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To: The Chair and Members
of the Development
Management Committee

County Hall
Topsham Road
Exeter
Devon
EX2 4QD

Date: 15 September 2020

Contact: Gerry Rufolo
Email: 01392 382299

DEVELOPMENT MANAGEMENT COMMITTEE

Wednesday, 23rd September, 2020

A meeting of the Development Management Committee is to be held on the above date at 2.15 pm to consider the following matters. This will be a Virtual Meeting. For the joining instructions please contact the Clerk for further details on public participation.

Phil Norrey
Chief Executive

A G E N D A

PART 1 - OPEN COMMITTEE

1 Apologies for Absence

2 Minutes

Minutes of the Meeting held on 18 March 2020 (previously circulated)

3 Items Requiring Urgent Attention

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

MATTERS FOR DECISION

- 4 County Matter: Waste: South Hams District: erection of waste bulking/transfer station and ancillary development on redundant land within existing anaerobic digestion site, Higher Challonsleigh, Lee Mill (Pages 1 - 16)

Report of the Chief Planner (PTE/20/19), attached

- 5 County Matter: Waste: Teignbridge District: Section 73 application to vary Condition 10 of permission 16/01969/DCC (Consolidating application for the retention of the integrated waste management facility for the processing, transfer and recycling of waste and production of recycled aggregates, including offices, parking, hardstanding, associated plant and equipment and the extension in time (20 years) and area of the inert landfill) to raise throughput from 75,000 to 120,000 tonnes per annum, Kenbury Wood Landfill Site, Old Dawlish Road, Kennford (Pages 17 - 42)

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

- 6 County Matter: Waste: Teignbridge District: Importation of 350,000m³ of inert soils and topsoil for the land raising of previously disturbed land that is not capable of sustaining commercial agriculture, Lower Hare Farm, Whitestone

The Chief Planner to provide an update on the above planning application and, in the light of the updated risk assessment for Committee site visits, to propose arrangements for the Committee site visit that Members resolved on 5th June 2019 to undertake prior to determination of the planning application.

Recommendation: That a representative group of Members visits the site in advance of consideration of a report to be made to a future meeting of the Development Management Committee.

- 7 Minerals and Waste Development Framework: Review of the Devon Waste Plan (Pages 43 - 182)

Report of the Chief Planner (PTE/20/21), attached

- 8 Minerals and Waste Development Framework: Statement of Community Involvement: Third Revision (Pages 183 - 186)

Report of the Chief Planner (PTE/20/22), attached

OTHER MATTERS

- 9 Delegated Action - Schedules (to include ROMPs Actions) and Summary Schedule (Pages 187 - 190)

Report of the Chief Planner (PTE/20/23), attached

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

Nil.

Members are reminded that Part II Reports contain exempt information and should therefore be treated accordingly. They should not be disclosed or passed on to any other person(s). They need to be disposed of carefully and should be returned to the Democratic Services Officer at the conclusion of the meeting for disposal.

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Induction Loop available



PTE/20/19

Development Management Committee
23 September 2020

County Matter: Waste

South Hams District: Erection of waste bulking/transfer station and ancillary development on redundant land within existing anaerobic digestion site

Location: Higher Challonsleigh, Biogas Anaerobic Digester Plant, Grazalders Farm to New Park Road, Lee Mill

Applicant: Langage AD

Application No: 1722/20/DCC

Date application received by Devon County Council: 10 June 2020

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 a legal agreement providing a contribution of £5,000 towards the cost of a traffic capacity, safety and amenity scheme for Lee Mill, planning permission be granted subject to and the conditions set out in Appendix I to this report (with any subsequent changes to the conditions being agreed in consultation with the Chairman and Local Member).

1. Summary

- 1.1 This report relates to an application for the erection of waste bulking/transfer station and ancillary development at an existing waste treatment facility at Higher Challonsleigh Farm, Lee Mill.
- 1.2 The main material planning considerations in the determination of this application are: planning policy considerations; landscape and visual impacts; highways and traffic impacts; odour impacts; and other environmental impacts including climate change and the benefits of the proposal in terms of energy recovery derived from the waste material.
- 1.3 The planning application, representations received and consultation responses are available to view on the Council website under reference DCC/4184/2020 or by clicking on the following link:
<https://planning.devon.gov.uk/PlanDisp.aspx?AppNo=DCC/4184/2020>.

2. The Proposal/Background

- 2.1 The application site is located approximately 500m to the west of Lee Mill, between Plympton and Ivybridge and to the north of the A38 Devon Expressway. Langage AD is part of Langage Farm which combines two agricultural holdings and a dairy products factory (immediately to the south of the anaerobic digestion (AD) plant). Direct access to the site is via a narrow

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lane leading from New Park Road, and there is an agreed HGV routing which avoids the use of that part of New Park Road leading to Lee Mill.

- 2.2 Conditional planning permission (DCC/2804/2009) for the AD plant was given in June 2009, with a further permission (DCC/3343/2012) granted in April 2012 to vary two of the conditions attached to the original consent (relating to the 'as built' scheme and a variation to the approved landscaping scheme).
- 2.3 In January 2016, permission for the extension of the plant was granted (DCC/3811/2015) which increased the capacity of the facility from 13,000 tonnes to 20,000 tonnes per annum and increased the number of HGV deliveries from five to eight per day.
- 2.4 The plant receives food waste, organic waste material from the adjacent dairy factory and waste material from elsewhere. The AD process produces heat, fertiliser and power for use at the factory, and also exports power to the National Grid.
- 2.5 The application site is 465m², and the proposal seeks to extend the existing AD facility with the following elements:
 - construction of a new steel portal framed and clad building (300m²);
 - biofilter (75m²);
 - storage department (60m²); and
 - welfare facility (30m²).
- 2.6 The main building's initial use will be for bulking of imported waste materials, for which the current AD facility does not have capacity, for onward transfer to other AD facilities elsewhere. The longer-term aim is to process these waste materials through AD at the site for power production, via either gas injection or electrical input into the national grid, once grid capacity is available.
- 2.7 This building will manage up to 55 tonnes per day, with a maximum annual throughput of 20,000 tonnes (in addition to 20,000 tonnes per annum already permitted). The building will operate on a negative air system, with expelled air passing through the new bio-filter sited on the north side of the building. All materials brought into the building will be removed within 48 hours of receipt and cleaned down with anti-bacterial foam daily to minimise any potential fugitive odour release.
- 2.8 The attached welfare building will replace an existing portacabin to offer improved changing and rest facilities for staff and to offer an area for covered storage of machinery and equipment otherwise left to the elements.
- 2.9 The buildings' colour schemes will be in keeping with the existing main building at the site, with the following materials used:
 - outside walls: 1000/34 metal olive green box cladding;
 - roof: 34/1000 plastisol coated box profile cladding in olive green;
 - doors: olive green insulated overhead sectional;
 - personnel doors: olive green powder-coated metal;
 - windows: white PVC; and

- guttering: half round with 110mm downpipe.

3. Consultation Responses

3.1 South Hams District Council: no objection.

3.2 Dartmoor National Park Authority: no objection.

3.3 Sparkwell Parish Council: objects to the application on highway access grounds relating to inaccuracy regarding the number of proposed movements and road leading to proposal is not appropriate for HGV vehicles, including any potential A38 northbound HGV routing through Lee Mill village. Comment that odour emitting from the plant needs to be carefully monitored.

Conclude that the proposal is for a waste transfer facility where the transportation methods will severely negatively impact the local community. The Parish Council recommends that the applicants pursue their long-term plans for energy generation at the site, rather than just waste storage, such that HGV vehicle movements are not needed to transport the waste.

3.4 Environment Agency: no objection. The site is regulated by the Environment Agency through an Environmental Permit and this permit will need to be varied.

3.5 Natural England: no objection.

3.6 Highways England: no objection.

3.7 DCC Highways Authority: no objection, subject to a legal agreement to a contribution of £5,000, to be paid prior to commencement of the waste transfer operation, towards a scheme for highway improvements at Lee Mill. The proposals will generate 5 two way vehicle movements per day and, whilst the road directly serving the site is narrow, it is considered this small additional amount of traffic would be acceptable noting the lane is not particularly busy, it has some passing places and it is a fairly short distance (400m) from New Road to the site. In addition to the financial contribution requested, there should be a restriction on the tonnage of the new waste facility to 20,000 tonnes per annum.

3.8 DCC Landscape: no objection. The proposals could be accommodated without harming the distinctive character, special qualities and features of the landscape affected subject to securing suitably worded conditions that allow potential adverse landscape and visual effects to be moderated to acceptable levels.

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 three representations

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have been received, of which one is in support and two raise objections on the following grounds:

- the increased traffic attracted to the site together with attendant noise and environmental effects on residents through Lee Mill;
- odour impacts on the nearest residential properties.

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 (adopted December 2014)

Policies W1 (Presumption in Favour of Sustainable Development); W2 (Sustainable Waste Management); W3 (Spatial Strategy); W6 (Energy Recovery); W12 (Landscape and Visual Impact); W14 (Sustainable and Quality Design); W17 (Transportation & Access); W18 (Quality of Life) and W20 (Restoration & Aftercare).

5.3 Plymouth and South West Devon Joint Local Plan (adopted 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); DEV23 (Landscape character); DEV25 (Nationally protected landscapes); DEV28 (Trees, woodlands and hedges); DEV29 (Specific provisions relating to transport); DEV31 (Waste management); and DEV32 (Delivering low carbon development).

5.4 Other material considerations include:

- National Planning Policy Framework;
- National Planning Policy for Waste;
- Planning Practice Guidance; and
- Plymouth and South West Devon Supplementary Planning Document (adopted 22 June 2020).

6. Comments/Issues

6.1 It is considered that the main material planning considerations in the determination of the proposed development are planning policy considerations; landscape and visual impacts; highways and traffic impacts; odour impacts and other environmental impacts including climate change and

the benefits of the proposal in terms of energy recovery derived from the waste material. 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 Policy W6 (Energy Recovery) provide targets for energy recovery activities. 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.
- 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. Policy W6 includes reference to location of sites close to the source energy recovery means and the distance material is transported. Given that the existing and 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.
- 6.6 The proposed waste transfer station and associated development will enhance the capabilities of the current AD plant that has operated from 2009.
- 6.7 Policy W6 emphasises the need to make efficient use of the energy generated by the facilities as well as ensuring that reusable and recyclable materials are recovered prior to the waste's treatment in an energy recovery facility, 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 and/or are co-located with a complementary waste management location. The proposed development meets these requirements

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in being close to Plymouth, which represents a major source of waste as well, as well as being developed as an integrated AD facility.

- 6.8 In conclusion, the proposal is considered to accord with Policies W3, W5 and W7 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.

Landscape and Visual Impact

- 6.9 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 is consistent with Policies DEV23 and DEV25 of the Joint Local Plan. The tests in Policy W12 relating to National Parks reflect paragraph 172 of the NPPF.
- 6.10 The application site is located 2.7 km south of Dartmoor National Park. Whilst the surrounding landscape context is rural, the proposed building design would be perceived as part of the existing AD plant which is well established. Whilst being a large building 9.8m high (which is therefore around 1m higher than the adjacent building of 8.7m height), it would relate reasonably well in terms of scale and character. The location benefits from being already recessed into the ground and surrounded to north and east by hedges and trees that would mitigate potential adverse effects on the landscape and on views to acceptable levels.
- 6.11 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, building materials and colours, lighting and management of planting.

Highway and Transportation Issues

- 6.12 The existing voluntary delivery route for waste delivery vehicles accessing and leaving the AD site is designed to avoid the main settlement at Lee Mill. It is understood that this has worked reasonably well, and the operator states that the additional vehicles will use the agreed route. The routing arrangement is secured by existing signage, a 7.5 tonne weight restriction on Moorland Road and a build out at the junction between the site access road and Moorland Road which ensures HGVs turn right (westwards).
- 6.13 The objections received in connection with the application relate to the impact on the road network, particularly New Park Road and the access road from New Park Road to the site. The access road leading to the site is a single carriageway width rural road, relatively straight with good forward visibility for traffic but with no passing places, bounded by high hedges, and subject of a

7.5 tonne weight restriction except for access. The road directly serves Higher Challonsleigh Farm, the dairy products factory and the application site. Vehicles travelling from an easterly direction to residential properties at Mount Pleasant and Venton are also likely to use this road.

- 6.14 Policy W17 (Transportation and Access) of the Devon Waste Plan seeks to minimise the distance that waste is transported. 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.
- 6.15 The highways officer has no objection to the use of the route to gain access to the site, subject to a contribution by the applicant of £5,000 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.
- 6.16 In order to ensure the level of traffic remains at the levels indicated in the planning application documents it is proposed that planning conditions be imposed relating to the annual quantity of waste delivered to the site and a limit on the number of waste deliveries to four HGVs in any single day. During the construction period there is likely to be a temporary increase in traffic and, in order to reduce the impact of construction traffic, it is proposed that a construction traffic management plan be required by planning condition.

Amenity Considerations

- 6.17 Policy W18 (Quality of Life) of the Devon Waste Plan, together with Policy DEV2 of the Joint Local Plan, seek to protect the quality of life for local residents and require that applications should demonstrate that odour and air quality impacts will be strictly controlled to prevent significant nuisance to properties close to the site or its transportation routes.
- 6.18 The existing site at Langage AD is relatively isolated from residential housing, with the nearest being two properties at Higher Challonsleigh, and cottages at Mount Pleasant being 500m distant. The closest residential settlement of note is Lee Mill which is approximately 1km from the proposed development.
- 6.19 Objection has been received regarding potential increase in odour emissions from the site and existing odour emissions are reported as a significant issue. There are concerns that the extension of the plant would further intensify this impact. These objections are noted, and it is clear that there has been an historic issue relating to odour emanating from the site. However, the control of odour emissions is regulated under the Environment Agency regime under the Environmental Permitting [England and Wales] Regulations 2010, and one of the requirements is that an Odour Management Plan is in place.

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- 6.20 The existing Odour Management Plan includes the following elements:
- the operations will manage waste within sealed tanks and pipework;
 - the digesters are routinely dosed with chemicals to reduce the most odorous compounds;
 - the reception hall is kept sealed with a main roller door until deliveries are made;
 - waste delivered during the day is kept in a storage 'pit' whilst waiting processing with a separate door; doors are operated by 'air-lock' (only one at a time);
 - large extraction fans pass the odorous atmosphere within the hall through a biofilter to maintain a negative pressure inside the reception hall;
 - daily monitoring of air quality on the site boundary; and,
 - any odour detected at sensitive receptor locations an investigation of cause, mitigation carried out and Environment Agency informed.
- 6.21 It is noted there is no objection to the proposed extension of the AD plant from the Environment Agency.
- 6.22 When determining waste planning applications, the National Planning Policy for Waste advises that waste planning authorities should:
- “concern themselves with implementing the planning strategy in the Local Plan and not with the control of processes which are a matter for the pollution control authorities. Waste planning authorities should work on the assumption that the relevant pollution control regime will be properly applied and enforced”.
- 6.23 It will be necessary to ensure that the existing planning conditions are maintained at the site to adequately protect public amenity, relating to deliveries in sealed units or close covered trailers, and the reception building being kept under negative pressure during deliveries of waste to the site. Subject to these measures, the proposals are considered to accord with Policies W18 and DEV2 subject to the recommended conditions.

Other Environmental Impacts including Climate Change

- 6.24 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.
- 6.25 The application proposes an integrated approach to the management of food waste that will ensure that material is most logically dealt with. The current lack of capacity in the Plymouth and South Devon areas is likely to increase

the distance that waste is transported for energy recovery and, therefore, contribute to emissions from vehicles. Provision of new food waste transfer capacity in a location accessible to Plymouth and towns in South Hams will reduce the need for waste collection vehicles to travel to more distant sites.

- 6.26 Policy W6 of the adopted Devon Waste Plan outlines targets that the Authority aims to achieve and maintain with regard to energy recovery from waste. By 2021 the intention is for 377,000 tonnes of waste to provide an energy recovery benefit. The policy requires that energy recovery capacity will be achieved through a combination of means including the retention and enhancement of existing facilities. This proposal seeks to address this target and, once Langage is able to use the feedstock in-house, it is intended to be used in two ways: to increase electrical injection into the Gas Grid Network as well as recovering the additional output as heat energy for use within the AD facility and dairy products factory.

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 development will deliver sustainable waste management by enhancing an existing waste transfer capacity in an area that is currently not well served. While the proposed development has implications for increased highway movements, 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: Charlotte Pope

Room No: 120, County Hall

Tel No: 01392 383000

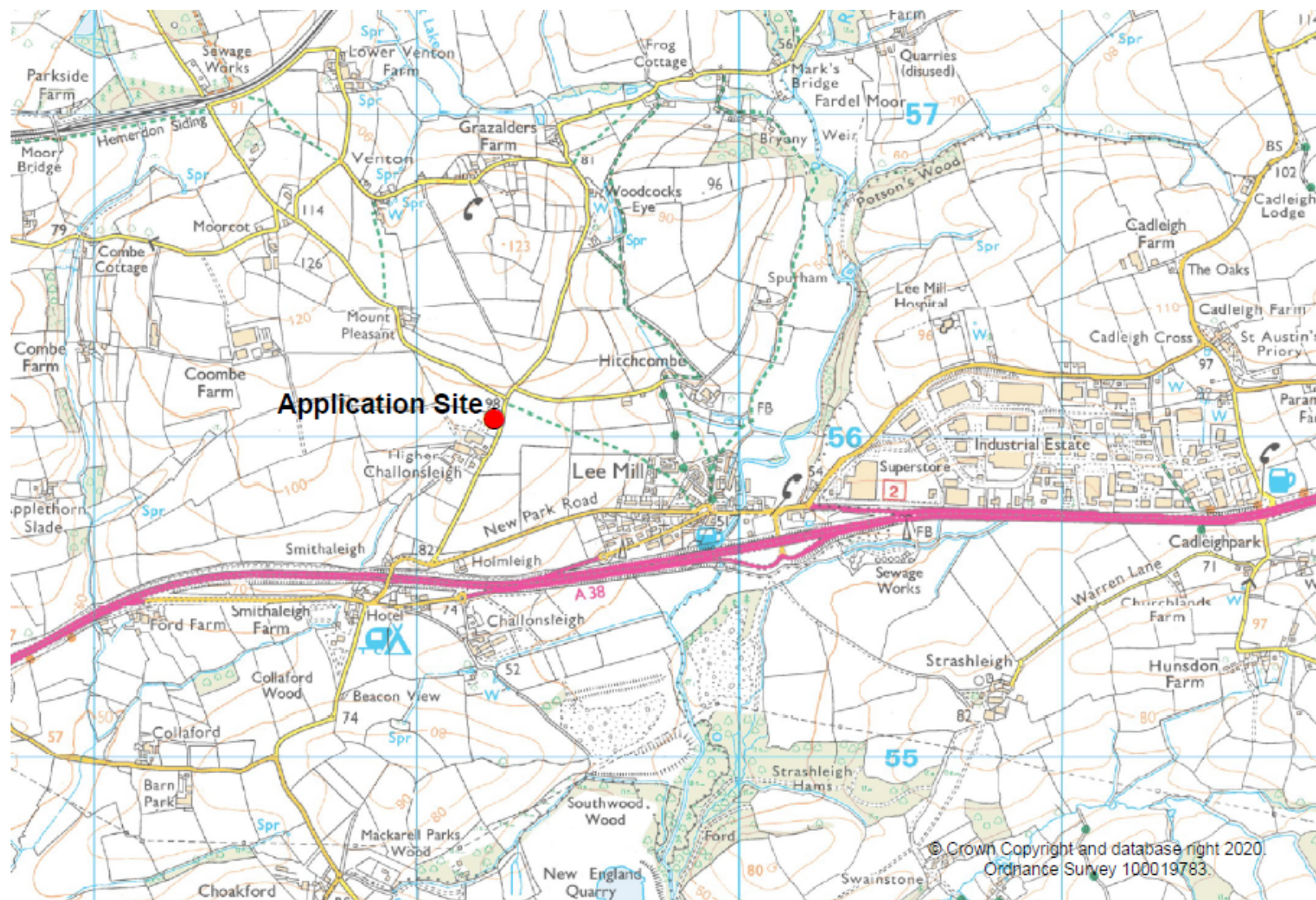
Background Paper
Casework File

Date

File Ref.
DCC/4184/2020

cp070920dma sc/cr/erection of waste transfer station Higher Challonsleigh
Grazalders Farm to New Park Road Lee Mill

Location Plan

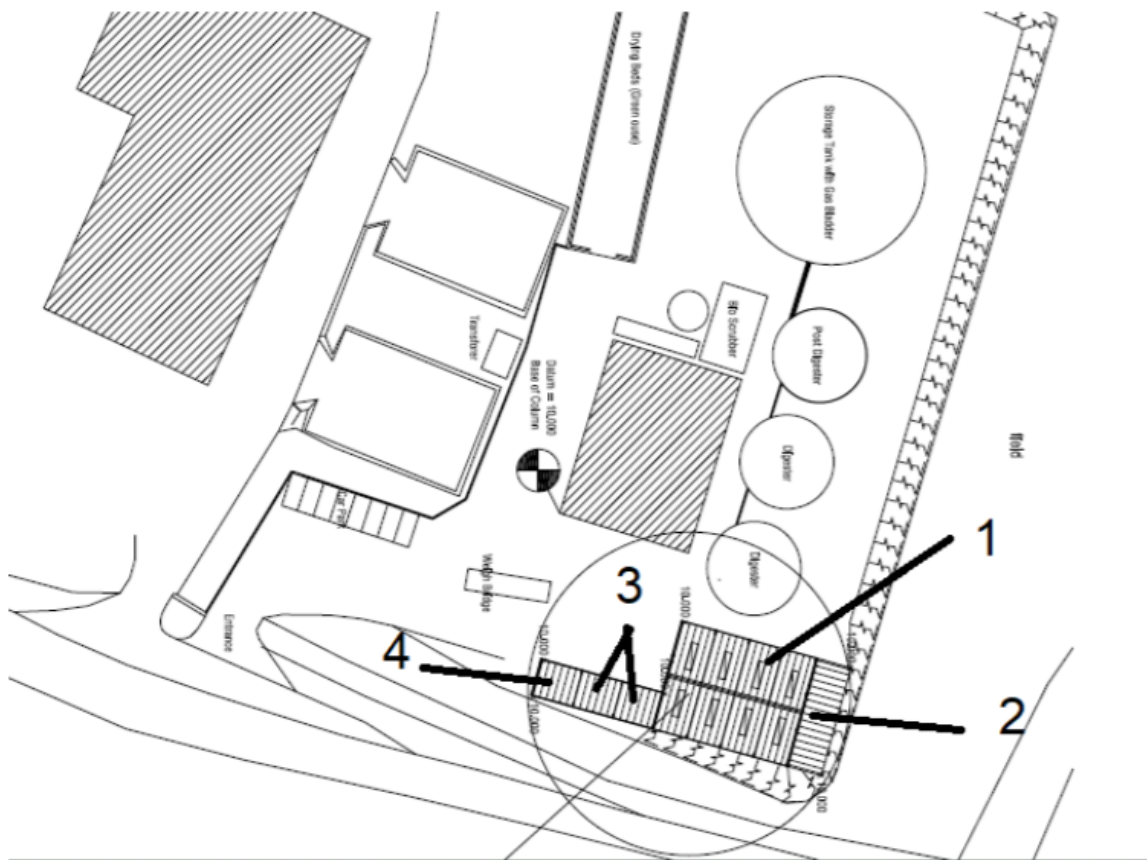


Site Plan 1 To PTE/20/19



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Site Plan 2 To PTE/20/19



- 1 Waste storage building
- 2 Bio Filter
- 3 Equipment storage room
- 4 Staff Welfare Facility

Planning Conditions

STANDARD COMMENCEMENT

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

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

STRICT ACCORDANCE WITH PLANS/DOCUMENTS

2. The development shall be carried out in strict accordance with the details shown on the approved drawings and documents numbered/titled:
 - Block and Location Plan (2020.007.03 Rev 0)
 - Proposed Bulking/Hall, Workshop and Filter Enclosure (2020.007.01 Rev 0)
 - Internal Plan (2020.007.02)
 - Supporting Statements and Information (dated 09/06/2020)

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

PRE-COMMENCEMENT CONDITIONS

CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN

3. No development shall take place until a Construction Environmental Management Plan has been submitted to and approved in writing by the Waste Planning Authority. The statement shall provide details of:
 - (a) the timetable of the works;
 - (b) daily hours of construction;
 - (c) any road closure;
 - (d) hours during which delivery and construction traffic will travel to and from the site, with such vehicular movements being restricted to between 8:00am and 6pm Mondays to Fridays inc.; 9.00am to 1.00pm Saturdays, and no such vehicular movements taking place on Sundays and Bank/Public Holidays unless agreed by the planning Authority in advance;
 - (e) the number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits;
 - (f) hours during which no construction traffic will be present at the site;
 - (g) details of proposals to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off-site;
 - (h) details of wheel washing facilities and obligations;

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- (i) photographic evidence of the condition of adjacent public highway prior to commencement of any work.

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

REASON: To ensure adequate access and associated facilities are available for the construction traffic and to minimise the impact of construction on nearby residents/businesses and the local highway network in accordance with Policies W11 (Biodiversity & Geodiversity), W12 (Landscape & Visual Impact), W17 (Transportation & Access) and W18 (Quality of Life) of the Devon Waste Plan.

OPERATIONAL CONDITIONS

WASTE RESTRICTIONS

- 4. The amount of waste delivered to the waste bulking/transfer station hereby approved in any one year shall not exceed 20,000 tonnes.

The operator shall maintain monthly 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 the local residents and the local highway network in accordance with Policies W17 (Transportation and Access) and W18 (Quality of Life) of the Devon Waste Plan.

- 5. Food waste shall not be stored at the site for any longer than seven days.

REASON: To limit impacts on nearby residents from odours or pests associated with food waste stored at the site, in accordance with Policy W18 (Quality of Life) of the Devon Waste Plan.

- 6. There shall be no more than 4 deliveries of waste to the waste bulking/transfer station hereby approved by Heavy Goods Vehicle in any one day.

The operator shall maintain records of all deliveries entering the site and make them available to the Waste Planning Authority at any time upon request.

REASON: To minimise the impact of the development on the local residents and the local highway network in accordance with Policies W17

(Transportation and Access) and W18 (Quality of Life) of the Devon Waste Plan.

7. The delivery of food waste shall only take place between the hours of 0830 and 1730 on Mondays to Fridays and between 0830 and 1230 on Saturdays. There shall be no delivery of food waste on Sundays.

REASON: To minimise the impact of the development on the local residents and the local highway network in accordance with Policies W17 (Transportation and Access) and W18 (Quality of Life) of the Devon Waste Plan

WATER PROTECTION AND POLLUTION CONTROL

8. Any facilities above ground for the storage of oils, fuels or chemicals including leachate shall be provided with adequate, durable secondary containment to prevent the escape of pollutants. The bunded area shall be designed, constructed and maintained in order that it can contain a capacity not less than 110% of the total volume of all tanks or drums contained therein. All filling points, vents, gauges and sight glasses should be bunded. Any tank overflow pipe outlets shall be directed into the bund. Associated pipework shall be located above ground and protected from accidental damage. Contaminated bund contents shall not be discharged to any watercourse, land or soakaways. The installation must, where relevant, comply with the Control of Pollution (Oil Storage) (England) Regulations 2001 and the Control of Pollution (Silage, Slurry and Agricultural Fuel Oil) Regulations 1991 (as amended).

REASON: To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution in line with paragraph 170 of the National Planning Policy Framework and Policies W16 (Natural Resources); W11 (Biodiversity & Geodiversity), W12 (Landscape & Visual Impact), of the Devon Waste Plan.

ODOUR MITIGATION

9. Food waste deliveries to the site shall be contained within sealed units or close covered trailers. There shall be no delivery of food wastes in either open trailers or trailers covered by tarpaulin.

REASON: To prevent odours from food wastes causing loss of amenity along the delivery routes and to local residents in accordance with the Development Plan specifically policy W18 (Quality of Life) of the adopted Devon Waste Plan.

10. The reception building shall be kept under negative pressure during deliveries of waste to the site.

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REASON: To protect the living conditions of nearby residents in accordance with the Development Plan specifically policy W18 (Quality of Life) of the adopted Devon Waste Plan.

LIGHTING

11. The external lighting shall be designed, located, installed and operated in such a way that the lateral and upwards light overspill is minimised. No new lighting shall be installed on site until the lighting details have been submitted to and agreed in writing with the Waste Planning Authority. This shall include the following:
- (a) a layout plan;
 - (b) design of lighting fixtures and mounting height;
 - (c) beam orientation and spread;
 - (d) identify the area of any light spill, detail mitigating measures, and assess the impact of light spill on the receptor;
 - (e) controls (which should include movement sensors, and/or timers where practical to reduce energy consumption); and
 - (f) hours of use.

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

REASON: To minimise the visual impact of the site in accordance with Policies W11 (Biodiversity & Geodiversity), and W12 (Landscape and Visual Impact) of the Devon Waste Plan.

LANDSCAPING AND TREES

12. Existing trees and hedges to the north and east of the site 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.

PTE/20/20

Development Management Committee
23 September 2020

County Matter: Waste

Teignbridge District: Section 73 application to vary condition 10 of permission 16/01969/DCC (Consolidating application for the retention of the integrated waste management facility for the processing, transfer and recycling of waste and production of recycled aggregates, including offices, parking, hardstanding, associated plant and equipment and the extension in time (20 years) and area of the inert landfill) to raise throughput from 75,000 to 120,000 tonnes per annum.

Kenbury Wood Landfill Site, Old Dawlish Road, Kennford

Applicant: Kenbury Wood Ltd

Application No: DCC/4173/2020

Date application received by Devon County Council: 12 May 2020

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 completion of a legal agreement providing for a financial contribution towards maintenance of the local highway network and the continued routing of delivery vehicles away from the village of Kennford, 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 The proposal seeks to increase the amount of waste materials brought into the waste management facility at Kenbury Wood for recycling and a proportion for landfill by 45,000 tonnes per year.
- 1.2 It is considered that the main material planning considerations in the determination of this application are waste planning policy, highways, impacts on neighbouring properties and climate change.
- 1.3 The planning application, representations received, and consultation responses are available to view on the Council website under reference DCC/4173/2020 or by clicking on the following link:
<https://planning.devon.gov.uk/PlanDisp.aspx?AppNo=DCC/4173/2020>

2. The Proposal/Background

- 2.1 Kenbury Wood Resource Recovery Facility is an established waste management site located to the south west of Exeter and immediately south of the A38, approximately 500 metres to the north east of Kennford. The site

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lies within open countryside and within the Haldon Hills Area of Great Landscape Value. The closest properties to the site are Westfield Nursery, approximately 80 metres to the north, Southwest Splitz van repair business approximately 60 metres to the south and Kerswell Grange approximately 140 metres to the south. The facility covers an area of approximately 7.5 hectares.

2.2 The Resource Recovery Facility manages waste from local businesses and households through a range of operations:

- a materials recovery facility (MRF) processes dry recyclable materials such as plastics, card, paper and cans, which are compressed into bales to be transported for recycling elsewhere;
- construction, demolition and excavation waste from construction projects and builders' skips is processed in a separate MRF, with around 90% being recycled;
- green waste is shredded for composting;
- non-recyclable materials are stored for onward transport for energy recovery or to a landfill site appropriate for putrescible waste; and
- residual soil materials which cannot be reused or recycled are disposed of in the on-site inert landfill facility.

2.3 Vehicular access is from Old Dawlish Road, and an existing legal agreement prevents HGVs travelling through Kennford. Instead, these vehicles are required to take a route via the A379 and Exeter Road to Old Dawlish Road, and outbound HGVs must route west over the A38 flyover to the A379, turning around at the Devon Hotel at Matford in order to re-join the A38 southbound, or continuing on from the roundabout to travel around the edge of the city when heading north on the M5.

2.4 Following a number of separate planning permissions that had previously been granted as the site developed, a consolidating permission (DCC/3868/2016) was granted in April 2017, providing a comprehensive set of conditions for the facility. These included Condition 10 limiting the quantity of waste to be delivered to the site in any calendar year to 75,000 tonnes in order to minimise the impact of the site on local residents and the highway network.

2.5 This consolidating permission has subsequently been varied in February 2019 (DCC/4069/2018) and July 2019 (DCC/4111/2019) to reflect amended working arrangements, but with no change to the annual waste tonnage. Figures provided by the applicant indicate that 72,635 tonnes of waste were received in 2017, 73,373 tonnes in 2018 and 77,289 tonnes in 2019.

2.6 This application seeks to increase the throughput at the site for all wastes from 75,000 tonnes to 120,000 tonnes per calendar year by varying Condition

10 of permission DCC/3868/2016. The application does not propose any other changes to the facility as the applicant indicates that the proposed limit reflects the physical capacity of the site, and operating hours will remain the same as currently approved.

2.7 In support of the proposal, the applicant provides the following justification:

- the increased throughput to 120,000 tonnes per year is to protect the long-term ability to invest in efficiencies of the site to support growth and development in meeting the recycling needs of development in the greater Exeter area and beyond;
- the infrastructure to deliver the tonnage throughput has been approved;
- the road route to the primary road system does not involve passing residential properties, and the current road system has sufficient capacity and will not be adversely affected by the increased number of vehicles to and from the site;
- approved road infrastructure improvements will further increase highway capacity and coincidentally enable vehicles using the site to travel to and from the south of the site to shorten their journey which will reduce emissions; and
- without the increased delivery capacity materials will have to be transported to remote sites with significant costs in time, distance travelled and vehicle emissions.

2.8 The application has been screened as part of the Environmental Impact Appraisal process. It is considered that the proposed development is unlikely to result in significant environmental impacts and, therefore, does not amount to 'EIA Development'.

3. Consultation Responses

3.1 Teignbridge District Council (Planning): no comments received.

3.2 Teignbridge District Council (Environmental Health): no objection subject to a condition to restrict HGV movements to a total of 10 per hour and only during the normal hours of operation. This is to ensure and protect the amenity of the locality, especially for people living and/or working nearby, in accordance with Section 11 of Teignbridge District Council's Local Planning Policy 2013-2033.

3.3 Exminster Parish Council: no comment.

3.4 Kenn Parish Council: objection to the environmental impact of this proposed increase due to additional noise, extra traffic, pollution, litter plus the additional movements of both staff and lorries to and from the site together

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with more use of the road through Kennford Village which the Council find unacceptable.

- 3.5 Environment Agency: no objections to the increase in tonnage provided that the operator applies to increase the annual tonnage permitted within their environmental permit (which allows 100,000 tonnes annually) and complies with the conditions within that permit.
- 3.6 Natural England: no comment.
- 3.7 Highways England: no objection. The additional traffic movements arising from the proposed increase to permitted tonnage is unlikely to result in a severe impact on the safe and efficient operation of the A38, as defined by NPPF.
- 3.8 Exeter Airport: no objection. This proposal has been examined from an Aerodrome Safeguarding aspect and does not appear to conflict with safeguarding criteria. Exeter Airport have no safeguarding objections to this development provided there are no changes made to the current application.
- 3.9 DCC Highways: no objection. The increase in vehicle movements created by the proposed increase to 120 tonnes per annum will not cause a severe impact on the existing highway network. Old Dawlish Road is in poor condition particularly at the junction with Exeter Road, and it is highly likely that the damage to the highway has been caused by heavy vehicles accessing the site. It may be that there is some scope to require a contribution for maintenance of the highway in this instance.
- 3.10 DCC Flood Risk Management: no objection.
- 3.11 DCC Public Health: no objection.
- 3.12 DCC Ecology: no comments as there is no vegetation clearance associated with the proposal.
- 3.13 DCC Historic Environment: no objection subject to current archaeological conditions being applied to any new permission as the required archaeological works have yet to be undertaken.

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 five neighbouring properties by letter. As a result of these procedures, no comments from any neighbours or other members of the public have been received.

5. Planning Policy Considerations

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

5.2 Devon Waste Plan (adopted December 2014)

Policies W2 (Sustainable Waste Management); W3 (Spatial Strategy); W5 (Reuse, Recycling & Materials Recovery); W7 (Waste Disposal); W17 (Transportation and Access) and W18 (Quality of Life).

5.3 Teignbridge Local Plan (adopted May 2014)

Policies S7 (Carbon Emission Targets); S9 (Sustainable Transport) and S11 (Pollution).

5.4 Other material considerations include:

- National Planning Policy Framework [NPPF]
- National Planning Policy for Waste
- National Waste Management Plan for England

6. Comments/Issues

6.1 The main material planning considerations in the determination of the application are the waste policy implications; impacts from increased traffic movements on the highway network; indirect impacts as a result of highway movements in relation to air pollution and emissions; and impacts upon surrounding properties from any additional noise and litter.

Waste Planning Policy

6.2 The existing Kenbury Wood Resource Recovery Facility provides an integrated strategic waste management site, with its location consistent with the spatial strategy in Policy W3 of the Devon Waste Plan in that it is located close to Exeter and potential sources of waste. As an existing facility, the proposed increase in throughput would also make better use of a site that is previously developed, in line with that policy.

6.3 Over the last three years, the site has operated at or very close to its currently approved throughput limit, which is restricted to 75,000 tonnes per year. The need for the facility is likely to continue and grow, particularly in light of the planned development for Exeter and the surrounding area over the coming

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years. Increasing the approved throughput of the facility would help to meet the area's ongoing waste management needs, specifically to re-use, sort, transfer, compost and recycle waste and help to meet the recycling and materials recovery target in Policy W5 of at least 64% by 2031.

- 6.4 Increasing the approved throughput would help to reduce the need for the waste to be transported greater distances to other facilities for management, consistent with the requirements of Policy W17.

Highways

- 6.5 The 'transport technical statement' submitted with the application sets out that the current inbound lorry movements associated with the resource recovery facility are 101 per day, whilst outbound trips are 11. Based on the current proportion of movements, it is anticipated that trips would rise to 156 per day inbound, and 18 outbound when the site operates at capacity. These additional 61 trips per day, would result in an average of 6 additional trips per hour based on the operational hours of 0700 to 1800 (with delivery and export of materials allowed between 0530 and 1800).
- 6.6 To ensure a robust analysis, the assessment has also calculated trips making an assumption that the number of laden Heavy Goods Vehicles (HGVs) is doubled, to account for unladen vehicles arriving and departing, as vehicles may be used twice. In this case existing operations would result in 224 daily HGV movements equating to 21 two-way per hour, over the same hours of use, and an increase to 348 with the development, resulting in 33 two-way movements per hour. In this case the development is anticipated to generate an additional 126 HGV movements per day.
- 6.7 In line with the NPPF, the trip generation associated with HGVs is not considered to result in severe impacts upon the local or strategic highway network, or have an adverse impact upon the capacity and functionality of the transportation network for all users. This is consistent with the conclusions of the Highway Authority and Highways England.
- 6.8 There is currently no requirement for additional staff as a consequence of the increase in throughput at the site and, consequently, there is not considered to be a change to traffic movements in association with staffing.
- 6.9 Concerns have been raised in the objection from Kenn Parish Council about HGVs visiting the site the using the road through this village, although a legal agreement is currently in place, which stipulates that vehicles should not travel through Kennford. A new legal agreement for this application will reiterate these routing restrictions. It is recognised that the current routing agreement results in HGVs travelling longer distances, as they need to travel via the Matford roundabout on the A379, which may discourage waste vehicles using these routes. It is understood that a weight restriction will be in place in Kennford before the end of September 2020, further limiting opportunities for HGVs to travel through the village and deter satellite navigation systems directing the vehicles this way.

- 6.10 A new roundabout is proposed on the A379, near to the A38, in association with 5 ha of allocated employment land at Peamore (adjacent to the Frank Tucker site) and additional land behind the Frank Tucker site (planning applications 12/03079/MAJ & 17/03039/MAJ). Devon County Council is currently bidding for funding to deliver the roundabout through the Housing Infrastructure Fund and, if successful, this roundabout would be delivered before 2024 and is most likely to be delivered in the next two years. In the longer term this will help to reduce distances travelled for lorries visiting the site and the desire to travel through the village of Kennford.
- 6.11 The application does not raise concerns in terms of highway safety as a result of vehicle movements associated with the site.
- 6.12 It is noted that severe damage to the highway is evident at the entrance to the site, off Old Dawlish Road, and on the bridge over the A38. There are a significant number of potholes in these areas, and it is clear these have been caused by vehicles using the facility as they appear to follow the direction of the traffic. It is considered reasonable to ask for a contribution toward the ongoing repair of these sections of road, to adequately mitigate against the additional wear and tear that will result from the increase in HGVs.
- 6.13 Subject to the above mitigation, and a condition limiting throughput, it is considered that the development would align with Devon Waste Plan Policy W17 (Transportation and Access) and Teignbridge Local Plan Policy S9 (Sustainable Transport).

Impacts upon neighbouring properties

- 6.14 It is considered that the main material impacts upon any neighbours would be as a result of noise associated with the increased vehicles movements, and any possible changes in operations at the site, such as extended hours. There may also be potential for an increase in litter generated at the site.
- 6.15 The nearest sensitive neighbours are found at Westfield Nursery, approximately 360 metres to the north of the MRF building (and 80m north of the boundary by the landfill), and Kerswell Grange, approximately 140 metres to the south at the boundary of the site.
- 6.16 An assessment made as part of the application (using previous noise surveys for the site) which concludes that, as a result of noise generated at the site, the hourly site noise level would be increased by 0.1dB at Kerswell Grange and, at Westfield Nursery, the hourly site noise level would be increased by 2.7dB. The noise levels at these properties would stay below restrictions currently set by the Environmental Permit and the existing planning permission which allows for an increase of 5dB above background sound levels.
- 6.17 In terms of noise associated with HGVs and impacts from the additional vehicle flows on the A379 and A38, these are anticipated to result in road traffic noise that is significantly less than 0.01dB.

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- 6.18 With conditions already in place in the existing permissions which manage noise at the site, such as stipulating that plant and machinery are fitted with effective silencers, as well as the limits set by the Environmental Permit, it is considered that the consequent rises in noise levels would be acceptable and that noise can be managed to prevent any adverse impacts. In this context, the request from the Environmental Health Officer at Teignbridge District Council to restrict vehicle movements to/from the site to protect the amenity of neighbours is considered unnecessary. The noise impact assessment has been made using the worst-case scenario impacts from lorry movements, and concludes that these impacts would still fall within the 5db increases above background levels.
- 6.19 Kenn Parish Council have also raised concerns about the potential for the increased throughput to result in more litter, although it is not stated where this is considered to occur specifically. It is noted from the original consent and past complaints associated with the site that litter has been generated from the site's MRF building, and has blown into the adjacent ancient woodland, as well as from vehicles transporting waste. Conditions within the existing permissions manage litter blowing into the woodland through fencing, and all loaded vehicles carrying waste leaving the site are required to be either enclosed, netted or sheeted. It is considered that these conditions should satisfactorily manage any additional litter generated at the site and provide an effective mechanism for enforcement, if required.
- 6.20 The proposed development is considered to accord with Devon Waste Policy W18 (Quality of Life) and Teignbridge Local Plan Policies S9 (Sustainable Transport) and S11 (Pollution).

Other Environmental Considerations (Including Climate Change)

- 6.21 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.
- 6.22 Although the proposal would result in an increase in traffic movements associated with this site, overall the development could result in a reduction in distances travelled, as waste materials could be managed nearer to their source, specifically for Exeter as demand increases through the planned expansion of the city. There are a number of other operators within and around the city that accept the same types of wastes that this site accepts, although these have limited capacities and do not operate as integrated mixed waste facilities, which provides advantage in terms of reducing distances travelled as wastes can be transported together. In this case the development is considered to align with Teignbridge Local Plan Policy S7

(Carbon Emission Targets) in helping to contribute toward a 42% reduction in carbon emissions from 2009 levels by 2030.

7. Reasons for Recommendation/Alternative Options Considered

- 7.1 The Committee has the option of approving, deferring or refusing this planning application.
- 7.2 On balance, it is considered that the long term benefits of the development, to move waste up the waste hierarchy and provide further provision for local waste management, as the facility would be close to the sources of waste, outweigh the impacts upon the highway and the concerns raised by Kenn Parish Council. It is considered that these would be adequately managed through a new condition limiting throughput, the existing conditions and the Environmental Permit covering the site. A contribution toward road repairs, would adequately mitigate any harm to the local road network as a result of the increase in lorry movements.

Mike Deaton
Chief Planner

Electoral Division: Exminster & Haldon

Local Government Act 1972: List of Background Papers

Contact for enquiries: Hayley Stokes

Room No: 120, County Hall

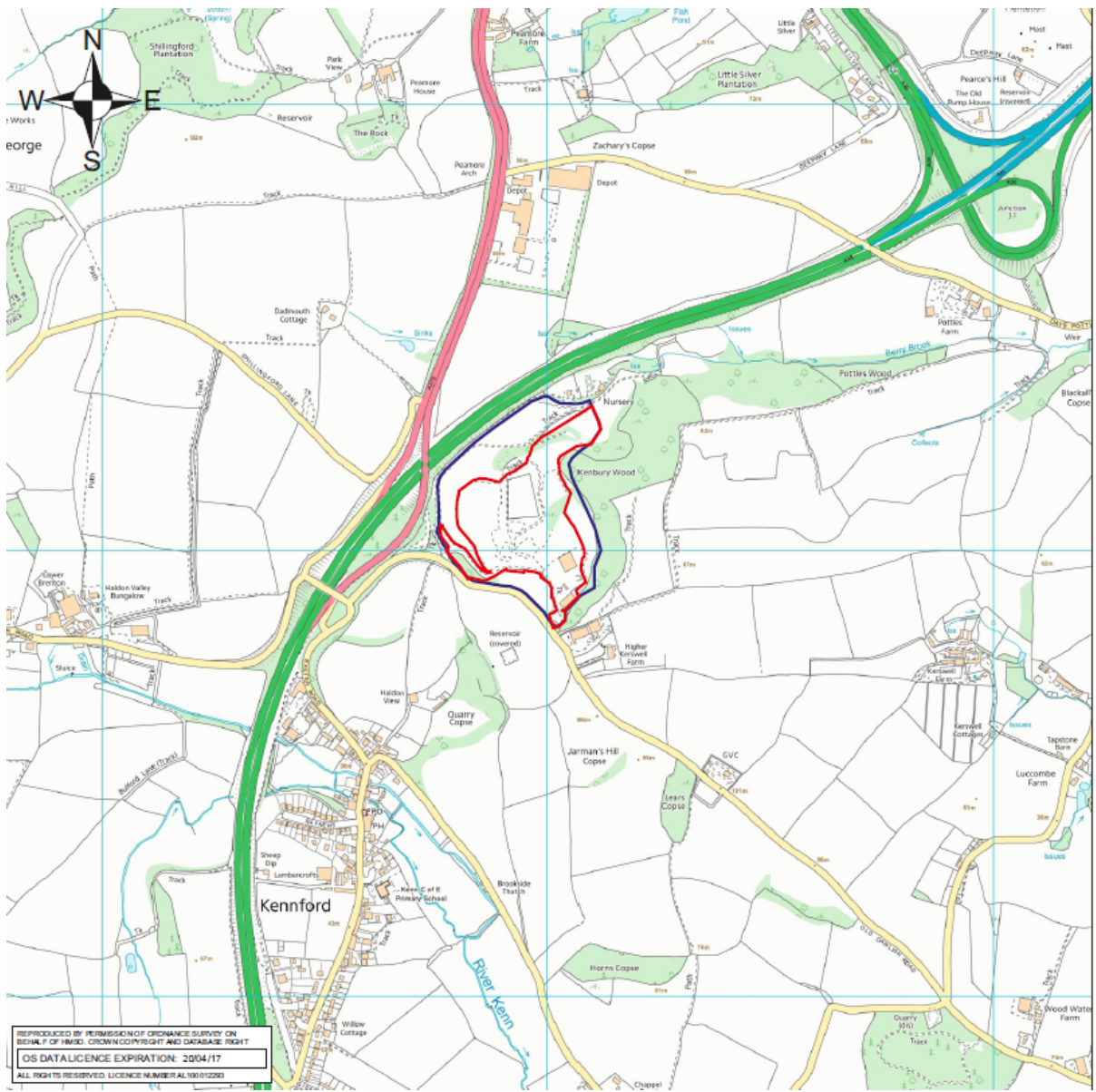
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Background Paper
Casework File

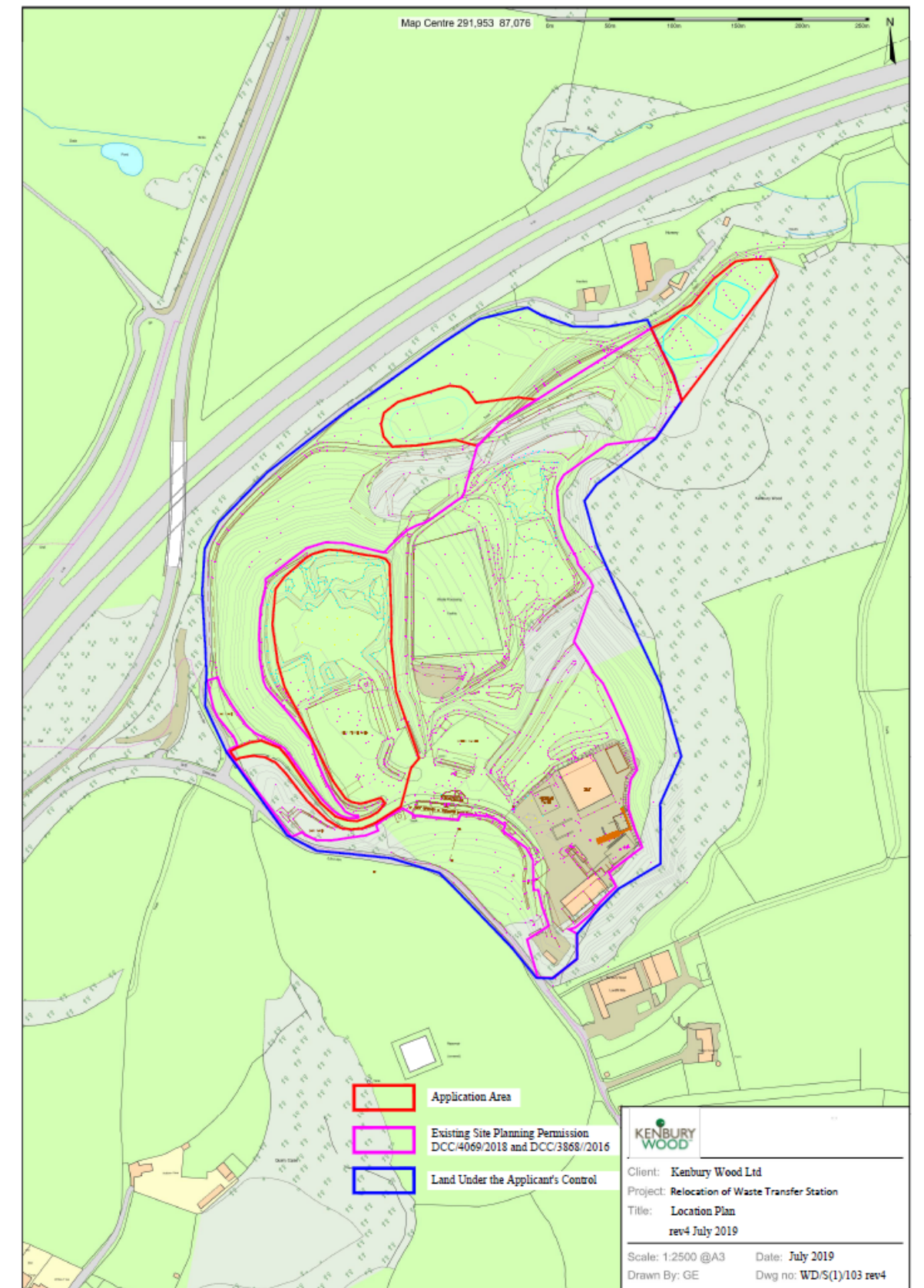
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DCC/4173/2020

hs010920dma
sc/cr/Teignbridge Section 73 application to var condition 10 Kenbury Wood Landfill Site, Old Dawlish Road, Kennford



Site Plan To PTE/20/20



PLANNING CONDITIONS

VARIED CONDITIONS

STRICT ACCORDANCE WITH PLANS/DOCUMENTS

1. The development shall be carried out in strict accordance with the details shown on the approved drawings and documents numbered:
Site Location Plan WD/S(1)/139, (March 2020); KW CSL 2.5.1 Rev A(Final site layout - Jan 2017);

Landfill: KW CSL 2.13 Site sections (June 2016); KW CSL2.12 Site sections (June 2016); KW CSL/3 Sight line location (June 2016); KWCSL-2.14 Rev1.1 Overall phasing (Feb 2017); KWCSL-2.8 Phase 2 (June 2016); KWCSL-2.9 Phase 3 (June); KW AD 4.1 Final landfill landform (Oct 2016); KW AD 2.1 Sightline sections (Oct 2016); KW AD 3.1 Site sections (Oct 2016); KW AD 3.2 Site sections (Oct 2016); 29(1)B (Location of Datum Control Point)

Buildings: PL/EX&PRO Elevations 01 (Transfer building - July 2012); PL/EX&PRO Roof plan/01 (Transfer building - July 2012); DWM-460-10 Rev A (MRF building - 05-01-2016); DWM-450-010 Rev A (TV tent elevations - 04-01-2016); DWM-440-010 Rev A (Reception tent 04-01-2016); P1 DWM-300-101-Rev L (Trommel - Plan View); P2 DWM-300-101-Rev M (Trommel View A and litter fencing); P3 DWM-300-101-Rev L (Trommel View B) P4 DWM-300-101-Rev L (Trommel View C); DWM-470-010 Rev A (Supervisors cabin); 001 Rev2 Office elevations (April 2015); 002 Rev 1 Mess and WC elevations (April 2015); 003 Rev 1 Changing rooms elevations (April 2015); 004 Rev 1 New office and transport office elevations (April 2015); 005 Rev 2 Electrical switch gear cabin (July 2015); 006 Rev2 electrical switch gear cabin (July 2015); KW CZ 1.2 Cabin Zone (July 2015); KW CZ-2 Cabin zone (April 2015); KW CZ-3 Cabin zone utilities (July 2015); C12240-1-GA Bunded storage tank (16/9/15); 29A(1) Site Plan - Baled material storage (Oct 2016); PO1W 16-2-001 New weighbridge layout (Feb 2016); PO2W 16-2-001 Revised office section (25 Feb 2016); PO3W 16-2-001 Cross section new layout (25 Feb 2016).

Landscaping: KW-01 Phase 1 Bund details (Oct 2016); Proposed Landscape Scheme 00113.00041 Version 2 Oct 2016; KWPLS 1.0 Proposed Landscape Scheme (November 2016); WD/S(1)/34 Proposed fencing northern boundary of landfill area (Nov 2016). Planning Statement (Vol 1) SLR 402.00113.00041 April 2016; Ecology Appraisal and Management Plan. BlueSky Ecology. June 2015; Conservation Action Statement. BlueSky Ecology July 2015; Bat and Reptile Survey Report (Sept 2015) BlueSky Ecology; Bluesky Ecology letter dated 22 sept 2016 Dormice and Cirl Bunting; Written Scheme of Investigation for Archaeological Excavation, Wessex Archaeology (ref T20065.01 dated 7/04/2017).

Additional plans (18/01566/DCC): WD/S/(1)/81 Proposed storage areas layout plan; WD/S(1)/68 Rev1 Proposed wood/plasterboard storage; WD/S(1)/68CS Rev2 Proposed wood/plasterboard store visibility sections; WD/S(1)/72 Relocation of building – proposed layout; WD/S91)/83 Proposed plastic storage area layout plan; WD/S(1)/91 trommel fines storage bays; WD/S(1)/76C Drainage arrangements; CE-KB1139-DW04 RevA Plastic storage area screen planting proposals; WD/S(1)/68A Detail Rev 1 Proposed wood/plasterboard storage layout details; WD/S(1)/78 Rev1 Sweepings de-watering bay; WD/S(1)/82 Rev1 Firewater storage lagoon; WD/S(1)/82CS Firewater storage lagoon section and detail; WD/S91)/83CS Rev3 Plastic storage area visibility cross section; WD/S(1)/84CS Rev1 Proposed storage area and screen bund; WD/S(1)/88A Layout of plateau; DWM-500 00Rev B Site utilities; WD/S(1)/72 Detail Relocation of building TV tent; CE-KB1139-DW06 Rev B Bale storage area – landscaping proposals eastern bund; KW PLS 1.0 (CEL extract 2) Rev A Revised landscaping scheme; BPA Kenbury Wood Stability Assessment Report Ref 44823/3501, Orbis ecology Response to Proposed Amendments 27/04/2018; Crestwood environmental Landscape and Visual Appraisal ref CE-KB1139-RP04a Final; Infra Design Maintenance Schedule ref 17008 second issue, Infra Design Drainage Statement Ref 17008 1st issue and Grassland Protection Scheme Feb 2019.

Additional plans and documents

Orbis Ecology letter Kenbury Wood Jan 16 2019; Curload Consultant Ltd Acoustic Assessment Ref 1175 Feb 2019; Planning Support Statement DWM March 2019 and Gerard Edwards letter (lighting assessment) dated 22 March 2019

Unless as varied by the conditions below.

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

10. No more than 120,000 tonnes of waste shall be delivered to the site in any calendar year.

The operator shall maintain records of all waste entering the site and make them available to the Waste Planning Authority at any time upon request. The records shall contain details of all deliveries including date, vehicle registration, type of vehicle, type of waste, tonnage of waste, source of waste.

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

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RETAINED CONDITIONS (Permissions 18/01566/DCC & DCC/4111/2019)

TEMPORARY LANDFILL PERMISSION

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

REASON: To minimise the impact of the development and to secure effective restoration of the site and to comply with policies in the Development Plan, in particular DWP policies W12 and W20.

3. The inert landfill operation shall be carried out in accordance with the approved phasing plans KW CSL 2.14 Rev 1.1, KW CSL 2.7 Rev1.1, KW CSL 2.8, and KW CSL 2.9. No waste shall tipped in any new phase of landfill (as identified on plan KW CSL 2.14 Rev1.1 as phase 1, 2a,2b,2c,3a,3b and 3c until all tipping has been completed in the previous phase and restoration has been completed in the phase before that.

REASON: To limit the area of land disturbed by landfill and thereby limit the impact on the AGLV and to comply with policies in the Development Plan, in particular DWP policies W12 and W20.

COMMENCEMENT AND CESSATION OF LANDFILL

4. *Varied by permission 18/01566/DCC
Written notification shall be sent to the Waste Planning Authority no later than 21 days prior to the following dates:

- a) commencement of the construction of the plateau storage area and eastern bund identified on plans WD/S (1)/88A and CE-KB1139-DW06 Rev B;
- b) completion of the bund to the east of the plateau storage area as identified on plan CE-KB1139-DW06 Rev B;
- c) commencement of woodland planting on the eastern bund as identified on plan CE-KB1139-DW06 Rev B;
- d) commencement of screen planting identified on plan CE-KB1139-DW04 Rev A
- e) commencement of the archaeological work;
- f) commencement of each new phase of landfill as identified on approved plan KW CSL 2.14 Rev 1.1 i.e. phases 2a, 2b, 2c, 3a, 3b and 3c;
- g) completion of each landfill phase;
- h) completion of restoration of each landfill phase;
- i) completion of final restoration of the inert landfill under this planning permission.

REASON: To enable the Waste Planning Authority to control the development and to monitor the site to ensure compliance with the planning permission and to comply with policies in the Development Plan, in particular DWP policies W12 and W20.

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

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

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

6. *Varied by DCC/4111/2019 – scheme approved
The control datum point identified on approved plan 29(1)B (Location of Datum Control Point) shall be retained for the life of the development.

REASON: To enable the Waste Planning Authority to control the development and to ensure that the approved restoration scheme is achieved and to comply with policies in the Development Plan, in particular DWP policy W20.

7. *Varied by DCC/4111/2019 – to specify date of 1st survey
A survey of levels of the landfill area shall be carried out before 19 April 2022 and then every 5 years until the inert landfill is finally restored. A copy of the survey shall be submitted to the Waste Planning Authority within 14 days of being undertaken.

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

8. *Varied by DCC/4111/2019 – scheme approved
The development shall be carried out in strict accordance with the approved Written Scheme of Investigation for Archaeological Excavation, Wessex Archaeology (ref T20065.01 dated 7/04/2017). The 'archaeological field' shall remain fenced until the programme of archaeological work as set out in the Written Scheme of Investigation is implemented.

REASON: To ensure that an appropriate record is made of archaeological evidence that may be affected by the development and to comply with policies in the Development Plan, in particular DWP policy W13 and para 199 of the NPPF.

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9. *Varied by DCC/4111/2019 – scheme approved

Maintenance of the surface water drainage system shall be carried out in accordance with the approved surface water maintenance plan: Infra Design, Maintenance Schedule, Kenbury Wood (Report reference 17008 2nd issue Nov 2017) including the maintenance schedules in appendix A.

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

HOURS OF USE

11. *Condition varied by DCC/4111/2019

The site shall operate only between the following hours:

- From 07.00 hours to 18.00 hours Mondays to Saturdays;
- the site shall not operate on Sundays, Christmas Day, Boxing Day or New Year's Day.

Except as varied by subsections (a) to (f) below:

a) Operations within the MRF building can take place at all times EXCEPT between the following times:

- between 18.00 hours Saturdays to 07.00 hours Sundays;
- between 18.00 hours Sundays and 07.00 hours Mondays;
- no operations shall take place in the MRF on Christmas Day, Boxing Day and New Year's Day.

b) Delivery and export of materials shall only take place:

- between 0530 hours and 1800 hours on any day;
- no delivery or export of materials shall take place on Christmas Day, Boxing Day or New Year's Day.

For the avoidance of doubt no vehicles shall enter or exit the site between 18.00 hours and 05.30 hours and the loading and unloading of vehicles shall only take place between 07.00 hours and 18.00 hours.

c) The inert landfill shall only operate:

- between 07.00 hours and 18.00 hours Monday to Saturday;
- no landfill operations shall take place on Sundays or public holidays.

d) The use of the offices shall be restricted to:

- between 05.30 hours and 18.00 hours on any day.
- the offices shall not be used on, Christmas Day, Boxing Day or New Year's Day.

e) The mess room and welfare facilities shall only be used:

- between 05.30 hours and 18.00 on any day and when the MRF is operating.

- The mess room and welfare facilities shall not be used on Christmas day, Boxing Day or New Year's Day.
- f) Use of the external lighting shall only take place between:
- 07.00 hours and 18.00 hours Mondays to Saturday, except for lighting at the weighbridge that shall be restricted to between 05.30 hours and 18.30 hours on any day and pedestrian lighting that shall be only be used between 05.30 hours and 18.30 hours and when the MRF is operating.
 - No lighting shall be used on the site on Christmas Day, Boxing Day or New Year's Day.

For the avoidance of doubt no operations shall take place on the site on Sundays except within the MRF building.

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

WASTE RESTRICTIONS

12. *Varied by permission 18/01566/DCC
The external walls of all buildings and fixed plant on the site, including all office/welfare/storage cabins, waste storage/handling buildings, tanks, MRF, trommel, picking line and cover for the plasterboard storage shall be coloured Van Dyke Brown RAL 8014/BS08B29. Roofs of all buildings shall be a dark recessive colour and non-reflective material. The flexible covering of the storage building to the east of the MRF building (identified on plan WD/S(1)/72DETAIL) and the waste storage containers within area C (plan WD/S(1)/81) shall be non-reflective and coloured dark green/brown or Van Dyke Brown, for the life of the development.

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

Lighting

13. *Varied - Scheme approved by permission DCC/4111/2019
The lighting on the site shall only be installed and operated in accordance with the following approved scheme:- 'Light Plan Update Aug 2019 WD/S(1)/33H & Kenbury Wood Lighting Scheme Document'.

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

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NOISE

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

STOCKPILES/STORAGE

15. *Varied by permission 18/01566/DCC

The height of stockpiles, skip storage, baled waste and the storage of plant and machinery shall be restricted as follows:

- (a) No mobile or fixed plant, equipment, empty skips or containers shall be retained on the active landfill site.
- (b) The height of aggregate stockpiles within the aggregate processing and inert material storage area, identified as B on plan KW CSL 2.5.1 Rev A, shall remain below the height of the surrounding earth bund (not including the height of the vegetation). Processing plant shall be located on the floor of the processing area. Stockpiles of wood and plasterboard shall not exceed a height of 4 metres and remain below the height of the surrounding bund (not including vegetation).
- (c) The height of stored skips and containers within the storage area identified as A on approved plan KW CSL 2.5.1 Rev A, shall remain below the height of the surrounding earth bund (not including the height of the vegetation).
- (d) Stockpiles of processed and unprocessed green waste in area C on approved plan KW CSL 2.5.1 Rev A shall not exceed the height of 3 metres.
- (e) The waste storage containers in area C on approved plan KW CSL 2.5.1 Rev A shall not exceed a height of 3 metres
- (f) Stockpiles of fines stored within the approved fines collection bays, identified on approved plan P2 DWM 300 101 Rev M, and stockpiles of fines and sweepings in area C on approved plan KW CSL 2.5.1 Rev A (Jan 2017) shall not exceed the height of 2 metres.
- (g) Baled waste shall only be stored outside in area identified as 'materials storage area' on approved plan 29A (1) (Oct 2016) and within the plateau storage area (identified as area E on plan WD/S(1)/81). The height of the stored bales shall not exceed 5 metres and within the plateau storage area shall not be higher than any part of the surrounding bunds (not including the height of the vegetation).

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

16. The proposed litter fencing identified on approved plan KW CSL 2.5.1 (Jan 2017) shall be fully installed within 2 months of the date of this permission in accordance with the approved details identified on drawing P2 DWM-300-101-Rev M (view A) and shall be retained and maintained for the life of the development. The size of the net mesh shall be 50mm unless otherwise agreed in writing by the Waste Planning Authority.

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

ECOLOGY

17. No vegetation clearance shall take place during the bird nesting season (1 March to 31 August inclusive) unless the developer has been advised by a suitably qualified ecologist that clearance will not disturb nesting birds and a record of this is kept. Such checks shall be carried out in the 14 days prior to clearance works commencing.

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

18. Unimproved species rich grassland within the site as identified as EZ1, EZ2 and EZ3 on approved plan KW PLS-1.0 (Nov 2016) shall be managed for the life of the site in accordance with the recommendations set out in section 6 of the approved 'Kenbury Wood Ecology Appraisal and Management Plan (June 2015).

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

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

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

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

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- details of how any dormice and cirl bunting would be protected.
 - Clearance only to take place in the presence of a suitably licenced ecologist and use of hand tools.
- Scrub clearance on the site shall only be carried out in accordance with the approved scheme.

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

21. The steel gate at the entrance to the Plateau Area, as identified on approved plan KW CSL 2.5.1 (Jan 2017) shall remain locked closed except for occasions when access is needed to construct the bunds identified on the Plateau Area or to carry out maintenance.

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

SOILS

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

REASON: To ensure suitable soils are available to reinstate the site during restoration and to comply with policies in the Development Plan, in particular DWP policy W11.

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

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

24. All topsoil, subsoil and soil making material naturally occurring on the site, shall be stripped, handled, transported and stored separately to each other and kept free from contamination. All soil and soil making heaps shall be no higher than 3 metres. When topsoil and subsoil heaps are to remain in situ for more than 2 months they shall be graded and seeded with grass and wildflower seed until reused in restoration.

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

WATER PROTECTION AND POLLUTION CONTROL

25. *Varied by permission 18/01566/DCC
All surface water shall be kept separate from foul water and managed in accordance with the approved drainage plan WD/S (1)/76C and the approved

Surface Water Maintenance Plan: Infra Design, Maintenance Schedule, Kenbury Wood (Report 17008 2nd issue Nov 2017).

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

LANDSCAPING, RESTORATION AND AFTERCARE

26. The proposed fencing on the northern boundary of the inert landfill site shall be erected in accordance with the approved details identified on plan WD/S(1)/34 (Nov 2016). The fencing shall be retained and maintained for the life of the inert landfill site.

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

27. *Varied by permission 18/01566/DCC

The landscaping and restoration of the site shall be carried out in accordance with the approved landscaping scheme ' Proposed Landscape Scheme 00113.00041 Version 2 (October 2016) and approved plans 'Proposed Landscape Scheme KWPLS.1.0 (CEL Extract 2) Rev A, CE-KB1139-DW06 Rev B and CE-KB1139-DW04 Rev A.

For the avoidance of doubt:

- 1) The landscape bund and willow planting in area C, as identified on plan CE-KB1139-DW04 Rev A will be constructed and planted in the first planting season coinciding with or after the date of this permission. The bund and willow planting shall be retained and maintained for the life of the waste management facility. The willow planting will be maintained at a height of 3 metres or above.
- 2) The landscaped bund identified on plan CE-KE-1139-DW06 Rev B shall be constructed and seeded before the proposed bale storage area comes into use. Before the area is seeded, soil analysis shall be submitted to and approved in writing by the Waste Planning Authority. The native woodland planting identified on plan CE-KB1139-DW06 Rev B, shall be planted in the first planting season coinciding with or after the completion of the bale storage area and bund. The species rich grassland and woodland planting shall be retained and maintained for the life of the waste management facility.
- 3) The inert landfill shall be fully restored by 31 December 2037.
- 4) All areas of existing woodland and scrub identified as Tree Management Zones (1 to 4) on approved plan KWPLS.1.0(CEL Extract 2) Rev A and all proposed tree/ hedge planting, identified as WBA, WBB, WBC, WBE, HRA

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and HRB on approved plan KWPLS.1.0 (CEL Extract 2) Rev A shall be retained and maintained for the life of the waste management facility.

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

28. Each phase of restoration/landscaping shall be retained and maintained for the life of the waste management facility. Any trees, plants or grassed areas, or replacement of it, that is removed, uprooted, destroyed or dies within five years of the date of planting shall be replaced with the same or similar species in the same location.

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

29. *Varied by permission 18/01566/DCC
On or before 31 December each year, during the duration of the planning permission, an annual 'landscape, ecology and surface water management report' shall be submitted to the WPA, for approval in writing. The report shall include inter alia:
- the date when each aftercare period commenced on each area of restored land, identified on a plan;
 - a record of aftercare operations carried out on the site during the previous 12 months;
 - a record of ecological management operations, specifically the management of unimproved grassland areas identified on approved plan KWPLS 1.0 (CEL Extract 2) Rev A as EZ-1, EZ-2 and EZ-3;
 - a record of woodland and scrub management operations specifically associated with zones 1,2,3 and 4 and tree/hedge planting areas WBA, WBB, WBC, WBE, HRA and HRB identified on approved plan KW PLS 1.0 (CEL Extract 2) Rev A, the willow planted bund identified on plan CE-KB1139-DW04 rev A and the woodland planting identified on plan CE-KB1139-DW06 Rev B;
 - a record of surface water management;
 - a review of performance;
 - aftercare/management steps for the following 12 months based on Table 6 'Annual Aftercare/ Management Activities' of the Proposed Landscape Scheme 00113.00041 Version 2 Oct 2016. The management steps shall include provision for a site meeting between the WPA and the operator/landowner at the commencement of each growing season to consider the aftercare management for the following year.

REASON: To ensure effective restoration and landscaping of the site and provide effective screening of buildings to minimise the impact on AGLV, improve biodiversity and protect the water environment and comply with

policies in the Development Plan, in particular DWP policies W12, W11, W16 and W20.

HIGHWAYS

30. No dust, mud, water or other debris shall be carried onto the highway from the site.

REASON: In the interests of highway safety and to comply with policies in the Development plan in particular DWP policy W17.

31. All loaded vehicles carrying waste leaving the site shall have their loads either enclosed, netted or sheeted as appropriate for the type of waste being transported.

REASON: In the interests of highway safety and to protect the local environment from litter in accordance with DWP policy W12, W17 and W18.

32. There shall be no public access to the site for the delivery of waste or sale of goods relating to the development.

REASON: In the interests of highway safety and to comply with policies in the Development plan in particular DWP policy W17 (Transportation and Access).

33. The weighbridge shall not be used as a public weighbridge.

REASON: In the interests of highway safety and to comply with policies in the Development Plan, in particular DWP policy W17 (Transportation and Access).

34. *Added by permission 18/01566/DCC

The plateau development and the construction of the eastern bund identified on plan CE-KB1139-DW06 Rev B shall be carried in accordance with the recommendations of the PBA Kenbury Wood Landfill Site Stability Assessment report (44823/3501/Dec2018). The construction of the bund shall be supervised by a suitably qualified geotechnical engineer.

REASON: To ensure the stability of the eastern bund and to protect the environment in accordance with policies in the Development Plan in particular DWP policies W11, W12 and W14.

35. *Added by permission 18/01566/DCC

The species rich grassland EZ2 identified on plan CE-KB1139-DW06 rev B, shall be protected during the construction of the eastern bund in accordance with the approved Grassland Protection Scheme (Feb 2019).

REASON: To ensure that the species rich grassland is protected during the construction period and to comply with policies in the Development Plan, in particular DWP policy W11.

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36. *Added by permission 18/01566/DCC

Prior to the storage of bales in the plateau storage area the concrete surface identified on plan WD/S(1)/88A shall be provided.

REASON: To prevent muddy conditions and to comply with policies in the Development Plan, in particular DWP policy W17.

*Added by permission DCC/4111/2019

34. Prior to the commencement of any operations/working in the MRF building between 18.00hours and 07.00 hours, all windows and skylights in the MRF building, the mess building and the welfare facilities shall be provided with blackout blinds or completely obscured to ensure that no light can be viewed externally to the buildings. The blinds or the equivalent means of obscuring the windows shall be used between the hours of 18.00 hours and 07.00 hours when the MRF building is in operation.

REASON: To minimise the impact of the night time working in the MRF on wildlife and the Haldon Hills AGLV and to comply with policies in the Development Plan, in particular DWP policies W12 (Landscape) and W11 (Biodiversity and Geodiversity) and TLP policy EN02A (Landscape).

*Added by permission DCC/4111/2019

35. Prior to the commencement of any operations/working in the MRF building between 18.00 hours and 07.00 hours, a scheme for the use of timers on pedestrian lighting shall be submitted to the Waste Planning Authority for approval in writing. The approved scheme shall be implemented in full before working commences in the MRF building between 18.00 hours and 07.00 hours. The timers on the pedestrian lights shall be used whenever operations are being carried out in the MRF building between 18.00 hours and 07.00 hours.

REASON: To minimise the impact of the night time working in the MRF on wildlife and the Haldon Hills AGLV and to comply with policies in the Development Plan, in particular DWP policies W12 (Landscape) and W11 (Biodiversity and Geodiversity) and TLP policy EN02A (Landscape).

*Added by permission DCC/4111/2019

36. All forklift trucks operating on the site shall only use white noise reverse warning systems or an equivalent non-audible reversing system at all times.

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

*Added by permission DCC/4111/2019

37. All of the doors of the MRF building (including the main access roller doors) shall remain completely closed between 18.00 hours and 07.00 hours, except when access for a fork lift truck is required. Only one roller door shall be half opened to allow access for a fork lift truck for a maximum of 10 minutes in any 1 hour period between 18.00 hours and 07.00 hours. For the avoidance of doubt the pedestrian doors can be used for access/egress.

REASON: To minimise the impact of the night time working in the MRF, in terms of noise and light, on the local residents, wildlife and the Haldon Hills AGLV and to comply with policies in the Development Plan, in particular DWP policies W12 (Landscape), W18 (Quality of Life) and W11 (Biodiversity and Geodiversity) and TLP policy EN02A (Landscape).

Minerals and Waste Development Framework Devon Waste Plan: Review

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 the Committee note the work completed on the review of the Devon Waste Plan and endorse the conclusions from the review that:

- (a) the Waste Plan's policies remain fit for purpose and do not need to be updated at this time;
- (b) a guidance note is prepared to aid interpretation of the biodiversity net gain requirements of Policy W11: Biodiversity and Geodiversity in line with advice provided by Natural England; and
- (c) further work is undertaken to establish a robust methodology for estimating waste arisings which can be replicated annually and used to inform any future update to the Waste Plan that may be required at a later date.

1. Summary

- 1.1 This report outlines the context for the review of the Devon Waste Plan, the work that has been undertaken as part of this technical exercise and the conclusions drawn as a result of the evidence produced.

2. Background

- 2.1 The Devon Waste Plan was adopted in December 2014 and has since provided the local waste planning policy informing the determination of waste planning applications in the administrative area covered by Devon County Council.
- 2.2 There is a statutory requirement for planning authorities to review their local plan policies at least every five years from the date of their adoption. Paragraph 33 of the National Planning Policy Framework (NPPF) indicates that policies "*should be reviewed to assess whether they need updating at least once every five years, and should then be updated as necessary.*" It has therefore been necessary to review the Devon Waste Plan to assess if the vision and objectives of the Plan are on track to be achieved and whether the Plan's policies are proving to be effective and remain fit for purpose.
- 2.3 Planning Practice Guidance provides advice on what factors authorities should consider when reviewing a Plan. In addition, the Planning Advisory Service has published the Local Plan Route Mapper guidance to assist planning authorities in

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undertaking Plan reviews. Both of these guidance documents have informed the review of the Devon Waste Plan, which has been completed as a technical exercise alongside input from various County Council specialist officers, including landscape, flooding, ecology and climate change.

- 2.4 A series of topic papers have been prepared which provide the evidence informing the conclusions of the review:

Topic Paper 1:	5 Year Review of Annual Monitoring Report data
Topic Paper 2:	Review of Consistency with National Policy
Topic Paper 3:	Spatial Strategy Review
Topic Paper 4:	Review of Climate Emergency Declaration Implications
Topic Paper 5:	Duty to Cooperate Engagement

- 2.5 A summary of these papers is provided below. Subject to the Committee's endorsement of the recommendations in this report, these topic papers will be published alongside an overarching '*Summary of Evidence and Conclusions*' paper. Please note that much of this Committee report has been taken from the overarching '*Summary of Evidence and Conclusions*' paper.

3. Summary of Evidence

Topic Paper 1: 5 Year Review of Annual Monitoring Report (AMR) data

- 3.1 The County Council is required to produce an annual report to monitor implementation of the Devon Waste Plan, and collating and reviewing the AMR data has provided a valuable source of information. The methodology used adopted a consistent two step approach which, firstly, flagged up if monitoring revealed any issues and, secondly, reviewed the issues identified.
- 3.2 Step 1 of the assessment indicated that, over the last five years, targets for some monitoring indicators had not been met and, in some cases, outcomes had been beyond trigger margins to review the relevant part of the Waste Plan and policies.
- 3.3 However, upon reviewing the outcomes for these indicators in step 2, it became clear that other non-policy based factors were often at play which had influenced the outcomes, and that changes to policy would not address the issues which had been identified. As an example, this was relevant to Indicator 1.3: Energy recovery from waste and Indicator 1.4: Disposal of waste. Delays in commencing a commercial contract meant targets for these indicators had not been achieved as quickly as anticipated when preparing the Waste Plan, and this situation was outside of the control of the Plan. It is worth noting that the contract referred to has since commenced and, therefore, this issue has been addressed.
- 3.4 In other cases where monitoring targets had not been met, alternative measures were identified through the review process which would support the achievement of the targets without the need to change the relevant policy. A good example of this is in relation to Indicator 1.1: Waste Audit Statements. The target is for 100% of major planning permissions to be supported by a waste audit statement or require one as a condition. However, over the last five years the highest rate achieved was 37%. Despite this poor outcome, the issue lies with the policy's

implementation by district councils rather than the policy itself. The policy content remains appropriate and fit for purpose, but its implementation needs to be more effective. As such, a system has now been established for weekly lists of district council planning applications to be reviewed and responses submitted accordingly if a waste audit statement has not been provided. This proactive measure is expected to achieve a better outcome for this policy in future years.

- 3.5 In light of the findings, this assessment concluded that it is not necessary to update any of the Plan's policies at this stage. However, continued monitoring is required to identify any changes which may trigger the need to update all or some of the Plan's policies.
- 3.6 Undertaking this exercise also provided an opportunity to reflect on the AMR process more generally with a couple of key points to note. Firstly, poor data availability means it has not been possible to report on a number of indicators, or elements of indicators and this has informed recommendation (c) of this report. This relates to indicators requiring reporting on commercial and industrial waste (CIW) and construction, demolition and excavation waste (CDEW), and those relating to energy efficiency and energy production waste sites. Secondly, when it is necessary to update the Plan, the indicators themselves should also be updated.

Topic Paper 2: Review of Consistency with National Policy

- 3.7 Conformity with national policy is an important consideration as part of the Plan review process. Since the adoption of the Waste Plan, the NPPF has been updated twice but the key principles have not fundamentally changed. A large number of the changes impact upon the way in which local planning authorities plan for housing development and are therefore not relevant to the Waste Plan.
- 3.8 The National Planning Policy for Waste (NPPW) and the Waste Management Plan for England have not been updated since the adoption of the Waste Plan. As such the conclusion from this element of the review is that the Waste Plan remains in conformity with national planning policy.
- 3.9 This process identified a number of additional policy drivers including the 25 Years Environment Plan, The Industrial Strategy, The Clean Growth Strategy and the 'Our Waste, Our Resource Strategy'. These drivers introduce new terminology, such as the 'circular economy' agenda, which should be incorporated if the Waste Plan were to be updated, but this alone does not warrant an update to the Plan.

Topic Paper 3: Spatial Strategy Review

- 3.10 This element of the review focused solely upon Policy W3: Spatial Strategy. Evidence has been collated and analysed regarding whether the existing spatial strategy has been effectively implemented and whether it remains fit for purpose in the context of any changes over the last 5 years.
- 3.11 Findings indicate that the vast majority of operational waste sites are located in conformity with the spatial strategy, and the granting of planning permission for

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new sites over the last five years has also largely been in conformity with this strategy.

- 3.12 There have been limited changes to the planned distribution of future housing and employment growth, which is intrinsically linked to waste generation. As such, the spatial strategy and specifically Policy W3 remain appropriate and do not need to be updated at this stage.

Topic Paper 4: Review of Climate Emergency Declaration Implications

- 3.13 Devon County Council's Climate Emergency Declaration on 19 May 2019 represents a change to local circumstances which warrants consideration as part of the Waste Plan review process. The Plan was considered in the context of the current narrative surrounding climate change, in conjunction with officers from the County Council's Environment Group who are working on the county's response to the climate emergency declaration.
- 3.14 This review identified that tackling climate change features strongly as a key theme within the Waste Plan and is central to its vision, objectives and policies. The Devon Waste Plan policies contain a number of measures which seek to reduce, and adapt to the impacts of, climate change.
- 3.15 It has therefore been concluded that the existing measures in the Waste Plan are adequate in the context of the declaration, providing they are implemented robustly. However, upon publication of the final Devon Climate Emergency Action Plan expected in 2022, it will be necessary to reassess the Waste Plan in light of any specific measures which may be proposed in that Action Plan.

Topic Paper 5: Duty to Cooperate Engagement

- 3.16 Paragraph 68 of the Planning Practice Guidance indicates that authorities are expected to have due regard to the Duty to Cooperate when undertaking a review to assess if a Local Plan needs updating. Engagement with the County Council's Duty to Cooperate bodies has therefore been undertaken as part of the Waste Plan review process.
- 3.17 Virtual meetings were held with a number of Devon's local planning authorities, neighbouring waste planning authorities and statutory bodies to provide additional background and clarify particular details of the review.
- 3.18 No Duty to Cooperate issues were raised as part of this exercise and helpful feedback was provided in a number of areas. The topic papers and summary report were updated accordingly to reflect this. Notably feedback from Natural England identified the need for additional guidance to be prepared to aid the interpretation of the biodiversity net gain requirements of Policy W11: Biodiversity and Geodiversity, and the preparation of such a guidance note has been included as recommendation (b) to the Committee.
- 3.19 The response received from Historic England as part of this engagement exercise suggested Policy W13: Historic Environment would benefit from some amendments to make it more consistent with the NPPF. A virtual meeting was

held in order to understand these comments in more detail and, following this, further analysis was undertaken with input from the County Council's Historic Environment Service. The conclusion from this additional analysis is that the vast majority of the wording in the 2019 NPPF in relation to the historic environment remains unchanged from when the Waste Plan was adopted (2012 NPPF) and, where wording has been tweaked, this does not bring about a material change which would warrant an update to Policy W13. As such no change is proposed to this policy.

- 3.20 Finally, it is worth highlighting that, in addition to the engagement discussed above, Devon County Council has continued to engage with waste planning authorities from across the region since the adoption of the Waste Plan through attendance of the South West Technical Advisory Body (SWWTAB), chairing this group throughout this period, as well as responding to planning policy consultations where necessary.

4 Review of Policies

- 4.1 Informed by the evidence discussed above, the table below presents a review of each of the Waste Plan's policies and the conclusions from the review process. Please note the NPPW is not referred to in the table, as it has not been updated since the Waste Plan was adopted and therefore remains in conformity.

Waste Plan Policy	Review Summary	Conclusion
W1: Presumption in favour of sustainable development	This policy supports the overarching objectives set out in the NPPF. The wording in parts 3 a and b of Policy W1 is not identical to 11 c and d of para 11 but it embodies the same principles.	This policy remains fit for purpose and does not need to be updated at this time.
W2: Sustainable Waste Management	Similarly, to Policy W1, this policy supports the overarching objectives set out in the NPPF and the criteria provided in the policy cut across all three sustainable development objectives (economic, social and environmental).	This policy remains fit for purpose and does not need to be updated at this time.
W3: Spatial Strategy	Section 3 of the NPPF (plan making) is focused upon district Local Plans rather than Waste Plans, however, it does state, " <i>Strategic policies should set out an overall strategy for the pattern, scale and quality of development</i> ". Part d specifically refers to waste management facilities. This is provided in the Waste Plan through Policy W3. Topic paper 3 reviews this policy in detail. The evidence indicates that the policy is being effectively implemented as the vast	This policy remains fit for purpose and does not need to be updated at this time.

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Waste Plan Policy	Review Summary	Conclusion
	<p>majority of permissions granted since the adoption of the Plan are located within the areas identified within this policy and the accompany map (Figure 3.1 on page 55 of the Waste Plan).</p> <p>Generally, the scale and location of future growth remains the same as at the time of preparing the Plan (albeit the exceptions discussed in topic paper 3).</p>	
W4: Waste Prevention	Review of AMR data indicates this policy is not being implemented effectively and the target for 100% of major planning permissions to be supported by or requiring a waste audit statement by way of a condition is not being met.	<p>Policy does not need to be updated but needs to be implemented more effectively.</p> <p>In order to address this, DCC officers have recently began proactively checking weekly lists of district planning applications and responding accordingly if a WAS has not been provided.</p> <p>In addition, DCC to actively seek for the requirement for waste audit statements to be included within district validation checklists.</p>
W5: Reuse, Recycling and Materials Recovery	<p>The targets set out in this part 1 of this policy remain in line with national targets and therefore do not need to be updated.</p> <p>Increases in the recycling rate being achieved in Devon for LACW has stalled over recent years. No updated information is available regarding CIW and CDEW. Despite this, policy W5 is considered to be an enabling policy under which additional facilities can be brought forward. The criteria provided in part 2 of the policy remains relevant and fit for purpose.</p>	This policy remains fit for purpose and does not need to be updated at this time.
W6: Energy Recovery	Data indicates that annual operational energy recovery capacity for Devon's waste is	This policy remains fit for purpose and does not

Waste Plan Policy	Review Summary	Conclusion
	<p>currently 263,000 tonnes, which represents 74% of the 356,000 tonnes target for 2021. In addition, there remains 76,000 tonnes of permitted non-operational capacity, as well as a pending planning application which if approved, would offer further capacity.</p> <p>Energy recovery facilities have not been delivered on the sites identified in part 2c of this policy at this stage. However, there remains potential for their delivery. In any case, the criteria provided in part 3 of the policy enables alternative sites to come forward. The policy was written flexibly to ensure it remains fit for purpose in light of changing circumstances.</p> <p>Part 4 of the policy which refers to the need for HRA in relation to Natura 2000 sites remains relevant.</p> <p>Part 5 of the policy remains relevant and appropriate in the context of the climate change agenda and the waste hierarchy.</p>	<p>need to be updated at this time.</p> <p>However, going forward, updated evidence should be gathered in relation to the levels of CIW being generated in Devon in order to consider in the context of the targets set out in part 1 of the policy.</p>
W7: Waste Disposal	<p>The targets set out in part 1 of this policy remain in line with national targets and therefore do not need to be updated.</p> <p>AMR data has indicated that targets for the availability of landfill capacity have not been consistently met over the last 5 years. Non-hazardous capacity has fluctuated above and below the target, and in respect of inert landfill, available capacity has been below the target for last two years.</p> <p>Despite this, since the Plan's adoption, proposals for additional landfill capacity have been forthcoming. This includes extending the permitted lifespan of non-hazardous capacity at an existing site, the reopening of a former non-hazardous landfill site and the proposal of new inert landfill sites. As such it is considered that Policy W7 provides an effective framework to support the positive determination of planning applications for waste disposal.</p>	<p>This policy remains fit for purpose and does not need to be updated at this time.</p>

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Waste Plan Policy	Review Summary	Conclusion
W8: Waste Water Treatment	The NPPF recognises the need for strategic policies to plan sufficiently for waste water (para 20 b). Part 1 c of W8 seeks to ensure the impacts of this type of development does not have significant adverse impacts on a number of receptors which aligns with the approach set out in the NPPF.	This policy remains fit for purpose and does not need to be updated at this time.
W9: The Management of Special Types of Waste	The NPPF does not deal with the management of special types of waste. Policy W9 recognises the need to avoid adverse impacts on local communities and the environment which aligns with the objectives of sustainable development as set out in the NPPF.	This policy remains fit for purpose and does not need to be updated at this time.
W10: Protection of Waste Management Capacity	This policy seeks to ensure that waste facilities making a significant contribution to Devon's waste management capacity do not become constrained by nearby non waste related development. Implementation of the policy has been effective with the district councils now routinely consulting DCC where proposals fall within the Waste Consultation Zones. The monitoring indicators relating to this policy are indirect and could be more specific to the policy.	This policy remains fit for purpose and does not need to be updated at this time. When the Plan is next updated, consideration should be given to developing more effective monitoring indicators relating to this policy.
W11: Biodiversity & Geodiversity	This policy is consistent with section 15 of the NPPF (conserving and enhancing the natural environment). Policy W11 is split into 5 sections, and the NPPF covers these sections over paragraphs 174 – 177. The monitoring indicators most relevant to this policy (5.1, 5.2, 5.3) indicate the policy is being effectively implemented.	This policy remains fit for purpose and does not need to be updated at this time.
W12: Landscape and Visual Impact	This is the most extensively used policy from the Waste Plan. This policy is consistent with section 15 of the NPPF (conserving and enhancing the natural environment) and specifically paragraphs 170 and 172. Minor potential amendments to the policy have been identified in light of changes to the NPPF, but these would not fundamentally alter the policy. As such it would be appropriate to consider these	This policy remains fit for purpose and does not need to be updated at this time.

Waste Plan Policy	Review Summary	Conclusion
	<p>potential amendments as part of a wider update to the Plan when necessary at a later date.</p> <p>The monitoring indicator most relevant to this policy (5.5) indicates that the policy is being effectively implemented and planning permissions for waste development are not having a significant landscape impact on an AONB or National Park.</p>	
W13: The Historic Environment	<p>Policy W13 supports the overarching objectives set out in paragraph 195 of the NPPF. Paragraph 195 sets out how local planning authorities should deal with harm to the historic environment. Policy W13 incorporates the key elements of this, and is compliant with para 189, 199 and 200.</p> <p>The monitoring indicator most relevant to this policy (5.5) indicates that the policy is being effectively implemented and planning permissions are not resulting in the loss of, or harm to, assets of heritage value.</p>	This policy remains fit for purpose and does not need to be updated at this time.
W14: Sustainable and Quality Design	<p>Policy W14 continues to be in conformity with relevant parts of the NPPF.</p> <p>Indicator 3.4: Inclusion of energy efficiency measures and use of low-carbon energy in planning applications for waste management facilities, is relevant to part a of this policy. Outcomes indicate that very few applications incorporate such measures and therefore there is potential for this policy requirement to be implemented more stringently.</p>	<p>This policy remains fit for purpose and does not need to be updated at this time.</p> <p>However, the policy should be implemented more robustly in recognition of the Devon Climate Emergency Declaration and should be reviewed following the publication of the final Devon Carbon Plan in 2022.</p>
W15: Infrastructure and Community Services	<p>Policy W15 continues to be in conformity with relevant parts of the NPPF.</p> <p>Only 2 monitoring indicators are relevant to this policy. Indicator 4.1 relates to the number and % of proposals where cumulative impact on amenity or quality of life is a reason for refusal. A single application</p>	This policy remains fit for purpose and does not need to be updated at this time.

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Waste Plan Policy	Review Summary	Conclusion
	<p>determined in 2014/15 (prior to the adoption of the Waste Plan) used this as a reason for refusal. Indicator 4.2 relates to change in extent of public rights of way network attributable to waste development. The five-year trend indicates that none of the approved applications resulted in the any loss in the extent of the Public Right of Way (PROW) network.</p>	
W16: Natural Resources	<p>Policy W16 supports the overarching objectives set out in paragraph 170 of the NPPF, specifically parts b, e & f of that paragraph.</p> <p>Numerous monitoring indicators relevant to this policy (4.2 and 5.1-5.19) demonstrate positive outcomes indicating the policy is being effective at protecting natural resources.</p>	This policy remains fit for purpose and does not need to be updated at this time.
W17: Transportation and Access	<p>Policy W17 is consistent with section 9 of the NPPF, promoting sustainable transport.</p> <p>The monitoring indicators most relevant to this policy indicate the policy is being effective. Highways advice is being followed or conditioned as part of planning permissions, and applications are not having a negative impact upon PROWs.</p> <p>No waste management permissions have incorporated transportation by rail or water but it is accepted that this is challenging and not possible in most cases.</p>	This policy remains fit for purpose and does not need to be updated at this time.
W18: Quality of Life	<p>Policy W18 is in conformity with relevant parts of the NPPF, notably paragraph 180.</p> <p>A single application from 2014/15 has used this policy as a reason for refusal. Contrastingly, the policy has been widely used in the positive determination of applications.</p>	This policy remains fit for purpose and does not need to be updated at this time.
W19: Flooding	<p>Policy W19 supports the overarching objectives of the NPPF relevant to flooding. The need for flood resistant and resilient development is highlighted in the NPPF and</p>	This policy remains fit for purpose and does not need to be updated at this time.

Waste Plan Policy	Review Summary	Conclusion
	<p>this is addressed in part 1 of the policy. A small number of minor potential amendments to the policy have been identified in light of changes to the NPPF, but these do not go to the heart of the policy. As such it would be appropriate to consider these potential amendments as part of a wider update to the Plan when necessary at a later date.</p> <p>The monitoring indicators most relevant to this policy indicate good outcomes. For example, no applications have been determined contrary to Environment Agency advice on flood risk (indicator 3.3) and the target for 50% of waste planning permissions to incorporate Sustainable Drainage Systems has been met every year since the Plan's adoption.</p>	
W20: Restoration & Aftercare	Whilst the Waste Plan's monitoring framework states a number of indicators are relevant to this policy, a number do not appear to directly inform how effectively the policy is being implemented. The most relevant indicator is 5.1 (biodiversity enhancement) and relates to part b of the policy. The outcome here was that an appropriate level of biodiversity enhancement is being provided where necessary.	This policy remains fit for purpose and does not need to be updated at this time.
W21: Making Provision for Waste Management	Paragraph 20 of the NPPF outlines that policies should make sufficient provision for waste management facilities and this policy sets out the criteria that major non waste development must meet in order to demonstrate it meets that requirement.	This policy remains fit for purpose and does not need to be updated at this time.

5. Conclusion

- 5.1 Informed by the evidence collated through the review process, it is not considered necessary to update any of the Waste Plan policies at this time. The policies remain fit for purpose, consistent with national planning policy and provide an appropriate framework for the determination of waste planning applications across Devon.
- 5.2 Monitoring should continue through the normal annual monitoring process. A further review should be undertaken if necessary as a result of this process, or if there is a significant change in wider circumstances; for example, through the

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updating of the national planning policy for waste, or as a result of any actions or outcomes set out in the Devon Carbon Plan which is due to be published in 2022. In the interim period, recommendations (b) and (c) of this report should be actioned.

6. Reasons for Recommendation/Alternative Options Considered

- 6.1 The only alternative option open to the County Council would be to resolve not to endorse the conclusions of the review, but given the comprehensive approach that has been taken, which has been informed by national guidance, this would be inadvisable.

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Chief Planner

Electoral Divisions: All

Local Government Act 1972: List of Background Papers

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Background Paper	Date	File Ref
None.		

cd280820dma
sc/cr/minerals waste development framework review of Devon waste plan

Review of the Devon Waste Plan

Topic Paper 1: 5 Year Review of Annual
Monitoring Report (AMR) data

August 2020

Devon County Council
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1.1. Introduction

- 1.1.1. Devon County Council is required to undertake a 5 year review of the Devon Waste Plan. The Planning Practice Guidance (PPG)¹ provides advice on what authorities can consider when reviewing a plan. In addition, the Planning Advisory Service (PAS) has published the Local Plan Route Mapper² guidance to assist LPAs in undertaking plan reviews and this has also been used to inform the review process.
- 1.1.2. Both of these guidance documents recommend using evidence gathered through the annual monitoring process as part of any plan review. This report collates and analyses this data to inform whether a plan update may be required.

1.2. Method

- 1.2.1. As a starting point, data gathered through the annual monitoring process over the last 5 years has been used to consider the effectiveness of the Plan's policies in achieving the vision and objectives. This relates to the Waste Plan's AMRs for period 2014/15 – 2018/19.
- 1.2.2. The Waste Plan sets out 6 overarching objectives which are threaded throughout policies in the Plan. These are as follows:
- Objective 1: Management of waste
Objective 2: Meeting our capacity needs
Objective 3: Climate change
Objective 4: Supporting Devon's communities and businesses
Objective 5: Conserving and enhancing Devon's environment
Objective 6: Transportation of waste
- 1.2.3. For each objective, the Waste Plan sets out a number of monitoring indicators. These in turn cut across the Plan's policies. For all policies, multiple monitoring indicators are relevant. The relationship between the Plan's indicators, objectives and policies is set out in Table 5.2 Implementation and Monitoring Framework for the Devon Waste Plan (page 95).
- 1.2.4. As a first step, a '*RAG monitoring*' status was given to each monitoring indicator based upon the criteria below:

Monitoring shows no issues.	Green
Monitoring shows some issues to be reviewed. For example, targets are not being met but performance remains within trigger margin.	Amber

¹ NPPG, Plan making, Plan reviews, paragraphs 061 to 070 (reviewed Oct 2019)
<https://www.gov.uk/guidance/plan-making>

² PAS Local Plan Route Mapper & Toolkit - *reviewing and updating local plan policies* | October 2019
<https://www.local.gov.uk/pas/plan-making/plan-preparation-project-management/local-plan-route-mapper-toolkit-reviewing-and>

Monitoring shows issues to be reviewed and may need to be addressed. For example, due to targets not being met and being outside of trigger margin.	Red
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Table 1: RAG Monitoring criteria

- 1.2.5. Results for a number of indicators suggested there are issues requiring review (amber) and some indicators suggested issues for review which may need to be addressed (red). These were subsequently investigated further.
- 1.2.6. Where issues were identified, these were reviewed to provide a 'RAG review' status for the indicators based upon the criteria presented in Table 2 below. Where indicators scored green in step one, they automatically scored green in step two as no issues were identified.

Review shows that the policies relating to this indicator do not need to be updated.	Green
Review shows that the policies relating to this indicator do not need to be updated but should be kept under review.	Amber
Review shows that the policies relating to this indicator trigger the need for the Plan to be updated.	Red

Table 2: RAG Review criteria

- 1.2.7. For a number of indicators, targets were not included (2.2, 3.1, 3.4, 4.1, 5.1 and 6.2) and therefore a RAG rating was not applied to these indicators.

1.3. Findings

- 1.3.1. The outcome of the two-stage process outlined above is presented in the summary table below. Appendix 1 and 2 provide the full outcomes of this process, including presentation of how the indicators relate to the Waste Plan policies. Appendix 3 provides the 5 year trend data and explanations informing the ratings awarded. Where ratings have been adjusted through the review process, justification has been provided in the supporting text.

	RAG Monitoring score	RAG Review score
OBJECTIVE 1: Management of waste		
1.1	Red	Amber
1.2	Amber	Amber
1.3	Red	Green
1.4	Red	Green
1.5	Green	Green
OBJECTIVE 2: Meeting our capacity needs		
2.1	Green	Green
2.2		
2.3	Red	Amber
2.4	Green	Green

OBJECTIVE 3: Climate change		
3.1		
3.2		
3.3		
3.4		
3.5		
OBJECTIVE 4: Supporting Devon's communities and businesses		
4.1		
4.2		
OBJECTIVE 5: Conserving and enhancing Devon's environment		
5.1		
5.2		
5.3		
5.4		
5.5		
5.6		
5.7		
5.8		
5.9		
OBJECTIVE 6: Transportation of waste		
6.1		
6.2		

Table 3: Summary table displaying RAG Monitoring and RAG Review status' for Waste Plan Indicators

- 1.3.2. As can be seen, step 1 (RAG monitoring) highlighted a number of areas where targets had not been met and, in a number of cases, were outside the trigger margins for review. These were spread across a number of the Plan's objectives.
- 1.3.3. Following review, no indicators scored a red RAG review status, although 8 indicators scored amber, which require continued monitoring. The main justification and reasoning for altering the ratings through the review process was due to other non-policy based factors being at play which had influenced the outcomes. For example, where assumptions regarding increases in energy recovery when developing the Plan had not materialised as quickly as planned but had since been implemented, or where other measures can be taken to address the issues highlighted instead of changing the policy.
- 1.3.4. Informed by the process outlined above, none of the Waste Plan policies currently need to be updated as a result of this exercise.

1.4. Limitations

- 1.4.1. The process outlined above has used readily available waste data in line with guidance. However, there are gaps in information which has meant it is not possible to report on a number of indicators, or it has only been possible to partially report on a number of indicators at this stage. This includes:

- No updated baseline data regarding arisings and management methods for CIW and CDEW. As such the RAG monitoring status' for indicators requiring this data often only refers to outcomes for LACW. This is relevant to indicators:
 - 1.2 recycling of waste (CIW and CDEW)
 - 1.3 energy recovery from waste (CIW)
 - 1.4 disposal of waste (CIW and CDEW)
 - No information available regarding the efficiency of operational energy recovery facilities. This is relevant to Indicator 3.2. Operators were contacted regarding this indicator, but no responses were received at the time of writing.
- 1.4.2. In relation to the first bullet point above, it is necessary to update the Waste Needs Assessment to provide a more comprehensive picture regarding these indicators.

1.5. Conclusion

- 1.5.1. This assessment indicates it is not necessary to update the Waste Plan policies at this time, but continued monitoring is required to ensure any change to this situation is identified and addressed.
- 1.5.2. This exercise has also indicated that a number of the current indicators are difficult to monitor because of the availability of data, and therefore any update to the Waste Plan should also consider an update to the monitoring indicators.

APPENDIX 1: RAG MONITORING OUTCOMES

		Policy																					
		W1	W2	W3	W4	W5	W6	W7	W8	W9	W10	W11	W12	W13	W14	W15	W16	W17	W18	W19	W20	W21	
Indicator	OBJECTIVE 1: Management of waste																						
	1.1	✓	✓		✓	✓	✓	✓	✓	✓												✓	
	1.2	✓	✓		✓	✓	✓	✓	✓	✓												✓	
	1.3	✓	✓		✓	✓	✓	✓	✓	✓												✓	
	1.4	✓	✓		✓	✓	✓	✓	✓	✓												✓	
	1.5	✓	✓		✓	✓	✓	✓	✓	✓												✓	
	OBJECTIVE 2: Meeting our capacity needs																						
	2.1	✓	✓	✓		✓	✓	✓	✓	✓	✓											✓	
	2.2	✓	✓	✓		✓	✓	✓	✓	✓	✓											✓	
	2.3	✓	✓	✓		✓	✓	✓	✓	✓	✓											✓	
	2.4	✓	✓	✓		✓	✓	✓	✓	✓	✓											✓	
	OBJECTIVE 3: Climate change																						
	3.1	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓		✓			✓			✓		✓	✓	
	3.2	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓		✓			✓			✓		✓	✓	
	3.3	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓		✓			✓			✓		✓	✓	
	3.4	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓		✓			✓			✓		✓	✓	
	3.5	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓		✓			✓			✓		✓	✓	
	OBJECTIVE 4: Supporting Devon's communities and businesses																						
	4.1	✓	✓	✓		✓	✓	✓	✓	✓	✓	✓					✓	✓	✓	✓			✓
	4.2	✓	✓	✓		✓	✓	✓	✓	✓	✓	✓					✓	✓	✓	✓			✓
	OBJECTIVE 5: Conserving and enhancing Devon's environment																						
	5.1	✓	✓				✓	✓					✓	✓	✓	✓		✓	✓		✓	✓	
	5.2	✓	✓				✓	✓					✓	✓	✓	✓		✓	✓		✓	✓	
	5.3	✓	✓				✓	✓					✓	✓	✓	✓		✓	✓		✓	✓	
	5.4	✓	✓				✓	✓					✓	✓	✓	✓		✓	✓		✓	✓	
	5.5	✓	✓				✓	✓					✓	✓	✓	✓		✓	✓		✓	✓	
	5.6	✓	✓				✓	✓					✓	✓	✓	✓		✓	✓		✓	✓	
	5.7	✓	✓				✓	✓					✓	✓	✓	✓		✓	✓		✓	✓	
	5.8	✓	✓				✓	✓					✓	✓	✓	✓		✓	✓		✓	✓	
	5.9	✓	✓				✓	✓					✓	✓	✓	✓		✓	✓		✓	✓	
	OBJECTIVE 6: Transportation of waste																						
	6.1	✓	✓	✓		✓	✓		✓										✓	✓			
	6.2	✓	✓	✓		✓	✓		✓										✓	✓			

APPENDIX 2: RAG REVIEW OUTCOMES

		Policy																					
		W1	W2	W3	W4	W5	W6	W7	W8	W9	W10	W11	W12	W13	W14	W15	W16	W17	W18	W19	W20	W21	
Indicator	OBJECTIVE 1: Management of waste																						
	1.1	✓	✓		✓	✓	✓	✓	✓	✓												✓	
	1.2	✓	✓		✓	✓	✓	✓	✓	✓												✓	
	1.3	✓	✓		✓	✓	✓	✓	✓	✓												✓	
	1.4	✓	✓		✓	✓	✓	✓	✓	✓												✓	
	1.5	✓	✓		✓	✓	✓	✓	✓	✓												✓	
	OBJECTIVE 2: Meeting our capacity needs																						
	2.1	✓	✓	✓		✓	✓	✓	✓	✓	✓											✓	
	2.2	✓	✓	✓		✓	✓	✓	✓	✓	✓											✓	
	2.3	✓	✓	✓		✓	✓	✓	✓	✓	✓											✓	
	2.4	✓	✓	✓		✓	✓	✓	✓	✓	✓											✓	
	OBJECTIVE 3: Climate change																						
	3.1	✓	✓	✓	✓	✓	✓	✓	✓	✓		✓			✓			✓		✓	✓		
	3.2	✓	✓	✓	✓	✓	✓	✓	✓	✓		✓			✓			✓		✓	✓		
	3.3	✓	✓	✓	✓	✓	✓	✓	✓	✓		✓			✓			✓		✓	✓		
	3.4	✓	✓	✓	✓	✓	✓	✓	✓	✓		✓			✓			✓		✓	✓		
	3.5	✓	✓	✓	✓	✓	✓	✓	✓	✓		✓			✓			✓		✓	✓		
	OBJECTIVE 4: Supporting Devon's communities and businesses																						
	4.1	✓	✓	✓		✓	✓	✓	✓	✓	✓						✓	✓	✓	✓			✓
	4.2	✓	✓	✓		✓	✓	✓	✓	✓	✓						✓	✓	✓	✓			✓
	OBJECTIVE 5: Conserving and enhancing Devon's environment																						
	5.1	✓	✓				✓	✓				✓	✓	✓	✓		✓	✓		✓	✓		
	5.2	✓	✓				✓	✓				✓	✓	✓	✓		✓	✓		✓	✓		
	5.3	✓	✓				✓	✓				✓	✓	✓	✓		✓	✓		✓	✓		
	5.4	✓	✓				✓	✓				✓	✓	✓	✓		✓	✓		✓	✓		
	5.5	✓	✓				✓	✓				✓	✓	✓	✓		✓	✓		✓	✓		
	5.6	✓	✓				✓	✓				✓	✓	✓	✓		✓	✓		✓	✓		
	5.7	✓	✓				✓	✓				✓	✓	✓	✓		✓	✓		✓	✓		
	5.8	✓	✓				✓	✓				✓	✓	✓	✓		✓	✓		✓	✓		
	5.9	✓	✓				✓	✓				✓	✓	✓	✓		✓	✓		✓	✓		
	OBJECTIVE 6: Transportation of waste																						
	6.1	✓	✓	✓		✓	✓		✓									✓	✓				
	6.2	✓	✓	✓		✓	✓		✓									✓	✓				

APPENDIX 3: 5 YEAR TREND DATA AND RAG MONITORING AND REVIEW ASSESSMENT

OBJECTIVE 1: MANAGEMENT OF WASTE

Indicator 1.1: Waste Audit Statements

Baseline	Target	Trigger for Review of the Plan/Policy
Not available	100% of major planning permissions supported by or requiring a waste audit statement	Less than 75% of major planning permissions supported by or requiring a waste audit statement

5-year trend

2014/15:	10%
2015/16:	26%
2016/17:	Data not collected
2017/18:	37%
2018/19:	29%

Further detailed information regarding this indicator is provided in Appendix 4.

RAG Monitoring status

Red

Review

It is clear from the monitoring data that the requirement set out in Policy W4: Waste Prevention for all major planning permissions to be supported by a waste audit statement has not been complied with in the majority of cases since the adoption of the Waste Plan.

Despite the poor performance in relation to this indicator, the policy requirement is in place and there are mechanisms available which can be pursued to ensure that this requirement is complied with which does not require a change to the policy itself. For example, this could include:

- further training of LPA planning officers;
- seeking the requirement included in district validation checklists;
- DCC officers checking weekly lists of planning applications and responding accordingly if a WAS has not been provided.

RAG Review status

The measures outlined above should be pursued in advance of any change to the Plan in relation to this indicator.

Amber

Indicator 1.2: Recycling of Waste

Baseline	Target	Trigger for Review of the Plan/Policy
LACW: 54% (2012/13) CIW: 55% (2009) CDEW: 87% (2010)	LACW: at least 57% by 2016 61% by 2021 64% by 2026 64% by 2031 CIW: at least 58% by 2016 60% by 2021 62% by 2026 64% by 2031 CDEW: at least 88% by 2016 89% by 2021 89% by 2026 90% by 2031	Failure to reach a recycling target by a margin of 5 % points

5-year trend

It should be noted that a review of data has indicated that incorrect figures relating to household waste (rather than LACW) have been reported on a number of occasions for this indicator. This has been rectified in the data presented below. This has resulted in very minor changes to the overall results.

	LACW	CIW	CDEW
2014/15:	54.6%	Data not available	Data not available
2015/16:	54.0%		
2016/17:	54.3%		
2017/18:	52.9%		
2018/19:	54.7%		

The 2016 target for LACW has still not been met although rates have remained within the 5% trigger margin.

Data relating to CIW and CDEW is not available meaning it is not possible to establish recent trends.

RAG Monitoring status

Amber

Review

LACW recycling rates have remained broadly consistent since the adoption of the Waste Plan. Despite this, the Plan's policies continue to provide a framework to facilitate the achievement of a higher recycling rate. Amending the Waste Plan to increase the recycling target does not necessarily mean a higher rate will be achieved. The recycling rate achieved depends on a number of factors including district collection regimes and education campaigns influencing householder behaviour. Linked to Indicator 2.1, there is significant recycling capacity available within Devon to support a growth in the recycling rate and the policies in place support the delivery of additional facilities.

RAG Review status

Policies relating to this indicator do not need to be updated but should be kept under review.

Amber

Indicator 1.3: Energy Recovery from Waste

Baseline	Target	Trigger for Review of the Plan/Policy
LACW: 0% (2012/13) CIW: 12% (2009)	LACW: up to 31% by 2016 39% by 2021 36% by 2026 36% by 2031 CIW: up to 18% by 2016 40% by 2021 38% by 2026 36% by 2031	Failure to reach an energy recovery target for LACW or CIW by a margin of 5 % points

5 year trend

It should be noted that a review of data has indicated that incorrect figures relating to household waste (rather than LACW) have been reported in 2014/15 and 2016/17 for this indicator. This has been rectified in the data presented below. This has resulted in very minor changes to the overall results.

	LACW	CIW
2014/15:	12.1%	Data not available
2015/16:	24.7%	
2016/17:	28.1%	
2017/18:	29.2%	
2018/19:	30.8%	

RAG Monitoring status

Red

Review

When establishing the targets for this indicator when developing the Waste Plan the following assumptions were incorporated:

- The majority of unavoidable waste will be sent for recycling in accordance with the targets set out in Indicator 1.2
- All residual waste not being recycled would be sent for energy recovery. This would be achieved during 2016/17 for LACW and 2017/18 for CIW.
- Whilst the two assumptions above would account for 100% of LACW and CIW, it would be prudent to plan for a small amount of waste, 5% of the total, to continue requiring landfill.

In relation to the assumption that all residual LACW would be sent for energy recovery by 2016/17, this was based on plans at the time by DCC as the Waste Disposal Authority to let a contract for northern Devon's residual waste during that year which would divert this waste from landfill to an energy recovery facility. In

advance of this contract arrangements were already established for the rest of Devon's residual waste to be managed through contracts at energy from waste facilities (at the Exeter and Plymouth Dockyard energy from waste facilities).

This contract was delayed and did not commence until February 2019. This delay has had a knock-on impact upon the achievement of the LACW targets for this indicator. However, the fact that the contract has now been awarded means that going forward, a higher percentage of residual LACW will be diverted from landfill and in turn, the energy recovery targets above will be achieved. For example, during the first half of 2019/20 (Q1 and 2, April – September), the percentage% of total LACW being sent for energy recovery stood at 37.4%³.

Whilst there is no specific data available to indicate the amount of CIW currently being sent to energy recovery, the increase in operational merchant energy recovery capacity since the adoption of the Plan suggests that additional CIW is being managed in this way.

RAG Review status

Review shows that the policies relating to this indicator do not need to be updated.

Green

³ Please note this is a provisional figure which remains subject to change.

Indicator 1.4: Disposal of Waste

Baseline	Target	Trigger for Review of the Plan/Policy
LACW: 46% (2012/13) CIW: 33% (2009) CDEW: 13% (2010)	LACW: up to 12% by 2016 5% by 2021 5% by 2026 5% by 2031 CIW: up to 24% by 2016 5% by 2021 5% by 2026 5% by 2031 CDEW: up to 12% by 2016 11% by 2021 11% by 2026 10% by 2031	A level of disposal of waste that is 5 % points above the target

5-year trend

It should be noted that a review of data has indicated that incorrect figures relating to household waste (rather than LACW) have been reported on a number of occasions for this indicator. This has been rectified in the data presented below. This has resulted in very minor changes to the overall results.

	LACW	CIW	CDEW
2014/15:	33.4%	Data not available	Data not available
2015/16:	21.3%		
2016/17:	17.7%		
2017/18:	17.9%		
2018/19:	14.5%		

Data relating to CIW and CDEW is not available meaning it is not possible to establish recent trends.

RAG Monitoring status

Red

Review

The RAG Monitoring status for this indicator is intrinsically linked to the result for Indicator 1.3 above. The delay in awarding the northern Devon residual waste contract which diverts LACW from landfill has resulted in a higher level of waste being landfilled for a longer period of time than envisaged when preparing the Waste Plan. This has now been resolved. For example, during the first half of 2019/20 (Q1

and 2, April – September), the % of total LACW being sent for disposal stood at 4.8%⁴.

RAG Review status

Review shows that the policies relating to this indicator do not need to be updated.

Green

⁴ Please note this is a provisional figure which remains subject to change.

Indicator 1.5: Growth in Waste

Baseline	Target	Trigger for Review of the Plan/Policy
LACW: 0.04% 2011/12 to 2012/13 (no reliable data for CIW and CDEW)	No target	An increase in the rate of growth of LACW above 5% for two consecutive years

5 year trend

2014/15: +2.0%
2015/16: -3.2%
2016/17: +1.0%
2017/18: -1.3%
2018/19 +0.1%

RAG Monitoring status

Green

OBJECTIVE 2: MEETING OUR CAPACITY NEEDS

Indicator 2.1: Capacity of operational waste management facilities

Baseline	Target	Trigger for Review of the Plan/Policy
Non-hazardous recycling: 2.16 million tonnes (2013)	Non-hazardous recycling: at least 2016: 490,000 tonnes 2021: 560,000 tonnes 2026: 625,000 tonnes 2031: 690,000 tonnes	Current operational capacity is less than target figure
Inert recycling: 1.52 million tonnes (2013)	Inert recycling: at least 2016: 912,000 tonnes 2021: 810,000 tonnes 2026: 720,000 tonnes 2031: 640,000 tonnes	Current operational capacity is less than target figure
Non-hazardous energy recovery: 92,800 tonnes (2013)	Non-hazardous energy recovery: up to 2016: 154,000 tonnes 2021: 356,000 tonnes 2026: 361,000 tonnes 2031: 377,000 tonnes	Current operational capacity is less than 75% of target figure

5-year trend

	Non-hazardous recycling capacity	Inert recycling capacity	Non-hazardous energy recovery
2014/15:	2.16mt	1.43mt	152,800
2015/16:	1.73mt	1.47mt	152,800
2016/17:	1.81mt	1.72mt	160,000
2017/18:	1.45mt	1.48mt	168,000
2018/19:	1.43mt	1.19mt	223,000

Capacity available for non-hazardous and inert recycling has remained comfortably in excess of the 2016 and 2021 targets throughout the 5-year review period.

Non-hazardous energy recovery capacity is in excess of the 2016 target. In addition to the 223,000 tonnes available in Devon, there are contracts in place to recover energy from a further 100,000 tonnes of Devon's waste at sites outside of the Waste Plan's area. This includes 60,000 tonnes of southern Devon's waste going to the Devonport Dockyard energy from waste facility and 40,000 tonnes per annum of northern Devon's waste going to the Cornwall energy recovery facility.

The targets included within this indicator already take account of the 60,000 tonnes going to Plymouth (as illustrated in Figure 3.2 of the Waste Plan) but do not include the 40,000 tonnes going to Cornwall. As such, in order to consider whether the operational capacity available for Devon's waste is on track with the targets set out in this indicator, a total of 263,000 tonnes has been considered (223,000 +40,000). This represents 74% of the target for 2021.

Furthermore, a planning application to increase the capacity of the Willand anaerobic digestion plant from 55,000 tonnes per annum to 120,000 has recently been approved.

RAG Monitoring status

Green

Indicator 2.2: Capacity of permitted non-operational energy recovery facilities in Devon

Baseline		Target	Trigger for Review of the Plan/Policy
Non-hazardous energy recovery: 215,000 tonnes (2013)		N/A	Capacity to be considered in review of Indicator 2.1
Facility type	Permitted annual capacity		
Gasification (Hill Barton)	72,000 tonnes		
Energy from waste incineration (Exeter)	60,000		
Advanced anaerobic digestion (Lee Moor)	75,000		
Pyrolysis (Hill Barton)	8,000		
Total	215,000 tonnes		

5-year trend

Facility	2013 baseline	2014/15	2015/16	2016/17	2017/18	2018/19
<i>Advanced anaerobic digestion (Lee Moor)</i>	75,000	Lapsed	Lapsed	Lapsed	Lapsed	Lapsed
<i>Energy from Waste incineration (Exeter)</i>	60,000	Operational	Operational	Operational	Operational	Operational
<i>Gasification (Hill Barton)</i>	72,000	72,000	72,000	72,000	72,000	72,000
<i>Pyrolysis (Hill Barton) (later amended to incineration)</i>	8,000	8,000	12,000	12,000	4,000	4,000
Anaerobic digestion (Willand)	-	-	25,000	25,000	55,000	Operational
Biorefinery (AD) (Willand)	-	-	10,000	10,000	10,000	Lapsed 29/6/18
Anaerobic digestion (Warleigh Barton)	-	-	7,500	7,500	7,500	Lapsed 16/11/18
Review Total	215,000	80,000	126,500	126,500⁵	148,500⁶	76,000

RAG Monitoring status

N/A as no target included

⁵ 2016/17 AMR contained a typo and reported 136,500 instead of 126,500

⁶ 2017/18 AMR reported a figure of 131,000 as it did not include the Willand Biorefinery or the Warleigh Barton AD.

Indicator 2.3 Permitted capacity available at Devon's Landfill sites

Baseline	Target	Trigger for Review of the Plan/Policy
<p>Non-hazardous (including SNRHW): 2.89 million m³</p> <p>Inert: 2.68 million m³</p>	<p>Non-hazardous (including SNRHW): 2015: 1.54 million m³ 2016: 1.20 million m³ 2017: 0.88 million m³ 2018: 0.71 million m³ 2019: 0.54 million m³</p> <p>Inert: 2015: 2.28 million m³ 2016: 2.15 million m³ 2017: 2.03 million m³ 2018: 1.92 million m³ 2019: 1.81 million m³</p>	<p>Immediate review of Plan required if capacity falls below target</p>

5 year trend

The Environment Agency publishes data annually on the availability of permitted landfill capacity and this data has been used to inform this indicator. These figures have been compared to the forecast available capacity set out in the Waste Plan. The 5 year trend is set out in the tables below. Figures presented are in cubic metres.

Non-Hazardous	2014/15	2015/16	2016/17	2017/18	2018/19
Forecast available capacity	1,543,000	1,196,000	880,000	711,000	543,000
Actual available capacity	1,832,000	1,084,000	887,000	640,000	1,184,000
Difference	289,000	-112,000	7,000	-71,000	641,000

Inert	2014/15	2015/16	2016/17	2017/18	2018/19
Forecast available capacity	2,277,000	2,153,000	2,033,000	1,918,000	1,807,000
Actual available capacity	2,446,000	2,619,000	2,436,000	1,879,000	1,669,000
Difference	169,000	466,000	403,000	-39,000	-138,000

RAG Monitoring status

Red

Review

As can be seen, since the adoption of the Waste Plan the level of permitted capacity for non-hazardous landfill has fluctuated above and below the forecast amount. The most recent monitoring data indicates a significantly higher availability of capacity than forecast.

For the first few years following the adoption of the Waste Plan the level of inert landfill capacity remained above the forecast amount however for the last couple of years data indicates less capacity than predicted is available. Despite this, the

difference between the forecast and actual amounts remains a relatively small figure when considered in the context of the overall amount remaining.

Policy W7: Waste Disposal does not include specific sites for future disposal operations but instead sets out criteria which would enable the delivery of additional disposal capacity if required.

Since the Plan's adoption, proposals for additional landfill capacity have been forthcoming. This includes extending the permitted lifespan of non-hazardous capacity at an existing site and the reopening of a former non-hazardous landfill site. There have also been proposals for new inert landfill sites, and a new inert landfill at Challonsleigh in south Devon was recently granted permission. As such it is considered that Policy W7 provides an effective framework to support the positive determination of planning applications for waste disposal and therefore it is not necessary to update the policy at this time.

RAG Review status

Policies relating to this indicator do not need to be updated but should be kept under review.

Amber

Indicator 2.4: Proportion of Devon's waste managed in the Plan area

Baseline	Target	Trigger for Review of the Plan/Policy
Non-hazardous waste: 62% (2011) Hazardous Waste: 28.7% (2011)	Non-hazardous waste: 2016: at least 68% 2021: at least 73% 2026: at least 79% 2031: at least 85% Hazardous waste: at least 30% from 2016 to 2031	Failure to reach a target by a margin of 5 % points

5 year trend

The indicator specifically refers to non-hazardous waste, however since 2016/17 reporting on this indicator as part of the annual monitoring process has grouped non-hazardous waste with inert waste. As such, as part of this review a reassessment has been undertaken displaying the following results. Whilst inert waste is not included as part of the indicator, this has been set out below for information.

The non-hazardous and inert results are taken from the Waste Data Interrogator. Non Hazardous waste is take from the HIC waste type category. The Hazardous waste results are from the Hazardous Waste Data Interrogator.

	Non-hazardous	Inert	Non-hazardous and Inert combined	Hazardous
2014	75	91	83	29
2015	72	87	79	34
2016	74	93	83	31
2017	75	90	83	30
2018	76	93	84	54

Proportion (%) of Devon's waste managed in the Plan area**RAG Monitoring status**

Green

OBJECTIVE 3: CLIMATE CHANGE

Indicator 3.1: Energy capacity for energy recovery facilities (including landfill gas) (classed by type of energy, e.g. heat, electricity)

Baseline	Target	Trigger for Review of the Plan/Policy
20MW electricity (2013)	No target as level of energy is dependent on the capacity of energy recovery facilities developed	N/A

As part of the review process, operators of energy recovery facilities and sites where landfill gas is generated were contacted and information regarding this indicator was requested in order to update the baseline information. However, no responses have been received at the time of writing.

Since the adoption of the Waste Plan the AMRs have focused upon an additional 3 MW of capacity becoming available at the Exeter Energy in addition to a small amount of additional capacity coming from the partially operational energy from waste incineration plant (formerly pyrolysis) at Hill Barton.

RAG Monitoring status

N/A as no target included

Indicator 3.2: Efficiency of operational energy recovery facilities (including measurement for each energy recovery facility of input waste and energy content, input energy and efficiency of the energy recovery process).

Baseline	Target	Trigger for Review of the Plan/Policy
N/A	40% efficiency from 2018	Failure to achieve 35% from 2018

Monitoring of this indicator over the 5 year review period has proved challenging and no up to date information about the efficiency of operational energy recovery facilities has been provided as part of this process.

Linked to indicator 3.1 above, operators of energy recovery facilities were contacted as part of this review in order to identify the current efficiency rates being achieved. However, no information was provided and therefore it has not been possible to report on this indicator. It is therefore unknown whether the 40% target or 35% trigger is being achieved.

RAG Monitoring status

Amber

Review

Making changes to the Plan as a result of this lack of information would not result in the information becoming available, and therefore it is not considered necessary to review policies as a result of this indicator, however, further engagement with operators will be undertaken to establish the efficiency rates currently being achieved. As such the RAG monitoring status for this indicator is amber

RAG Review status

Policies relating to this indicator do not need to be updated but should be kept under review.

Amber

Indicator 3.3: Number of planning applications determined contrary to the Environment Agency's advice on flood risk

Baseline	Target	Trigger for Review of the Plan/Policy
0 (2012/13)	0	One planning application

5-year trend

2014/15: 0
2015/16: 0
2016/17: 0
2017/18: 0
2018/19: 0

The indicator refers to the number of planning applications that were determined contrary to the advice from the Environment Agency regarding flood risk. The target to trigger a review of the Waste Plan is one planning application. The five-year trends shows that none of the determined planning applications during that time qualified for a review of the plan.

RAG Monitoring status

Green

Indicator 3.4: Inclusion of energy efficiency measures and use of low-carbon energy in planning applications for waste management facilities

Baseline	Target	Trigger for Review of the Plan/Policy
N/A	No specific target as delivery will be dependent on the forms of waste management facility delivered	N/A – applications will be monitored for delivery of measures

5-year trend

Number of planning applications incorporating energy efficiency measures or the use of low carbon energy

2014/15: 1
 2015/16: 6
 2016/17: 1
 2017/18: 0
 2018/19: 0

RAG Monitoring status

N/A as no target included

Indicator 3.5: Proportion of non-hazardous waste disposed of through landfill

Baseline	Target	Trigger for Review of the Plan/Policy
38.4% (2011)	Up to: 20% by 2016 5% by 2021 5% by 2026 5% by 2031	A level of disposal of waste that is 5 % points above the target

5-year trend

2014/15:	22%
2015/16:	18%
2016/17:	15%
2017/18:	15%
2018/19:	14%

RAG Monitoring status

Red

Review

Whilst the target has not been met, this is partly due to the delay in letting the northern Devon residual LACW contract which has meant a higher level of waste has continued to be disposed via landfill for a longer period of time than envisaged when producing the Waste Plan (linked to indicators 1.3 and 1.4 discussed above). This situation has now been resolved so a smaller proportion of LACW will be sent for landfill going forward.

RAG Review status

Policies relating to this indicator do not need to be updated but should be kept under review.

Amber

OBJECTIVE 4: SUPPORTING DEVON'S COMMUNITIES AND BUSINESSES

Indicator 4.1: The number and % of proposals where cumulative impact on amenity or quality of life is a reason for refusal

Baseline	Target	Trigger for Review of the Plan/Policy
N/A	No specific target as performance will be dependent on the type of applications submitted	N/A

5-year trend

2014/15: 1

2015/16: 0

2016/17: 0

2017/18: 0

2018/19: 0

Within 2014/15, one waste planning application was refused for reasons including impacts of the proposed development upon the amenity of local residents as a result of noise. However, the application was determined prior to the adoption of the Devon Waste Plan, Policy W18 (Quality of Life) of the emerging Devon Waste Plan was used within the reason for refusal.

As can be seen, since the adoption of the Waste Plan the remaining trends did not refuse any waste planning applications based on cumulative impact on amenity or quality of life. Policy W18 (Quality of Life) of the Waste Plan looks for development proposals to demonstrate adverse impacts that will be strictly controlled to avoid any significant nuisance being caused to dwellings and other sensitive properties close to the site or its transportation routes. Therefore, development proposals can provide mitigation measures to address any cumulative impacts rather than refusing a waste planning application.

RAG Monitoring status

N/A as no target included

Indicator 4.2: Change in extent of public rights of way network attributable to waste development

Baseline	Target	Trigger for Review of the Plan/Policy
N/A	No net loss	Any loss in extent not offset by equivalent provision

5-year trend

2014/15: 0
2015/16: 0
2016/17: 0
2017/18: 0
2018/19: 0

The five-year trend indicates that none of the approved applications resulted in the any loss in the extent of the Public Right of Way (PROW) network.

RAG Monitoring status

Green

OBJECTIVE 5: CONSERVING AND ENHANCING DEVON'S ENVIRONMENT

Indicator 5.1: Planning permissions that provide for biodiversity enhancement

Baseline	Target	Trigger for Review of the Plan/Policy
N/A	No specific target as delivery will be dependent on the forms of waste management facility delivered	N/A – applications will be monitored for delivery of measures

5-year trend

2014/15: 10
2015/16: 8
2016/17: 12
2017/18: 5
2018/19: 11

The five-year trend shows that a number of approved planning permissions were supported by landscaping or planting schemes, or schemes were requested by condition to deliver biodiversity enhancement. However, not every application provided biodiversity enhancement, this is because it was not feasible to enhance biodiversity for some operations.

Overall, this is considered to be an appropriate outcome for this indicator and biodiversity enhancement has been provided when necessary.

RAG Monitoring status

N/A as no target included

Indicator 5.2: Change in area and condition of designated and county nature conservation and geological sites caused by waste development

Baseline	Target	Trigger for Review of the Plan/Policy
N/A	No net loss of area or deterioration in condition	One planning permission failing to meet target

5-year trend

2014/15: 0
2015/16: 0
2016/17: 0
2017/18: 0
2018/19: 0

The five-year trend shows that none of the approved applications resulted in any adverse change to designated and county wildlife and geological sites. Therefore, a review of this indicator is not triggered.

RAG Monitoring status

Green

Indicator 5.3: Change in area, type and condition of Devon BAP habitats caused by waste development

Baseline	Target	Trigger for Review of the Plan/Policy
N/A	No net loss of area or deterioration in condition	One planning permission failing to meet target

5-year trend

2014/15: 0
2015/16: 0
2016/17: 0
2017/18: 0
2018/19: 3

In 2018/19 there were three applications located within Devon BAP habitats. Two applications were located within UK Bap Undetermined Woodland and the other was located within UK BAP Coastal Floodplain Grazing Marsh. The applications that fell within Devon BAP habitats were all on previously developed waste land. Two of the applications were located at Kenbury Wood Landfill Site and the other application was located at the Anaerobic Digestion plant in Willand.

DCC's Ecologist commented on two of the applications and didn't raise any concerns about the BAP habitats.

RAG Monitoring status

Amber

Review

The developments are located on existing waste sites. Kenbury Wood Landfill Site is located on the outskirts of Exeter, immediately off of the A38. The Anaerobic Digestion Plant in Willand shares the site with the 2 Sisters Food Group and is adjacent to the M5.

These sites are already well-established, and the proposed applications were minor. Therefore, it's not considered the proposals will harm the BAP habitats and the review shows that the policies relating to this indicator do not need to be updated.

RAG Review status

Review shows that the policies relating to this indicator do not need to be updated.

Green

Indicator 5.4: Planning permissions that result in the loss of, or harm to, assets of heritage value

Baseline	Target	Trigger for Review of the Plan/Policy
N/A	No significant adverse impact	One planning permission

5-year trend

2014/15: 0
2015/16: 0
2016/17: 0
2017/18: 0
2018/19: 0

The five-year trends show that none of the consents granted resulted in the loss of, or harm to, assets of heritage value. Therefore, a review of the indicator is not triggered.

RAG Monitoring status

Green

Indicator 5.5: Planning permissions for waste development having a significant landscape impact on an AONB or National Park

Baseline	Target	Trigger for Review of the Plan/Policy
N/A	No significant adverse impact	One planning permission

5-year trend

2014/15: 0

2015/16: 1 (refused by DCC, allowed on appeal)

2016/17: 0

2017/18: 0

2018/19: 0

One application in 2015/16, for an anaerobic digestion facility at Tamerton Foliot, was refused due to its adverse impact on the Tamar Valley AONB; however, an appeal against this decision was allowed, with the inspector concluding that any detrimental impact of its location within the AONB could be moderated. As such, the final decision on this proposal was that a significant landscape impact on the AONB would not occur as a result of the development. This facility has since not been built and the planning permission has now lapsed.

RAG Monitoring status

Green

Indicator 5.6: Planning permissions for new waste development on previously-developed land

Baseline	Target	Trigger for Review of the Plan/Policy
N/A	50% of permissions for the development of new sites	Less than 25% of permissions for new sites

5-year trend

2014/15: 59%
2015/16: 73%
2016/17: 45%
2017/18: 91%
2018/19: 25%

Within 2018/19, 8 of the 19 approved permissions were classed as new waste development. There were a high number of applications for variation of condition and ancillary facilities at existing waste sites, which did not increase the capacity of an existing operation.

Of the 8 applications constituting new development, only 2 (25%) were located on previously developed land. The remaining 6 were either proposals for on-farm composting or re-profiling on agricultural land through the importation of inert waste.

The 50% target has not been met, but this is largely due to the nature of the types of applications that came forward. However, the 25% result remains within the trigger margin.

RAG Monitoring status

Amber

Review

The 5-year trend shows that two of the years didn't meet the 50% target, however, this is influenced by the nature of the applications that were received. For example, 2018/19 saw 6 applications for new waste development, however they weren't situated on previously developed land. They were located on agricultural land and were either for on-farm composting or re-profiling of the land.

RAG Review status

The review shows that the policies relating to this indicator do not need to be updated but should be kept under review.

Amber

Indicator 5.7: Area of best and most versatile agricultural land lost to waste development

Baseline	Target	Trigger for Review of the Plan/Policy
N/A	No loss	One planning permission

5-year trend

2014/15: 0
2015/16: 0
2016/17: 2
2017/18: 0
2018/19: 1

RAG Monitoring status

Over the 5 years, three of the approved applications resulted in the loss of best and most versatile agricultural land.

In 2016/17, two applications resulted in a combined loss of approximately 0.84 hectares of the best and most versatile (grade 3a) agricultural land. The applications both involved land formation works utilising excavated materials arising from construction of the South Devon Link Road.

In 2018/19, one application resulted in the loss of best and most versatile agricultural land. The application was for the 'remodelling of field ground profiles to reposition a spoil heap'. The northern part of the site was the storage location of the inert wastes in question and the proposal looked to relocate these materials to a field south of the site, which is already in agricultural use. Following the relocation and remodelling the field will be returned to its current use.

As part of the planning process, DCC's Landscape Officer was consulted on the application and commented saying 'the proposals for the northern part of the site are unsympathetic to the locally distinctive landscape character, and that scope to mitigate adverse landscape and visual impacts to acceptable levels has not been taken. There would be loss or degradation of the best and most versatile agricultural land. These issues provide grounds for refusal as contrary to relevant policies of the Devon Waste Plan and South Hams Local Plan, to be considered in the planning balance.' Following this, the agent submitted revised plans for the northern section of the site, which reflected the already approved levels under application no. 2482/17/FUL and the planning officer, considered these revisions to be sympathetic to the locally distinctive landscape character.

Red

Review

The target for best and most versatile agricultural land lost to waste development is no loss.

Three applications over the five years were subject to the loss of best and most versatile agricultural land. Even though one of the applications proposed to reinstate the land to its current use following the remodelling of the field, two of applications still resulted in the loss of best and most versatile land.

However, these applications both involved land formation works utilising excavated materials arising from the construction of the South Devon Link Road. Given these circumstances, it is considered that the construction of the South Devon Link Road that has resulted in the loss of this agricultural land and not these associated permissions for landscaping works.

RAG Review status

The review shows that the policies relating to this indicator do not need to be updated but should be kept under review.

Amber

Indicator 5.8: Number of pollution incidents recorded by the Environment Agency for permitted waste sites

Baseline	Target	Trigger for Review of the Plan/Policy
N/A	No increase in annual number of incidents	10% increase in annual number of incidents

5-year trend

2014/15: Data not collected
2015/16: 0
2016/17: 0
2017/18: 2
2018/19: 3

Incidents recorded above relate to those classed as category 1 (Major Impact) and Category 2 (Significant Impact).

RAG Monitoring status

Red

Review

The Waste Plan seeks to ensure unacceptable planning impacts do not occur as a result of development. However, alongside this, the Environment Agency are responsible for issuing permits to ensure pollution levels remain within regulated limits. Paragraph 7 of the NPPW states:

“When determining waste planning application, waste planning authorities should:

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

Furthermore, paragraph 183 of the NPPF states:

“The focus of planning policies and decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes). Planning decisions should assume that these regimes will operate effectively. Equally, where a planning decision has been made on a particular development, the planning issues should not be revisited through the permitting regimes operated by pollution control authorities.”

Pollution incidents occur when conditions agreed by the Environment Agency are breached. This can be for a number of reasons and is usually due to unforeseen

and/or during atypical circumstances. The responsibility to address these pollution incidents lies with the Environment Agency as the regulating body.

During the 5 years since the adoption of the Waste Plan only a very small number of major and significant pollution incidents have been recorded by the Environment Agency. Changes to the Waste Plan policies would not assist in reducing the number of pollution incidents and therefore it is not deemed necessary to update policies as a result of this indicator at this time.

RAG Review status

Policies relating to this indicator do not need to be updated but should be kept under review.

Amber

Indicator 5.9: The number of waste planning applications incorporating Sustainable Drainage Systems

Baseline	Target	Trigger for Review of the Plan/Policy
N/A	50% of permissions for the development of new sites	Less than 25% of permissions for new sites

5-year trend

2014/15: 2 (15%)
2015/16: 4 (50%)
2016/17: 4 (57%)
2017/18: 10 (83%)
2018/19: 4 (50%)

RAG Monitoring status

Amber

Review

The five-year trend shows that 2014/15 did not meet the 50% target, and instead only reached 15%. However, during 2014/15 there were significantly more applications within Flood Zones (and where appropriate Flood Risk Assessments were provided) or were within Areas Susceptible to Surface Water Flooding but were not of a significant enough scale to constitute a requirement for a Sustainable Drainage System.

Additionally, during 2014/15 changes were being made to validation requirements for applications, the changes reflected the adoption of the Waste Plan as well as wider changes regarding local authority responsibility for Flood Risk Management. Meaning that within the next monitoring period, it was predicated that a more significant number of applications would require the inclusion of Sustainable Drainage Systems.

The 5-year trend clearly demonstrates that after 2014/15 there was an increase in applications incorporating Sustainable Drainage Systems and the 50% target has been met. Therefore, it is not considered that a review of the plan is needed.

RAG Review Status

Green

OBJECTIVE 6: TRANSPORTATION OF WASTE

Indicator 6.1: Planning permissions that accord with highways advice

Baseline	Target	Trigger for Review of the Plan/Policy
None	100%	5% of planning applications in one year not according with highways advice

5-year trend

2014/15: 100%
2015/16: 75%
2016/17: 75%
2017/18: 100%
2018/19: 100%

RAG Monitoring status

Amber

Review

The five-year trend shows that 2015/16 and 2016/17 did not meet the 100% target for planning permissions to accord with highways advice. In 2015/16 and 2016/17, two applications (25%) did not follow the highways advice received.

In the cases where highways advice (recommending construction or traffic management plans) was not followed, alternative measures were taken in order to address the concerns raised. This included through the incorporation of conditions to the permission granted which adequately addressed the advice.

Therefore, the review shows that the policies relating to this indicator do not need to be updated.

RAG Review status

Green

Indicator 6.2: Transportation of waste by rail or water

Baseline	Target	Trigger for Review of the Plan/Policy
None	N/A as dependent on location of future waste development in relation to transportation infrastructure	The proportion of waste transported by rail or water will be monitored

5-year trend

2014/15: 0

2015/16: 0

2016/17: 0

2017/18: 0

2018/19: 0

RAG Monitoring status

N/A as no target included

APPENDIX 4: INDICATOR 1.1: WASTE AUDIT STATEMENTS – MONITORING OUTCOMES

	2014/15		2015/16		2017/18		2018/19	
District	Major permissions granted	Percentage supported by WAS	Major permissions granted	Percentage supported by WAS	Major permissions granted	Percentage supported by WAS	Major permissions granted	Percentage supported by WAS
East Devon	32	0%	25	20%	8	0%	6	33%
Exeter	33	9%	16	25%	12	25%	22	23%
Mid Devon	18	44%	15	47%	26	85%	15	80%
North Devon	41	20%	20	25%	22	27%	20	40%
South Hams	Data not available		27	37%	Data not available		Data not available	
Teignbridge	42	0%	11	9%	6	0%	31	16%
Torridge	24	0%	15	20%	20	20%	19	21%
West Devon	Data not available		4	25%	Data not available		Data not available	
Totals	190	10%	133	26%	94	37%	113	29%

APPENDIX 5: INDICATOR 2.4

The total waste originating in Devon being managed at a facility operating under an environmental permit issued by the Environment Agency. Figures shown are in million tonnes.

Non-hazardous, i.e. HIC (taken from the WDI)

	Total produced in Devon	Total also managed in Devon	%
2014	1.205	0.907	75
2015	1.259	0.909	72
2016	1.263	0.941	74
2017	1.305	0.978	75
2018	1.386	1.048	76

Inert (taken from the WDI)

	Total produced in Devon	Total also managed in Devon	%
2014	1.015	0.928	91
2015	1.248	1.082	87
2016	1.136	1.055	93
2017	1.319	1.190	90
2018	1.512	1.400	93

Non-hazardous and Inert combined (Taken from the WDI)

	Total produced in Devon	Total also managed in Devon	%
2014	2.220	1.835	83
2015	2.507	1.991	79
2016	2.399	1.996	83
2017	2.625	2.169	83
2018	2.898	2.449	84

Hazardous (taken from the Hazardous WDI)

	Total produced in Devon	Total also managed in Devon	%
2014	40,500	11,900	29
2015	38,722	13,018	34
2016	37,343	11,644	31
2017	48,964	14,574	30
2018	75,213	40,422	54

Review of the Devon Waste Plan

Topic Paper 2:

Review of consistency with National Policy

August 2020

Devon County Council
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1.1. Introduction

- 1.1.1. This report provides a consideration of how national planning policy has changed since the adoption of the Waste Plan and an assessment of the Waste Plan's conformity with current national planning policy. It also considers other national policy drivers, and whether these are reflected appropriately in the Waste Plan.

1.2. Context

- 1.2.1. Section 2.2 of the Waste Plan, specifically paragraph 2.2.2, provides the national planning policy context within which the Waste Plan was prepared. This indicates that the preparation of the Waste Plan had regard to both the National Planning Policy Framework (NPPF), the National Planning Policy for Waste (NPPW), as well as the Waste Management Plan for England.

1.3. National Planning Policy Framework

- 1.3.1. The NPPF has been updated twice since the adoption of the Waste Plan. The first update published in July 2018 implemented a number of reforms announced previously through the Housing White Paper, the 'planning for the right homes in the right places' consultation and the draft revised National Planning Policy Framework consultation. Further to this, very minor changes to the text were made following a technical consultation and the most recent version was published in February 2019.
- 1.3.2. The changes to the NPPF include encouragement towards strategic plan-making. Linked to this is the strengthening of the duty to co-operate with the addition of a requirement for the preparation of statements of common ground during plan preparation. These are required to document the cross-boundary issues to be addressed through plan and the progress in dealing with them.
- 1.3.3. Other NPPF revisions include (but are not limited to):
- uses of land and developing green and brownfield land;
 - greater emphasis on design of development;
 - more guidance on the change of use of land in the Green Belt;
 - more guidance on flood risk;
 - consideration of undeveloped coasts and public access to the coast;
 - more guidance on designated landscapes;
 - consideration of ground conditions and impacts of air quality on natural environment; and
 - greater emphasis on energy security.
- 1.3.4. Whilst amendments have been made in a number of areas, the key principles at the heart of the NPPF have not fundamentally changed. A large number of changes impact upon the way in which local planning authorities plan for housing development and therefore are not relevant to the Waste Plan.
- 1.3.5. In order to consider whether the Waste Plan is still consistent with the NPPF, an assessment of alignment to the Waste Plan policies has been undertaken. This has sought the input of specialist officers at the County

Council with regard to biodiversity, flooding, historic environment and landscape. A small number of minor suggestions were made (in relation to policies W12: Landscape and Visual Impact and W19: Flooding) which would enhance alignment to the updated version of the NPPF, however the Waste Plan policies remain fundamentally aligned to national planning policy.

- 1.3.6. Appendix 1 sets out the relationship between the Waste Plan policies and the NPPF.
- 1.3.7. This indicates that the Waste Plan policies continue to be consistent with the current NPPF and the revised NPPF does not result in the need for an update of Waste Plan policies at this time.

1.4. National Planning Policy for Waste

- 1.4.1. During the preparation of the Waste Plan, the government were in the process of preparing the NPPW which would supersede PPS10 following its publication. This meant it was necessary for the Waste Plan to reflect this emerging policy. This matter was considered through the examination of the Waste Plan and addressed in paragraph 22 of the Inspector's report which highlights:

"In July 2013, the Department for Communities and Local Government entered into a consultation on waste policy that would replace that set out in Planning Policy Statement 10. This emerging policy was discussed, where appropriate, at the examination hearings. I have had regard to the consultation draft in writing this report. However, at the time of writing, the final version of the policy has not been published."

- 1.4.2. The Inspector's report was received on 6th October 2014 and the NPPW was published shortly after on 16th October 2014. When approval to adopt the Waste Plan was sought in November 2014, an assessment of conformity with the NPPW was included¹ outlining how the Waste Plan met the requirements of the NPPW. The conclusion was that the Plan is in conformity with the NPPW and the Development Management Committee endorsed that conclusion.
- 1.4.3. The NPPW has not been updated since its publication and, therefore, the Waste Plan remains in conformity with this national policy document and as such it is not necessary to update the Waste Plan policies at this time.

1.5. Waste Management Plan for England

- 1.5.1. Whilst not representing planning policy, the Waste Management Plan for England² also formed part of the national policy context when preparing the Waste Plan. This document was published in December 2013 and has not

¹ Appendix I

[https://democracy.devon.gov.uk/cestdocuments.aspx?MID=835&DF=26%2f11%2f2014&A=1&R=0&F=embed\\$text only-pte1483.htm](https://democracy.devon.gov.uk/cestdocuments.aspx?MID=835&DF=26%2f11%2f2014&A=1&R=0&F=embed$text%20only-pte1483.htm)

²

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/265810/pb14100-waste-management-plan-20131213.pdf

been updated since and therefore the Waste Plan policies remain consistent with this document.

1.6. Other policy change drivers

- 1.6.1. In addition to the national policy discussed above, there have been a number of other government publications which have are relevant to the Waste Plan policies. Many of these are currently under preparation with final outcomes not being known at this stage. These are discussed below.

1.7. 25 Year Environment Plan

- 1.7.1. In January 2018, the Government published “*A Green Future: Our 25 Year Plan to Improve the Environment.*”³ The plan sets out the Government’s goals for improving the environment within a generation and leaving it in a better state than we found it. It details how government will work with communities and businesses to do this. The Plan sits alongside two other important government strategies: The Industrial Strategy and the Clean Growth strategy.
- 1.7.2. The Plan sets out a number of policies. Chapter 4 focuses on ‘*Increasing resource efficiency and reducing pollution and waste*’. Policies include:
- I. Achieving zero avoidable plastic waste by the end of 2042
 - II. Reducing food supply chain emissions and waste
 - III. Reducing litter and littering
 - IV. Improving management of residual waste
 - V. Cracking down on fly-tippers and waste criminals
 - VI. Reducing the impact of wastewater
- 1.7.3. Other elements of the 25 Year Environment Plan have the potential to impact upon the Waste Plan. Notably the proposal to embed an ‘environmental net gain’ principle for development. This has since been subject to government consultation in 2019 and government is now in the process of mandating net gains for biodiversity through the Environment Bill. The Bill is currently being considered by a Public Bill Committee which is expected to report to the House of Commons by 5th May 2020.
- 1.7.4. Part 6 of Policy W11: Biodiversity and Geodiversity of the Waste Plan currently states that, “*Waste management development proposals will be permitted where they result in a net gain for wildlife proportionate to the nature and scale of the proposal*”. In this regard a requirement for net gain is already incorporated to the policy.

1.8. The Industrial Strategy

- 1.8.1. The strategy⁴ sets out how the government intends to build a Britain fit for the future – helping businesses create better, higher-paying jobs with investment in the skills, industries and infrastructure of the future.
- 1.8.2. Reducing waste and treating unavoidable waste as a valuable resource feature strongly within the circular economy agenda outlined in the strategy.

³ <https://www.gov.uk/government/publications/25-year-environment-plan>

⁴ <https://www.gov.uk/government/publications/industrial-strategy-building-a-britain-fit-for-the-future>

The circular economy replaces extraction and waste with restoration and regeneration. Products, components and materials are reused in ways that maintain their utility and value as they move through biological and technical cycles. Measures to move towards a circular economy are proposed, with specific measures relating to waste including:

- 20 per cent per capita reduction in food waste by 2025;
- Continually strengthening policies in line with national ambitions of zero avoidable waste and a doubling of resource productivity by 2050, including through our 25-year Environment Plan and a new strategy for resources and waste.

1.8.3. The ‘circular economy’ is a new term which has been introduced over the last five years and it does not feature in the adopted Waste Plan. Despite this, the concept of reducing waste and treating unavoidable waste as a valuable resource is not new and is embedded in the Waste Plan.

1.9. The Clean Growth Strategy

1.9.1. This strategy⁵ sets out our proposals for decarbonising all sectors of the UK economy through the 2020s. It explains how the whole country can benefit from low carbon opportunities, while meeting national and international commitments to tackle climate change. It sets out a number of key policies and proposals in relation to waste, including:

- Work towards our ambition for zero avoidable waste by 2050, maximising the value we extract from our resources, and minimising the negative environmental and carbon impacts associated with their extraction, use and disposal;
- Publish a new Resources and Waste Strategy to make the UK a world leader in terms of competitiveness, resource productivity and resource efficiency;
- Explore new and innovative ways to manage emissions from landfill;
- Innovation: Invest £99 million in innovative technology and research for agri-tech, land use, greenhouse gas removal technologies, waste and resource efficiency.

1.9.2. The Waste sector has a key role to play in decarbonising the UK economy. The Waste Plan incorporates numerous measures to assist in achieving this objective. This includes managing waste in accordance with the waste hierarchy and using residual waste to efficiently generate renewable and low carbon energy. There is also the opportunity to design waste management facilities to minimise energy demand and heat loss as well as incorporate renewable and low carbon energy to meet on site need.

1.10. Our Waste, Our Resources: A Strategy for England

1.10.1. Published in December 2018, this strategy⁶ sets out how material resources

⁵

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/700496/clean-growth-strategy-correction-april-2018.pdf

⁶

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/765914/resources-waste-strategy-dec-2018.pdf

will be preserved by minimising waste, promoting resource efficiency and moving towards a circular economy in England. It also outlines how the damage caused to our natural environment will be minimised by reducing and managing waste safely and carefully.

1.10.2. The strategy includes a number of measures for Waste Disposal Authorities (WDAs) and Waste Collection Authorities (WCAs) to implement, although there are implications upon waste planning policy.

1.10.3. Although now formalised through the publication of the strategy, these key themes set out had already been identified when the Waste Plan was being developed, including minimising waste, resource efficiency and moving towards a circular economy.

1.10.4. The strategy includes a number of key milestones including:

- 50% recycling rate for household waste by 2020
- 65% recycling rate for municipal solid waste by 2035
- Municipal waste to landfill 10% or less by 2035.

1.10.5. Devon is already achieving the 50% recycling rate for household waste (55% in 2018/19). The Waste Plan aims to achieve a 64% LACW recycling rate by 2024/25 and maintain that rate to the end of the plan period, this is therefore in line with the national aim to achieve 65% by 2035. Finally, the Waste Plan includes ambitious targets to reduce the amount of LACW (municipal waste) to landfill, with the aim to reduce amounts to no more than 5% of the total produced. This exceeds the government target of 10%.

1.11. Summary

1.11.1. Whilst the NPPF has seen updates in a number of areas, fundamentally the overarching objectives and principles have not changed and therefore the Waste Plan policies remain in conformity with this national planning policy.

1.11.2. With regard to the NPPW, this has not changed since the adoption of the Waste Plan and therefore the Plan policies continue to be in conformity. At the time of writing it is understood that an update to the NPPW is due. The County Council will consider the implications of any update as and when it is published.

1.11.3. The wider government policy context has evolved significantly since the adoption of the Waste Plan, with the publication of numerous reports setting out targets and measures to be implemented in order to work towards clean growth and a sustainable circular economy.

1.12. Conclusion

1.12.1. The Waste Plan policies remain in conformity with national planning policy and as such at this time it is not necessary to update the Plan in this regard. This should be reconsidered when these documents are updated by government in due course. It is also necessary to continue monitoring other national policy developments which may have implications on the Waste Plan.

APPENDIX 1: REVIEW OF WASTE PLAN CONSISTENCY WITH THE NATIONAL PLANNING POLICY FRAMEWORK

Waste Plan Policy	Relevant sections of the NPPF (February 2019)	Is there alignment between the Waste Plan policy and the NPPF
W1: Presumption in favour of sustainable development	Section 2 – Achieving sustainable development. Para 11 - the presumption in favour of sustainable development.	Yes – policy W1 supports the overarching objectives set out in this part of the NPPF. The wording in parts 3 a and b of W1 is not identical to 11 c and d of para 11 but it embodies the same principles.
W2: Sustainable Waste Management	Section 2 – Achieving sustainable development. Para 7, 8 and 9.	Yes – the criteria provided in Policy W2 cut across the three overarching objectives (economic, social and environmental) set out in para 8 and works towards their achievement.
W3: Spatial Strategy	Section 3 – Plan making. Strategic policies, para 20.	Yes - this part of the NPPF is focused upon LPA Local Plans rather than WPA Waste Plans, however, it does state, “Strategic policies should set out an overall strategy for the pattern, scale and quality of development”. Part d specifically refers to waste management facilities. This is provided through Policy W3.
W4: Waste Prevention	Section 2 Achieving sustainable development. Para 8 part c.	Yes – Policy W4 seeks to ‘minimise waste’ which is included as a key element of the environmental objective in achieving sustainable development.
W5: Reuse, Recycling and Materials Recovery	Section 2 Achieving sustainable development. Para 8 part c.	Yes. Whilst the NPPF does not specifically refer to reuse, recycling and materials recovery, inherently these processes seek to reduce the need for natural resources and therefore reflect the environmental objective embedded within achieving sustainable development.

Waste Plan Policy	Relevant sections of the NPPF (February 2019)	Is there alignment between the Waste Plan policy and the NPPF
W6: Energy Recovery	<p>Section 2 Achieving sustainable development.</p> <p>Section 14 meeting the challenge of climate change, flooding and coastal change.</p> <p>Section 15 Conserving and enhancing the natural environment</p>	<p>Yes. Similarly, to W5 above, the NPPF does not specifically refer to energy recovery from waste, however inherently this process seeks to reduce the need for natural resources (i.e. energy from fossil fuels) and therefore reflects the environmental objective embedded within achieving sustainable development.</p> <p>Part 4 of W6 which seeks to ensure there are no unacceptable impacts upon Natura 2000 sites reflects the approach in Section 15 of the NPPF on Conserving and enhancing the natural environment.</p> <p>Para 20 indicates strategic policies should make sufficient provision for energy (including heat). Para 148 states the planning system should support renewable and low carbon energy and associated infrastructure.</p>
W7: Waste Disposal	<p>Section 2 Achieving sustainable development.</p> <p>Section 15 Conserving and enhancing the natural environment</p>	<p>Yes. As above, the NPPF does not specifically refer to the disposal of waste, however the approach adopted in W7 which seeks to minimise the amount of waste sent for disposal supports the principles of sustainable development as reflected in section 2 of the NPPF.</p> <p>Part 5 of W7 which seeks to ensure there are no unacceptable impacts upon Natura 2000 sites reflects the approach in Section 15 of the NPPF on Conserving and enhancing the natural environment.</p>
W8: Waste Water Treatment	Section 3. Plan making	<p>Yes. The NPPF recognises the need for strategic policies to plan sufficiently for wastewater (para 20 b). Part 1 c of W8 seeks to ensure the impacts of this type of development does not have significant adverse impacts on a number of receptors which aligns with the approach set out in the NPPF.</p>

Waste Plan Policy	Relevant sections of the NPPF (February 2019)	Is there alignment between the Waste Plan policy and the NPPF
W9: The Management of Special Types of Waste	Section 2 Achieving sustainable development.	The NPPF does not deal with the management of special types of waste. Policy W9 recognises the need to avoid adverse impacts on local communities and the environment which aligns with the objectives of sustainable development as set out in the NPPF.
W10: Protection of Waste Management Capacity	Section 2 Achieving sustainable development.	The NPPF does not address the need to protect waste management capacity. However this policy seeks to ensure the continued operation of important waste management facilities and ensure occupants of potential development proposals are not negatively impacted upon and therefore supports the objectives of sustainable development as set out in the NPPF.
W11: Biodiversity & Geodiversity	Section 15 – Conserving and enhancing the natural environment Para 174, 175, 176 & 177 – habitats and biodiversity.	Yes - policy W11 supports the overarching objectives set out in this part of the NPPF. W11 is split into 5 sections, and the NPPF covers these sections over paragraphs 174 – 177. The wording isn't identical, but the policy is in line with the objectives.
W12: Landscape and Visual Impact	Section 15 – Conserving and enhancing the natural environment Para 170 & 172 – Conserving and enhancing the natural environment	Yes – policy W12 supports the overarching objectives set out in this part of the NPPF. The wording in parts of W12 is not identical to para 170 a, b & d but it embodies the same principles. Similarly, with para 172, the overarching principles are there.
W13: The Historic Environment	Section 16 – Conserving and enhancing the historic environment Para 184 – overarching objective for conserving and enhancing the historic environment. Para 185 - Plans should set out a positive strategy for the	Yes – policy W13 supports the overarching objectives set out in paragraphs 184 and 185. Whilst slightly restructured and some additional wording has been added (simply outlining the wide range of heritage assets), these paragraphs remain fundamentally unchanged from paragraph 126 of the 2012 NPPF under which the Waste Plan was prepared and as such the policy remains in alignment.

Waste Plan Policy	Relevant sections of the NPPF (February 2019)	Is there alignment between the Waste Plan policy and the NPPF
	<p>conservation and enjoyment of the historic environment Para 189 – assessment of significance of heritage assets affected Para 190 – Proposals affecting heritage assets Paras 194-198 – Considering potential impacts and public benefit Para 199 – archaeological/historic building mitigation Para 200 – enhancing the historic environment</p>	<p>The second sentence in part 1 of policy W13 reflects the requirements set out in para 189 to assess the significance of any heritage assets affected by development proposals.</p> <p>Para 190 advises that proposals should seek to ‘avoid or minimise’ any conflict between the heritage asset’s conservation and any aspect of the proposal and this is reflected in parts 1 and 2 of Policy W13. Paragraphs 194-198 set out how local planning authorities should deal with harm to the historic environment. Policy W13 incorporates the key elements of this and is also compliant with paras 199 and 200.</p>
W14: Sustainable and Quality Design	<p>Section 12 – Achieving well-designed places Para 124 & 127 Section 14 – Meeting the challenge of climate change, flooding and coastal change Para 149 – Planning for climate change</p>	<p>Yes – Policy W14 supports the overarching objectives set out in paragraphs 124, 127 & 149 of the NPPF. The wording is not identical, but Policy W14 follows the same principles, which is to achieve sustainable development. Paragraph 127 focuses on what planning policies and planning decisions should ensure in order to achieve well-designed places. Policy W14 incorporates a similar directive. Paragraph 149 of the NPPF looks for policies to take a proactive approach to mitigating and adapting to climate change, as well as ensuring the future resilience of communities and infrastructure to climate change impacts. Again, Policy W14 embodies similar principles.</p>
W15: Infrastructure and Community Services	<p>Section 3 – Plan making Para 20 – strategic policies</p>	<p>Yes – paragraph 20, part b states that strategic policies should make sufficient provision for infrastructure including energy (including heat) and water supply. Policy W15 seeks to ensure waste management development makes efficient use of these infrastructure services and does not significantly adversely affect them.</p>

Waste Plan Policy	Relevant sections of the NPPF (February 2019)	Is there alignment between the Waste Plan policy and the NPPF
W16: Natural Resources	Section 15 – Conserving and enhancing the natural environment Para 170 – Conserving and enhancing the natural environment	Yes - Policy W16 supports the overarching objectives set out in para 170 b, e & f and embodies the same principles.
W17: Transportation and Access	Section 9 – Promoting sustainable transport Para 108, 109 & 110 – Considering development proposals	Yes - Policy W17 supports the overarching objectives set out in these three paragraphs of the NPPF. The wording in parts of W17 is not identical to the paragraphs, but it embodies the same principles.
W18: Quality of Life	Section 15 – Conserving and enhancing the natural environment Para 180 – ground conditions and pollution Section 12 – Achieving well-designed places Para 127 – Achieving well-designed places	Yes - Policy W18 supports the overarching objectives set out in paragraph 180. The paragraph states that development should be appropriate for its location and considers the likely effects of pollution on health, living conditions and the natural environment. Policy W18 sets out that peoples' quality of life and amenity will be protected. Therefore, it is considered the policy incorporates the same principles. Policy W18 also supports the overarching objectives set out in paragraph 127-part a and f of the NPPF.
W19: Flooding	Section 14 – meeting the challenge of climate change, flooding and coastal change Para 150 – Planning for climate change Para 155, 156, 157, 158, 159 & 160 – Planning and flood risk	Yes - Policy W19 supports the overarching objectives set out in these paragraphs of the NPPF. The wording in parts of W19 is not identical to the paragraphs, but it embodies the same principles. Which is, inappropriate development should be avoided. Where development is necessary in such areas, development should be made safe for its lifetime and not increase flood risk elsewhere.

Waste Plan Policy	Relevant sections of the NPPF (February 2019)	Is there alignment between the Waste Plan policy and the NPPF
W20: Restoration & Aftercare	Not applicable – there are no relevant sections in the NPPF that outline restoration and aftercare for waste, only minerals development.	Not applicable – there are no relevant sections in the NPPF that outline restoration and aftercare for waste, only minerals development.
W21: Making Provision for Waste Management	Section 3 – Plan Making Para 20 – Strategic policies	Yes – paragraph 20 of the NPPF states that policies should ensure sufficient provision is made within developments for waste management. Policy W21 is in conformity as it provides the criteria which proposals for major non waste development must demonstrate in order to meet this requirement.

Review of the Devon Waste Plan

Topic Paper 3: Spatial Strategy Review

August 2020

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1.1. Introduction

- 1.1.1. This report provides a consideration of whether the spatial strategy underpinning the Waste Plan is being effectively delivered and whether it remains fit for purpose going forward.
- 1.1.2. Whilst inherently linked to the spatial strategy, delivery of the vision and policy objectives are considered in a separate report as part of the review of annual monitoring data (Waste Plan Review Topic Paper 1).

1.2. Evidence informing the development of spatial strategy

- 1.2.1. During the preparation of the Waste Plan, a topic paper was produced¹ to set out how the spatial strategy had been developed and the evidence which had been used to inform its direction. The report was split into three chapters.
- 1.2.2. The first considered the spatial characteristics of Devon. This included a discussion of the geographical and settlement pattern within Devon, highlighting the major centre of population is Exeter (120,000), with the next largest towns being Exmouth (36,000), Newton Abbot (25,000) and Barnstaple (25,000)². With the exception of the cluster of towns in northern Devon, the main settlements are broadly located within the M5/A38 corridor of eastern and southern Devon.
- 1.2.3. It also referred to the spatial strategy set out in the Devon Structure Plan (2004). In this Plan, Exeter was identified alongside Plymouth and Torbay as a 'Principal Urban Area' and as such recommended that these settlements should be the focus for strategic growth. The Structure Plan also identified Barnstaple and Newton Abbot as Sub Regional Centres in recognition of their role in meeting strategic development needs within their areas (while Exmouth's population is greater than either of these towns, its proximity to Exeter and more limited economic base limit its strategic function).
- 1.2.4. The report set out the current pattern of waste management facilities across Devon and included a series of maps to display how facilities were geographically spread across the county. The paper highlighted how the generation of local authority-collected waste and commercial and industrial waste is closely linked to the distribution of Devon's population and businesses, while construction, demolition and excavation waste is generated through new development.
- 1.2.5. The second chapter of the report outlined the options for the spatial approach which had been developed and consulted upon during the preparation of the Waste Plan. This included a centralised, a local and a mixed approach. The outcome of public consultation indicated the mixed spatial approach as the favoured option. The mixed approach could allow for a number of medium-sized facilities with similar capacities, or alternatively one or more medium-sized facilities and a series of smaller facilities reflecting local need. Areas of search were defined around the 14 largest

¹ Waste Topic Paper 8, available to download at <https://www.devon.gov.uk/planning/planning-policies/minerals-and-waste-policy/devon-waste-plan>

² These estimates were from 2012.

market and coastal towns together with Cranbrook and Sherford new communities, and alongside the M5/A38 corridor. All options were subject to sustainability appraisal and Habitat Regulation Assessment and the outcomes of these assessments were used to develop the approach further.

- 1.2.6. The third chapter of the topic paper presented how the mixed spatial approach was refined and policy W3 was developed. It includes a consideration of planned development levels and locations across Devon and anticipated cross boundary movement of waste management.
- 1.2.7. The evidence provided within the Waste Topic Paper and Policy W3 was tested at the Examination of the Devon Waste Plan and found to be sound subject to main modifications. These modifications were consulted upon and incorporated in advance of the adoption of the Plan.

1.3. Policy W3: Spatial Strategy

- 1.3.1. Policy W3 sets out the spatial strategy for the Waste Plan as follows:

Policy W3: Spatial Strategy

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

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

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

- 1.3.2. The Waste Plan defined strategic facilities for recycling and recovery as those capable of managing a minimum of 40,000 tonnes of LACW, CIW and/or CDEW, or in excess of 10,000 tonnes of hazardous or radioactive waste.
- 1.3.3. The spatial strategy is illustrated in Figure 3.1 on page 55 of the Waste Plan and replicated in Figure 1 below.



Figure 1: The Spatial Strategy for the Devon Waste Plan

1.4. The location of operational waste management facilities

- 1.4.1. Figures 2.6, 2.7, 2.8 and 2.9 of the Waste Plan display the locations of existing facilities at the time the plan was adopted. As part of the Waste Plan review, this has been reconsidered and updated using the Waste Data Interrogator³ (WDI) published by the Environment Agency. This database includes details of sites operating under an environmental permit which received waste for the given year. The latest dataset available is for 2018.
- 1.4.2. This data indicates that during 2018, 159 sites in Devon received waste. Of these, 142 (89%) were located within the area identified as forming the

³ <https://data.gov.uk/dataset/312ace0a-ff0a-4f6f-a7ea-f757164cc488/waste-data-interrogator-2018>

spatial strategy embedded within the Waste Plan. This is displayed in Figure 2 below.

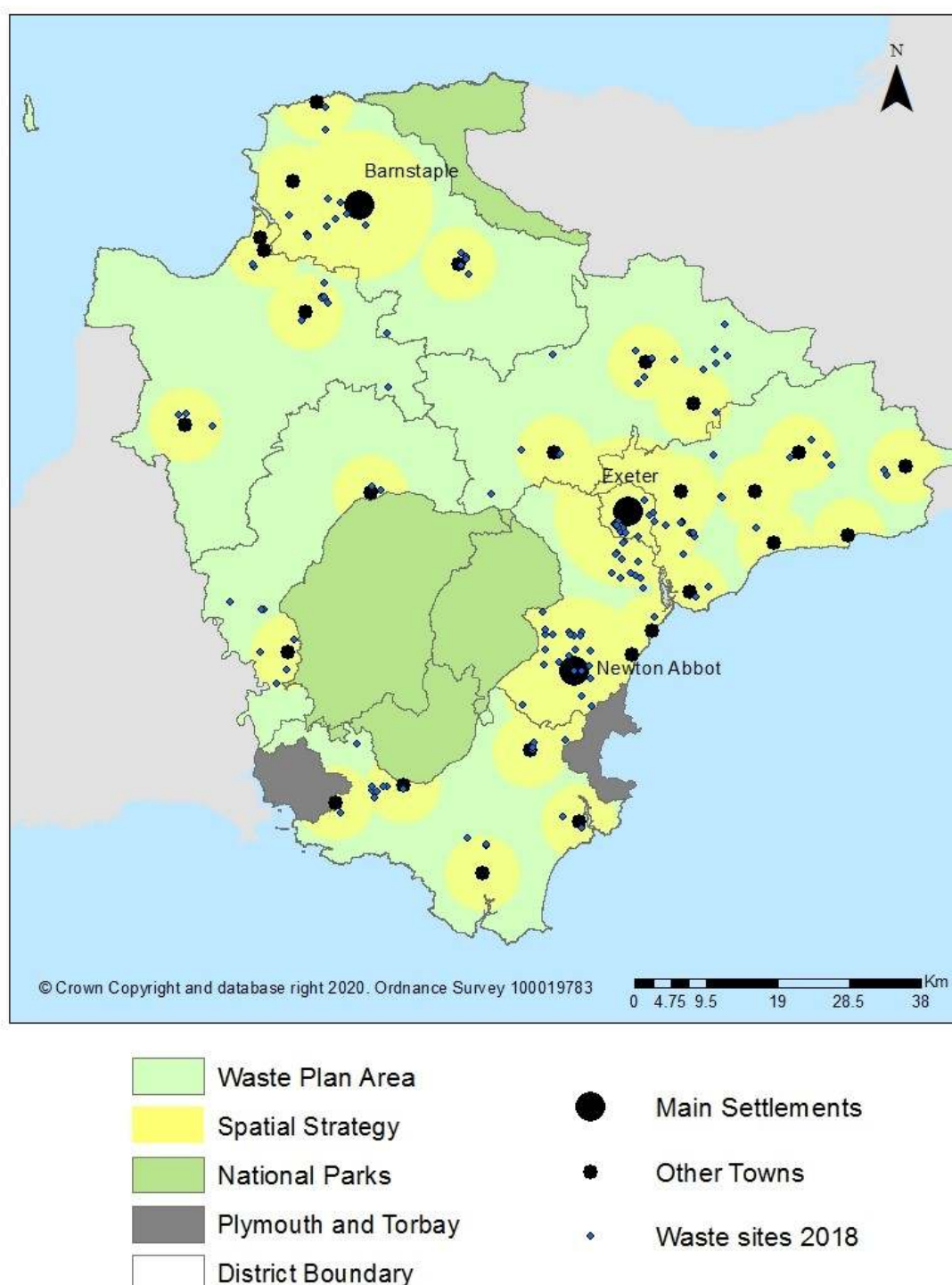


Figure 2: The location of operational waste sites in 2018

- 1.4.3. As can be seen there are large clusters of facilities centred around Barnstaple, Exeter and Newton Abbot, with smaller clusters around a number of the 'other towns' including Bideford, South Molton, Tiverton, Honiton, Axminster, Totnes, Tavistock, Okehampton and Holsworthy.
- 1.4.4. Of the 17 facilities located outside of the area identified as part of the spatial

strategy, the majority of these are small in scale, 12 of the 17 sites received less than 10,000 tonnes of waste in 2018. Part (c) of Policy W3 allows for small scale facilities within or close to the communities they serve. As such the policy makes provision for small scale facilities at locations which are not in or close to the main settlements or other towns.

- 1.4.5. The site accepting the largest amount of waste outside of the area identified was Broadpath landfill site. This site is located with a cluster of other facilities close to the M5 north of Cullompton. This site has since closed.
- 1.4.6. Other site types included on farm anaerobic digestion, waste transfer, composting, construction, deposit of waste to land, MRF, physical treatment and vehicle depollution.
- 1.4.7. This analysis demonstrates that the location of operational waste facilities meeting Devon's waste management requirements is largely in conformity with the spatial strategy set out within the Waste Plan.

1.5. Implementation of Policy W3 since the adoption of the Waste Plan

- 1.5.1. To consider whether the spatial strategy has been effectively implemented since the adoption of the Waste Plan, a review of sites where planning permission has been granted has been undertaken.
- 1.5.2. Firstly, this has considered whether proposals for strategic waste management facilities have been at the locations envisaged through Policy W3. Table 1 and Figure 3 below presents the findings from this exercise. The numbering of sites in Figure 3 reflects the order of the discussion presented below.

	December 11 th 2014-31st March 2015	2015-16	2016-17	2017-18	2018-19	Total
Within or close to Exeter, Barnstaple, Newton Abbot	1	0	1	4	1	7
Not within or close to Exeter, Barnstaple, Newton Abbot	0	1	1	3	0	5

Table 1: The locations of planning permissions granted for strategic waste management facilities since the adoption of the Waste Plan

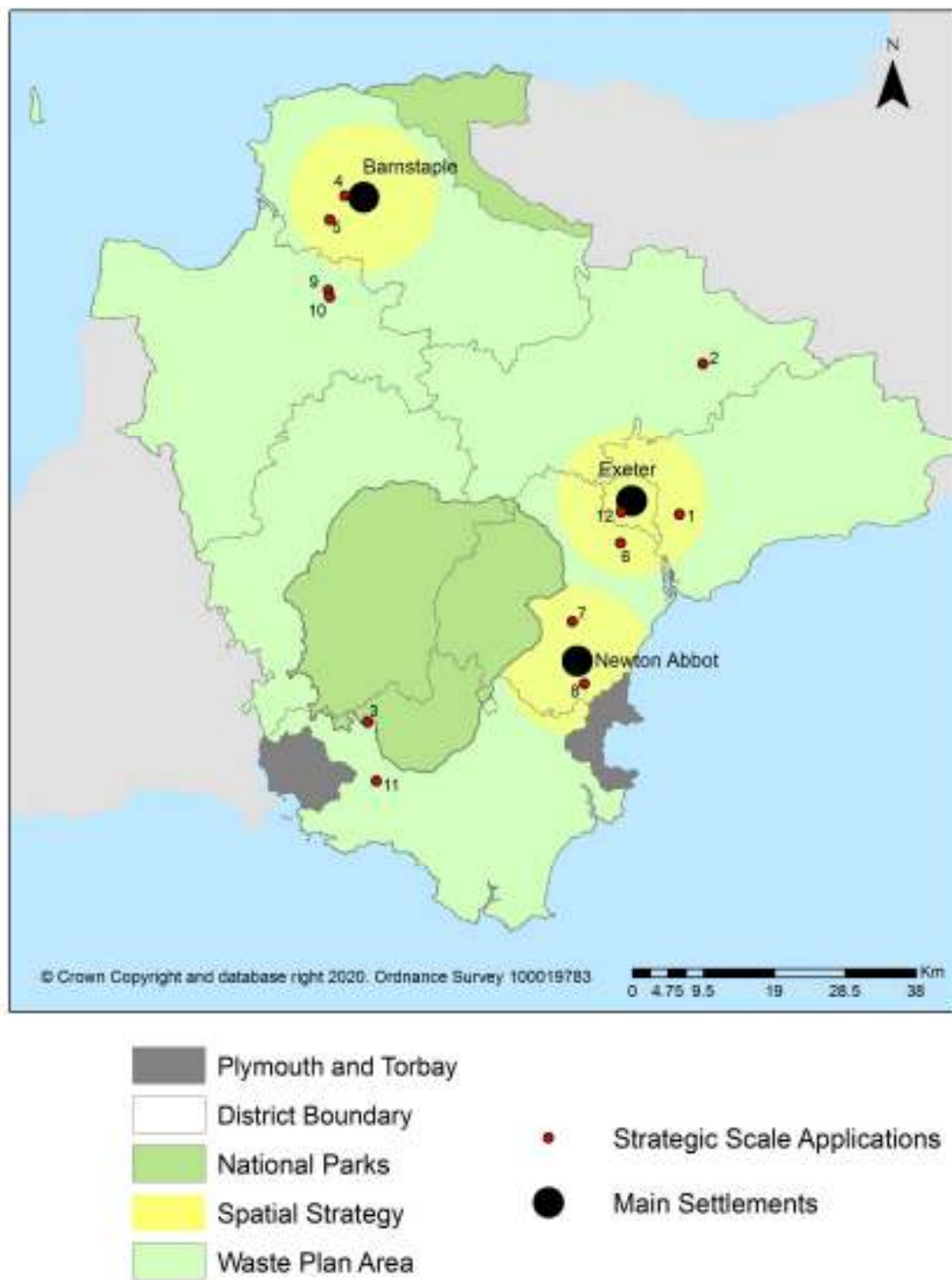


Figure 3: The location of strategic scale waste planning applications approved from 11th December 2014 – 31st March 2019

1.5.3. Findings are as follows:

- 2014/15 Waste Plan adopted three quarters into this annual monitoring period. Only one strategic scale application⁴ granted during the

⁴ DCC/3677/2014 Proposed extension to the area of the existing inert tip – 110,000 tonnes.

remainder and this was at Hill Barton Business Park which is close to Exeter (1 in Figure 3).

- During 2015/16 a single strategic scale application was approved for an anaerobic digestion plant at Willand (2 in Figure 3). Whilst not at or close to one of the three settlements stated in policy W3, the site is immediately adjacent to 50% of the anticipated input (100% of the waste to be input), will remove existing waste movements from the road network and will provide scrubbed biogas directly into the national gas grid rather than needing to use it on the site. The site is also in close proximity to the strategic road network (M5).
- During 2016/17, two strategic scale applications were granted. The first was a temporary permission at Lee Moor China Clay works (3 in Figure 3) for the importation, storage and treatment of waste materials which would assist in the restoration of the quarry. As such, this is considered an appropriate location. The remaining strategic application which was approved during this monitoring period was for a material recycling facility (MRF) and skip storage site in Barnstaple⁵ (4 in Figure 3), therefore according with the spatial strategy in policy W3.
- 2017/18 saw the largest number of applications for strategic planning applications in a single year since the adoption of the Waste Plan. A total of 7 were granted permission during this year. Four of these were for proposals that were at or close to Exeter, Barnstaple or Newton Abbot, including a new waste transfer station west of Brynsworthy Environment Centre in Barnstaple⁶ (5 in Figure 3), a consolidating application for operations at Kenbury Wood landfill site close to Exeter⁷ (6 in Figure 3), change of use for the in-vessel composter at Heathfield landfill site near Newton Abbot⁸ (7 in Figure 3) and an application at Yannon Lane inert landfill site also near Newton Abbot (8 in Figure 3). Three strategic proposals were approved which were not located at the named settlement. Two of these were located at Deep Moor landfill site⁹ (9 and 10 in Figure 3) which is a long-established significant waste management facility. The remainder was at Challonsleigh Farm¹⁰ located in South Devon (11 in Figure 3) which is also a long-established waste management site located close to Plymouth and the strategic road network (A38).
- In 2018/19 a single strategic waste management application was approved. This was located on Marsh Barton industrial estate in Exeter¹¹ (12 in Figure 3).

1.5.4. This review demonstrates that whilst the majority (58%) of new permissions for strategic waste management facilities are being approved at the locations set out in Policy W3, there are still examples where alternative sites have been considered appropriate and approved. These largely relate to sites where there were already significant waste management operations

⁵ DCC/3913/2016

⁶ DCC/3951/2017

⁷ DCC/3868/2016

⁸ DCC/3968/2017

⁹ DCC/3956/2017 and DCC/3995/2017

¹⁰ DCC/4003/2017

¹¹ DCC/4042/2018

or where they are for a location specific purpose e.g. restoration of a quarry.

- 1.5.5. Additional analysis has been undertaken to consider whether the non-strategic and small-scale waste applications approved since the adoption of the Waste Plan have been in conformity with the spatial strategy.
- 1.5.6. Part (b) of Policy W3 indicates non-strategic reuse, recycling and recovery facilities should be located at the settlements identified in (a) or within or close to Devon's other towns and part (c) of Policy W3 states small-scale community-based reuse, recycling and composting facilities should be located within or close to the community they serve and/or at the point of the arising or final use of the waste materials.
- 1.5.7. The findings from this exercise is presented in Figure 4 below. Please note permissions that were not deemed to constitute waste development, for example new site offices, weighbridges etc have not been included in this list.

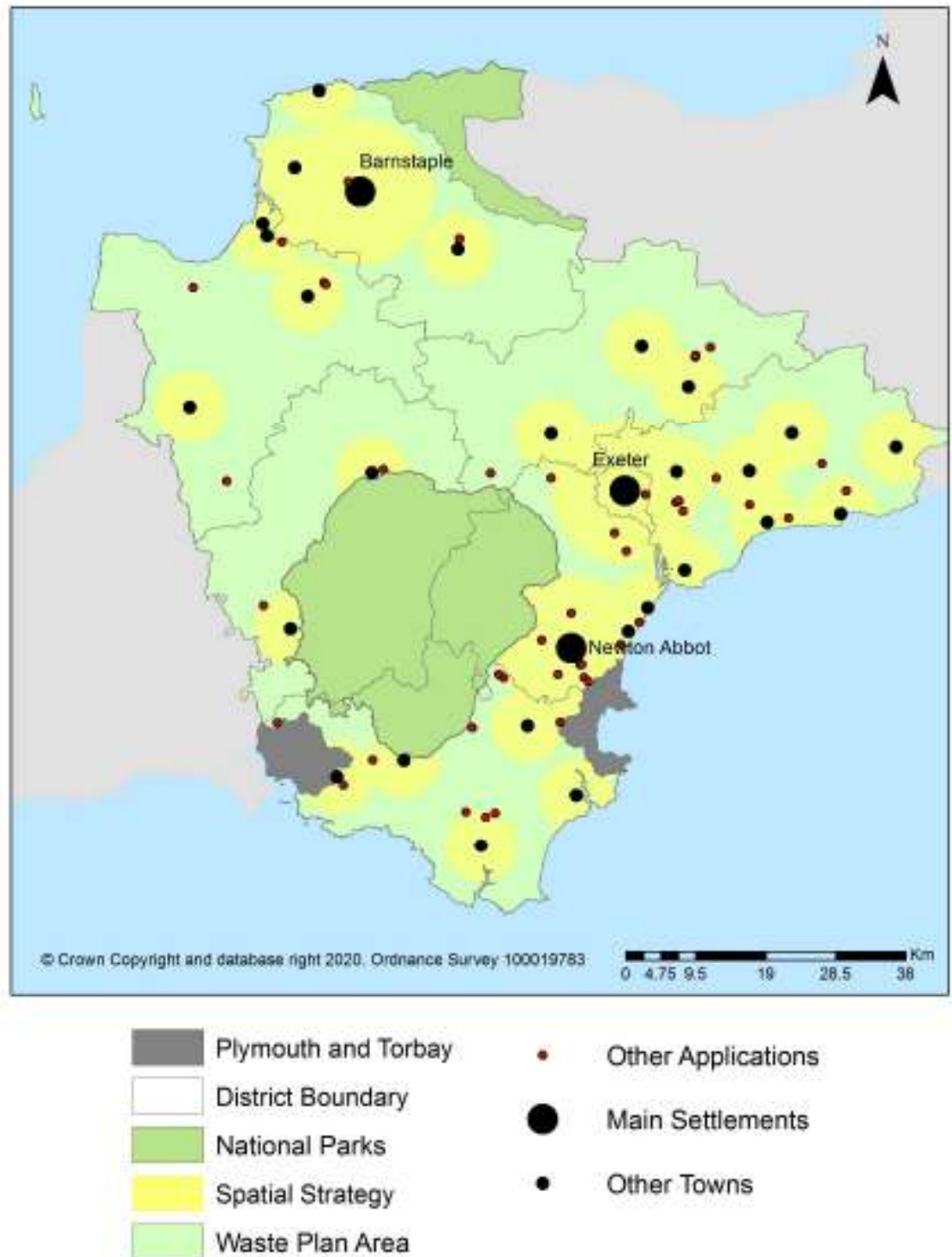


Figure 4: The location of other waste planning applications approved from 11th December 2014 – 31st March 2019

1.5.8. This analysis demonstrates that the large majority (73%) of planning applications for waste development were located within the area identified as part of the Spatial Strategy. The remainder mainly consisted of small

scale proposals such as on farm composting or related to agricultural waste requirements such as slurry stores.

1.6. Other considerations

Location of future housing and employment growth

- 1.6.1. Page 17 of Waste Topic Paper 8 considered how spatial patterns of waste generation are strongly related to the locations of waste generators – in the case of LACW, this is the location of households, while CIW is related to the locations of businesses and finally CDEW is related to the pattern of new development which, in turn, is centred on the main settlements. Figure 11 on page 18 of that report highlighted the scale and distribution of residential development planned across the county to consider how future patterns of waste generation may change. The locations of significant employment allocations are also outlined.
- 1.6.2. Since the adoption of the Waste Plan, a number of Devon's Local Planning Authorities have adopted updated Local Plans. These include:
- East Devon Local Plan 2013-2031 (adopted January 2016)
 - North Devon and Torridge Local Plan 2011-2031 (Adopted October 2018)
 - Mid Devon Local Plan Review – awaiting Inspector's report
 - Plymouth and South West Devon Joint Local Plan (Adopted March 2019)
- 1.6.3. Whilst the precise level of development at some settlements has changed, overall the planned distribution of future development remains largely unchanged from when the Waste Plan was adopted and as such in this regard, the spatial strategy remains appropriate.
- 1.6.4. The most significant change relates to an increased level of growth planned east of Cullompton in the longer term (up to 5,000 homes) as this area has been identified for growth as a Garden Village as part of the Government's Garden Town programme. Furthermore, a new area of development for 2,000 homes on the outskirts of Plymouth in the South Hams at Woolwell has been identified. Despite this, it is not considered that these additional developments warrant a change to the spatial strategy of the Waste Plan.
- 1.6.5. Finally, Devon County Council is currently working in partnership with East Devon District Council, Exeter City Council, Mid Devon District Council and Teignbridge District Council to prepare the Greater Exeter Strategic Plan (GESP). This Plan will set out the scale and locations for strategic development in the period to 2040. Locations for growth have not yet been identified, however an initial consultation upon potential sites is scheduled for September 2020.

The pattern of cross boundary movements of waste

- 1.6.6. In developing the Waste Plan, an assessment of cross boundary waste movements was undertaken. This was published as part of the evidence

base for the Plan¹² and informed the Duty to Cooperate Statement submitted alongside the Plan. It also affected the outcomes for the Plan itself, as particular relationships with Torbay Council, Plymouth City Council and Somerset County Council were identified.

- 1.6.7. On a strategic level, the pattern of waste movements to and from Devon remains unchanged from when the Plan was prepared. For example, in 2011 96% of the waste managed in Devon originated in the south west. In 2018 equivalent figure is 98%. In 2011, taking the waste originating within the south west, the amount generated in Devon accounted for 82.5%. This outcome remained the same in 2018. The only other WPAs accounting for more than 1% of the total in 2011 and 2018 is the adjacent authorities of Plymouth, Torbay, Cornwall and Somerset.
- 1.6.8. Looking at the destination of waste produced within the Plan area, in 2011 98% remained in the south west. In 2018 the equivalent figure was 97%. Of this quantity remaining in the region, 80.3% was managed within the DCC Plan Area compared to 87% in 2018. This updated analysis demonstrates that the pattern cross boundary movements of waste remains unchanged and therefore it is not necessary to update the spatial strategy in this regard.

1.7. Conclusion

- 1.7.1. This report has considered whether the spatial strategy embedded within the Waste Plan is being effectively delivered and remains appropriate in the context of the Waste Plan review.
- 1.7.2. The evidence collated and presented demonstrates that the strategy is being effectively implemented through the granting of planning permission at waste sites which accord with Policy W3.
- 1.7.3. Furthermore, the spatial strategy remains appropriate when considering the factors which informed its development. As such, it is not necessary to update the Waste Plan spatial strategy at this time.

¹² Waste Topic Paper 2: Cross-boundary waste movements assessment (October 2013) available at: <https://www.devon.gov.uk/planning/planning-policies/minerals-and-waste-policy/devon-waste-plan>

Review of the Devon Waste Plan

Topic Paper 4: Review of Climate Emergency Declaration implications

August 2020

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1.1. Introduction

- 1.1.1. The Devon Waste Plan was adopted in December 2014 and since then has provided the local planning policy framework informing the determination of waste planning applications in the administrative area covered by Devon County Council. Over the last 5 years, 133 waste planning applications have been determined, with 95% being approved.¹ The 21 policies provided in the Waste Plan were used a total of 802 times when determining these applications.
- 1.1.2. There is a statutory requirement for local planning authorities to review their local plan policies at least every 5 years from the date of their adoption. This requirement is set out in Regulation 10A of The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended)². Paragraph 33 of the National Planning Policy Framework (NPPF) indicates that policies “*should be reviewed to assess whether they need updating at least once every five years, and should then be updated as necessary.*”
- 1.1.3. As such, it has been necessary to review the Devon Waste Plan to assess if the vision and objectives of the Plan are on track to be achieved and whether the Plan’s policies are proving to be effective and remain fit for purpose.
- 1.1.4. Planning Practice Guidance (PPG)³ provides advice on what factors authorities should consider when reviewing a plan. In addition, the Planning Advisory Service (PAS) has published the Local Plan Route Mapper⁴ guidance to assist LPAs in undertaking plan reviews and this has also been used to inform the review process.
- 1.1.5. Both of these guidance documents recommend considering changes to local circumstances and the corporate context as part of any review process. The Devon Climate Emergency is considered to be a significant change in local circumstance since the adoption of the Waste Plan which requires consideration.
- 1.1.6. The waste sector contributes to greenhouse gas emissions from the fossil fuel used to transport of the waste, the fugitive emissions from waste treatment and the energy used by treatment facilities. Emissions can also be avoided through the promotion of reuse and recycling, and additionally emissions can be absorbed into vegetation through site restoration schemes.

¹ AMR periods 2014/15 – 2018/19 inclusive. 2 further applications were determined in this period with split decisions and these are not included in the 133 total or 95%.

² The requirement to review local plans was introduced by the Town and Country Planning (Local Planning) (England) (Amendment) Regulations 2017
<http://www.legislation.gov.uk/uksi/2017/1244/contents/made>

³ NPPG, Plan making, Plan reviews, paragraphs 061 to 070 (reviewed Oct 2019)
<https://www.gov.uk/guidance/plan-making>

⁴ PAS Local Plan Route Mapper & Toolkit - *reviewing and updating local plan policies* | October 2019
<https://www.local.gov.uk/pas/plan-making/plan-preparation-project-management/local-plan-route-mapper-toolkit-reviewing-and>

1.2. Purpose of this report

- 1.2.1. This report has been prepared to provide a review of how the Devon Waste Plan considers and tackles climate change through its vision, objectives and policies. The policies have been assessed to consider their alignment with the current climate change narrative and to identify whether they go far enough in the context of the Devon Climate Emergency.

1.3. National context

- 1.3.1. The Climate Change Act 2008 provides the foundations for the UK's approach to tackling and responding to climate change. In 2019 the Act was amended to require the reduction in carbon dioxide emissions and other greenhouse gases in the UK to net-zero by 2050, as well as preparing for climate change risks. An independent Climate Change Committee (CCC) provides expert advice on how to reduce greenhouse gas emissions in the UK. There is also the CCC's Adaptation Sub-Committee which advises on climate change risks and assesses progress towards tackling them.
- 1.3.2. In order to successfully reach the 2050 target, the act requires the government to set legally-binding 'carbon budgets'. This means that the amount of greenhouse gases that are emitted are capped over a five-year period.
- 1.3.3. The National Planning Policy Framework (NPPF) and the accompanying Planning Practice Guidance (PPG), provides some direction on how to tackle climate change in the planning sector.
- 1.3.4. The NPPF sets out the Government's planning policies for England and how they should be applied. The NPPF highlights that strategic policies should set out an overall strategy for conserving and enhancing the natural, built and historic environment as well as including planning measures to address climate change mitigation and adaptation. In addition to this, section 14 of the NPPF sets out the government's approach on 'Meeting the challenge of climate changes, flooding and coastal change'. This section notes that the planning system should support the transition to a low carbon future and help shape places to radically reduce their greenhouse gas emissions; minimise vulnerability and improve resilience; encourage reusing existing resources; and support renewable and low carbon technologies. Section 14 highlights that local plans should take a proactive approach to mitigating and adapting to climate change. Policies should support appropriate measures to ensure future resilience to climate change impacts.
- 1.3.5. The Planning Practice Guidance (PPG) supplements the information provided in the NPPF and includes a section specifically on climate change. The section on climate change advises local planning authorities on how to identify suitable mitigation and adaptation measures in the planning process to address the impacts of climate change. It includes advice on how climate change should be addressed in local plans; ways in which planning can support energy efficiency improvements to existing buildings and; how planning authorities should integrate adaptation and mitigation approaches to achieve sustainable development.

1.4. Local Context – The Climate Emergency Declaration

- 1.4.1. The Intergovernmental Panel on Climate Change (IPCC) is the United Nations body for assessing the science related to climate change. In October 2018 the IPCC published a report which advised that carbon emissions must reduce globally by at least 45% by 2030 from 2010 levels. The report outlined that, in order to avoid the worst effects of climate change, global warming needs to be kept below 1.5 degrees, but to have a 50% chance of achieving this we must be carbon neutral (net-zero) by 2050. To improve the likelihood of not exceeding 1.5 degrees warming to 66%, we must achieve net-zero emissions by 2040.
- 1.4.2. In response to this, Devon County Council (DCC) declared a climate and ecological emergency on 22nd May 2019. As well as declaring the emergency, DCC called together members of the Local Resilience Forum which collectively agreed to form the Devon Climate Emergency Response Group. DCC was nominated as the chairing organisation of the Group.
- 1.4.3. The Devon Climate Emergency Response Group (DCERG) is made up of senior officers from 27 organisations, including councils, emergency services, businesses, the environment sector and voluntary groups. The group has been established to provide strategic coordination of a collective response to the Climate Emergency.
- 1.4.4. An independent Net-Zero Task Force of volunteer experts is developing a Devon Carbon Plan.
- 1.4.5. As part of DCCs climate and ecological emergency declaration, a series of thematic hearings were held. Energy and waste were identified as one of the five key themes that was focused on during these thematic hearings. The hearings took place in November and December 2019 and were used to gather evidence on the steps that can be taken in order to achieve net-zero carbon in Devon.
- 1.4.6. The energy and waste thematic hearing took place on Wednesday 4th December 2019, chaired by the Task Force group. There were several key points from the hearing, including:
 - The need to establish and model what a net-zero energy and waste Devon looks like in the long term, as this will help to identify the actions that are 'no-regret' that can be delivered now;
 - The requirement to move from a linear use of resources to a circular economy
 - Involve communities, as everybody needs to be encouraged to do what they can;
 - Wind is the cheapest form of energy, however, the NPPF essentially embargoes new onshore wind development. Therefore, there needs strong, joined-up lobbying in government to remove this restriction in the NPPF;
 - Grid reinforcement is necessary as it is approaching capacity in some areas, as well as, storage, flexibility services and demand reduction to minimise the extent of reinforcement;

- The public sector has an opportunity to fill the void left from the removal of subsidies by purchasing energy direct from new generation and;
 - Commercial waste is an issue – it needs better regulation and more incentives to move up the waste hierarchy.
- 1.4.7. The evidence that has been gathered to date is currently being used to inform the preparation of the Devon Carbon Plan. Due to the impacts of Covid 19, the Carbon Plan will be published in two parts: an Interim Plan will be drafted for public consultation in December 2020 that will contain measures that do not need deliberation by a citizens' assembly, the Final Plan will likely be published in 2022 after the citizens' assembly has met, which may be digitally.
- 1.4.8. The Carbon Plan will include a range of measure to be implemented by partner organisation in order for Devon to become carbon neutral. This may include recommendations to redesign planning policy, but the detail of this is not known or confirmed at this stage. However, one area which will need to be addressed is the need for all new buildings to be net-zero. One action currently proposed (but not yet approved) as part of this is the development of an evidence base to demonstrate that net zero buildings are viable. Once developed, this evidence base can then be used by all aspects of planning to refine policies relating to the carbon impact of buildings. In the case of the Waste Plan, this relates to Policy W14: Sustainable and Quality Design. Upon completion of the Carbon Plan and the publication of the evidence discussed above, this policy in particular should be reconsidered.

1.5. The Waste Plan's consideration of Climate Change

- 1.5.1. In order to review the Waste Plan in the context of the recent climate emergency, the policies contained within the Plan have assessed to determine whether they incorporate appropriate measures to tackle climate change.
- 1.5.2. At the time of preparing the Waste Plan between 2010 and 2014, climate change was already considered to be a significant issue that needed to be addressed. This is reflected through the Plan's vision and objectives. The vision sets out where Devon County Council wishes to be and what it would like to achieve in relation to waste management by 2031, with the objectives articulating the actions to be taken to deliver the vision.
- 1.5.3. Significant parts of the vision for the Devon Waste Plan focus upon measures which seek to reduce the impacts of, and address climate change. An example of this is the opening line of the vision, which reads,
- “Over the period to 2031, Devon will lead the way in sustainable waste management by working towards a zero waste economy while treating unavoidable waste as a valuable resource.”*
- 1.5.4. This is inherently linked to tackling climate change. The vision continues:
- , “The spatial pattern of waste development and the design of new facilities will enhance Devon’s ability to adapt to the impacts of climate change by avoiding increased flood risk and other negative effects and mitigate climate*

change through the delivery of low carbon energy”.

- 1.5.5. Additional examples are provided in Appendix 1 where the vision is presented in full. This demonstrates how climate change as a key theme is embedded at the heart of the Devon Waste Plan.
- 1.5.6. Along with the vision there are 6 overarching objectives set out in the Plan; the objectives articulate the actions that Devon County Council wishes to undertake with its delivery partners and have been derived from the vision. One of these objectives is dedicated to tackling climate change, again demonstrating how central this is to the Plan. The objective is as follows:

Objective 3: Climate Change

To tackle climate change by reducing the carbon footprint of waste management, encouraging the substitution of raw materials by re-use and recycled waste, enabling waste management to contribute to delivery of low-carbon energy, and ensuring that waste management facilities are resilient to the effects of climate change and improve Devon’s capacity to adapt to those effects.

- 1.5.7. A number of the other 5 objectives include measures which support the need to address climate change. For example, Objective 1: Management of Waste, supports the sequential application of the waste hierarchy. Following this approach supports a reduction in climate change impacts as natural resources are preserved and carbon emissions are reduced. In relation to Objective 6: Transportation of Waste, locating waste management facilities close to the major sources of waste seeks to reduce carbon emissions from transportation of waste.
- 1.5.8. In relation to the policies themselves, a review has been undertaken to identify where measures to tackle climate change and its impacts have been incorporated. This is presented in Appendix 1.
- 1.5.9. The Plan does not contain a stand-alone climate change policy. However, the review has identified that 12 of the 21 policies incorporate measures relevant to climate change. This includes both direct references and also indirect measures that would have a positive impact on reducing climate change. Relevant policies are as follows:

- Policy W1: Presumption in Favour of Sustainable Development
- Policy W2: Sustainable Waste Management
- Policy W3: Spatial Strategy
- Policy W4: Waste Prevention
- Policy W5: Reuse, Recycling and Materials Recovery
- Policy W6: Energy Recovery
- Policy W7: Waste Disposal
- Policy W14: Sustainable and Quality Design
- Policy W15: Infrastructure and Community Services
- Policy W16: Natural Resources
- Policy W17: Transportation and Access
- Policy W19: Flooding

- 1.5.10. This demonstrates how tackling climate change is central to the Waste Plan and is threaded throughout its policies as a key theme.

1.6. Conclusion

- 1.6.1. The review presented within this report has identified that tackling climate change features strongly as a key theme within the current Waste Plan. It is central to its vision, objectives and policies. The Devon Waste Plan policies contain a number of measures which seek to reduce and adapt to the impacts of climate change.
- 1.6.2. These outcomes have been discussed internally with Devon County Council's Environment Group who are working on the county's response to the climate emergency declaration. Through these discussions, it has been concluded that, at this stage, the existing measures in the Waste Plan are sufficient in the context of the declaration, providing they are implemented robustly. Upon publication of the final Devon Carbon Plan expected in 2022, it will be necessary to reassess this situation in light of any specific measures which may be proposed in that Action Plan.
- 1.6.3. In conclusion, in this regard, it is not necessary to update the Devon Waste Plan at this time. The conclusion from this report should be considered alongside other evidence gathered as part of the review.

APPENDIX 1: MEASURES TO ADDRESS CLIMATE CHANGE INCORPORATED TO EXISTING WASTE PLAN VISION, AND POLICIES

The Vision for the Devon Waste Plan

Over the period to 2031, Devon will lead the way in sustainable waste management by working towards a zero waste economy while treating unavoidable waste as a valuable resource. The proportion of waste that is reused and recycled will continue to increase as a result of changes in the behaviour of Devon's communities and businesses and availability of a range of facilities for the reuse, sorting and recycling of waste. The delivery of emerging, innovative technologies in waste management will also reinforce the role that residual waste plays in delivering low-carbon energy and diverting all wastes from landfill.

Devon will be largely self-sufficient in waste management capacity, with a network of strategic and local waste facilities reflecting Devon's urban and rural characteristics and its pattern of waste generation, together with the need to minimise the transport impacts of waste management.

Sustainable waste management will conserve and enhance Devon's exceptional environment and maintain the quality and availability of its natural resources. The spatial pattern of waste development and the design of new facilities will enhance Devon's ability to adapt to the impacts of climate change by avoiding increased flood risk and other negative effects and mitigate climate change through the delivery of low carbon energy.

Efficient waste management will support and promote economic growth in Devon by creating opportunities for the use of recycled and recovered resources and delivering an efficient service for the management of commercial and industrial waste.

Local community understanding and involvement in the waste management and planning process will have been enhanced as a result of the provision of facilities that are accessible to Devon's residents and visitors and which protect and enhance public health and wellbeing.

Devon County Council will continue to work in partnership with neighbouring waste planning authorities, waste collection and disposal authorities, waste management operators (including the not-for-profit sector) and local communities to ensure that waste is managed in accordance with the waste hierarchy and as close as is feasible to where it is generated.

Policy W1: Presumption in Favour of Sustainable Development

1. When considering waste development proposals Devon County Council will take a positive approach that reflects the **presumption in favour of sustainable development** contained in the National Planning Policy Framework. It will always work proactively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.
2. Planning applications that accord with the policies in this Waste Plan will be approved without delay, unless material considerations indicate otherwise.
3. Where there are no policies relevant to the application, or relevant policies are out of date at the time of making the decision, then the Council will grant permission unless material considerations indicate otherwise, taking into account whether:
 - (a) any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole; or
 - (b) specific policies in that Framework indicate that development should be restricted

Policy W2: Sustainable Waste Management

1. **Sustainable waste management in Devon will be achieved by managing waste to:**
 - (a) **conserve and enhance Devon's natural, cultural and historic environment, natural resources and landscape;**
 - (b) support a growing and diverse local economy;
 - (c) meet the waste management needs of Devon's communities and businesses;
 - (d) **maximise the efficiency of low-carbon energy derived from recovered waste, including bio-methane, electricity and heat, by encouraging the use of the best technology with the highest levels of efficiency in the most appropriate locations;**
 - (e) avoid adverse impacts of waste management development on the transport network;
 - (f) maintain and enhance the health, wellbeing and safety of all communities; and
 - (g) **ensure the mitigation of, and adaptation to, the environmental, social and economic impacts of climate change including flood risk.**
2. In the period to 2031 the waste capacity needs of Devon and its functional waste catchment area will be met through the provision of sufficient capacity to manage waste by applying the **waste hierarchy sequentially through waste prevention, preparing for reuse, recycling and recovery, with disposal as a last resort.** This capacity will be monitored to ensure that it has sufficient flexibility to respond to future changes in the quantity, nature and composition of waste and the techniques available to manage the waste.

Policy W3: Spatial Strategy

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

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

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

Policy W4: Waste Prevention

1. Sustainable construction, procurement and waste management in Devon will achieve a reduction in the waste generated through all forms of development.
2. Planning applications for major development must include a waste audit statement demonstrating how the demolition, construction and operational phases of the development will minimise the generation of waste and provide for the management of waste in accordance with the waste hierarchy. Each statement should include the following information where relevant to the development being proposed:
 - (a) sustainable procurement measures to minimise the generation of waste during the construction process, including avoidance of over-ordering and reduced use of hazardous materials;
 - (b) the types and quantities of waste that will be generated during the demolition and construction phases and the measures to ensure that the waste is managed in accordance with the waste hierarchy including:
 - the segregation of waste materials to enable their separate reuse, recycling or recovery;
 - the recycling of construction, demolition and excavation waste for use on site or at the nearest suitable facility; and
 - for any waste materials that are unsuitable for reuse, recycling or recovery, confirmation of the location for their disposal;
 - (c) the types and quantities of waste that will be generated during the operational phase of the development and measures to ensure that the waste is managed in accordance with the waste hierarchy including:
 - methods for limiting the generation of waste;
 - the provision of sufficient storage facilities to enable the segregation of reusable and recyclable waste from waste requiring disposal; and any other steps that are necessary to secure the maximum diversion of waste from disposal.

Policy W5: Reuse, Recycling and Materials Recovery

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

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

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

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

- are located at or close to the source of the waste or opportunities for its beneficial use; and/or
- achieve the segregation of reusable, recyclable or compostable materials prior to energy recovery or disposal of the residual waste; and/or
- are co-located with a complementary waste management operation; and/or
- achieve the recycling of incinerator bottom ash and/or other non-hazardous thermal treatment residues arising within Greater Devon.

Policy W6: Energy Recovery

1. Sustainable waste management in Devon will aim to achieve and maintain sufficient capacity to recover energy from all local authority-collected and commercial and industrial waste that cannot be reused or recycled. This will require energy recovery capacity within Devon in accordance with the following targets for annual capacity:

by 2016 – up to 154,000 tonnes
by 2021 – up to 356,000 tonnes
by 2026 – up to 361,000 tonnes
by 2031 – up to 377,000 tonnes

2. This energy recovery capacity will be achieved through a combination of:

- retention and enhancement of existing facilities;
- implementation of permitted capacity; and
- granting of planning permission for additional energy recovery capacity (up to a maximum annual capacity of approximately 80,000 tonnes at any one facility) at one or more of the following strategic locations defined in Appendix B:

W6A Brynsworthy Environment Centre
W6B Tiverton Eastern Urban Extension
W6C Hill Barton
W6D Greendale Barton
W6E Heathfield

3. Proposals for energy recovery capacity (up to a maximum annual capacity of approximately 80,000 tonnes at any one facility) other than at locations identified in 2. will be permitted, unless material considerations indicate otherwise, where:

- (a) it can be demonstrated that adequate capacity cannot be delivered at the strategic sites identified in 2.; or
- (b) the proposed site is located at or close to the source of the waste being managed, or will achieve a reduction in the distance that waste is transported in comparison with the strategic locations identified in 2.

Proposals at other locations not identified in 2. must demonstrate how:

- (c) the proposed site will achieve efficiency in the use of the recovered energy greater than or equivalent to the strategic locations identified in 2.; and
- (d) the facility will manage waste arising from within Devon unless it can be clearly demonstrated that the proposal represents the most sustainable option for managing waste arising from outside the county.

4. All proposals for energy recovery facilities should be supported by sufficient information for Habitats Regulations Assessment of the implications of the proposal, alone or in combination with other plans and projects, on any Natura 2000 site. The conclusions of this assessment must show that the proposal can be delivered without adverse effect on the integrity of any Natura 2000 site.

Policy W7: Waste Disposal

1. Sustainable waste management in Devon will achieve a significant reduction in the proportion of waste that is landfilled or otherwise disposed of in accordance with the following targets:

	2016	2021	2026	2031
LACW	12%	5%	5%	5%
CIW	24%	5%	5%	5%
CDEW	12%	11%	11%	10%

Maximum % of waste to be disposed by key plan period dates

2. Planning permission will normally be granted for the use of remaining capacity for landfilling of non-hazardous and inert waste where a temporary permission will expire prior to the permitted capacity being utilised.
3. Planning permission will be granted for new capacity for the disposal of non-hazardous waste where there is a demonstrable need to accommodate residual waste that is incapable of recycling or recovery that cannot be met through existing disposal capacity. Where such a need for disposal is identified, consideration shall be given to the cumulative effects of this and other waste management operations on local communities and the environment.
4. Planning permission will be granted for new capacity for the disposal of inert waste if it can be demonstrated that:
 - (a) the proposal will achieve a significant reduction in the distance that the waste is transported; and
 - (b) the materials being disposed of are limited to residual non-recyclable waste.
5. All proposals for disposal facilities should be supported by sufficient information for Habitat Regulations Assessment of the implications of the proposal, alone or in combination with other plans and projects, on any Natura 2000 site. The conclusions of this assessment must show that the proposal can be delivered without adverse effect on the integrity of any Natura 2000 site.

Policy W8: Waste Water Treatment

1. The development or expansion of waste water treatment capacity will be permitted where:
 - (a) it would play a role in providing a county-wide network of facilities to meet current or forecast need; and
 - (b) the management of the waste will be undertaken in accordance with the waste hierarchy as far as is consistent with the characteristics of the specific type of waste; and
 - (c) it would not have a significant adverse impact on:
 - (i) the water environment, including achievement of the conservation objectives of water-dependent Natura 2000 sites and SSSIs;
 - (ii) flood risk;
 - (iii) the condition, functionality or safety of water supply or waste water infrastructure; and
 - (iv) quality of life for local communities including through odours and other emissions.
2. Proposals for the co-treatment of waste water with other organic waste that accord with the other Policies of the Devon Waste Plan will be encouraged.

Policy W9: The Management of Special Types of Waste

1. Sustainable management of special types of waste, including hazardous waste, clinical waste and low level radioactive waste, will be undertaken in accordance with the waste hierarchy (where consistent with the characteristics of the specific type of waste) and the need to avoid adverse impacts on local communities and the environment.
2. Development for the management of special types of waste will be permitted where it:
 - (a) will predominantly serve a need arising from within the functional waste management catchment area of Devon; and
 - (b) includes adequate design and mitigation measures to avoid significant harm to the local community and environment.

Policy W10: Protection of Waste Management Capacity

1. Existing and permitted waste management sites (including inactive sites that have a reasonable prospect of reopening), together with locations proposed in Policy W6, will be protected from constraint by non-waste development to ensure the continued availability of adequate capacity to manage Devon's waste at all levels of the waste hierarchy.
2. Planning applications for non-waste development adjacent or close to a waste management site (as identified in 1.) will be permitted where it can be demonstrated by the applicant that:
 - (a) the proposal will not prevent or restrict the operation of the existing or permitted waste management facility; or
 - (b) any potential impacts on the operation of the waste management facility can be adequately mitigated by the applicant; or
 - (c) there is no longer a need for the waste management facility, having regard to the availability of equivalent capacity within Devon; or
 - (d) a suitable and deliverable alternative location can be provided for the waste management facility; or
 - (e) the proposal is in accordance with a site allocation in an adopted Local Plan.

Policy W11: Biodiversity and Geodiversity

1. Waste management development will protect and enhance wildlife and geodiversity through its siting, design and operational practices. Protection of sites and species will be commensurate with their status and the contribution that they make to Devon's ecological networks.

2. International Sites

International nature conservation and geological sites (including Natura 2000 sites) will be protected and all proposed development should seek to avoid impacts. Where appropriate, proposals for waste development should be supported by sufficient information for the waste planning authority to complete a Habitats Regulations Assessment of the implications of the proposal on Natura 2000 sites. Planning permission for waste management development within or otherwise affecting a Natura 2000 site will only be granted where the conclusions of this assessment demonstrate that the proposal will have no adverse impacts on the integrity of the site, either alone or in combination with other plans or projects.

3. National Sites and Habitats

Sites of Special Scientific Interest, National Nature Reserves, Marine Conservation Zones and irreplaceable priority habitats such as ancient woodland and aged or veteran trees will be protected. Waste management development which impacts on one or more of these assets will only be permitted where the impact does not conflict with the wildlife or geological conservation interests of that asset.

4. Local Sites, Local Nature Reserves and Other Priority Habitats

Waste management development that will impact on local sites (County Wildlife Sites and County Geological Sites) and other priority habitats will be permitted where it can be demonstrated that:

- (a) the proposal will not significantly harm the site; or
- (b) the benefits of the development outweigh any adverse effects and such effects can be satisfactorily mitigated or, as a last resort, compensated for through offsetting.

5. Species

Waste management development that would impact on legally protected species, UK priority species and other key Devon species will be permitted where it can be demonstrated that:

- (a) favourable conservation status of the species is maintained; and
- (b) appropriate avoidance, mitigation and enhancement measures are put in place.

6. Waste management development proposals will be permitted where they result in a net gain for wildlife proportionate to the nature and scale of the proposal.

7. Proposals that can show a positive contribution to the restoration, creation, protection, enhancement and management of ecological networks at the landscape scale (including areas identified on the Devon Rebuilding Nature Map) will be encouraged.

Policy W12: Landscape and Visual Impact

1. The scale, design and location of all waste management development should be sympathetic to the qualities, distinctive character and setting of the landscape. Development proposals should be supported by Landscape and Visual Impact Assessment that is proportionate to the nature, scale and location of development, in order to convey likely significant effects and demonstrate:
 - (a) how the siting, scale and design of proposals respond to the landscape context and can be integrated into the landscape without harming its distinctive character or valued qualities;
 - (b) how any potential adverse visual impacts on sensitive receptors will be avoided or minimised to acceptable levels within a reasonable period; and
 - (c) the opportunities that are being taken to improve the character and quality of the area and the way it functions.

In taking landscape into account, reference should be made to relevant landscape character assessments.
2. Waste management development will not be permitted where it will have an adverse effect on the natural beauty, distinctive landscape character and special qualities of Dartmoor National Park, Exmoor National Park or their settings.
3. Waste management development will only be permitted within an Area of Outstanding Natural Beauty (AONB), or at locations that would harm the special qualities or the setting of that AONB, where it can be demonstrated that:
 - (a) there are no deliverable alternative sites outside the AONB and its setting; and
 - (b) any impacts on the special qualities of the AONB can be avoided or adequately mitigated to acceptable levels; and/or
 - (c) the environmental, social and economic benefits of the proposal outweigh the adverse impacts on the AONB; and
 - (d) in the case of major development, exceptional circumstances have been demonstrated.
4. Waste management development that would maintain the character of the undeveloped coast, including areas defined as Heritage Coast, will be permitted.

Policy W13: The Historic Environment

1. Waste management development will conserve and enhance Devon's historic and cultural environment through its siting, design, landscaping and the arrangement of buildings and structures on site. Development proposals should include an assessment of the presence and significance of heritage assets that may be affected and make provision for appropriate survey and recording.
2. Waste management development that would lead to harm to the significance of a designated or non-designated heritage asset, including its setting, will be permitted if it can be demonstrated that:
 - (a) substantial public benefits of the proposal outweigh the harm to the heritage asset; and
 - (b) all significant adverse effects can be adequately mitigated.

Where such harm is justified, the Council will require archaeological excavation and/or historic building recording as appropriate, followed by analysis and publication of the results.
3. Proposals for waste management development that improve the integrity or setting of a heritage asset and/or improve understanding of that asset will be encouraged.

Policy W14: Sustainable and Quality Design

Waste management development will contribute to the achievement of sustainable development, climate change resilience and mitigation, and the maintenance of Devon's distinctive character and environmental quality. Proposals should demonstrate how the site design, layout and operation will, where consistent with the scale and type of development:

- (a) minimise energy demand and heat loss and make provision for the use of renewable and low carbon energy to meet on-site needs;
- (b) be delivered using sustainable construction practices, including the use of secondary and recycled materials in preference to primary materials;
- (c) make efficient use of water resources and incorporate measures to prevent surface water run-off from the site exacerbating flood risk elsewhere;
- (d) utilise landscape design to offset carbon emissions and regulate extremes of temperature;
- (e) enhance biodiversity, respect heritage assets and respond to the distinctive character and visual sensitivity of the area it affects; and
- (f) integrate the development into its setting and connect with the adjoining green infrastructure network.

Policy W15: Infrastructure and Community Services

1. New waste management development should make efficient use of existing infrastructure capacity for the supply of electricity, gas, heat and water.
2. Waste management development will be permitted where it would not have a significant adverse effect on the operation or safety of infrastructure or services, including utilities, communications infrastructure and military and civil aerodromes.

Policy W16: Natural Resources

1. Waste management development will conserve and enhance natural resources, and proposals will be permitted where they would not:
 - (a) have a significant adverse effect on the quality and/or availability of water or soil resources;
 - (b) sterilise or otherwise constrain economic mineral resources; or
 - (c) result in the loss of the best and most versatile agricultural land unless the environmental, social and economic benefits of the proposal outweigh this loss.
2. Waste management development that utilises previously-developed land in preference to undeveloped land, and/or achieves the remediation of contaminated land, will be encouraged.

Policy W17: Transportation and Access

1. Waste management development should seek to minimise the distance that waste is transported while maximising opportunities for sustainable transportation and access by a variety of modes.
2. Waste management development will be permitted where it would not have an adverse effect on:
 - (a) road safety;
 - (b) the capacity and functionality of the transportation network for all users; or
 - (c) public rights of way and permissive routes.
3. The transportation impacts of waste management development, including any cumulative effects in conjunction with other development, on local communities and the environment should be mitigated appropriately through improvements to transportation infrastructure and services for vehicular and non-vehicular modes.

Policy W18: Quality of Life

Peoples' quality of life and amenity will be protected from the adverse effects of waste management development and transportation, including any cumulative effects in conjunction with other development. Development proposals should demonstrate that the following adverse impacts will be strictly controlled to avoid any significant nuisance being caused to dwellings and other sensitive properties close to the site or its transportation routes:

- (a) vermin, insects and birds;
- (b) litter and windblown materials;
- (c) loss of privacy or natural light;
- (d) light pollution and visual intrusion;
- (e) noise and vibration, including effects on areas of tranquility;
- (f) dust and other reduction in air quality; and
- (g) odours.

Policy W19: Flooding

1. Waste management development must be resilient to the impacts of flooding and not lead to an increased risk of fluvial, surface water or groundwater flooding. This will be achieved through application of a sequential approach that favours the location of development in Flood Zone 1.
2. Consideration will be given to sites within Flood Zone 2 if it can be demonstrated that no suitable locations within Flood Zone 1 are available.
3. Within Flood Zone 3a, proposals for water-compatible and 'less vulnerable' waste management development will be permitted where it can be demonstrated that no suitable locations are available within Flood Zones 1 and 2. For 'more vulnerable' waste management development, including all hazardous waste management and the landfilling of non-hazardous waste, proposals will be permitted if it can be demonstrated through the Exception Test that:
 - (a) the development provides wider sustainability benefits to the community that outweigh flood risk, informed by Devon County Council's Strategic Flood Risk Assessment; and
 - (b) the development will be safe for its lifetime, will not increase flood risk elsewhere and, where possible, will reduce flood risk overall.
4. Proposals for waste management development within Flood Zone 3b will be permitted if they are water-compatible or, if classified as 'essential infrastructure', meet the Exception Test.
5. All proposals for waste management development on sites exceeding one hectare, or any site within Flood Zones 2, 3a and 3b, will be accompanied by a Flood Risk Assessment that considers all forms of flooding; demonstrates how flood risks will be managed for the facility's lifetime, taking account of climate change; and identifies any measures necessary to prevent increased flood risk elsewhere including through the use of Sustainable Drainage Systems.

Policy W20: Restoration and Aftercare

1. Proposals for temporary waste management development, including landfilling or land raising, will be permitted where they provide for the restoration and aftercare of the site in a phased manner during its operation and/or promptly on completion of the operation.
2. The restoration and aftercare scheme accompanying such proposals shall include:
 - (a) details of the proposed landform, landscaping and planting and how they respond to the context of the surrounding topography and vegetation;
 - (b) details of how the proposals would improve and connect with the green infrastructure network including enhancement of biodiversity and access for informal recreation;
 - (c) measures for the management of emissions (including gases and liquids);
 - (d) phasing arrangements; and
 - (e) a programme of aftercare and monitoring of the site.

Policy W21: Making Provision for Waste Management

Proposals for major non-waste development will be permitted where it can be demonstrated that:

- (a) the development includes adequate provision for the management of its anticipated waste arisings; or
- (b) the development makes financial or other provision for the off-site management of its anticipated waste arisings; or
- (c) the existing waste management infrastructure serving the development is adequate.

Review of the Devon Waste Plan

Topic Paper 5:
Duty to Cooperate Engagement

August 2020

Devon County Council
County Hall
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1.1. Introduction

- 1.1.1. Paragraph 68 of the Planning Practice Guidance indicates that authorities are expected to have due regard to the Duty to Cooperate when undertaking a review to assess if a Local Plan needs updating. As such, engagement with the Duty to Cooperate bodies has been undertaken as part of the Waste Plan review process.
- 1.1.2. This report outlines the engagement that was completed, and the outcomes of the discussions held.

1.2. Method of engagement

- 1.2.1. The engagement undertaken was completed via email and virtual meetings due to restriction in place as a result of the Covid-19 pandemic. However, this is not regarded as a constraint or limitation to the engagement completed.
- 1.2.2. This engagement included sharing draft versions of Topic Papers 1 – 4 and the report titled “*Summary of evidence and conclusions*” with Duty to Cooperate organisations. Organisations were initially given 3 weeks to respond with comments on the work completed and highlight any issues with the initial conclusion of the review, i.e. that the Waste Plan policies do not need to be updated at this time. Organisations were asked to indicate if the given timeframe was not possible. The communication outlined that if no response was received within the given timeframe, it would be assumed that the organisation had no comments to make.
- 1.2.3. The following organisations were engaged with in this way:
 - Devon’s city, district and borough councils
 - Neighbouring waste planning authorities (Cornwall, Plymouth, Torbay, Somerset)
 - Environment Agency
 - Historic England
 - Natural England
 - Heart of the South West Local Economic Partnership
 - Highways England
 - Homes England
 - The Civil Aviation Authority
 - NHS England
 - Network Rail
 - Marine Management Organisation
- 1.2.4. Additional time to respond was requested in a number of cases and this was permitted. Where requested, virtual meetings were held with a number of Devon’s local planning authorities. This included:
 - Mid Devon District Council
 - North Devon Council
 - South Hams District Council
 - Teignbridge District Council

- West Devon Borough Council
- 1.2.5. Virtual meetings were also held with neighbouring waste planning authorities to discuss current patterns of cross boundary waste movements. This included:
- Cornwall Council
 - Plymouth City Council
 - Somerset County Council
 - Torbay Council
- 1.2.6. Finally, virtual meetings were held with the following statutory bodies:
- Natural England
 - Historic England

1.3. Responses

- 1.3.1. The responses received are provided in Appendix 1.
- 1.3.2. No Duty to Cooperate issues were raised as part of this exercise and helpful feedback was provided in a number of areas. The topic papers and summary report were updated accordingly to reflect this.
- 1.3.3. Notably feedback from Natural England identified the need for additional guidance to be prepared to aid the interpretation of the biodiversity net gain requirements of Policy W11: Biodiversity and Geodiversity and the County Council is in agreement regarding the preparation of such a guidance note.
- 1.3.4. The response received from Historic England as part of this engagement exercise suggested Policy W13: Historic Environment would benefit from some amendments to make it more consistent with the NPPF. A virtual meeting was held in order to understand these comments in more detail. Following this, further analysis was undertaken with input from the DCC Historic Environment Service. The conclusion from this additional analysis is that the vast majority of the wording in the 2019 NPPF in relation to the historic environment (chapter 16) remains unchanged from when the Waste Plan was adopted (2012 NPPF) and where wording has been tweaked this does not bring about a material change which would warrant an update to Policy W13. As such no change is proposed to this policy.

1.4. Discussion on cross boundary waste movements

- 1.4.1. As part of the engagement with neighbouring waste planning authorities (including Plymouth, Torbay, Somerset and Cornwall) cross boundary waste movements were discussed. Cross boundary movements of waste across administrative boundaries for its management is commonplace. In developing the Waste Plan, an assessment of cross boundary waste movements was undertaken. This was published as part of the evidence base for the Plan¹ and informed the Duty to Cooperate Statement submitted alongside the Plan. It also affected the outcomes for the Plan itself, as

¹ Waste Topic Paper 2: Cross-boundary waste movements assessment (October 2013) available at: <https://www.devon.gov.uk/planning/planning-policies/minerals-and-waste-policy/devon-waste-plan>

particular relationships with Torbay Council, Plymouth City Council and Somerset County Council were identified. These have been reconsidered as part of the review process with key points and findings discussed below.

1.4.2. Torbay

- 1.4.3. The Waste Plan assumes that by 2031 Torbay will send 38,600 – 48,300 tonnes of CIW per annum to Devon for energy recovery and 11,200 – 15,600 tonnes of LACW and CIW per annum for disposal. The evidence informing this approach was based on the Torbay Waste Sites Appraisal Report (September 2013) which concluded that there was very limited scope for suitable, viable or deliverable sites for CIW energy recovery within Torbay. Similarly, at the time of preparing the Plan, there were no non-hazardous landfill sites within Torbay and residual waste from Torbay was sent to Heathfield Landfill site in Teignbridge as the nearest available facility.
- 1.4.4. Discussions with Torbay Council as part of the review process has indicated that this situation remains unchanged and therefore cross boundary movements from Torbay to Devon are likely to continue into the future. No energy recovery facilities have been built in Torbay and there are currently no proposals for this type of facility. The evidence referred to above was used to inform the approach set out in the Torbay Local Plan (Adopted December 2015). No further detailed waste forecasting for CIW has been undertaken by Torbay. The latest projections for LACW continue to be in line with the projections used to inform the Waste Plan.

1.4.5. Plymouth

- 1.4.6. The Waste Plan assumes that by 2031, 4,600 – 9,900 tonnes of LACW and CIW per annum will come to Devon from Plymouth for disposal. This was based upon there being no landfill capacity available within the city itself, resulting in a need to export any residual waste which could not be treated at the Dockyard energy from waste facility. The figures were based upon detailed waste forecasting which has not been replicated since the Waste Plan's production. However, there continues to be no landfill capacity available within the city and data indicates that the anticipated relationship is continuing. Therefore, the driving factor informing the overarching approach remains valid.
- 1.4.7. Discussion with Plymouth City Council as part of the review process has confirmed that there are no areas of conflict between the approach set out in the Waste Plan and the Plymouth and South West Devon Joint Local Plan which was adopted in March 2019.

1.4.8. Somerset

- 1.4.9. The Waste Plan assumes that by 2031, 1,800 - 5,200 tonnes of LACW and CIW per annum will come to Devon from Somerset for disposal. This approach was informed by an existing cross boundary pattern of waste movements from Somerset to Broadpath landfill site, which is located in proximity to the Devon-Somerset border.
- 1.4.10. Whilst data indicates that this relationship has continued since the Waste Plan's adoption, tipping ceased at the site at the end of August 2019. As such this relationship may change in the future as waste which would have

historically been disposed at this site is diverted to alternative locations. Data reflecting the impact of this closure upon cross boundary movements for disposal will not be available until autumn 2021. This will be monitored over future years to consider how this relationship evolves, but in the context of this review of the Waste Plan, no change is proposed.

- 1.4.11. Somerset County Council are in the early stages of reviewing their Waste Core Strategy (adopted in February 2013) and as part of this work will be considering cross boundary waste movements as part of the duty to cooperate. No issues have been identified between the authorities as part of the engagement undertaken as part of the review of the Devon Waste Plan.

1.5. Conclusion

- 1.5.1. The requirement of the Duty to Cooperate has been fulfilled in undertaking the Waste Plan review and there are no outstanding issues requiring the need to update the Plan. However, a guidance is to be prepared to aid the interpretation of the biodiversity net gain requirements of Policy W11: Biodiversity and Geodiversity in line with the comments received from Natural England.

APPENDIX 1:

COMMENTS RECEIVED IN RESPONSE TO DUTY TO COOPERATE ENGAGEMENT

Comments provided in **green** represent DCC's response to the comments received.

Organisation	Comments
East Devon District Council	<p>Further to your e-mail about reviewing the Devon Waste Plan and our subsequent e-mail exchange below I can confirm that based on the information provided we would not be calling for a review of the Waste Plan at this time.</p> <p>We have however received some comments from colleagues in our street scene team that raise a number of operational issues that I know that they would like to work with DCC to address with regards to waste and recycling infrastructure in East Devon. Details are in the attached document. I hope these issues can be taken forward with the colleagues copied into the message.</p>
Exeter City Council	<p>Thanks for the documents. I can confirm I have reviewed the DCC report titled 'Devon Waste Plan Review - Summary of evidence and conclusions' and consider the work undertaken does establish that the Waste Plan's policies remain fit for purpose and the Plan does not need to be updated at this time.</p> <p>I can also advise that I have made my DM colleagues aware of the conclusions on Policy W4: Waste Prevention (which will hopefully help the target to be met in future).</p> <p>Please let me know if you need anything further from me.</p>
Exmoor National Park	<p>Thank you for consulting Exmoor National Park Authority on the Council's initial findings for the 5- year review of the Devon Waste Plan as set out in the Devon Waste Plan Review. This includes the Summary of Evidence and Conclusions Report and a series of topic papers. Informed by the work you have completed so far, the review is likely to conclude that the Waste Plan's policies remain fit for purpose and do not need to be updated at this time.</p> <p>Duty to Co-operate</p> <p>The summary report on evidence and conclusions includes a section on Duty to Cooperate as authorities are expected "<i>to have due regard to the Duty to Cooperate when undertaking a review to assess if they need updating.</i>" As part of the review process, engagement has been undertaken with a range of organisations including Exmoor National Park Authority.</p>

	<p>Review of policies, national policy and overall conclusions</p> <p>Informed by the evidence, Table 1 of the summary of evidence and conclusions report presents a review of each of the Waste Plan's policies and the conclusions from the review process. Adopted Policy W12: Landscape and Visual Impacts makes specific reference to National Parks, their special qualities and settings. The report notes that the monitoring indicator most relevant to this policy (5.5) indicates that the policy is being effectively implemented and planning permissions for waste development are not having a significant landscape impact on any AONBs or National Parks. It concludes that the policies remain fit for purpose and do not need to be updated at this time.</p> <p>In addition to the policies review, the review has assessed national policy changes. The National Planning Policy for Waste and the National Waste Management Plan for England have not been updated. The review concludes that the Waste Plan remains in conformity with national planning policy. The 5-year review process has also identified a number of additional policy drivers (of which the 25-year Environment Plan is most relevant to National Parks).</p> <p>Overall, the review concludes that it is not considered necessary to update any of the Waste Plan policies at this time and that the policies remain fit for purpose, consistent with national planning policy and provide an appropriate framework for the determination of waste planning applications across Devon. It is suggested that monitoring should continue through the annual monitoring process and a further review undertaken, if necessary as a result of monitoring, or if there is a significant change in circumstances.</p> <p>Exmoor National Park Authority's Response</p> <p>The adopted Devon Waste Plan recognises that the National Parks are waste planning authorities for their areas. It provides a policy framework for protected landscapes including the National Parks, their special qualities (such as tranquillity and the dark night sky) and their settings as well as reference to the policy framework for consideration of major development. Since adoption of the Devon Waste Plan, there has not been substantive change with respect to National Parks and, based on the evidence as part of the 5-year review, Exmoor National Park Authority agrees that the 2014 Devon Waste Plan's policies remain fit for purpose and do not need to be updated at this time. We note the conclusion that a further review should be undertaken if necessary, as a result of monitoring or a significant change in wider circumstances. For example, as a result of any actions or outcomes set out in the Devon Carbon Plan, due to be published in 2021 (which the National Park Authority has also been involved with).</p> <p>Any future plan review will provide an opportunity to ensure that the Devon Waste Plan policies reflect the National Park purposes including to conserve and enhance their natural beauty, wildlife and cultural heritage. There may also be scope to refer to the National Parks and the Broads Vision and Circular 2010 (footnoted in the NPPF) https://www.gov.uk/government/publications/english-national-parks-and-the-broads-uk-government-vision-and-circular-2010 as well as NNPF</p>
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	<p>policy that “<i>great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, ...and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas and should be given great weight in National Parks.</i>”</p>
Highways England	<p>Thank you for providing Highways England with the opportunity to comment on the review of the Devon Waste Plan. Highways England are responsible for operating, maintaining and improving the strategic road network (SRN) which in Devon comprises parts of the M5, A30, A35, A38 and A303.</p> <p>We note that the current policies are considered as remaining compliant with the relevant policies of the NPPF, and based on the review so far the Council is likely to conclude that no updates to the policies will be required.</p> <p>The Council confirms that annual monitoring of the Plan will continue in line with the current monitoring process, and further reviews may be undertaken as necessary, for example in the event of an update to national planning policy, or in recognition of the Climate Emergency Declaration and the future publication of the Devon Carbon Plan, scheduled for 2021.</p> <p>Based on the information provided, Highways England has no specific comments to make on the Plan’s policies or implementation. Any proposed changes to the Plan’s policies will need to consider the transport impacts of such changes on the safe and efficient operation of the strategic road network.</p> <p>I trust the above is clear. Highways England looks forward to continued involvement in the review of the Devon Waste Plan.</p>
Historic England	<p>Thank you for consulting Historic England on the five year review of the Devon Plan and for allowing us some additional time to respond. As the Government’s adviser on the historic environment, Historic England is keen to ensure that the protection of Devon’s historic environment is fully taken into account at all stages and levels of the planning process. We have considered your email and the attached summary of evidence and conclusions and topic papers, noting that the review is likely to conclude that the existing Waste Plan policies do not need to be updated.</p> <p>Policy W13: The Historic Environment</p> <p>While it is heartening to note from Topic Paper 1: 5 year Review of AMR Data (2020) that no consents granted have resulted in the loss of, or harm to, heritage assets, there have been several updates to the National Planning Policy Framework (NPPF) since the adoption of the existing Devon Waste Plan in 2014. Historic England has also published relevant advice, including The Historic Environment in Local Plans Historic Environment Good Practice Advice in Planning: Note 1 (2015), The Historic Environment and Site Allocations in Local Plans (2015), Good Practice Advice in Planning Note 3: The Setting of Heritage Assets (2017)</p>

	<p>and Sustainability Appraisal and Strategic Environmental Assessment (2016).</p> <p>In respect of the conservation and enhancement of the historic environment, Appendix 1 in Topic Paper 2: Review of Consistency with National Policy (May 2020) considers section 16 of the NPPF in relation to Policy W13: The Historic Environment. Attention is drawn here to paragraphs 189, 190, 195, 199 and 200 of the NPPF and concludes that there is alignment between Policy W13 and the NPPF. In particular, it is stated that Policy W13 supports the overarching objectives of paragraph 195 of the NPPF, incorporates key elements of paragraph 195 and is compliant with paragraphs 189, 195, 199 and 200 of the NPPF.</p> <p>Having considered this, however, Historic England is of the view that Policy W13 would benefit from some amendments to make it more consistent with the requirements of chapter 16 of the NPPF. We consider that paragraphs 184 and 185 of the NPPF are key considerations for assessing whether Policy W13 should be amended. Paragraph 184 (not 195) sets out the overarching objective of national policy for conserving and enhancing the historic environment, stating that heritage assets are an irreplaceable resource that should be conserved in a manner appropriate to their significance. Paragraph 185 concerns plans, which should set out a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats. These have not been assessed in Appendix 1.</p> <p>This feedback is really helpful. The appendix has been updated accordingly to reflect these comments and include reference to paragraphs 184 and 185 of the NPPF.</p> <p>Appendix 1 also does not comment on whether paragraph 190 of the NPPF is appropriately addressed in Policy W13. This paragraph advises that proposals should seek to avoid or minimise any conflicts with the conservation of the significance of heritage assets.</p> <p>This is an omission and the appendix has been updated accordingly.</p> <p>Paragraph 193 of the NPPF states that great weight should be given to the conservation of the significance of a designated heritage asset irrespective of the level of loss or harm. Paragraph 194 of the NPPF describes how exceptional cases of substantial harm to, or loss of, the significance of designated heritage assets should be. However, the wording of Policy W13 does not direct development proposals to avoid harm to the significance of heritage assets in the first instance and then to minimise any harm. Instead it presupposes that a level of harm will be acceptable and that all significant adverse effects can be adequately mitigated. New wording could be introduced at the beginning of part 2 of Policy W13 to resolve this, for example:</p> <p><i>Waste management development should avoid the loss of, or harm to, the significance of designated and non-designated heritage assets, including their settings. Any loss or harm that is demonstrated to be unavoidable and/or justified should be minimised and opportunities for enhancement should be maximised.</i></p>
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	<p>The NPPF contains different information requirements and approaches for designated and non-designated heritage assets and for different asset types, which are not reflected in Policy W13. In the case of designated heritage assets, paragraph 194 states that clear and convincing justification is required for any harm to, or loss of, the significance of a designated heritage asset. Paragraph 195 set out how decisions should be made in cases of substantial harm to, or total loss of, designated heritage assets requiring either substantial public benefits to outweigh the harm or loss, or the alternative tests to be met. The alternative tests are not provided for in Policy W13. Paragraph 196 covers cases of less than substantial harm to the significance of designated heritage assets, which requires harm to be weighed against the public benefits of the proposal. Paragraph 201 of the NPPF sets out how harm in Conservation Areas and World Heritage Sites should be treated. For non-designated heritage assets, paragraph 197 of the NPPF requires a balanced judgement between the scale of any harm or loss and significance.</p> <p>Amendments could be made the remainder of part 2 of Policy W13 to address this and to do so, you may find it easier to have separate policy provisions for different levels of harm to designated heritage assets and for non-designated heritage assets.</p> <p>Paras 193 and 194 of the 2019 NPPF replicates the wording previously included within para 132 of the 2012 NPPF and in this context there has been no material change to this part of national policy since the Waste Plan was adopted. Similarly, the wording of paras 195 and 196 has not changed since the Waste Plan was adopted and therefore it is not considered necessary to make any changes in this regard.</p> <p>In response to the comment that the wording of Policy W13 does not direct development proposals to avoid harm to the significance of heritage assets in the first instance and then to minimise any harm, the opening line of part one of the policy is that <i>“waste management development will conserve and enhance Devon’s historical and cultural environment”</i> and in stating this the policy seeks to avoid harm in the first instance before discussing mitigation in part 2 of the policy.</p> <p>In terms parts of parts 1 and 3 of Policy W13, the second sentence in part 1 could be expanded to refer to statements of heritage significance, desk-based assessments, and field evaluation, in response to paragraph 189 of the NPPF. Historic England has new advice on statements of heritage significance that could be referenced.</p> <p>This advice is noted, however the wording in the policy is considered sufficient to indicate that an assessment of the presence and significance of heritage assets is required. The level and type of assessment required will be on a case by case basis. The supporting text in para 4.4.2 of the Waste Plan indicates that the County Council has published a guidance note on archaeology and this should be used to inform the preparation of waste planning applications and early consultation with the county council’s Historic Environment Team is also advised.</p> <p>Finally, the wording of part 3 of Policy W13 would benefit from drawing upon some of the language of paragraph 200 of the NPPF and also seek</p>
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	<p>to encourage development that will enhance or better reveal significance of heritage assets.</p> <p>Having reviewed paragraph 200 of the 2019 NPPF against the wording in the 2012 NPPF (para 137) under which the Waste Plan was prepared, there is no change here and therefore we do not consider it necessary to update Policy W13 as there has been no change to national policy in this regard.</p> <p>We hope you find this advice helpful and we would be pleased to comment on any revised wording that may be proposed. If you have any queries about any of the matters raised in this letter or consider that a meeting would be helpful, please do not hesitate to contact me.</p>
Mid Devon District Council	<p>Thanks for the opportunity for us to provide an informal officer view on work you have completed so far for the review of the Devon Waste Plan. I note this informal view is sufficient at this stage, and my comments are provided on that basis.</p> <p>I note that you have reviewed the need to update the Devon Waste Plan and you consider it still fit for purpose in terms of national policy etc. I am assuming you have covered off the SEA, HRA, and EqIA matters too?</p> <p>These assessments were undertaken at the time of preparing the Waste Plan and their outcomes informed the Plan itself. If the conclusion from the review is that no update is required, then it is not considered necessary to update these assessments as there will be no change to the policy landscape. If changes are required then these supporting assessments will need to be updated also.</p> <p>I have only two observations to make at this stage.</p> <p>Topic Paper 3 Spatial Strategy Review</p> <p>1.6.2 - please can this be updated to note the Inspector's report was received on 26th June 2020. The Inspector has concluded that the Mid Devon Local Plan Review 2013 – 2033 provides an appropriate base for the planning of the District and with a number of main modifications (MMs), is sound and capable of adoption. The Council will consider the adoption of the Local Plan Review at its meeting on 29th July 2020.</p> <p>Noted. This change will be made to the report.</p> <p>Policy W6: Energy Recovery</p> <p>The adopted Devon Waste Plan (2014) Policy W6 (page 64) includes WB6 Tiverton Eastern Urban Extension as one of the strategic locations where planning permission could be granted for additional energy recovery capacity.</p> <p>I wish to advise that the Council is not currently pursuing the provision of an energy recovery facility at the Tiverton Eastern Urban Extension. Policies in the (soon to be adopted) Mid Devon Local Plan Review 2013 –</p>

	<p>2033 do not include provision for an energy recovery facility at the Tiverton Eastern Urban Extension.</p> <p>The Mid Devon Local Plan Review 2013 – 2033 allocates the area land at the Tiverton Eastern Urban Extension for mixed use development. This same area is shown in the Devon Waste Plan (page 118) for an energy recovery facility. Should there be a need to bring forward an energy recovery facility in this location this would need to be weighed up with other policies in the development plan, including Mid Devon Local Plan Review Policy S9 Environment criterion d) i.e. there being an acceptable local impact, including visual, on nearby residents, landscape character and wildlife, balanced with the wider sustainability benefits of renewable energy.</p> <p>Noted.</p> <p>Taking the two Plans in the round, I consider there is no fundamental conflict between the two on this matter. While the Devon Waste Plan Policy W6 provides flexibility for an energy recovery facility in this location should this be needed, this would not preclude other uses coming forward instead as part of the mixed use urban extension.</p> <p>I hope these comments are helpful.</p>
Natural England	<p>Thank you for your consultation regarding the waste plan review. We have a number of comments which are set out below.</p> <p>Net gain. We note the requirement for net gain set out in existing policy W11 which we welcome. However we advise that further guidance should be provided on the expectations that underpin this policy which have changed since adoption of the waste plan. These include use of a net gain target, the approach to onsite and offsite delivery and a measure for how losses and gains will be measured (e.g. the Defra Biodiversity Metric 2.0). In particular it will be important for the LPA to clarify that the policy wording “proportionate to the nature and scale of the proposal” should relate to the amount of habitat created to meet the authority’s net gain target. We would welcome the opportunity to discuss this issue with you in more detail.</p> <p>The recommendation for the preparation of a further guidance note is supported.</p> <p>Air quality. A key policy driver is the Government’s Clean Air Strategy 2019 and in particular the need to address impacts arising from ammonia related to waste development such as anaerobic digestion. It is important that air quality is addressed within plan policy and we advise that further guidance on the need to address specific impacts is addressed in supporting guidance/text. We also suggest that applications are supported by a SCAIL (Simple Calculation of Atmospheric Limits) calculation to assess the impact arising from agricultural/combustion sources on protected sites (SSSIs/SACs/SPAs etc.).</p> <p>The impact of waste management development upon air quality is addressed through Policy W18: Quality of life under part (f). Air quality is</p>

	<p>also addressed in numerous paragraphs of supporting text throughout the Plan. Appendix B of the Plan also sets out the requirement for air quality assessments to be provided alongside relevant planning applications.</p> <p>Housing/employment growth. The review document states that there will be limited changes to the planned distribution of future housing and employment growth. It would be useful if clarification could be provided on whether growth anticipated in the fourth coming Greater Exeter Strategic Plan has been taken into account.</p> <p>We would be happy to discuss any of these points with you in more detail.</p>
North Devon Council	<p>Further to our recent phone call I can confirm that I have read all of your review topic papers and have identified no specific problems in North Devon that would warrant an urgent review of policies within the Devon Waste Plan.</p> <p>In my opinion, the proposed site for a new energy from waste facility in North Devon at Brynsworthy is still available and suitable, possibly more so given the recent completion of the waste transfer station next door.</p>
Plymouth City Council	<p>I have read through your 4 topic papers and the summary document and am in agreement with your conclusions that the policies remain fit for purpose, consistent with national planning policy and provide an appropriate framework for the determination of waste planning applications across Devon.</p> <p>I will continue to chase street services to see if they have any comments.</p> <p>Thank you for the opportunity to comment and please keep me up to date with progress.</p>
South Hams District Council and West Devon Borough Council	<p>I have scanned the documents and don't feel I have any comments from a waste perspective as DCC are our waste disposal authority and therefore direct where our waste is sent to for disposal.</p> <p>You are right about the proximity between Plymouth and the South Hams, and the two councils are working together currently in waste collection at the new large development site at Sherford. I'm not sure why Sherford is not mentioned in the plan?</p> <p>Sherford has been recognised as an 'Other Town' in Figure 3.1: The Spatial Strategy for the Devon Waste Plan and therefore also features in part (b) of Policy W3: Spatial Strategy</p>
Teignbridge District Council	<p>I can confirm that we are happy with the approach that you are taking with regards the review of the Devon Waste Plan and that it is sensible to wait for further progress on the Devon Carbon Reduction Plan to carry out any further review.</p>

<p>Torridge District Council</p>	<p>Please find below Torridge District Councils comments on the Waste Local Plan review.</p> <p>Officers at Torridge District Council concur that overall the policies remain fit for purpose and consistent with the relevant National Planning Policies and an appropriate framework for the determining of waste planning applications across Devon. The council considers that where targets have not been met the measures proposed to address any identified issues are appropriate and relevant.</p> <p>Notwithstanding the above conclusion, Torridge District Council would like to provide comments on the following points:</p> <ol style="list-style-type: none"> 1. Indicator 1.1 The action plan for addressing the shortcomings would appear to appropriate, albeit it is suggested that there should be a bi-annual review until the 75% is met, then a yearly review thereafter, to ensure the steps taken have been successful. <p>The intention is that we would continue to monitor this annually as part of the AMR process (i.e. more frequently than bi-annually). I can see that the text needs to be updated to clarify this. I will make this amendment.</p> <ol style="list-style-type: none"> 2. Indicator 5.1 and Policy W1 No target or trigger was provided and no data was provided. <p>No set target or trigger is included in indicator 5.1 as the ability and requirement to provide biodiversity enhancement is dependent upon the types of waste management facility delivered. 5 year trend data for this indicator has been provided. This indicates that an appropriate number of proposals for waste management have incorporated biodiversity enhancement measures over the last 5 years. This conclusion has taken into account the type of development permitted and whether it would be possible/appropriate for biodiversity enhancement to be provided as part of the proposals.</p> <p>The policy fails to set a target of the appropriate levels on net gain, therefore it is recommended that a target for net gain in biodiversity is set and measured on future applications, possibly supported through an SPD to provide guidance on the existing policies in the plan.</p> <p>Policy W1: Presumption in favour of sustainable development is a strategic overarching policy which does not deal with topic/theme specific requirements. The policy requirement for biodiversity net gain is provided in part 6 of Policy W11: Biodiversity and Geodiversity, <i>“Waste management development proposals will be</i></p>
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permitted where they result in a net gain for wildlife proportionate to the nature and scale of the proposal.”

3. **Indicator 5.8 and Policy W11**| There appears to be a trend of pollution incidents increasing in recent years, therefore the current policies are potentially not being effective. It is noted that Paragraph 7 of the NPPW states *“When determining waste planning application, waste planning authorities should concern themselves with implementing the planning strategy in the Local Plan and not with the control of processes which are a matter for a pollution control authorities. Waste planning authorities should work on the assumption that the relevant control regime will be properly applied and enforced.”*

However, Paragraph 5 of the NPPW states that *“waste planning authorities should assess the suitability of sites and/or areas for new or enhanced waste management facilities against the cumulative impact of existing waste and proposed waste disposal facilities on the well-being of the local community, including any significant adverse impacts on environmental quality, social cohesion and inclusion or economic potential.”* Additionally, paragraph 170 of the NPPF states *“planning policies and decisions should contribute to and enhance the natural and local environment by preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution.”*

From the evidence provided, it is not clear that the ‘assumption that the relevant control regime will be properly applied and enforced’ is fully effective, and the environment quality and biodiversity of sites is not being put at risk from pollution incidents in Devon. For example, this could be addressed with additional requirements in the Plan, such as need for a Pollution Incident Plan being submitted with an application and consultation with the relevant pollution control authorities prior to the determining of any application in regards to control regime.

The number of pollution incidents from waste facilities in Devon remains low and we do not consider it necessary to update the Plan’s policies as a result of this at this stage.

Review of the Devon Waste Plan

Summary of evidence and conclusions

August 2020

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1.1. Introduction

- 1.1.1. The Devon Waste Plan was adopted in December 2014 and since then has provided the local planning policy framework informing the determination of waste planning applications in the administrative area covered by Devon County Council. Over the last 5 years, 133 waste planning applications have been determined, with 95% being approved.¹ The 21 policies provided in the Waste Plan were used a total of 802 times when determining these applications.
- 1.1.2. There is a statutory requirement for local planning authorities to review their local plan policies at least every 5 years from the date of their adoption. This requirement is set out in Regulation 10A of The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended)². Paragraph 33 of the National Planning Policy Framework (NPPF) indicates that policies “*should be reviewed to assess whether they need updating at least once every five years, and should then be updated as necessary.*”
- 1.1.3. As such, it has been necessary to review the Devon Waste Plan to assess if the vision and objectives of the Plan are on track to be achieved and whether the Plan’s policies are proving to be effective and remain fit for purpose.
- 1.1.4. Planning Practice Guidance (PPG)³ provides advice on what factors authorities should consider when reviewing a plan. In addition, the Planning Advisory Service (PAS) has published the Local Plan Route Mapper⁴ guidance to assist LPAs in undertaking plan reviews and this has also been used to inform the review process. Both of these guidance documents have informed the review of the Devon Waste Plan, which has been completed alongside input from various County Council specialist officers, including landscape, flooding, ecology and climate change.
- 1.1.5. A series of topic papers have been prepared which provide the evidence informing the conclusions of the review. These are as follows:

Topic Paper 1:	5 Year Review of Annual Monitoring Report (AMR) data
Topic Paper 2:	Review of consistency with National Policy
Topic Paper 3:	Spatial Strategy Review
Topic Paper 4:	Review of Climate Emergency Declaration implications
Topic Paper 5:	Duty to Cooperate Engagement

¹ AMR periods 2014/15 – 2018/19 inclusive. 2 further applications were determined in this period with split decisions and these are not included in the 133 total or 95%.

² The requirement to review local plans was introduced by the Town and Country Planning (Local Planning) (England) (Amendment) Regulations 2017
<http://www.legislation.gov.uk/ukxi/2017/1244/contents/made>

³ NPPG, Plan making, Plan reviews, paragraphs 061 to 070 (reviewed Oct 2019)
<https://www.gov.uk/guidance/plan-making>

⁴ PAS Local Plan Route Mapper & Toolkit - *reviewing and updating local plan policies* | October 2019
<https://www.local.gov.uk/pas/pas-support/plan-production/local-plan-route-mapper-toolkit-reviewing-and-updating-local-plan>

- 1.1.6. This report summarises the findings from the topic papers and draws this evidence together to provide conclusions on the review process.

1.2. Summary of evidence

Topic Paper 1: 5 Year Review of Annual Monitoring Report (AMR) data

- 1.2.1. The County Council is required to produce an annual report to monitor implementation of the Devon Waste Plan, and collating and reviewing the AMR data has provided a valuable source of information. The methodology used adopted a consistent two step approach which, firstly, flagged up if monitoring revealed any issues and, secondly, reviewed the issues identified.
- 1.2.2. Step 1 of the assessment indicated that, over the last five years, targets for some monitoring indicators had not been met and, in some cases, outcomes had been beyond trigger margins to review the relevant part of the Waste Plan and policies.
- 1.2.3. However, upon reviewing the outcomes for these indicators in step 2, it became clear that often other non-policy based factors were at play which had influenced the outcomes and changes to policy would not address the issues which had been identified. As an example, this was relevant to indicator 1.3: Energy recovery from waste and indicator 1.4: Disposal of waste. Delays to commencing a commercial contract meant targets for these indicators had not been achieved as quickly as anticipated when preparing the Plan. This situation was outside of the control of the Waste Plan. It is worth noting that the contract referred to has since commenced and therefore this issue has been addressed.
- 1.2.4. In other cases where monitoring targets had not been met, alternative measures were identified through the review process which would support the achievement of the targets without the need to change the relevant policy. A good example of this is in relation to Indicator 1.1: Waste Audit Statements. The target is for 100% of major planning permissions to be supported by a waste audit statement or require one as a condition. However, over the last five years the highest rate achieved was 37%. Despite this poor outcome, the issue lies with the policy's implementation rather than the policy itself. The policy content remains appropriate and fit for purpose. Its implementation needs to be more effective. As such, a system has now been established for weekly lists of district planning applications to be reviewed and responses submitted accordingly if a WAS has not been provided. This proactive measure is expected to achieve a better outcome for this policy in future years.
- 1.2.5. The findings from the review of the AMR data is presented in full in Topic Paper 1. In light of the findings, this assessment concluded that it is not necessary to update any of the Plan's policies at this stage, however continued monitoring is required to identify any changes which may trigger the need to update all or some of the Plan's policies.
- 1.2.6. Undertaking this exercise also provided an opportunity to reflect on the AMR process more generally with a couple of key points to note. Firstly, poor data availability means it has not been possible to report on a number of indicators, or elements of indicators. This relates to indicators requiring

reporting on commercial and industrial waste (CIW) and construction, demolition and excavation waste (CDEW), and those relating to energy efficiency and energy production waste sites. Secondly, when it is necessary to update the Plan, the indicators themselves should also be updated.

Topic Paper 2: Review of consistency with National Policy

- 1.2.7. Conformity with national policy is an important consideration as part of the Plan review process. Since the adoption of the Waste Plan, the National Planning Policy Framework (NPPF) has been updated twice but the key principles have not fundamentally changed. A large number of the changes made impact upon the way in which local planning authorities plan for housing development and therefore are not relevant to the Waste Plan.
- 1.2.8. The National Planning Policy for Waste (NPPW) and the National Waste Management Plan for England have not been updated since the adoption of the Waste Plan. As such the conclusion from this element of the review is that the Waste Plan remains in conformity with national planning policy.
- 1.2.9. This process identified a number of additional policy drivers including the 25 year Environment Plan, The Industrial Strategy, The Clean Growth Strategy and the 'Our Waste, Our Resource Strategy'. These drivers introduce new terminology, such as the 'circular economy' agenda, which should be incorporated if the Waste Plan were to be updated, but this alone does not warrant an update to the Plan.

Topic Paper 3: Spatial Strategy Review

- 1.2.10. This element of the review focused solely upon Policy W3: Spatial Strategy. Evidence is presented regarding whether the existing spatial strategy has been effectively implemented and whether it remains fit for purpose in the context of any changes over the last 5 years.
- 1.2.11. Findings indicate that the vast majority of operating waste sites are in located in conformity with the spatial strategy and the granting of planning permission for new sites over the last 5 years has also largely been in conformity with the spatial strategy.
- 1.2.12. There have been limited changes to the planned distribution of future housing and employment growth, which is intrinsically linked to waste generation. As such, the spatial strategy and specifically Policy W3 remains appropriate and does not need to be updated at this stage.

Topic Paper 4: Review of Climate Emergency Declaration implications

- 1.2.13. Devon County Council's Climate Emergency Declaration on 19th May 2019 represents a significant change to local circumstances which warrants consideration as part of the Waste Plan review process. The Plan was considered in the context of the current narrative surrounding climate change, in conjunction with officers from the County Council's Environment Group who are working on the county's response to the climate emergency declaration.
- 1.2.14. This review identified that tackling climate change features strongly as a key

theme within the Waste Plan and is central to its vision, objectives and policies. The Devon Waste Plan policies contain a number of measures which seek to reduce and adapt to the impacts of climate change.

- 1.2.15. As such, it has been concluded that at this stage, the existing measures in the Waste Plan are sufficient in the context of the declaration, providing they are implemented robustly.
- 1.2.16. Upon publication of the final Devon Climate Emergency Action Plan expected in 2022, it will be necessary to reassess this situation in light of any specific measures which may be proposed in that Action Plan. In conclusion, in this regard, it is not necessary to update the Devon Waste Plan at this time.

Topic Paper 5: Duty to Cooperate Engagement

- 1.2.17. Paragraph 68 of the Planning Practice Guidance indicates that authorities are expected to have due regard to the Duty to Cooperate when undertaking a review to assess if a Local Plan needs updating. Engagement with the County Council's Duty to Cooperate bodies has therefore been undertaken as part of the Waste Plan review process.
- 1.2.18. Virtual meetings were held with a number of Devon's local planning authorities, neighbouring waste planning authorities and statutory bodies to provide additional background and clarify particular details of the review.
- 1.2.19. No Duty to Cooperate issues were raised as part of this exercise and helpful feedback was provided in a number of areas. The topic papers and summary report were updated accordingly to reflect this. Notably feedback from Natural England identified the need for additional guidance to be prepared to aid the interpretation of the biodiversity net gain requirements of Policy W11: Biodiversity and Geodiversity, and the preparation of such a guidance note has been included as recommendation (b) to the Committee.
- 1.2.20. The response received from Historic England as part of this engagement exercise suggested Policy W13: Historic Environment would benefit from some amendments to make it more consistent with the NPPF. A virtual meeting was held in order to understand these comments in more detail and, following this, further analysis was undertaken with input from the County Council's Historic Environment Service. The conclusion from this additional analysis is that the vast majority of the wording in the 2019 NPPF in relation to the historic environment remains unchanged from when the Waste Plan was adopted (2012 NPPF) and, where wording has been tweaked, this does not bring about a material change which would warrant an update to Policy W13. As such no change is proposed to this policy.
- 1.2.21. Finally, it is worth highlighting that, in addition to the engagement discussed above, Devon County Council has continued to engage with waste planning authorities from across the region since the adoption of the Waste Plan through attendance of the South West Technical Advisory Body (SWWTAB), chairing this group throughout this period, as well as responding to planning policy consultations where necessary.

1.3. Review of policies

- 1.3.1. Informed by the evidence discussed above, Table 1 below presents a review of each of the Waste Plan's policies and the conclusions from the review process. Please note the NPPW is not referred to in the table, as it has not been updated since the Waste Plan was adopted and therefore remains in conformity.

Waste Plan Policy	Review Summary	Conclusion
W1: Presumption in favour of sustainable development	This policy supports the overarching objectives set out in the NPPF. The wording in parts 3 a and b of Policy W1 is not identical to 11 c and d of para 11 but it embodies the same principles.	This policy remains fit for purpose and does not need to be updated at this time.
W2: Sustainable Waste Management	Similarly to Policy W1, this policy supports the overarching objectives set out in the NPPF and the criteria provided in the policy cut across all three objectives (economic, social and environmental).	This policy remains fit for purpose and does not need to be updated at this time.
W3: Spatial Strategy	<p>Section 3 of the NPPF (plan making) is focused upon district Local Plans rather than Waste Plans, however, it does state, "<i>Strategic policies should set out an overall strategy for the pattern, scale and quality of development</i>". Part d specifically refers to waste management facilities. This is provided through Policy W3.</p> <p>Topic paper 3 reviews this policy in detail. The evidence indicates that the policy is being effectively implemented as the vast majority of permissions granted since the adoption of the Plan are located within the areas identified within this policy and the accompany map (Figure 3.1 on page 55 of the Waste Plan).</p> <p>Generally, the scale and location of future growth remains the same as at the time of preparing the Plan (except the exceptions discussed in topic paper 3).</p>	This policy remains fit for purpose and does not need to be updated at this time.

Waste Plan Policy	Review Summary	Conclusion
W4: Waste Prevention	<p>Review of AMR data indicates this policy is not being implemented effectively and target for 100% of major planning permissions to be supported by or requiring a waste audit statement by way of a condition is not being met.</p>	<p>Policy does not need to be updated but needs to be implemented more effectively.</p> <p>In order to address this, DCC officers have recently began proactively checking weekly lists of district planning applications and responding accordingly if a WAS has not been provided.</p> <p>In addition, DCC to actively seek for the requirement for waste audit statements to be included within district validation checklists.</p>
W5: Reuse, Recycling and Materials Recovery	<p>The targets set out in this part 1 of this policy remain in line with national targets and therefore do not need to be updated.</p> <p>Increases in the recycling rate being achieved in Devon for LACW has stalled over recent years. No updated information is available regarding CIW and CDEW. Despite this, policy W5 is considered to be an enabling policy under which additional facilities can be brought forward. The criteria provided in part 2 of the policy remains relevant and fit for purpose.</p>	<p>This policy remains fit for purpose and does not need to be updated at this time.</p>
W6: Energy Recovery	<p>Data indicates that annual operational energy recovery capacity for Devon's waste is currently 263,000 tonnes, which represents 74% of the 356,000 tonne target for 2021. In addition, there remains 76,000 tonnes of permitted non-operational capacity, as well as a pending planning application which if approved, would offer further capacity.</p> <p>Energy recovery facilities have not been delivered on the sites identified in part 2c of this policy at this stage. However, there remains potential for their delivery. In any case, if the identified sites were to be no longer available, the criteria provided in part 3 of the policy enables alternative sites to</p>	<p>This policy remains fit for purpose and does not need to be updated at this time.</p> <p>However, going forward, updated evidence should be gathered in relation to the levels of CIW being generated in Devon in order to consider in the context of the targets set out in part 1 of the policy.</p>

Waste Plan Policy	Review Summary	Conclusion
	<p>come forward. The policy was written flexibly to ensure it remains fit for purpose in light of changing circumstances.</p> <p>Part 4 of the policy which refers to the need for HRA in relation to Natura 2000 sites remains relevant.</p> <p>Part 5 of the policy remains relevant and appropriate in the context of the climate change agenda and the waste hierarchy.</p>	
W7: Waste Disposal	<p>The targets set out in part 1 of this policy remain in line with national targets and therefore do not need to be updated.</p> <p>AMR data has indicated that targets for the availability of landfill capacity have not been consistently met over the last 5 years. Non-hazardous capacity has fluctuated above and below the target, and in respect of inert landfill, available capacity has been below the target for last two years.</p> <p>Despite this, since the Plan's adoption, proposals for additional landfill capacity have been forthcoming. This includes extending the permitted lifespan of non-hazardous capacity at an existing site, the reopening of a former non-hazardous landfill site and the proposal of new inert landfill sites. As such it is considered that Policy W7 provides an effective framework to support the positive determination of planning applications for waste disposal.</p>	This policy remains fit for purpose and does not need to be updated at this time.
W8: Waste Water Treatment	<p>The NPPF recognises the need for strategic policies to plan sufficiently for wastewater (para 20 b). Part 1 c of W8 seeks to ensure the impacts of this type of development does not have significant adverse impacts on a number of receptors which aligns with the approach set out in the NPPF.</p>	This policy remains fit for purpose and does not need to be updated at this time.

Waste Plan Policy	Review Summary	Conclusion
W9: The Management of Special Types of Waste	The NPPF does not deal with the management of special types of waste. Policy W9 recognises the need to avoid adverse impacts on local communities and the environment which aligns with the objectives of sustainable development as set out in the NPPF.	This policy remains fit for purpose and does not need to be updated at this time.
W10: Protection of Waste Management Capacity	This policy seeks to ensure that waste facilities making a significant contribution to Devon's waste management capacity do not become constrained by nearby non waste related development. Implementation of the policy has been effective with the district councils now routinely consulting DCC where proposals fall within the Waste Consultation Zones. The monitoring indicators relating to this policy are indirect and could be more specific to the policy.	This policy remains fit for purpose and does not need to be updated at this time. When the Plan is next updated, consideration should be given to developing more effective monitoring indicators relating to this policy.
W11: Biodiversity & Geodiversity	This policy is consistent with section 15 of the NPPF (conserving and enhancing the natural environment). Policy W11 is split into 5 sections, and the NPPF covers these sections over paragraphs 174 – 177. The monitoring indicators most relevant to this policy (5.1, 5.2, 5.3) indicate the policy is being effectively implemented.	This policy remains fit for purpose and does not need to be updated at this time.

Waste Plan Policy	Review Summary	Conclusion
W12: Landscape and Visual Impact	<p>This is the most extensively used policy from the Waste Plan.</p> <p>This policy is consistent with section 15 of the NPPF (conserving and enhancing the natural environment) and specifically paragraphs 170 and 172. Minor potential amendments to the policy have been identified in light of changes to the NPPF, but these would not fundamentally alter the policy. As such it would be appropriate to consider these potential amendments as part of a wider update to the Plan when necessary at a later date.</p> <p>The monitoring indicator most relevant to this policy (5.5) indicates that the policy is being effectively implemented and planning permissions for waste development are not having a significant landscape impact on an AONB or National Park.</p>	This policy remains fit for purpose and does not need to be updated at this time.
W13: The Historic Environment	<p>Policy W13 supports the overarching objectives set out in paragraph 195 of the NPPF. Paragraph 195 sets out how local planning authorities should deal with harm to the historic environment. Policy W13 incorporates the key elements of this, and is compliant with para 189, 199 and 200.</p> <p>The monitoring indicator most relevant to this policy (5.5) indicates that the policy is being effectively implemented and planning permissions are not resulting in the loss of, or harm to, assets of heritage value.</p>	This policy remains fit for purpose and does not need to be updated at this time.
W14: Sustainable and Quality Design	<p>Policy W14 continues to be in conformity with relevant parts of the NPPF.</p> <p>Indicator 3.4: Inclusion of energy efficiency measures and use of low-carbon energy in planning applications for waste management facilities, is relevant to part a of this policy. Outcomes indicate that very few applications incorporate such measures and therefore there is potential for this policy requirement to be implemented more stringently.</p>	<p>This policy remains fit for purpose and does not need to be updated at this time.</p> <p>However, the policy should be implemented more robustly in recognition of the Devon Climate Emergency Declaration and should be reviewed following the publication of the final Devon Carbon Plan in 2022.</p>

Waste Plan Policy	Review Summary	Conclusion
W15: Infrastructure and Community Services	<p>Policy W15 continues to be in conformity with relevant parts of the NPPF.</p> <p>Only 2 monitoring indicators are relevant to this policy. Indicator 4.1 relates to the number and % of proposals where cumulative impact on amenity or quality of life is a reason for refusal. A single application determined in 2014/15 (prior to the adoption of the Waste Plan) used this as a reason for refusal. Indicator 4.2 relates to change in extent of public rights of way network attributable to waste development. The five-year trend indicates that none of the approved applications resulted in the any loss in the extent of the Public Right of Way (PROW) network.</p>	This policy remains fit for purpose and does not need to be updated at this time.
W16: Natural Resources	<p>Policy W16 supports the overarching objectives set out in paragraph 170 of the NPPF, specifically parts b, e & f of that paragraph.</p> <p>Numerous monitoring indicators relevant to this policy (4.2 and 5.1-5.19) demonstrate positive outcomes indicating the policy is being effective at protecting natural resources.</p>	This policy remains fit for purpose and does not need to be updated at this time.
W17: Transportation and Access	<p>Policy W17 is consistent with section 9 of the NPPF, promoting sustainable transport.</p> <p>The monitoring indicators most relevant to this policy indicate the policy is being effective. Highways advice is being followed or conditioned as part of planning permissions, and applications are not having a negative impact upon PROWs.</p> <p>No waste management permissions have incorporated transportation by rail or water but it is accepted that this is challenging and not possible in most cases.</p>	This policy remains fit for purpose and does not need to be updated at this time.
W18: Quality of Life	<p>Policy W18 is in conformity with relevant parts of the NPPF, notably paragraph 180.</p> <p>A single application from 2014/15 has used this policy as a reason for refusal. Contrastingly, the policy has been widely used in the positive determination of applications.</p>	This policy remains fit for purpose and does not need to be updated at this time.

Waste Plan Policy	Review Summary	Conclusion
W19: Flooding	<p>Policy W19 supports the overarching objectives of the NPPF relevant to flooding. The need for flood resistant and resilient development is highlighted in the NPPF and this is addressed in part 1 of the policy. A small number of minor potential amendments to the policy have been identified in light of changes to the NPPF, but these do not go to the heart of the policy. As such it would be appropriate to consider these potential amendments as part of a wider update to the Plan when necessary at a later date.</p> <p>The monitoring indicators most relevant to this policy indicate good outcomes. For example, no applications have been determined contrary to Environment Agency advice on flood risk (indicator 3.3) and the target for 50% of waste planning permissions to incorporate Sustainable Drainage Systems has been met every year since the Plan's adoption.</p>	This policy remains fit for purpose and does not need to be updated at this time.
W20: Restoration & Aftercare	<p>Whilst the Waste Plan's monitoring framework states a number of indicators are relevant to this policy, a number do not appear to directly inform how effectively the policy is being implemented. The most relevant indicator is 5.1 (biodiversity enhancement) and relates to part b of the policy. The outcome here was that an appropriate level of biodiversity enhancement is being provided where necessary.</p>	This policy remains fit for purpose and does not need to be updated at this time.
W21: Making Provision for Waste Management	<p>Paragraph 20 of the NPPF outlines that policies should make sufficient provision for waste management facilities and this policy sets out the criteria that major non waste development must meet in order to demonstrate it meets that requirement.</p>	This policy remains fit for purpose and does not need to be updated at this time.

Table 1: Review of Waste Plan policies and conclusions

1.4. Conclusions

- 1.4.1. Informed by the evidence collated through the review process, it is not considered necessary to update any of the Waste Plan policies at this time. The policies remain fit for purpose, consistent with national planning policy and provide an appropriate framework for the determination of waste planning applications across Devon.

- 1.4.2. Monitoring should continue through the normal annual monitoring process. A further review should be undertaken if necessary as a result of this process or if there is a significant change in wider circumstances. For example, through the updating of national planning policy for waste, or as a result of any actions or outcomes set out in the Devon Carbon Plan which is due to be published in 2022.
- 1.4.3. In the interim period, a guidance note should be prepared to aid interpretation of the biodiversity net gain requirements of Policy W11: Biodiversity and Geodiversity in line with advice provided by Natural England. Finally, further work should be undertaken to establish a robust methodology for estimating waste arisings (notably for CIW and CDEW) which can be replicated annually and used to inform any future update to the Waste Plan that may be required at a later date.

PTE/20/22

Development Management Committee
23 September 2020

Minerals and Waste Development Framework Statement of Community Involvement: Third Revision

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 the Committee note and endorse the Third Revision of the Statement of Community Involvement, incorporating the minor changes to the Second Revision indicated in section 3 of this report, for publication on 28 September 2020.

1. Summary

- 1.1 This report seeks endorsement of the third revision of the Council's Statement of Community Involvement.

2. Background

- 2.1 Members will be aware that the County Council prepares Minerals and Waste Plans for the parts of Devon outside of the National Parks and the unitary Authorities of Plymouth and Torbay. As part of this process the Council is required to prepare and maintain a Statement of Community Involvement that sets out how the Council will engage with local communities and individuals in the preparation of its policy documents and determination of planning applications. The Council's original Statement of Community Involvement was published in 2007 and subsequently revised in 2013 and 2018, with the Second Revision available under the heading 'Community Involvement' at: <https://www.devon.gov.uk/planning/planning-policies/minerals-and-waste-policy>

3. Third Revision of the Statement of Community Involvement

- 3.1 While the current Statement of Community Involvement remains largely fit for purpose, there are two minor changes required as a result of recent events.
- 3.2 Paragraph 2.2.3 of Statement refers to community involvement in reviews of the Minerals and Waste Plans. At the time of publication of the Second Revision, the term 'review' was understood to refer to the process of changing part or all of an adopted Plan. However, Government guidance has subsequently clarified that 'review' is the process of assessing whether the policies in a Plan remain suitable, while the process of changing policies is 'updating'. As the review process is essentially a technical assessment of the evidence, it is not considered necessary for community involvement to be

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undertaken at that stage, but such engagement would remain applicable if any updating of a Plan were to be undertaken. It is therefore proposed that paragraph 2.2.3 be amended to the following:

“The County Council is obliged to review its Minerals and Waste Plans every five years, or sooner if warranted by changing circumstances that may be identified through its annual monitoring programme. ~~The~~In the event that a review identifies a need for a Plan to be updated, the principles for community involvement in the SCI will apply to all future reviews of updates to these Plans.”

- 3.3 The Covid-19 event has required the closure of council offices to the public, resulting in planning applications not being available for inspection in person, although their availability online has continued. As the current Statement of Community Involvement indicates that planning applications are available for inspection at council offices, it is necessary to amend paragraph 3.4.2 and provide an additional paragraph to allow flexibility in these exceptional circumstances:

“Copies of planning application documents are normally available for inspection from the Development Management Team at Devon County Council, ~~Lucombe House Room 120~~, County Hall, Topsham Road, Exeter, EX2 4QD (it is advisable to contact the Team in advance to ensure that documents are available). Some copies will ~~may~~ also be available for inspection at the relevant District Council.”

“In exceptional circumstances such as the 2020 Covid-19 outbreak, the County Council may need to offer a more limited approach to the availability of planning application documents if its offices are closed and/or public contact is not feasible. Such circumstances will be highlighted on the Council’s website, and online availability of documents will be maintained.”

- 3.4 In addition to the changes identified above, the opportunity will be taken to carry out minor corrections to reflect changes such as new website addresses.

4. Reasons for Recommendation/Alternative Options Considered

- 4.1 The maintenance of a Statement of Community Involvement is a statutory requirement and the Council is obliged to review it to reflect any changes in circumstances. There is thus no alternative to the proposed revision.

Mike Deaton
Chief Planner

Electoral Divisions: All

Local Government Act 1972: List of Background Papers

Contact for enquiries: Andy Hill

Room No: 120, County Hall

Tel No: 01392 383000

Background Paper	Date	File Ref
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None

cd280820dma

sc/cr/minerals waste development framework statement of community involvement
third revision

Delegated Schedule – 23 September 2020 – Summary

District	Location	Application Number	Proposal	Electoral Division	Decision
East Devon District Council	Home Farm, Porter's Lane, Woodbury, EX3 0PU (GR 299699 086219)	DCC/4151/2019	On-farm composting of garden waste in an open windrow, with all compost used on the holding	Exmouth	Conditional Approval
North Devon District Council	Overton and Horswell Quarries, Bishops Tawton, Barnstaple, EX32 0DY	DCC/4158/2019	Application for a Lawful Development Certificate for extraction of stone for use on applicant's agricultural holding (permitted development) and the sale and use of stone on the land of customers and third parties	Chulmleigh & Landkey	Withdrawn Before Validation
East Devon District Council	The Knowle, Station Road, Sidmouth, EX10 8HH	DCC/4159/2019	Flood alleviation scheme comprising a drainage swale and grassed amphitheatre designed to attenuate surface water runoff and provide a venue for public events	Sidmouth	Conditional Approval
East Devon District Council	Land at Former Kilmington Quarry, Kilmington, Devon, EX13 7RG	DCC/4163/2019	Engineering works using reclaimed materials to allow use of site for the keeping of horses and grazing of livestock	Whimble & Blackdown	Conditional Approval
Mid Devon District Council	Sampford Peverell Church of England Primary School, Higher Town, Sampford Peverell, EX16 7BR	DCC/4165/2020	Variation of planning condition 3 of planning permission DCC/4160/2019, to increase the height of the fence surrounding the MUGA	Willand & Uffculme	Conditional Approval
South Hams District Council	Portworthy Dams 2 and 3, Lee Moor China Clay Works, Lee Moor, PL7 5JP	DCC/4166/2020	Variation of Condition 9 of planning permission 42_49/2114/14/CM for Solar farm comprising array of photovoltaic panels, ancillary equipment, equipment housing, fencing, security and underground cable connection to national grid	Bickleigh & Wembury	Conditional Approval
Teignbridge District Council	Bickley Ball Shredding Site, Combsend Road East, Kingsteignton, TQ12 3DZ	DCC/4168/2020	Application to vary Condition 4 of consent reference DCC/3342/2012 to amend maximum tonnage from 10,000 tonnes per annum to 15,000 tonnes per annum due to increased recycling of garden waste	Kingsteignton & Teign Estuary	Conditional Approval

East Devon District Council	Silverdown Office Park, Fair Oak Close, Exeter Airport, Clyst Honiton, EX5 2UX	DCC/4169/2020	Variation of condition 2 (development in strict accordance with plans) and the removal of condition 6 (geotechnical submission) of planning permission DCC/4138/2019	Otter Valley	Conditional Approval
Mid Devon District Council	Haywards County Primary School, East Street, Crediton, EX17 3AX	DCC/4170/2020	Construction of a single storey building for the provision of one-to-one and small group support	Crediton	Conditional Approval
Exeter City Council	Lucombe House, County Hall, Topsham Road, Exeter, EX2 4QD	DCC/4171/2020	Remove existing windows, doors and weather louvres and replace with new. Replace existing flat roof covering and wind catcher unit. Create new openings in face brickwork and install new ventilation louvres. Remove existing aerial masts	St David's & Haven Banks	Conditional Approval
South Hams District Council	Bidwell Brook School, Road to Bidwell Brook School, Shinnars Bridge, Dartington, TQ9 6JU	DCC/4172/2020	Extension to main school building to provide four additional classrooms with associated ancillary works and landscaping	Totnes & Dartington	Conditional Approval
North Devon District Council	A361 North Devon Link Road, between Portmore Roundabout (Barnstaple) and Filleigh Cutting (South Molton)	DCC/4177/2020	Variation of condition 2, 5, 6, 8, 12 and 13 of planning application DCC/4091/2018 for the proposed widening (7.5km) of the carriageway between Portmore Roundabout (Barnstaple) and Filleigh Cutting (Nr. South Molton), including junction improvements at Landkey and West Buckland; provision of a footbridge; and associated works	Chulmleigh & Landkey	Conditional Approval
Torridge District Council	Babeleigh Wood Quarry, Parkham, EX39 5PN	DCC/4176/2020	Variation of conditions 2 & 5 of planning permission DCC/3958/2017 to amend the method of extraction and the hours of operation, and install an additional screening bund	Bideford West & Hartland	Withdrawn After Validation
East Devon District Council	Cranbrook Town Centre, Land to the east of Tillhouse Road, Cranbrook (GR 301375, 095693)	DCC/4178/2020	Outline planning application with all matters reserved for the construction of a Community Building comprising a Library, Children's Centre with Public Health Nursing provision and a Youth Centre with outdoor recreational space	Broadclyst	Conditional Approval

Torrige District Council	Marland School, Road To Marland School, Peters Marland, EX38 8QQ	DCC/4179/2020	The proposal looks to improve the teaching facilities at Marland School by demolishing the existing design and technology block and replacing it with a new building that will comprise of a workshop/resistant materials room, a construction skills rooms, metal work areas and a CAD/CAM design room	Torrington Rural	Conditional Approval
East Devon District Council	New Ford Farm, Quarter Mile Lane, Marsh Green, EX5 2EU	DCC/4181/2020	The removal of earth banked slurry and dirty water lagoons, the construction of a replacement above ground slurry, slurry reception pit and associated works	Broadclyst	Conditional Approval
North Devon District Council	Pathfield School, Abbey Road, Barnstaple, EX31 1JU	DCC/4182/2020	Addition of two modular teaching spaces, play area, parking provision and new access arrangements within the grounds of the existing special school	Barnstaple North	Conditional Approval
Teignbridge District Council	Playing Field, Cromwells Way, Bovey Tracey, TQ13 9BJ	DCC/4185/2020	Erection of an octagonal timber shelter at the south eastern end of the School Playing Field	Bovey Rural	Conditional Approval
South Hams District Council	Drakelands Mine, Drakelands, PL7 5BS	DCC/4191/2020	Prior notification for temporary works in respect of condition 3 on planning application 9/42/49/0542/85/3	Bickleigh & Wembury	Permitted Development - Part 17 (A) (Mining & Mineral Expln)
South Hams District Council	Hemerdon Mine, Hemerdon, Devon, PL7 5BS	DCC/4196/2020	GDPO Prior Notification for permitted development and approval for drilling/exploration	Bickleigh & Wembury	Permitted Development - Part 17 (A) (Mining & Mineral Expln)

