation of Conditions 1 and 2 of planning permission DCC/4106/2019 for Variation of condition 5 of planning permission DCC/3951/2017 for Waste Transfer Station including a waste transfer hall, single storey weighbridge office and welfare facilities building, hardstand including staff parking and external weighbridge, internal access road, new access from the existing highway, drainage, lighting and landscaping	Fremington Rural	Conditional Approval
		The IVC Site at Deep Moor Waste & Recycling Facility, Road From Belle View Cross to High Bullen, Great Torrington, EX38 7JA	DCC/4155/2019	The permanent retention of the existing buildings and facilities for use as a waste transfer station and for green waste composting (with no composting of food waste)	Torrington Rural	Conditional Approval

Exeter City Council	St Georges Field (Hamlin Lane Playing Fields), Georges Close, Exeter, EX1 3LA	DCC/4156/2019	Engineering works to include formation of flood alleviation earth bund and associated drainage and landscaping works	Heavitree & Whipton Barton	Conditional Approval
North Devon District Council	Land west of Landkey junction with the A361	DCC/4157/2019	Outline planning permission for the provision of a foot/cycle bridge	Chulmleigh & Landkey	Conditional Approval
Mid Devon District Council	Sampford Peverell Church Of England Primary School, Higher Town, Sampford Peverell, EX16 7BR	DCC/4160/2019	A Multi Use Games Area with a 3 metre high fence at the rear of the proposed pitch. The existing 3 metre high fence at the rear of the proposed pitch is not being removed		Conditional Approval