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To: The Chair and Members  
of the Development  
Management Committee

County Hall  
Topsham Road  
Exeter  
Devon  
EX2 4QD

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Date: 24 November 2020

Contact: Gerry Rufolo  
Email: 01392 382299

### **DEVELOPMENT MANAGEMENT COMMITTEE**

Wednesday, 2nd December, 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 21 October 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: Teignbridge District: Planning application for the 'Importation of 350,000m<sup>3</sup> of inert soils and topsoil for the land raising of previously disturbed land that is not capable of sustaining commercial agriculture', Lower Hare Farm, Lane from Higher Hare towards Alderbed Copse, Whitestone (Pages 1 - 48)

Report of the Head of Planning, Transportation and Environment (PTE/20/39), attached

*Electoral Divisions(s): Exminster & Haldon*

- 5 Minerals and Waste Development Framework: Bovey Basin Strategy: Member Engagement (Pages 49 - 52)

Report of the Head of Planning, Transportation and Environment (PTE/20/40), attached

*Electoral Divisions(s): Bovey Rural; Chudleigh & Teign Valley; Kingsteignton & Teign Estuary; Newton Abbot North*

## **OTHER MATTERS**

- 6 Delegated Action - Schedules (to include ROMPS Actions) and Summary Schedule (Pages 53 - 54)

Report of the Head of Planning, Transportation and Environment (PTE/20/41), 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/20/39

Development Management Committee  
2 December 2020

**County Matter: Waste**

**Teignbridge District: Planning application for the 'Importation of 350,000m<sup>3</sup> of inert soils and topsoil for the land raising of previously disturbed land that is not capable of sustaining commercial agriculture', Lower Hare Farm, Lane from Higher Hare towards Alderbed Copse, Whitestone**

**Applicant: Mr Gibbons**

**Application No: 19/00207/DCC**

**Date application received by Devon County Council: 25 January 2019**

Report of the Chief Planner

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

**Recommendation: It is recommended that, subject to the applicant entering into a legal agreement providing for: a contribution of £12,839.75 towards offsite biodiversity net gain; carbon offsetting measures; and appropriate mitigation for the impact on Whitestone Bridleway 14, planning permission is granted subject to the conditions set out in Appendix I of this report (with any subsequent minor changes to the conditions being agreed in consultation with the Chair and Local Member).**

**1. Summary**

- 1.1 This report relates to an inert waste land raising operation, proposing the disposal of 350,000 cubic metres of inert waste soil and topsoil over a ten years period in order to improve the agricultural properties of the land.
- 1.2 It is considered that the main material planning considerations in the determination of this application are: planning policy considerations; nature conservation/habitats; landscape and visual impact; highways and traffic impact; public right of way; amenity considerations; flood risk and drainage; impact on the historic environment; impact on agricultural land; climate change/sustainability considerations; and alternatives and cumulative effects.
- 1.3 The planning application, representations received and consultation responses are available to view on the Council website under reference DCC/4101/2018 or by clicking on the following link:  
<https://planning.devon.gov.uk/PlanDisp.aspx?AppNo=DCC/4101/2018>.
- 1.4 Eight Members of the Development Management Committee visited the application site on 4 November 2020 to view the site and its context prior to consideration of the application at this meeting. The nature of the proposed development was explained to Members, who travelled around the site and

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viewed its topography and relationship with surrounding properties and the wider landscape.

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

- 2.1 The application site comprises approximately 12 hectares of land that is predominantly in use for agriculture, together with the access track connecting the site with the public highway. Whitestone is located approximately 800 metres to the east/north east, and Pathfinder Village and Tedburn St Mary are located 1.2 kilometres and 3.7 kilometres to the west of the site respectively.
- 2.2 The site is bordered by agricultural land on all sides, with the land to the east and west also within the ownership of the applicant. Woodland and a small, unnamed tributary stream of the Alphin Brook are on the western boundary of the site. This stream runs through a culvert at the site entrance, joining the Alphin Brook approximately 300 metres south of the site. The closest residential properties to the site (excluding Lower Hare Farm itself) are Gratton House and Ramslade Farm approximately 150 metres to the north, and a small group of dwellings on either side of Hare Lane, the closest of which is approximately 200 metres south of the operational part of the site.
- 2.3 The central/southern portion of the site is stated to have been tipped with inert waste in the early 2000s by the previous landowner but left 'unfinished and not consolidated'. There is no relevant planning history for the proposed area of landraising, and the exact extent of this tipping is unknown; however, evidence from historic mapping suggests that it covered a minimum of one hectare. This has been stated by the applicant to be a contributing factor to the poor agricultural quality of the site.
- 2.4 Adjacent to the entrance to the area proposed for depositing of waste is an agricultural barn recently constructed under planning permission (16/00001/AGR) granted by Teignbridge District Council.
- 2.5 Access to the site is obtained from the C50, which is situated approximately 350 metres to the south, via an access and track which are understood to have been constructed between late 2016 and early 2017. Planning permission for the access and north/south section of the track was granted by Teignbridge District Council in July 2016 (16/01003/FUL). Between the north/south section of track and the entrance to the proposed landraising site is another section of track of 130 metres in length running east/west. This section of track also appears to have been constructed between late 2016 and early 2017 but does not appear to benefit from a specific planning permission.
- 2.6 The proposed operational area of the site over which waste materials will be deposited measures approximately 7 hectares. The entrance to this area is located in the south western corner, which is the lowest point of the site. From this point, the site slopes steeply upwards to the north, north east and east. The agricultural land associated with the operational area of the site is primarily Grade 4 (poor), with the remainder being Grade 3b (moderate) and a very small portion of non-agricultural land (at the site entrance). The applicant

has stated that, of the proposed operational area, approximately 2.1 hectares are currently unsuitable for agricultural use.

- 2.7 The land raising is proposed to take place over a 10 years period, with filling taking place in seven phases working from east to west. Each phase will be approximately 50 metres in width and will vary between approximately 150 and 275 metres in length. Waste soils will be brought from the entrance of the operational area to the phase being filled along a temporary haul route and, once unloaded near the tip face, the waste soil will be moved into position by a bulldozer, where it will be deposited in layers to aid compaction. Each phase will be filled from north to south. The west-facing leading edge of each phase will be constructed with an approximate gradient of 33 degrees, in accordance with the Construction Code of Practice for Sustainable Use of Soils. The applicant proposes that site works shall only occur between 0730 and 1800 Mondays to Fridays, with the exception of maintenance and emergency works which shall also be allowed to occur between 0800 and 1300 on Saturdays.
- 2.8 Materials will be delivered to the site in six and eight-wheeled tipper lorries, and waste would only be delivered to the site between 0730 and 1800 on Mondays to Fridays. The proposed development will generate an average of nine (two-way) HGV trips per day.
- 2.9 The access track crosses Whitestone Bridleway 14 at a right angle near the entrance to the site, and the applicant proposes appropriate safety provisions and mitigation measures to protect the bridleway and its users.
- 2.10 A temporary haul road will be constructed from the entrance to the operational area of the site, and this will be altered and, where necessary, moved with the completion of each phase of filling, as shown on the phasing plans. It is anticipated that the haul road will be constructed from reclaimed construction and demolition materials, i.e. brick, block and concrete, and that any surplus as the track is altered with progression of the development be reused in the repair and maintenance of the access track and other parts of the haul road.
- 2.11 During the proposed development, site surface water runoff will drain via cut-off ditches, attenuation ponds/basins and restricted outfalls to the nearby watercourse.
- 2.12 Progressive restoration is proposed in line with the phasing of the site which initially will consist of the returning of phases to agricultural land upon completion of filling of each phase. The proposed final restoration to be carried out on the completion of the waste operations is illustrated by plan 1073/PL23 and includes the reinstatement of approximately 440 metres of historic hedgerows, approximately 2.4 hectares of headland habitat (species rich grassland) and use of the remainder of the site (approximately 8 hectares) for agriculture (cereal crops).
- 2.13 The proposals are Environmental Impact Assessment (EIA) development and are accompanied by an Environmental Statement. In accordance with

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Regulation 25 of the EIA Regulations 2017, additional environmental information has been required from the applicant, and further consultation and publicity have been undertaken on this information.

## 3. Consultation Responses

- 3.1 Consultation was undertaken on the submitted application between January and March 2019 and, following the submission of additional or amended information, further consultation was undertaken between February and March 2020 and between October and November 2020. The consultation responses outlined below are the most recent from each consultee, with dates provided for each.
- 3.2 Teignbridge District Council (Planning) (16/03/2020): Teignbridge District Council's Design and Heritage Team concur with the conclusions of the Heritage Impact Assessment that the proposed development will result in no negative effects on the heritage assets' fabric or the setting of Lower Hare Farm. However, our previous comments regarding the need to consider impacts on local amenity during works, the need for an appropriate phasing and restoration scheme, and the need to ensure necessary biodiversity mitigation and compensation measures remain valid.

The concerns of Devon Wildlife Trust and the comments made by Natural England and Public Health Devon are noted and it is strongly advised that any concerns raised are appropriately addressed and that any decision is made on the basis of Devon County Council's specialist advice regarding Biodiversity and Landscape impact.

Previous response (19/03/2019): no objections in principle on the basis that any consent is appropriately conditioned to minimise disruption and impacts on local amenity during works and to ensure the delivery of an appropriate restoration scheme in the interests of landscape character, the setting of heritage assets and biodiversity.

Whilst there would be a level of disturbance during the importation and works phases, this is temporary in nature and in principle the scheme is not contrary to Local Plan policy subject to an appropriate restoration scheme and the imposition of appropriate conditions to control works.

The application site is situated within an Area of Great Landscape Value and therefore, if minded to approve, it is recommended that conditions are imposed to ensure appropriate phasing and restoration is achieved.

There are wildlife habitats adjacent to the site which might be impacted by the proposed works, and buffer zones should be maintained around each habitat during the works to avoid harm including damage to roots, burying of roots to too great a depth and pollution of the stream and ponds. Best practice should be followed to avoid pollution of the stream and ponds by soil runoff, etc.



An area of semi-improved grassland will be lost to the proposal. Although the Ecological Report says that is poor S-I and possibly re-seeded, compensation should be provided for its loss, in the form of re-sowing of a larger area of more species-rich grassland on completion of the works. To provide biodiversity net gain, new native-species hedges should be created (on Devon banks) in appropriate locations associated with the site.

Therefore, if minded to approve, it is recommended that conditions be imposed to secure the necessary biodiversity mitigation and compensation measures.

3.3 Teignbridge District Council (Environmental Health) (29/01/2019): no objection subject to conditions relating to:

- noise control and noise monitoring;
- hours of operation;
- maintenance of plant and machinery;
- use of non-tonal reversing signals; and
- maintenance of the access road and enforcement of a speed limit.

3.4 Whitestone Parish Council (19/11/2020): objection on the following grounds (objection also includes a letter from a consultant):

- inadequacy of the Environmental Statement and Non-Technical Summary;
- conflict with planning policy;
- landscape and visual impact (including impact on the AGLV)
- soil management and proposed operational processes (e.g. soil handling);
- duration of the proposed development (the Parish consider that the development will take 25 years to complete);
- agricultural restoration not being sustainable if the site operates during wet weather;
- lack of assessment of in-situ soils for reuse;
- lack of assessment on the proposed developments impact on soil quality;
- lack of identification of the likely sources of waste materials;
- lack of consideration of alternatives;
- lack of evidence that the proposed development will result in a decrease in the distance that waste is transported for disposal;
- potential adverse impact on climate change cannot be determined;
- the proposed development results in a biodiversity net loss on site;
- environmental effects have been underestimated;
- cumulative impacts have not been fully assessed;
- access to the site is via a section of track constructed without planning permission;
- potential contamination from waste previously disposed of on site; and
- land stability.

In addition to the above, Whitestone Parish Council has also previously objected on the following grounds:

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- lack of community consultation;
  - insufficient need;
  - adverse environmental and social impacts (for example from or on; air quality/dust, noise, health and light);
  - damage to the local economy (including tourism);
  - ecological impact;
  - adverse impact on highways, traffic, road safety and public rights of way;
  - agricultural improvement will not occur;
  - if granted, operating hours should be on weekdays only.
- 3.5 Tedburn St Mary Parish Council (05/11/2020): objection on the grounds of no construction management plan; lack of information regarding the source of waste; the quality of the agricultural land would not be improved; impact on the local highways network; ecological impact; the access track being unconsented; the impact on the bridleway; and the impact on air quality. Previously (11/03/2020) the Parish Council also objected on the grounds of noise impact.
- 3.6 Crediton Hamlets Parish Council (04/04/2019): objection based on the impact on local residents, namely the increase of heavy traffic through the parish leading to an even further decline in the state of the roads in the parish.
- 3.7 Holcombe Burnell Parish Council (11/03/2020): further to our previous objection and in light of the traffic assessment we would like it to be noted that any routes used could have an impact when the tourist traffic are present during the summer months. To reduce this, we would suggest any operation should be on a Monday - Friday basis; a one way system should be used utilising the A30 and the C50 Tedburn to Exeter road; only clean rubble should be allowed on site with any sorting to take place at source; and there should be no selling on of materials at the site. This would reduce any pollution and traffic impact.
- Previous objection (03/06/2019): the Parish Council objects to the application due to: The impact on the highways network and road safety, in particular the increase in heavy traffic on the C50 which passes through the Parish at Pocombe Bridge; the damage that this will cause to the roads and the expense of the necessary repairs; the inconvenience and disturbance caused to local residents; air pollution; and that it is unclear if the landfill will achieve its aim of improving the farmland.
- 3.8 Ide Parish Council (12/03/2020): concern raised regarding the highways impact, particularly at the A30 Alphington Interchange and the carbon emissions associated with the development.
- 3.9 Environment Agency (11/11/2020): no objections to this proposal and do not require the submission of any further information to support this application. However, no work should take place until an Environmental Permit is in place. Our National Permitting Team has advised that a permit application for an inert landfill will need to include a Stability Risk Assessment and an Environmental Setting and Site Design.

- 3.10 Natural England (12/11/2020): no objection. The ALC report submitted (Askew Land and Soil Ltd October 2020 ref: C707) has been produced by a well-respected consultant and confirms the land is subgrade 3b and grade 4. We do not have any additional comment to make but would refer you back to our advice of 20th February 2020.
- Previous Comments (20/02/2020): In view of the area of land affected, Natural England does not wish to comment in detail on the soils and reclamation issues arising from this proposal, but make a number of advisory comments on restoration and soil handling.
- 3.11 Highways England (01/03/2019): no objection.
- 3.12 Historic England (06/11/2020): no comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.
- 3.13 Dartmoor National Park Authority (18/02/2020): no comments/observations to make.
- 3.14 Public Health England (27/03/2020): no objection. We would expect that most suspended particles emitted would be in the coarse sub-fraction (PM2.5-10), rather than in the fine (PM2.5) fraction. We note that the background PM10 concentration (10.4  $\mu\text{g}/\text{m}^3$ ), stated in the Assessment, is significantly below the annual Air Quality Objective (40  $\mu\text{g}/\text{m}^3$ ), and below the screening criterion for a detailed suspended dust assessment (17  $\mu\text{g}/\text{m}^3$ ). Therefore, based on the information in the assessment we would agree with the conclusion that the proposed development should not have a significant impact on local PM10 concentrations. However, we would expect the planning conditions to ensure that appropriate dust suppression measures are used in accordance with current recommendations. In addition, we would expect a Dust Action Plan to be in operation at the site, and an appropriate level of monitoring undertaken to demonstrate that site activities are not having an adverse off-site impact. We recommend that the planning authority liaise with the local council to ensure that the control measures proposed are reasonable, proportional and, if necessary, enforceable.
- 3.15 DCC Highways (20/02/2020): no objection. The number of trips this application could create would not be a severe impact on the highway networks and would not create a highway safety issue.

The applicant has submitted further information including a Transport Statement in which the applicant has agreed to enter into a routing agreement for the vehicles visiting the site, this agreement is welcomed by the County Highway Authority. It has been mentioned in one of the objections received for this application that there are weight restrictions in this area. Devon County Council can confirm there are no weight restrictions on the highways in Tedburn St Mary and Whitestone Parishes.

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3.16 DCC Ecology (16/11/2020): no objection subject to a Section 106 agreement between the applicant and Devon County Council requiring the applicant to pay the sum of £12,839.75 to be spent on Devon priority wildlife projects; and the following conditions:

- a Construction and Environmental Management Plan (CEMP) - which will include details of environmental protection throughout the construction and operational phase;
- no infilling or working within the 'ecological buffer zones' will be consented within the construction or operational phases of development;
- details of a Restoration and Aftercare scheme and a Landscape and Ecology Management Plan (LEMP) - which will include details of habitat creation and management. These documents will also include details of the onsite pond restoration;
- prior to commencement of development a reptile translocation and mitigation statement shall be submitted to and agreed in writing by the Local Planning Authority. This document shall include details of the method of reptile translocation, the translocation site and the future management on the translocation site;
- prior to the commencement of any site works, a repeat survey for the presence of badgers on the site and surrounding suitable habitat, with associated mitigation/compensation measures, shall be submitted to and approved in writing by the local planning authority;
- no vegetation clearance or placement of materials which could affect ground nesting birds shall take place during the bird nesting season (1 March to 31 August, inclusive) unless the developer has been advised by a suitably qualified ecologist that the clearance will not disturb nesting birds and a record of this kept;
- phasing and progressive restoration to be undertaken according to the revised proposals. The species rich grassland 'headlands' will be created prior to any other works starting on site in advance of phase 1; and
- unless otherwise agreed with the LPA, locally sourced seed mixes will be used for the 'ecological buffer zones' rather than a generic MG5 packet seed mix.

3.17 DCC Landscape (18/11/2020): objection on landscape grounds (see previous response); however no longer objects in relation to soils subject to a Restoration and Aftercare Scheme and/or a Landscape and Ecological Management Plan (LEMP) being required by condition.

Previous response (12/03/2020)

The proposed site location is considered unsuitable for an inert waste landfill operation, as it is located on a prominent hillside in a valued rural landscape locally designated as an Area of Great Landscape Value. The adverse visual impacts of machinery, soil stockpiles, access tracks and rectangular water storage lagoons would result in significant adverse effects on the rural agricultural character of the landscape, and the quality of views enjoyed by people using local rights of way and roads, and by a scattering of residents whose rural outlook would suffer visual intrusion. Whilst phased working and progressive restoration would mitigate visual impacts to a certain extent, this

would not be sufficient to make the proposals acceptable from all directions where views are obtained. No other measures are proposed that would avoid adverse effects or minimise these to acceptable levels within a reasonable period, and there is limited scope for further mitigation. Whilst the inclusion of new hedgebanks within the revised restoration scheme would respect and enhance the distinctive field pattern that is characteristic of the area, the proposed elevated ridge landform in the east of the site (see Section V-V' on Drg PL15 and the visibility cross-section on Drg PL31) is considered unsympathetic to the character of the natural topography. In conclusion it is considered that the proposed operation would degrade rather than conserve and enhance the landscape character and visual quality of the Haldon Hills Area of Great Landscape Value for a period of between 10 to 15 years, and significant adverse effects would not be mitigated to acceptable levels, therefore contrary to Policies W2, W12 and W18 of the Devon Waste Plan, Policy EN2A of the Teignbridge Local Plan and NPPF paragraphs 130 and 170.

Should consent be granted, conditions are recommended covering the following:

- limiting the duration of operations to 10 years, with a review at 5 years the outcome of which may be agreeing a revised/reduced landscape restoration;
- phasing and progressive restoration to be undertaken according to the revised proposals (ref. Drg PL and that phase 3 should not be commenced until phase 1 is restored, phase 4 should not be commenced until phase 2 is restored, phase 5 should not be commenced until phase 3 is restored, and so on - to minimise magnitude of visual impact at any one time;
- details of Restoration and Aftercare scheme and LEMP to be agreed prior to commencement and implemented to satisfaction of DCC, including proposals for the 'ecological buffer zones';
- no infilling or working within the 'ecological buffer zones';
- details of proposed location of soil stockpiles and storage mounds to be agreed prior to determination and implemented to satisfaction of DCC;
- no external lighting to be permitted.

3.18 DCC Flood Risk (05/11/2020): no in-principle objections subject to a pre commencement condition requiring submission of detailed drainage measures.

3.19 DCC Historic Environment (31/01/2019): no objection.

3.20 DCC Public Rights of Way (05/02/2019): no objections and note that mitigation measures have been included in the design to limit damage to the surface of the public bridleway, where the access track crosses at point G. The inclusion of appropriate signage to inform delivery drivers of the likelihood of encountering users of the PROW in this location would be beneficial.

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- 3.21 DCC Public Health (24/02/2020): the Bridleway and road network are used as part of recreational activities and active travel. We would request that the hours of operation are limited to weekdays only.

The assessment of air quality and dust concludes that the impact is not significant and negligible respectively but does highlight the need for the recommended mitigation measures to be enforced. We strongly advise that these mitigation measures are adopted to prevent negative impacts on the surrounding community resources such as the play park at Whitestone.

- 3.22 Exeter Airport (20/10/2020): the amendments to this proposal have been examined from an Aerodrome Safeguarding aspect and do not appear to conflict with safeguarding criteria. Accordingly, Exeter Airport have no safeguarding objections to this development provided there are no changes made to the current application. Kindly note that this reply does not automatically allow further developments in this area without prior consultation with Exeter Airport.

- 3.23 Devon Wildlife Trust (11/03/2020): comments that the proposed development did not appear to achieve a biodiversity net gain.

## 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 526 representations have been received, and these are available to view through the link in paragraph 1.3 of this report.

- 4.2 Of these 526 representations, two are in support, two offer 'no objection', two offer comments and 520 object to the application.

- 4.3 The 520 objections were received from 214 different households/addresses, primarily located within the Parishes of: Whitestone; Tedburn St Mary; Holcombe Burnell; and Ide. Nineteen of the objecting households were located outside of Devon.

- 4.4 The objections raised a wide range of issues, and the following is a summary of the main material planning considerations:

- lack of need;
- conflict with planning policy (both national and local);
- waste should be managed further up the waste hierarchy;
- unsuitability of location;
- lack of consultation;
- landscape and visual impacts;
- highways and road safety impacts;
- ecological/biodiversity impacts;
- noise impacts;
- air quality and dust impacts;

- health impacts;
  - other impacts on residential amenity;
  - impact on the historic environment;
  - flood risk impacts;
  - contamination;
  - general pollution impacts;
  - general environmental impacts and impact on adjoining land uses;
  - land stability;
  - climate change and sustainability impacts;
  - impacts on Public Rights of Way and users;
  - impacts on community facilities;
  - adequacy of the submitted environmental statement and reports;
  - cumulative impacts with existing and planned development;
  - more suitable alternatives;
  - lack of public benefit (including employment etc);
  - the proposed development will not result in agricultural improvement of the site;
  - unsuitable restoration/lack of biodiversity net gain;
  - land ownership, validation and other administrative grounds;
  - a section of the access track not having planning permission;
  - operational grounds (for example issues with tipping at the site, soil handling, operating in wet conditions etc); and
  - the application being misleading.
- 4.5 A community group named 'Stop Another Whitestone Landfill' (STAWL) have been created to oppose the application. Sixteen of the objections received have been stated to have been submitted by, or on behalf of, STAWL.
- 4.6 STAWL have created a petition - <https://www.change.org/p/devon-county-council-protect-devon-s-areas-of-great-landscape-value> - to 'Protect Devon's Landscape', calling for Devon County Council to 'rule out locating new large-scale landfill sites in Areas of Great Landscape Value (AGLVs) or Areas of Outstanding Natural Beauty (AONBs) and instead find new sites in areas without zoning constraints'. At the time of writing this petition had been signed by 1,119 people.
- 4.7 The two representations in support were on the grounds that:
- there is a need for the proposed development;
  - economic benefits;
  - lack of impact from noise and dust; and
  - lack of impact on highways, traffic, etc.
- 4.8 The representations offering comments/no objection were in relation to:
- the proposal will improve topography and consequently agricultural operations;
  - concern raised regarding traffic;
  - no selling should occur from the site;

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- operations should be restricted to weekdays (various times suggested) only no weekends or Bank Holidays;
- a one-way system should be used to access the site; and
- access should not be obtained via hare lane/the bridleway.

4.9 A number of other organisations have made the following representations.

4.10 Campaign to Protect Rural England (CPRE) (10/11/20): objects on the following grounds:

- the objection of the DCC Landscape Officer has not been overcome and the scheme should be refused on landscape and soil resource grounds;
- the proposal needs to robustly demonstrate mitigation and enhancement measures deliver an appropriate level of biodiversity net gain; and
- the quality of the Environmental Statement

Previously objected on the following grounds:

- this site is not an established well screened, currently operated landfill site or quarry in need of restoration;
- the site is isolated from existing operations of a similar or complimentary nature;
- increase traffic in a rural locale;
- impact on health and well-being in terms of air and noise pollution in what is a tranquil countryside location;
- lack of 'value added' (jobs and net gain);
- lack of public consultation (prior to submission);
- the application site may constitute 'best and most versatile' (BMV) agricultural land;
- the improvement of the agricultural land is not justified, and significant improvement has not been demonstrated, nor have alternative means of improvement been considered;
- visual impact; and
- the proposal as submitted fails to demonstrate delivery of the objectives of sustainable development through its failure to enhance the environment, and justify that this is the right type of development and in the right place, to deliver the overall purpose of the proposal: to increase productivity of this farm and deal with construction and excavation waste of the city.

4.11 The Froglife Trust (04/04/2019): objects to this application it will have a huge negative impact on the biodiversity status of an Area of Great Landscape Value. The site has reptile populations which are protected and as such a thorough reptile survey must be undertaken in the right conditions for reptiles (May - September). It must establish the impact this will have on the population and measures put in place to protect them. Our research shows that translocated reptiles do not fare well, they stop breeding resulting in the population going extinct. We are concerned about the impact the increase of traffic on the road will have on wildlife. A major contributing factor to wildlife declines is road mortality. We assume that it has been established that the pond does not contain great crested newts, but it may have a toad population.



Toads and other wildlife including reptiles migrate from their breeding to hibernation site.

- 4.12 Exeter and District Ramblers (05/04/2019): raises concern regarding the impact of the proposed development on the Public Right of Way, in particular on the safety of users. If the application is approved, there should be clear warning signs as well as route signs at the junction with the right of way.
- 4.13 The British Horse Society (14/03/2020): the bridleway is an important route and amenity for horse riders in the area and it is of paramount importance that the integrity of the access to, and the ability to use the bridleway, is maintained at all times. Should the application be granted the planning conditions should ensure that adequate protection is given to allow all permitted user groups to use the route.

Visibility is good around the crossing point. However, consideration should be given to mitigation measures including; monitoring of the bridleway surface (ensuring it does not deteriorate and no mud/debris is deposited on it); horse/other user warning signs; a speed limit; and limitation of hours of access by heavy lorries (particularly at weekends, early morning and in lighter evenings).

- 4.14 Horse Access Campaign (22/03/2019): objects to the proposed development due to the impact on the 'Hare Lane/Folly Lane Bridleway'.
- 4.15 RSPCA Little Valley Animal Shelter (04/03/2019): we are concerned at the increased amount of traffic that will be generated by this around the Shelter, areas where we and the public regularly walk dogs and where the public come to visit us.

## 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); W7 (Waste Disposal); W11 (Biodiversity & Geodiversity); W12 (Landscape and Visual Impact); W13 (Historic Environment); W14 (Sustainable and Quality Design); W16 (Natural Resources); W17 (Transportation & Access); W18 (Quality of Life); W19 (Flooding); and W20 (Restoration & Aftercare).

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## 5.3 Teignbridge Local Plan 2013-2033 (adopted May 2014)

Policies S1A (Presumption in favour of Sustainable Development); S1 (Sustainable Development Criteria); S2 (Quality Development); S6 (Resilience); S7 (Carbon Emission Targets); S9 (Sustainable Transport); S10 (Transport Networks); S11 (Pollution); S22 (Countryside); WE11 (Green Infrastructure); EN2A (Landscape Protection and Enhancement); EN3 (Carbon Reduction Plans); EN4 (Flood Risk); EN5 (Heritage Assets); EN6 (Air Quality); EN7 (Contaminated Land); EN8 (Biodiversity Protection and Enhancement); EN9 (Important Habitats and Features); EN11 (Legally Protected and Priority Species); and EN12 (Woodlands, Trees and Hedgerows).

## 5.4 Other material considerations include:

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

## 6. **Comments/Issues**

6.1 It is considered that the main material planning considerations in the determination of the proposed development are; planning policy considerations; nature conservation/habitats; landscape and visual impact; highways and traffic impact; public right of way; amenity considerations; flood risk and drainage; impact on the historic environment; impact on agricultural land; climate change/sustainability considerations; and alternatives and cumulative effects.

### 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 W7 (Waste Disposal) provides criteria for specific types of waste disposal facility. Finally, Policy W3 (Spatial Strategy) provides an approach to the location of strategic and other waste management facilities, and this and the other relevant policies are considered in more detail below.

## Location of the Site

- 6.4 Policy W3 requires that strategic recycling, recovery and disposal facilities (defined as those capable of managing a minimum of 40,000 tonnes of waste) should be located within or close to Exeter, Barnstaple and Newton Abbot. For all facilities, Policy W3 requires that consideration be given to the use of previously developed land and/or co-location with other waste management facilities and the potential cumulative effects of doing so.
- 6.5 For the purposes of Policy W3, the proposed development is considered as being a 'strategic facility' as it will manage, on average, approximately 44,000 tonnes per annum over its 10 year lifespan (assuming a conversion rate of 1.25 tonnes per cubic metre - <http://www.wrap.org.uk/sites/files/wrap/Reporting%20Guidance.pdf>).
- 6.6 Lower Hare Farm is located approximately 4km west of the edge of Exeter and is consequently considered to accord with Policy W3 of the Devon Waste Plan in this regard. Whilst the use of previously developed land and/or co-location with other waste management facilities should be considered, it is considered highly unlikely that previously developed land will be suitable for the location of a facility for the disposal of inert waste soils. Given that the materials disposed of would be limited to inert waste soils, with no disposal of 'hard' construction and demolition waste that would be capable of being recycled, there would be little merit from a waste management perspective in co-locating the proposed development with other waste management facilities.

## Need and Waste Hierarchy

- 6.7 Policy W2 (Sustainable Waste Management) of the Devon Waste Plan aims to "support a growing and diverse local economy" and "meet the waste management needs of Devon's communities and businesses...through the provision of sufficient capacity to manage waste by applying the waste hierarchy". It also states that "capacity will be monitored to ensure that it has sufficient flexibility to respond to future changes in the quantity, nature and composition of waste".
- 6.8 The waste hierarchy prioritises the minimisation of waste and its reuse, ahead of recycling, recovery and, at the bottom of the hierarchy, disposal. In relation to excavation waste in the form of subsoil, the County Council encourages minimisation and reuse on the construction sites where it arises through waste audit statements required by Policy W4 of the Waste Plan.
- 6.9 The recycling of subsoil to provide a useable product is impractical, unlike 'hard' demolition waste such as concrete that can be processed for use as an aggregate. However, the recovery of excavated subsoil is feasible by using it as a fill material in construction projects, for example to raise site levels to avoid flooding or for restoration of quarries and landfill sites. While recovery projects have been a significant destination for excavation waste in Devon,

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the introduction of stricter regulation by the Environment Agency has seen a reduction in recovery volumes in recent years.

- 6.10 The Exeter area currently has three operational inert landfill sites at Hill Barton, Trood Lane and Kenbury Wood. As indicated within the submitted planning statement, the three operational sites tend to take a restrictive approach to the waste that they accept, in some cases limiting inputs to wastes from the operator's business. At the end of 2017, these three sites had a combined remaining void space of 765,000 cubic metres, reducing to 572,000 cubic metres at the end of 2018 and 553 cubic metres at the end of 2019. The rolling three-year average for inputs into these sites (2016-2019) is 378,571 tonnes per annum, with figures for individual years showing a rising trend:

Inputs to Exeter area inert landfill sites:

2017: 195,771 tonnes

2018: 379,898 tonnes

2019: 560,045 tonnes

- 6.11 Assuming a conversion rate of 1.25 tonnes per cubic metre, the three years average equates to a remaining life for these three sites of 1.8 years from the end of 2019, if filling was to continue at the same rate.
- 6.12 If no new facilities are provided following the completion and closure of these sites, then future inert waste soil arising from the Exeter area would need to be transported further afield for disposal, with the only other operational inert landfill site in Devon being near Barnstaple (a new site has been given planning permission at Lee Mill, but this is not yet operational). Anecdotally, where there is the need to transport waste unsustainable distances, this is likely to result in an increase in the number of unconsented and unregulated waste disposal sites.
- 6.13 The Exeter area will continue to be the focus for significant development related growth over forthcoming years, including through greenfield development that commonly generates excess subsoils, and the demand for inert landfill provision is therefore likely to continue. Additional provision will ensure that the area's needs can be met and the distances which waste is transported for disposal does not increase.
- 6.14 Policy W7 (paragraph 4) of the Devon Waste Plan states that "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."
- 6.15 With reference to paragraph 4a of Policy W7, the proposed development is limited to the disposal of inert waste soils, with no disposal of 'hard'

construction and demolition waste that would be capable of being recycled. This would be controlled by a planning condition.

- 6.16 Under a strict interpretation of Policy W7 (4b), the proposed facility at Lower Hare Farm could not currently be justified as it is no closer to sources of inert waste in the Exeter area than the three existing sites. However, circumstances have changed since adoption of the Devon Waste Plan, with the current restrictions on access to the operational sites and their limited remaining capacity supporting the development of further inert landfill capacity in the Exeter area. The adopted and emerging Local Plans for the Exeter area envisage further development that is likely to generate ongoing excavation waste, underlining the need to maintain adequate capacity beyond the life of the current sites. Given the commitment in Policy W2 to meet the waste needs of local communities and businesses and monitoring capacity to ensure it responds to changing circumstances, it is considered that the proposal to provide additional inert landfill capacity to meet the needs of the Exeter area is acceptable in principle and consistent with Policies W2 and W7 of the Devon Waste Plan.
- 6.17 The Devon Waste Plan contains a range of development management policies, notably concerning biodiversity, landscape and visual impact, historic environment, transportation, quality of life and restoration, and it will be necessary to consider the proposed development against these in discussion with relevant specialist officers and balance any adverse impacts against the benefits of providing the additional landfill capacity.

#### Nature Conservation/Habitats

- 6.18 Policy W11 of the Devon Waste Plan and Policies EN8, EN9, EN10, EN11 and EN12 of the Teignbridge Local Plan provide the policy context for considering the impacts of a proposed development on the hierarchy of wildlife sites together with other considerations including species and net biodiversity gain, and these are considered in turn below. There are no statutorily designated sites within 5km of the application area, nor any potential impact pathways between the proposed works and any such sites.
- 6.19 The application site is directly adjacent to two unconfirmed County Wildlife Sites comprising broadleaved woodland, but a proposed 50m buffer between the woodland and the area proposed for tipping of waste will avoid any direct or indirect impacts on the two sites.

#### Habitats

- 6.20 At present, two-thirds of the application area consists of an arable field with limited field margins, and this habitat is of low ecological importance. Two areas of semi-improved grassland are noted as being present onsite, a section to the south of the application area and one section in the middle of the site. The habitat is described by the applicant's consultant ecologist as semi-improved grassland with areas of tall ruderal. The proposals will lead to a loss of approximately 3.47ha of this habitat. The final restoration strategy is

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to include areas of lowland meadow grassland, in the form of 'ecological buffer zones', which These zones will be sown with a suitable seed mixture and a wildlife friendly cutting regime instigated. Approximately 2.29ha of lowland meadow habitat will be created onsite through the proposed development.

- 6.21 The application site is directly adjacent to two unconfirmed wildlife sites, which have been designated due to broadleaved woodland. There will be no direct or indirect impacts upon these two sites and these sites will be protected throughout construction and operation where they border the application area.
- 6.22 It is noted that the section of unconsented track (referred to in 2.5) transverses a section of broadleaved woodland. It is estimated that this unconsented track was constructed in 2016 and approval of this application would effectively give it retrospective planning permission. With that in mind, the loss of the broadleaved woodland associated with the creation of this unconsented track has been included in this application for the purposes of calculating net gain. This equates to approximately 0.09ha of broadleaved woodland habitat.
- 6.23 Given that the proposed development does not impact upon any habitat sites of international, national or local importance, the proposed development is in accordance with Policy W11 and Policies EN8, EN9 and EN10 in this regard.

## Species

- 6.24 An ecological assessment was undertaken by the applicant's consultant in September 2018 and subsequently updated, most recently by an additional survey in July 2020, confirming that the conclusions are still valid. The ecological assessment confirms that there will be no impact from the proposed development on any European Protected Species, with no loss of bat commuting habitat as no linear features are being removed, while replacement of the current grassland with species-rich lowland meadow will providing improved foraging habitat for bats. No loss of dormouse habitat is proposed, but planned enhancement of existing hedgerows and creation of new hedgerows will result in enhanced dormouse habitat.
- 6.25 In relation to UK Protected Species, the main impacts are related to common lizard (which are discussed in more detail below). No evidence of badgers was found on site and, whilst the proposed development would result in the loss of some habitat suitable to support ground nesting birds, a condition will ensure that this vegetation is not removed during the bird nesting season,
- 6.26 With regards to the common lizard, reptile surveys were undertaken with reference to good practice guidelines and a population of common lizard was found within the site restricted to the central part of the tall grassland habitat. The site was categorised as having a 'good' population of common lizard, and it is proposed that a reptile translocation strategy will be implemented onsite. It has been agreed between the consultant ecologist and DCC ecologists that this aspect of the proposal will be agreed with a suitably worded condition

being implemented to ensure a suitable site is located post determination, along with the production of a reptile management plan. Whilst it is noted that an objection was received from the charity Froglife (see 4.x) in relation to the impact on Common Lizards, the DCC Ecologist has commented that 'all reptile surveys were carried out at an appropriate time of year and under suitable weather conditions', and that 'translocation of reptiles is a standard approach within planning'.

- 6.27 It is considered that, subject to the conditions discussed above, the proposed development will not unacceptably impact on legally protected species, UK priority species and other key Devon species. Consequently, the proposed development is in accordance with Policy W11 and Policies W8 and W11 in this regard.

### Enhancement and Biodiversity Net Gain

- 6.28 Policy EN8 of the Teignbridge Local Plan states that development proposals should seek net increases in biodiversity in association with new development through habitat enhancement and creation, and through the introduction of appropriate biodiversity offsetting measures. Policy W11 of the Devon Waste Plan reiterates this, adding, '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'.
- 6.29 The proposed development provides for the creation of the following areas of habitat on site: 7.85ha arable habitat; 2.39ha lowland meadow; 0.04ha neutral grassland; and 0.03ha of pond enhancement. The DCC Ecologist has stated that, in their calculation of net gain, they have taken the step of converting the proposed hedgerow to 'mixed scrub' within the submitted Defra 2.0 metric, and a 2m wide hedge has been assumed in this calculation. Although this is not national guidance, it is in line with correspondence between Natural England and DCC, where Natural England recommend that a local approach can be taken. Devon guidance is currently being drafted but is not yet complete so, until that time, this approach seems sensible given that a hedge is effectively linear scrub (on a bank). With the above in mind, the following will be provided on site: 0.09ha of mixed scrub will be created onsite (0.74 units, equating to 0.44km of hedgerow); and 0.17ha of onsite scrub will be enhanced from moderate to good quality (2.27 units, equating to 0.84km of hedgerow). It has been calculated that the above on-site measures equate to a net loss of 4.35%.
- 6.30 Consequently, in order to achieve a biodiversity net gain, a financial contribution towards off site measures is required. Based on the cost of creation and management (for a 5-year aftercare period) of 0.85ha of broadleaved woodland and 1.85ha of lowland meadow on species-poor agricultural grassland. It has been calculated that a sum of £12,839.75 should be provided by the applicant. This money will be spent on Devon priority wildlife projects, as agreed by the County Ecologist, as close as is reasonably possible to these impacts and following any agreed Devon nature strategy. The Section 106 payment would be made 12 calendar months after the

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commencement of filling operations, and this will provide an **8.3% increase** (net gain) when added to the onsite habitat. Consequently, it is considered that the proposed development is in accordance with Policies W11 and EN8 with regards to biodiversity net gain.

## Landscape and Visual Impact

- 6.31 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, and that an application should demonstrate how proposals respond to landscape context, avoid or minimise adverse impacts and take opportunities for landscape improvement.
- 6.32 Policy W12 also addresses impacts on a National Park or an Area of Outstanding Natural Beauty (AONB); however, the proposed development is located approximately 5 kilometres north east of Dartmoor National Park and 18 kilometres north west of the East Devon AONB.
- 6.33 The proposed development is within the Haldon Hills Area of Great Landscape Value (AGLV) that is defined in the Teignbridge Local Plan. Policy EN2A of that Plan requires that development should be “sympathetic to and help conserve and enhance the natural and cultural landscape”, particularly in an AGLV, and should maintain landscape quality and minimise adverse impacts through high quality landscape design.
- 6.34 Paragraph 170 of the NPPF outlines that planning decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes in a manner commensurate with their statutory status or identified quality in the development plan.
- 6.35 The site is enclosed by the hillside to the north and east, but is open towards the south west allowing long range views both of and from the site in this direction, including from a scattering of residential properties, the closest of which are approximately 1.5 kilometres away on the other side of the A30. In addition, there are shorter range views to the north west of the site from the direction of Lower Hare Farmhouse. The clearest of these views, aside from the farmhouse, is to and from Folly Hill approximately 600 metres to the north west. It is noted that the owner of this property has written in support of the application. Other residential properties to the north west with restricted views of the site include Hare View Bungalow and Higher Hare approximately 400 metres to the west and north west respectively.
- 6.36 There will be some highly limited views from properties at south western edge of Whitestone (approximately 550 metres plus) to the east/north east during the first phase of the proposed development.
- 6.37 The proposed development is large in scale and raises several issues relating to its landscape and visual impact that are considered below.



## Scale and Visual Impact

- 6.38 The area proposed for the deposition of waste materials covers approximately 7 hectares. The main visual impacts will arise from the stripping of topsoil, depositing of waste in phases (including the use of plant and machinery), the surface water lagoons located in the south western corner of the site and the provision of temporary haul routes.
- 6.39 The applicant's landscape and visual impact assessment [LVIA] identifies adverse impacts on the landscape and sensitive receptors, but suggests that these are to some extent mitigated by the temporary and phased nature of the development and operational measures.
- 6.40 The DCC Landscape Officer has considered the applicant's LVIA but disagrees with the judgements made and considers that the significance of visual impacts during landfilling have been underestimated. The site is considered unsuitable for the proposed development due to its location on a prominent hillside in a valued rural landscape designated as an AGLV. Visual impacts of machinery, soil stockpiles, access tracks and rectangular water storage lagoons would result in significant adverse effects on the landscape character and on views from rights of way and roads together with a scattering of local residents.
- 6.41 While mitigation of visual impacts through phased working and progressive restoration will limit impacts to some extent, the Landscape Officer considers that these are insufficient to make the proposals acceptable and that scope for further mitigation is limited.

## Impacts on Tranquillity

- 6.42 The proposed development may have an adverse effect on the tranquillity of the local area, in particular the bridleway and, in order to mitigate these impacts, conditions are proposed to control noise and hours of operation. It is considered that, subject to these measures, the proposed development will not have an unacceptable impact upon tranquillity in accordance with Policy W18 of the Devon Waste Plan and Policy EN2A of the Teignbridge Local Plan.

## Restoration

- 6.43 Progressive restoration is proposed in line with the phasing of the site which initially will consist of the returning of phases to agricultural land upon completion of filling of each phase. The proposed final restoration to be carried out on the completion of the waste operations is illustrated by plan 1073/PL23 and includes the reinstatement of approximately 440 metres of historic hedgerows, approximately 2.4 hectares of headland habitat (species rich grassland) and use of the remainder of the site (approximately 8 hectares) for agriculture (cereal crops). It is considered that the inclusion of new hedgebanks within the revised restoration scheme would respect and enhance the distinctive field pattern that is characteristic of the area in

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accordance with Policies EN2A of the Teignbridge Local Plan and W12 of the Devon Waste Plan.

- 6.44 However, the DCC Landscape Officer has raised concern regarding the proposed elevated ridge landform in the east of the site which is considered unsympathetic to the character of the natural topography.

## Conclusion

- 6.45 Having regard to the LVIA submitted by the applicant and the views of the Council's Landscape Officer, it is concluded that the operation would degrade, rather than conserve and enhance, the landscape character and visual quality of the AGLV for the duration of the proposed waste disposal operation. While some landscape enhancement would occur on completion of restoration works, it is considered that the significant adverse effects of the operational stage would not be mitigated to acceptable levels, contrary to Policies W2, W12 and W18 of the Devon Waste Plan, Policy EN2A of the Teignbridge Local Plan and paragraphs 130 and 170 of the NPPF.

## Highways and Traffic Impact

- 6.46 The submitted transport statement states that the proposed development will generate on average nine (two way) HGV trips per weekday, with no deliveries of waste at weekends or on bank holidays. The applicant has assessed the impact of this as being of negligible significance. It is acknowledged that, in reality, there will be peaks and troughs in the number of daily vehicle movements rather than a strict adherence to an average of nine.
- 6.47 Vehicles accessing the site from the Exeter direction would be routed via the C50, with no access allowed using the unsuitable network of lanes to the north, east and west of the site. It is envisaged that the majority of the waste disposed of at the site will arise from development sites within and surrounding Exeter and will therefore access the site via Pocombe Bridge and the C50. Where, on occasion, material is received from the west of the site, access to the site would be obtained via the A30 (Tedburn Junction). These are considered suitable routes for this type and level of traffic. A management scheme for operational traffic can be required through a condition in the event of permission being granted, which would identify the measures to be taken by the operator to ensure use of the appropriate route by hauliers, including penalties for non-compliance. It is noted that Highways England do not object to the application, including the use of the A30 and Tedburn Junction for access from the west.
- 6.48 An automatic traffic count survey was undertaken in January 2016 to support planning application reference 16/01003/FUL for the site access. This survey found that an average of 2,274 vehicles use the C50 per weekday, with this figure varying by up to 300 (approximately 13%) a day. Based on an average of 9 two-way HGV trips, the proposed development would result in an increase of traffic on the C50 of less than 1%.

- 6.49 Policy W17 (Transportation and Access) of the Devon Waste Plan states that waste management development will be permitted where it would not have an adverse effect on road safety and the capacity and functionality of the transportation network for all users. Furthermore, paragraph 109 of the National Planning Policy Framework (2019) states that 'development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe'.
- 6.50 In this case, even taking account the likelihood of peaks and troughs in delivery frequency, the number of trips generated by the proposed development would not have an adverse or unacceptable effect on road safety or on the capacity and functionality of the transport network, in accordance with Policy W17 of the Devon Waste Plan. For the purposes of paragraph 109 of the National Planning Policy Framework, cumulative impact on the road network would not be considered 'severe'.
- 6.51 Objections have stated that the proposed development will lead to vehicles queueing on the C50 to access the site. If this was the case then it may create a highway safety issue, however, the site access is sufficiently wide for HGVs to pass and there is adequate space on the internal access track for HGVs to pass. Consequently, this is not considered to be an issue that is likely to arise. In addition, an operational traffic management plan (including measures for traffic management (e.g. waiting places within the site for unloading); signage strategy; location of loading, unloading and storage of plant, equipment and materials; parking of vehicles of site personnel, operatives and visitors; and control of mud and dust on the road) will be required by a condition.
- 6.52 It is acknowledged that there will be some additional vehicle movements associated with the construction and eventual removal of the temporary haul road. These are not considered likely to be significant in the context of the proposed development; however, their impact will be managed through a management scheme required by a condition.

### Public Right of Way

- 6.53 The access track crosses Whitestone Bridleway 14 at a right angle near the entrance to the site. The bridleway connects Folley Lane to the north with the C50 to the south. A number of objections have been received relating to the impact of the proposed development on the bridleway from members of the general public and from the Horse Access Campaign. Exeter and District Ramblers have also raised concerns and note the need for mitigation. DCC Public Rights of Way and the British Horse Society do not object, subject to the inclusion of suitable mitigation measures.
- 6.54 At present the bridleway surface is in a good condition. The area where the proposed access track crosses the bridleway is open and visibility is good. Policy W17 (Transportation and Access) of the Devon Waste Plan states that

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waste management development will be permitted where it would not have an adverse effect public rights of way and permissive routes.

6.55 It is considered that appropriate safety provisions and mitigation measures can be adequately secured and controlled by a Section 106 Agreement in order to protect the bridleway and its users. The safety provisions and mitigation measures should include:

- a suitable site speed limit;
- adequate signage warning drivers of the likelihood of encountering pedestrians and horse riders (and vice versa);
- rumble strips on the site access track to ensure no materials are deposited on the bridleway; and
- a programme of regular monitoring and maintenance of the bridleway surface.

6.56 These measures should be implemented before commencement of the delivery of waste to the site and be in place for the duration of the development, this will ensure that the proposed development does not have an adverse effect on the public right of way, in accordance with Policy W17 of the Devon Waste Plan.

## Amenity Considerations

6.57 Policy W18 (Quality of Life) of the Devon Waste Plan, together with Policies S1 (Sustainable Development Criteria) and EN6 (Air Quality) of the Teignbridge Local Plan, seek to protect the quality of life for local residents and require that applications should demonstrate that noise and air quality impacts will be strictly controlled to prevent significant nuisance to properties close to the site or its transportation routes. The application includes a 'noise assessment' and an 'air quality and dust assessment'.

6.58 The proposed development is within a rural location, with the nearest dwellings not occupied by persons connected with the site being approximately 250 metres north of the edge of the operational area; 450 metres to the east of the site boundary; 400 metres to the west of the site boundary; and the collection of properties around Hare Lane, the closest of which is located 200 metres south of the operational area (or 150 metres east of the access track). Other sensitive receptors include Whitestone playpark and Whitestone village (800 metres north east); Treelands Home (600 metres west of the access track); and Pathfinder village (1.1 kilometres west of the access track).

## Noise

6.59 The main sources of operational noise arising from the proposed development will be HGVs, dump trucks (if required) and, to a lesser extent, bulldozers and tracked excavators. In addition, traffic generated by the site will result in noise occurring along the access routes, while further noise will be caused for a temporary period during construction of the internal haul road.

- 6.60 The assessment of operational noise indicates that the noise levels attributable to the operation of the plant whilst working at a level close to the existing ground levels would generally remain substantially below the proposed normal working limit and would mean the operations would be unlikely to result in any adverse noise impacts.
- 6.61 Higher noise levels would be experienced at Lower Hare Farm (owned by the applicant) and Oak Ridge (200 metres south of the operational area at Hare Lane), associated with vehicles accessing the site and during periods when the plant is operating close to the boundaries with the two properties. Noise levels are not, however, anticipated to exceed the proposed normal working limit and would remain acceptable to ensure any potential adverse impacts were minimised. The vehicle movements along the access would, however, have potential to generate disturbance even at low levels, and it is recommended that the road surface be kept in good condition to ensure that any potential body slap from empty vehicles leaving the site is minimised. This would also be reduced by the imposition of a speed limit along the internal access roads.
- 6.62 Given that the above recommendations are incorporate within the proposed conditions and/or Section 106 Agreement, it is considered that the proposed development would not result in any significant adverse noise impacts at surrounding noise-sensitive properties and is consequently in accordance with Policy W18 of the Devon Waste Plan and Policy S1 of the Teignbridge Local Plan.

## Air Quality

- 6.63 The proposed operations have the potential to generate dust from the unloading and movement of soils and other materials and the movement of vehicles and plant over unbound surfaces. Air quality can also be adversely affected by the generation of contaminants (e.g. NO<sub>2</sub>) and particulates by traffic and plant within the site and on access routes. As well as the receptors identified in 6.61 (Noise) that would be sensitive to air quality as well as noise impacts, generation of dust can also have adverse impacts on sensitive habitats and wildlife sites.
- 6.64 In the area surrounding the proposed development, air quality is primarily influenced by the A30 dual carriageway, with further influences being other local routes and agricultural activities. There are no Air Quality Management Areas near to the site, with the closest being located within Exeter.
- 6.65 The submitted Air Quality and Dust Assessment identifies a range of mitigation measures including regular application of water; an adequate supply of water; regular clearing, grading and maintenance of haul routes; a 10 mph speed limit; a method of washing vehicles available to clean all heavy duty vehicles' wheels before leaving site; the use of a road sweeper as and when required; fitting heavy plant with upswept exhausts and radiator fan shields; all vehicles will have their engines switched off when stationary; all

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loads entering the site are covered; minimisation of drop heights; seeding of restored areas as soon as possible; and regular visual dust monitoring to observe if dust is leaving the site boundary.

- 6.66 Subject to implementation of the mitigation measures, which would be secured through planning conditions, the following conclusions have been made in the submitted assessments in relation to dust and air quality:
- air quality impacts at existing receptors due to the additional traffic will to be 'not significant';
  - The dust effects are judged to be negligible at all nearby receptors and thus 'not significant';
  - The suspended dust effects of the proposed development in terms on human health are judged to be 'not significant' at all local, sensitive receptors; and
  - The overall operational air quality effects of the development are judged to be 'not significant'.
- 6.67 It is noted that a variety of consultees, including the Teignbridge District Council Environmental Health Officer, Public Health England and DCC Public Health do not object to the proposed development subject to the inclusion of the outlined mitigation measures.
- 6.68 The proposed development is therefore considered to be in accordance with Policy W18 of the Devon Waste Plan and Policies S1 and EN6 of the Teignbridge Local Plan.

## Health

- 6.69 In addition to the potential health impacts discussed above (for example air quality), objections have stated that the proposed development will impact upon health by discouraging people from exercising due to increased traffic on the C50 and crossing the bridleway. It has been stated by objectors that the C50 forms part of the National Cycle Network; however, the section of National Cycle Network between Tedburn St Mary and Exeter referred to is actually routed via Heath Cross and Whitestone to the north of the application site, and will not be impacted by the proposed development.
- 6.70 Whilst the proposed development will undoubtedly lead to an increase in traffic (as discussed in 6.47) using the C50 and crossing the bridleway, the impacts of this on recreational users would be restricted, in accordance with the comments made by DCC Public Health, by the permitted hours of operation. This excludes the delivery of waste during times that the C50 and bridleway are likely to be most used by recreational users including; weekends, Bank Holidays and weekday evenings after 6pm. Consequently, it is considered that the proposed development will not have an unacceptable impact on health in this regard and is in accordance with Policies W2 and W17 of the Devon Waste Plan and Policies S1 and S9 of the Teignbridge Local Plan.

## Flood Risk and Drainage

6.71 Policy W19 of the Devon Waste Plan states that:

“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”.

The proposed development is located within flood zone 1 and, as it exceeds 1 hectare, is accompanied by a Flood Risk Assessment.

6.72 At present the majority of the site drains from north east to south west, towards the existing barn, although a small proportion of surface water drains to the east. During operation, the site surface water runoff from the proposal will drain via cut off ditches, attenuation ponds/basins and restricted outfalls to the nearby watercourse.

6.73 Following completion of the proposed development, the applicant has stated that the maximum level of the infill will not exceed the level of the northern, eastern or southern boundaries. However, the proposed levels of the infill will form a ridge line running north to south, which may cause more surface water to flow to the east than is the case with current topography. The applicant should ensure that the existing catchments are maintained and, consequently, a pre-commencement condition should be imposed requiring detailed drainage design based upon the approved Flood Risk Assessment; proposals for the maintenance of the surface water drainage system, including maintenance of the existing pond; plan depicting surveyed levels of the eastern and southern boundaries; confirmation of the proposed flow control type and size; confirmation of the proposed graded basin sides; and details of the existing pond.

6.74 Overall it is considered that the proposed development will not lead to an increased risk of fluvial, surface water or groundwater flooding and is therefore in accordance with Policy W19. It is noted that the Lead Local Flood Authority have no objection to the proposed development, subject to the inclusion of the aforementioned condition.

## Historic Environment

### Listed Buildings

6.75 The closest listed building to the application site is Lower Hare Farmhouse, which is Grade II listed and forms part of the freehold of the site. It is located approximately 250 metres north west of the operational area, in a raised location. The farmhouse is thought to have been built in the 16<sup>th</sup> century with significant remodelling undertaken in the 17<sup>th</sup> and early 20<sup>th</sup> centuries. Further work has been undertaken in recent years under permissions from Teignbridge District Council. Much of the original and historic features of interest are located internally, and the exterior has been dramatically affected

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by nineteenth and twentieth Century alterations largely disguising the intact interior. The submitted heritage assessment states that current topography and geography/geology [the setting] of the site does not in any way contribute towards the context of Lower Hare Farmhouse itself.

- 6.76 The submitted Environmental Statement assesses the impact of the proposed development on Listed Buildings as being slight adverse (less than substantial) during operation and negligible on completion of the development. Teignbridge District Council's Design and Heritage Team have commented that the proposed development will result in no negative effects on the historic environment. Overall, it is considered that, whilst there will be some 'less than substantial' harm (visually) to the setting of Lower Hare Farmhouse during operation, these impacts are temporary and can be mitigated to acceptable levels by the phasing of the development. Following completion of the development, reinstatement of 440 metres of historic hedgerows may result in some slight benefit to the setting of this Grade II listed building. Consequently, it is considered that the proposed development is in accordance with Policies W13 (Historic Environment) of the Devon Waste Plan and EN5 (Heritage Assets) of the Teignbridge Local Plan.
- 6.77 Two additional Grade II Listed residential properties are located 200 metres south (West Town Farm) and 700 metres east (Hayne Barton) respectively. Neither of these heritage asset (or their settings) are considered to be impacted by the proposed development.

## Archaeology

- 6.78 There is an Historic Environment Record (HER) in the centre of the operational area of the site indicating a find of a broken rough-out for an arrowhead, likely to originate from the Late Neolithic or possibly early bronze age. This is thought to be an isolated find and the Devon County Council Historic Environment Team have indicated that assessment of the HER and the details submitted by the applicant do not suggest that the scale and situation of this development will have any impact upon any known heritage assets. A watching brief will be required by condition to ensure that any archaeological finds during operation are reported. This will mitigate the less than substantial harm identified and ensure that the proposed development is in accordance with Policies W13 (Historic Environment) of the Devon Waste Plan and EN5 (Heritage Assets) of the Teignbridge Local Plan.
- 6.79 In arriving at this conclusion considerable importance and weight has been given to the desirability of preserving the setting of Lower Hare Farmhouse a 16<sup>th</sup> century dwelling and Grade II listed building. It is nevertheless considered that the public interest in providing sufficient waste disposal facilities clearly outweighs the temporary, less than substantial harm to this heritage asset. This is in accordance with the Planning (Listed Building and Conservation Areas) Act 1990 and the paragraph 193 of the NPPF.



## Agricultural Land

- 6.80 Policy W16 of the Devon Waste Plan discourages “the loss of the best and most versatile agricultural land [i.e. land within Grades 1, 2 and 3a] unless the environmental, social and economic benefits of the proposal outweigh this loss”.
- 6.81 An agricultural land quality survey has been submitted in respect of this application which concludes that the area of proposed landraising is grade 4 (poor) and grade 3b (moderate). It does not, therefore, constitute the best and most versatile agricultural land and the proposal is consequently in accordance with paragraph 1(c) of Policy W16.
- 6.82 The applicant has asserted that the proposed development will result in a landform more suitable for agricultural production. Two contributing factors to the site’s poor agricultural quality are the steep gradient and poor drainage (‘soil wetness’). Whilst it is considered unlikely that the land will ever be grade 3a or better agricultural land, the proposed development will reduce gradients and improve drainage, with the potential for the land’s productivity to be improved subject to appropriate soil management. However, it is considered that improvements to the site’s agricultural properties could be implemented without requiring the importation of the volume of waste soils proposed in the application, and the Council has therefore assessed the proposed development primarily as an inert waste disposal facility.
- 6.83 The application proposes the stripping and storage of existing topsoil prior to tipping of waste for use in restoration. This will ensure that sufficient topsoil is available for use in restoration and that the quality of the existing is, at least, maintained. Given the poor quality of the existing topsoil on site, a condition has been included requiring a soil strategy to be submitted prior to the importation of waste. In addition to ensuring the proper management and storage of existing topsoil, this condition gives the flexibility to allow for alternative (higher quality) topsoil to be used in restoration in place of or in addition to the existing, should it become available.

## Climate Change and Overall Sustainability Considerations

- 6.84 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.

## Sustainable Location

- 6.85 While disposal is at the bottom of the waste hierarchy, landfill capacity is still required for inert waste materials that are not suitable for recycling. At

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present, inert waste soils produced in and around Exeter are disposed of at three existing landfill sites in close proximity to the city. Waste inputs at these sites have consistently risen in recent years as a consequence of ongoing greenfield development and restrictions on waste recovery projects, and the remaining lifespan of these facilities is now predicted at 1.8 years from the end of 2019. Inert waste soils will continue to be produced in this area in the future due to the level of greenfield development under construction, with planning permission, allocated in an existing Local Plan or likely to be allocated in forthcoming Plans. Following completion of operations at the existing facilities, if no replacement facilities are consented, then either waste will have to be transported to alternative facilities a further distance from the local area, for example Holmacott near Barnstaple, or the likelihood of unauthorised disposal will increase.

- 6.86 Lower Hare Farm is located approximately 4km west of Exeter and would therefore represent a significant reduction in the distance that this waste would need to be transported following the closure of the existing sites.

## Carbon Offsetting

- 6.87 The application proposes to monitor, record and offset all fuel used by plant and machinery on site for the duration of the operation on an annual basis through Carbon Footprint (provider of Carbon Offsets to the UK Government). An additional payment will be made to Carbon Footprint to cover the amount of fuel used in the movement of soils from Exeter to the site based on 7 miles per gallon (and a 10 miles round trip), reviewed periodically as technology improves and consumption figures reduce. Whilst it is not possible to impose a condition requiring these contributions, the applicant has offered to include this within a Section 106 legal agreement.

## Biodiversity Net Gain

- 6.88 It should also be noted that the proposed development would provide for biodiversity net gain, through the delivery of approximately 440 metres of historic hedgerows and approximately 2.4 hectares of species rich grassland on site and additional contributions towards off site planting.
- 6.89 Overall, it should be recognised that the proposed development is for a waste management facility and is consequently not responsible for the generation of this waste. Policy W14 of the Devon Waste Plan requires that “waste management development will contribute to the achievement of sustainable development, climate change resilience and mitigation... where consistent with the scale and type of development”. In this case, it is considered that the proposed development is in accordance with Policy W14 for the reasons outlined above. Policies S7 and EN3 of the Teignbridge Local Plan outline the Teignbridge targets for the reduction of carbon emissions and how individual development proposals should contribute to this and, for the reasons outlined above, the proposed development is considered to be in accordance with these policies.

## Alternatives

- 6.90 In accordance with the requirements of Schedule 4 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017, the applicant has completed an assessment of the alternatives to the proposed development, including the following; do nothing; alternative site location; alternative site scale/area; alternative development design/parameters e.g. different phasing, approach to landform, etc.
- 6.91 In the 'do nothing' (no development) scenario, on completion of the existing inert waste landfill sites in the Exeter area, this waste would need to be transported greater distance, for example to the Barnstaple area for disposal. Additionally, there would be no improvement of the proposed site's agricultural productivity.
- 6.92 It is stated within the submitted application that this site has been chosen as a good site for the proposed development due to the current condition of the land, its limited contribution towards farming operations, access considerations, and the ability to accommodate additional fill to benefit the agricultural operations. Whilst other locations may technically be available and possible this site has been chosen as the favoured option for the development for these reasons. The applicant has completed a desk-based study that confirmed that within the 5-mile radius of Exeter the following designations/constraints have been identified as issues which would prevent the use of land for inert soil disposal (see Plan Ref LF/R25/011): RAMSAR site; areas of flood risk; groundwater source protection zone 1; principle aquifers; woodland plantations; land allocated for development; major aquifers; best and most versatile agricultural land (with open landscape and high visual impact); poor transport links; open aspect/high visual impact; and ancient woodland.
- 6.93 It is stated that two schemes were considered, importation of 150,000m<sup>3</sup> and 350,000m<sup>3</sup>. It is considered that the site can accommodate the proposed 350,000m<sup>3</sup> to provide a finished landform that makes best use of the site and will provide a lasting positive contribution towards farming the land. It is argued by the applicant that accepting less fill would not result in the most effective landform for agricultural benefit or possibly to assimilate the development into the environment as well as it possibly could. It is also noted that it would make such a significant contribution to future waste management capacity.
- 6.94 It is considered that this is a reasonable assessment of alternative areas to locate the proposed development and it is noted that the main reason for selecting the chosen option is a comparative lack of significant constraints.

## Cumulative Impacts

- 6.95 In accordance with the requirements of Schedule 4 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017, the applicant

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has completed an assessment of the cumulative effects of the proposed development in combination with other existing and/or approved projects.

- 6.96 The assessment found that transport-related impacts were identified as the main feature that could result in cumulative impacts that require consideration, with the consequent main effects identified as traffic/road safety, noise and vehicle emissions. However, it is not possible to identify specific impacts, broken down to each technical discipline related to vehicle movements, that will arise from this development in cumulation with others. For example, the ES notes there is already a high volume of traffic within the city, and there will be limited vehicle movements in the direction of the site. In-combination traffic, noise safety, emissions and noise impacts are therefore negligible.
- 6.97 This assessment concluded that the rurality of the site and absence of other significant developments apparent in the locality, within the 10km radius of the site, indicate that there are no cumulative impacts of any level that would require detailed consideration. The topography of the local landscape and its rurality means that in-combination effects from other significant developments are negligible to non-existent.
- 6.98 It is agreed that the potential for significant impacts arising from the proposed development in cumulation with other existing and/or approved projects is negligible.

## Other Matters and Considerations

### Lighting

- 6.99 No external lighting is proposed by this application and this can be controlled by a condition.

### Slope Stability

- 6.100 Planning Practice Guidance states that the focus of the planning system should be on whether the development itself is an acceptable use of the land and the impacts of those uses, rather than any control processes, health and safety issues or emissions where these are subject to approval under other regimes. Waste planning authorities should assume that these regimes will operate effectively. The matter of the stability of the tipped materials will be covered within the Environmental Permit that the operator would be required to obtain from the Environment Agency prior to commencing tipping. The latest consultation response from the Environment Agency confirms a requirement for a Stability Risk Assessment as part of the Permit application. There are no known existing issues with land stability at the site.

### Odour and Vermin

- 6.101 Objections were received regarding the potential for odour and vermin issues to arise from the proposed development. The proposal is for the disposal of

inert waste, which is non-putrescible and will consequently not lead to odour or vermin issues.

## 'Previously Disturbed' Land

- 6.102 As stated in 2.3, the central/southern portion of the site is alleged to have been tipped with inert waste in the early 2000s by the previous landowner but left 'unfinished and not consolidated'. The area of land previously disturbed has not been explicitly identified as the precise extent is unknown, but evidence from historic mapping suggests that it covered a minimum of 1 hectare. It is considered that historic unconsented waste operations do not provide justification for further waste development, but also do not prejudice the development of the site for waste operations.

## Contaminated Land

- 6.103 Objections have been received relating to the potential for contamination due to the unknown source of the previously tipped waste. Given the nature of the waste understood to have been deposited (inert waste soil) it is considered that there is a low risk of contamination. It is also noted that, in the context of Policy EN7 (Contaminated Land) of the Teignbridge Local Plan, the proposal is not for a use which is considered as being particularly vulnerable to contamination.
- 6.104 The applicant states that, for an application for an Environmental Permit for the site, a baseline survey will be required to establish the existing ground conditions. This survey will require some intrusive testing which will inform both the applicant and the Environment Agency of the true nature of the existing material. Should this be found to be contaminated and above control and compliance levels, the applicant accepts that, as the landowner, the responsibility to resolve the matter lies with him and not with the previous owner who allowed the importation. Should the site survey demonstrate contamination, there are two traditional methods of remediation dependant on the type of contamination: firstly, removal of all material to an authorised receiving site for disposal and, secondly, removal of the material to a remediation centre such as UK Remediation near Exeter.

## Red Line Change

- 6.105 As part of the final submission of further information (October 2020), a new plan (reference 1073/PL34) was submitted making minor amendments to the red line boundary which rectified two errors relating to position of the existing access track. As these minor changes are not material to the development proposed, the Council has accepted them as an amendment to the existing application rather than requiring that a new application is made.

## Consultation Measures

- 6.106 As part of the pre-application advice provided by the Council, the applicant was advised to include a Community Consultation Statement with the

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planning application, to include details of any consultation held with neighbours, any issues identified through this consultation, and any response to these issues and how the proposal had been amended. However, the submitted planning application did not include such a statement, and a number of the objections received from local residents have highlighted the lack of consultation by the applicant with the local community.

- 6.107 The Government's Planning Practice Guidance highlights the value of pre-application engagement by prospective applicants, including with local people, although it is noted that community engagement is only mandatory for certain wind turbine developments. While community engagement by the applicant for this proposal may have assisted in raising awareness of the proposals by local residents and facilitating their input at an early stage, the lack of such engagement is not a reason for withholding planning permission.
- 6.108 Following receipt of the planning application, the County Council has complied with its normal practice and statutory obligations in terms of notifying the parish council and nearby residents (21 properties) and press and site notices, not only after initial validation but on receipt of additional information required by the Regulation 25 process.

## General EIA Regulations Compliance

- 6.109 Objections have been received stating that the application is not accompanied by a description of the forecasting methods or evidence used to identify and assess the significant effects on the environment, including details of difficulties (for example technical deficiencies or lack of knowledge) encountered compiling the required information and the main uncertainties involved.
- 6.110 It is considered that each technical discipline assessed has included the methodologies followed and, where relevant, any limitations or uncertainties. It is noted that the requirement is for any limitations or uncertainties encountered to be identified, not for the absence of limitations or uncertainties to be identified.
- 6.111 Additional concern has been raised, in particular by Whitestone Parish Council and their consultants, that the submitted application does not comply with the requirements of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017; in particular, that the Environmental Statement does not cover certain topics set out in Schedule 4 of these regulations.
- 6.112 It is noted that these Regulations set out information for inclusion in Environmental Statements, but do not however prescribe any set format for doing this. Whilst there is best practice guidance available from a number of sources, there is no requirement for an applicant to follow this guidance.
- 6.113 Of the information for inclusion in Environmental Statements set out in Schedule 4 of the Regulations, some of this has to be included, for example,

'a description of the location of the development'. Other information is caveated as only being necessary for inclusion if there are likely significant effects; for example, this includes assessments of light, heat and radiation which would only be required if the development proposed is likely to have significant effects with regard to these.

6.114 It is the opinion of the Waste Planning Authority that the Environmental Statement that has been submitted (as amended by further submissions under Regulation 25) provides the necessary information in relation to Schedule 4 of the Regulations to determine the likely significant impacts associated with the proposed development and meet the legal minimum.

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

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

7.2 The previous section of the report discussed a wide range of potential impacts of the proposed development, together with the relevant waste policy context and the potential need for additional capacity for disposal of inert waste. In the case of the majority of potential impacts – including on ecology, the historic environment, amenity, traffic and flood risk – it is concluded that significant adverse effects can be avoided or adequately mitigated to an acceptable level.

7.3 Taken in isolation, the landscape and visual impacts of the proposed development are such as to warrant refusal of the application due to the significant harm to the landscape character and visual quality of the AGLV for the duration of the landraising operation. Although some enhancement of the landscape would be achieved through implementation of the restoration measures, including reinstatement of the historic hedgerow pattern, this is insufficient to outweigh the harm caused during the operational phase, and the proposals are considered to fail to accord with relevant policies, notably W12 of the Devon Waste Plan and EN2A of the Teignbridge Local Plan.

7.4 It is necessary, however, to weigh the adverse landscape impact against the contribution that the proposed facility would make to maintaining sufficient capacity for the disposal of inert waste materials within the Exeter area. As noted in this report, the three inert landfill sites around Exeter have very limited remaining capacity, while arisings of inert waste, including subsoils from development of greenfield sites, are expected to continue. A lack of ongoing capacity for inert waste would likely lead to an increase in the distances that materials are transported for disposal at more distant locations, and/or disposal of the waste materials at unauthorised sites with the potential for environmental and amenity harm. The policy analysis in this report indicates that delivery of further inert waste disposal capacity is supported by Policies W2, W3 and W7 of the Devon Waste Plan.

7.5 It is considered that the merits of delivering the additional disposal capacity at a location close to Exeter are sufficient to outweigh the temporary adverse

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landscape impacts, subject to delivery of the mitigation measures provided for in the recommended S106 Agreement and the planning conditions proposed in Appendix I, and the application is therefore recommended for approval.

Mike Deaton  
Chief Planner

## **Electoral Division: Exminster & Haldon**

### Local Government Act 1972: List of Background Papers

Contact for enquiries: Stephen Boundy

Room No: 120, County Hall

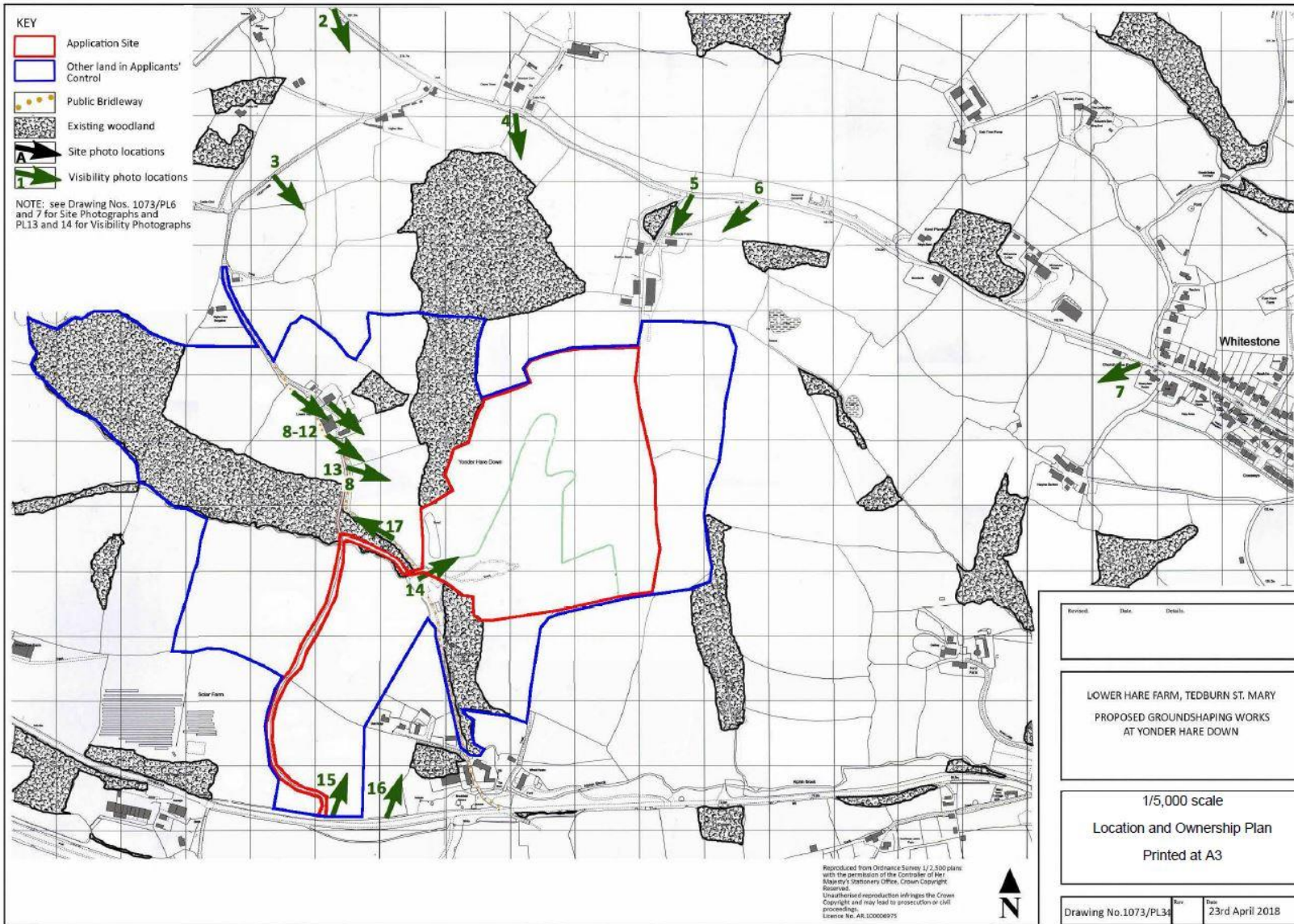
Tel No: 01392 383000

<b>Background Paper</b>	<b>Date</b>	<b>File Ref.</b>
Casework File	Current	DCC/4101/2018

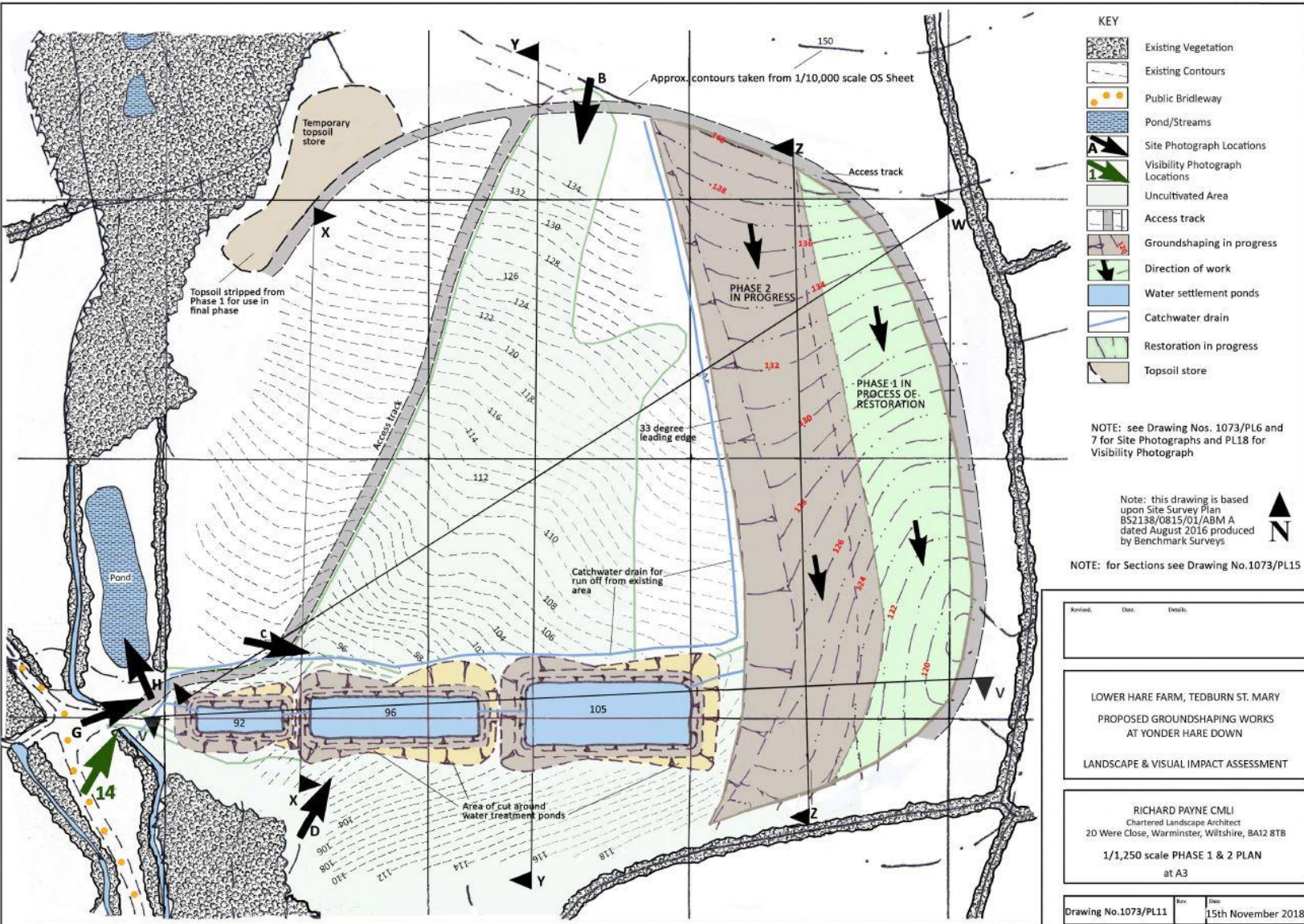
sb091120dma  
sc/cr/Importation of 350,000m3 of inert soils Lower Hare Farm Lane from Higher Hare towards Alderbed Copse Whitestone  
02 231120



# Location Plan



Site Plan



## Planning Conditions

### COMMENCEMENT

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

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

### TEMPORARY PERMISSION

2. The deposit of inert waste materials within the area identified on the approved drawings for landraising shall cease no later than ten years from the date on which waste is first deposited, and the restoration scheme shown on drawing 1073/PL23 shall be fully implemented within 12 months of cessation of deposit of inert waste materials.

REASON: To minimise the impact of the development and to ensure the timely completion of restoration of this part of the site in accordance with Policies W18 and W20 of the Devon Waste Plan.

### NOTIFICATION OF STAGES OF DEVELOPMENT

3. Written notification shall be provided to the Waste Planning Authority no later than 14 days after the following events:
  - (a) commencement of the development;
  - (b) installation of the datum control point required by Condition 11;
  - (c) commencement of the deposition of waste materials within the proposed landraise area;
  - (d) completion of each of the seven phases of the development; and
  - (e) completion of final restoration of the inert landraise area.

REASON: To enable the Waste Planning Authority to control the development and to monitor the site to ensure compliance with the planning permission and to comply with Policies W12 and W20 of the Devon Waste Plan.

### STRICT ACCORDANCE WITH PLANS/ DOCUMENTS

4. The development shall be carried out in strict accordance with the details shown on the approved drawings and documents numbered/titled:
  - Location and Ownership Plan (1073/PL34)
  - Phase 1 & 2 Plan (1073/PL11)
  - Phase 3 & 4 Plan (1073/PL12)
  - Phase 5 & 6 Plan (1073/PL13)
  - Final Phase and Ecological Management Plan (1073/PL14)

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- Cross Sections (1073/PL15)
- Restoration and Ecological Management Plan (1073/PL23)
- Planning (Environmental) Statement V7.1 (submitted October 2020)
- Document Titled - Lower Hare Farm Regulation 25 request for further information response (Submitted February 2020)
- Document Titled - Lower Hare Farm Regulation 25 request for additional information 02/04/2020 (Submitted October 2020)
- Transport Statement (DMM/AJB/G.033 – Dated 1 July 2019)
- Farm Access Technical Note (Dated 26 February 2016)
- Clarification from Agent regarding Highways England comments (email dated 11 February 2019)
- Ecological Assessment Report (SWE090 – Dated 20 September 2018)  
\*As amended by information subsequently provided under Regulation 25.
- Ecology Addendum (SWE164 – Dated 22 October 2019)
- Ecology Addendum 2 (SWE089 – Dated 21 June 2019) \*As revised October 2020
- Ecology Addendum 3 (SWE089 – Dated 21 January 2020)
- Landscape and Visual Impact Assessment (Dated October 2018)
- Response to County Landscape Architect's comments (Dated 19 March 2019)
- Level 2 Flood Risk Assessment and Surface Water Drainage Proposals (514/FRA2 V1 – Dated 18 September 2019)
- Flood Risk Appendix (Dated September 2019)
- Noise Assessment (Dated September 2018)
- Air Quality and Dust Assessment (J3692A/1/F2 - Dated April 2019)
- Hydrogeological Risk Assessment (Dated January 2019)

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

## PRE-COMMENCEMENT CONDITIONS

5. No part of the development hereby permitted shall be commenced until an operational traffic and environmental management plan/scheme has been submitted to and approved in writing by the Waste Planning Authority. This scheme shall include the following:
  - (a) details of the routes to be used by vehicles travelling to and from the site and measures to be taken to secure compliance with these routes, including penalties for non-compliance;
  - (b) measures for traffic management (e.g. waiting places within the site for unloading);
  - (c) signage strategy;
  - (d) location of loading, unloading and storage of plant, equipment and materials;
  - (e) areas for parking of vehicles of site personnel, operatives and visitors;
  - (f) measures for control of mud and dust on the road; and
  - (g) details of environmental protection measures.

The approved scheme shall be implemented for the duration of the proposed landraising and restoration works.

REASON: To ensure adequate access and associated facilities are available for vehicles and to minimise the impact of operations on nearby residents and the local highway network in accordance with Policies W17 and W18 of the Devon Waste Plan and Policy S9 of the Teignbridge Local Plan.

6. Prior to commencement of construction of any part of the new internal haul road, a scheme detailing its construction, management, maintenance and removal shall be submitted to and approved in writing by the Waste Planning Authority. This scheme shall include the following:
  - (a) timetable/programme of works;
  - (b) measures for construction traffic management [including routing of vehicles to and from the site, details of the number/frequency and sizes of vehicles];
  - (c) days and hours of building operations and deliveries; including any further restrictions on noisy operations;
  - (d) construction dust management and mitigation measures;
  - (e) details of monitoring and maintenance once the haul road is constructed; and
  - (f) details of the removal of the haul road.

The approved scheme shall be implemented for the duration of the proposed landraising and restoration works.

REASON: To protect local communities and the local environment from potential adverse impacts of construction of the haul road in accordance with Policies W11 and W18 of the Devon Waste Plan and Policies S1 and S9 of the Teignbridge Local Plan.

7. No part of the development hereby permitted shall be commenced until a detailed Restoration and Aftercare scheme and a Landscape and Ecological Management Plan (LEMP) has been submitted to and approved in writing by the Waste Planning Authority. The LEMP shall provide details of proposed creation and management of existing and new planting and habitats, and shall include:
  - (a) the intended purpose and structure/composition at end of the maintenance period of each vegetation type and intended ultimate size once mature, with clear composition targets;
  - (b) timings and frequencies of maintenance/management interventions including identifying any restrictions on timing of operations and responsibilities for necessary permissions/licences;
  - (c) measures for the maintenance and management of other landscape elements that are critical to the way the landscaping scheme functions, including fencing, surfaces, sustainable drainage features and culverts;
  - (d) measures for the control of invasive weeds;
  - (e) arrangements for the use and storage of chemicals for Landscape Maintenance Operations/Control of Substances Hazardous to Health; and

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- (f) arrangements for reporting and monitoring, which shall be consistent with the approved landscaping scheme and any relevant development consents and licenses.

REASON: To ensure the appropriate management of the site during its operation and following its restoration in accordance with Policies W11, W12 and W20 of the Devon Waste Plan and Policy EN2A of the Teignbridge Local Plan.

- 8. No part of the development hereby permitted shall be commenced until the following flood risk and surface water drainage information has been submitted to and approved in writing by the Waste Planning Authority:
  - (a) a detailed drainage design based upon the approved Flood Risk Assessment;
  - (b) proposals for the maintenance of the surface water drainage system, including maintenance of the existing pond;
  - (c) a plan depicting surveyed levels of the eastern and southern boundaries;
  - (d) confirmation of the proposed flow control type and size;
  - (e) confirmation of the proposed graded basin sides; and
  - (f) details of the existing pond including; pond invert level; maximum water level; minimum water level; side slopes; type of any lining; type of any existing plants; and restoration timeframe.

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

REASON: The above condition is required to ensure the proposed surface water drainage system will operate effectively and will not cause an increase in flood risk either on the site, adjacent land or downstream in accordance with Policy W19 of the Devon Waste Plan and Policy EN4 of the Teignbridge Local Plan.

- 9. No part of the development hereby permitted shall be commenced until a reptile translocation and mitigation statement has been submitted to and approved in writing by the Waste Planning Authority. This statement shall include details of the method of reptile translocation, the translocation site and the future management on the translocation site, and the development shall be undertaken in accordance with the approved statement.

REASON: To ensure that the proposed development does not have an unacceptable impact upon a protected species in accordance with Policy W11 of the Devon Waste Plan and Policy EN11 of the Teignbridge Local Plan.

- 10. No part of the development hereby permitted shall be commenced until a repeat survey for the presence of badgers on the site and surrounding suitable habitat, with associated mitigation/compensation measures has been undertaken. This shall be submitted to and approved in writing by the Waste Planning Authority and any identified mitigation/compensation measures shall subsequently be implemented.

REASON: To ensure that the proposed development does not have an unacceptable impact upon a protected species in accordance with Policy W11 of the Devon Waste Plan and Policy EN11 of the Teignbridge Local Plan.

## SURVEYING AND MONITORING

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

REASON: To enable the Waste Planning Authority to control the development and to ensure that the approved restoration scheme is achieved in accordance with Policy W20 of the Devon Waste Plan and Policy EN2A of the Teignbridge Local Plan.

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

REASON: To ensure effective management of the site to minimise the impact upon the local landscape in accordance with Policies W12 and W20 of the Devon Waste Plan.

13. Prior to the construction of the water settlement ponds and the deposit of any waste materials within the area proposed for landraising, the results of the baseline survey to establish the existing ground conditions shall be submitted to the Waste Planning Authority. If any contamination is found to be present, no further development shall take place until this has been suitably remediated in accordance with details that shall first have been submitted to and approved in writing by the Waste Planning Authority.

REASON: To ensure that if any contamination is associated with the area of previous filling is suitably and safely remediated in accordance with Policy W16 of the Devon Waste Plan and Policy EN7 of the Teignbridge Local Plan.

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

REASON: To ensure that any proposed fencing is effectively integrated within the local landscape in accordance with Policy W12 of the Devon Waste Plan and Policy EN2A of the Teignbridge Local Plan.

# Agenda Item 4

## OPERATIONAL CONDITIONS

15. The types of waste disposed of at the site shall be limited to inert waste soils.

REASON: To ensure that only appropriate waste types are disposed of at the site, in accordance policies W7 and W18 of the Devon Waste Plan.

16. The site shall only operate between the hours of 0730 to 1800 on Mondays to Fridays, with the exception of maintenance and emergency works which shall also be allowed to occur between 0800 and 1300 on Saturdays. There shall be no operations on Sundays or Public Holidays.

REASON: To protect the amenity of nearby residents in accordance with Policy W18 of the Devon Waste Plan and Policy S1 of the Teignbridge Local Plan.

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

REASON: To protect the tranquillity of the area and the living conditions of nearby residents in accordance with Policy W18 of the Devon Waste Plan.

18. Waste imported to the site shall be incorporated into the area of filling as soon as practicable. No stockpiling of waste shall occur.

REASON: To ensure that the development does not have an unacceptable impact on landscape and visual amenity in accordance with Policy W12 of the Devon Waste Plan and Policy EN2A of the Teignbridge Local Plan.

19. The disposal of waste shall take place in a phased manner as indicated by the approved phasing plans. No filling shall take place in any phase until the filling of the previous phase has been substantially completed.

REASON: To minimise the magnitude of visual impact at any one time in accordance with Policy W12 of the Devon Waste Plan and Policy EN2A of the Teignbridge Local Plan.

20. No lighting shall be installed at the site without the prior written permission of the Waste Planning Authority.

REASON: To ensure that the proposed development does not have an unacceptable impact upon ecology or the local landscape in accordance with Policies W11 and W12 of the Devon Waste Plan and Policies EN2A and EN9 of the Teignbridge Local Plan.

21. If any archaeological objects or features are uncovered during the stripping of topsoil on site, then operations shall cease and the find shall be reported to the Waste Planning Authority. In such instance, operations shall not resume without the express permission of the Waste Planning Authority.



REASON: To ensure that any archaeological finds are investigated and recorded in accordance with paragraph 199 of the National Planning Policy Framework and Policy W13 of the Devon Waste Plan and Policy EN5 of the Teignbridge Local Plan.

22. Following their implementation, no works shall take place within the ecological buffer zones defined on drawing 1073/PL23.

REASON: To ensure that the proposed development does not have an unacceptable impact on ecology/biodiversity in accordance with Policy W11 of the Devon Waste Plan and Policies EN8 and EN9 of the Teignbridge Local Plan.

23. Noise emanating from the development shall be controlled in accordance with the recommended mitigation measures outlined in section 5 of the approved Noise Assessment (dated September 2018).

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 Policies W12 and W18 of the Devon Waste Plan and Policy S1 of the Teignbridge Local Plan.

24. Dust suppression and monitoring shall be carried out in accordance with the recommended mitigation measures outlined in section 6 of the approved Air Quality and Dust Assessment (dated April 2019).

REASON: To protect the amenity of nearby residents and the environment and to comply with policies in the Development Plan, in particular policies W11 and W18 of the Devon Waste Plan and Policy S1 of the Teignbridge Local Plan.

## ECOLOGY, LANDSCAPING AND RESTORATION

25. Progressive restoration shall be carried out in accordance with the approved drawings. Filling of phase 3 shall not commence until phase 1 has been restored; filling of phase 4 shall not commence until phase 2 has been restored; filling of phase 5 shall not commence until phase 3 has been restored; filling of phase 6 shall not commence until phase 4 has been restored; filling of phase 7 shall not comment until phase 5 has been restored.

REASON: To minimise the magnitude of visual impact at any one time in accordance with Policy W12 of the Devon Waste Plan and Policy EN2A of the Teignbridge Local Plan.

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

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

REASON: To ensure effective restoration of the site in the interests of the local landscape and biodiversity in accordance with Policies W11, W12 and W20 of the Devon Waste Plan.

27. No vegetation clearance or other works which could affect ground nesting birds shall take place during the bird nesting season (01 March to 31 August, inclusive) unless the developer has been advised by a suitably qualified ecologist that the clearance will not disturb nesting birds and a record of this kept.

REASON: To ensure that the proposed development does not have an unacceptable impact upon a protected species in accordance with Policy W11 of the Devon Waste Plan and Policy EN11 of the Teignbridge Local Plan.

28. No seeding shall take place within the 'ecological buffer zones' unless details of a locally sourced seed mix shall first have been submitted to and approved in writing by the Waste Planning Authority. All seeding shall be undertaken in accordance with the approved details.

REASON: To ensure that the proposed restoration will be implemented to an acceptable standard, in accordance with Policy W20 of the Devon Waste Plan.

## SOIL MANAGEMENT

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

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

30. No waste materials shall be deposited within any part of the inert landraise area until a soil strategy has been submitted to and approved in writing by the Waste Planning Authority. This strategy shall include details of:
- (a) the stripping and storage of existing topsoil, including heights of stockpiles and measures for their temporary seeding and prevention of weeds; and
  - (b) the proposed restoration method including subsoiling operations, spreading of soils (which shall be carried out only when there is sufficient soil moisture deficit so as to prevent any degradation of soil structure), and the soil profile and soil specification for each vegetation type, to ensure effective establishment of new seeding and planting and subsequent agricultural use.

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

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



## **Minerals and Waste Development Framework Bovey Basin Strategy: Member Engagement**

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 proposal to form a Local Member Consultative Group to enable appropriate Member engagement during the preparation of the Bovey Basin Strategy.**

### **1. Summary**

- 1.1 This report outlines the context for the preparation of the Bovey Basin Strategy and the proposed approach with regards to Member engagement.

### **2. Background**

- 2.1 The Devon Minerals Plan 2011 - 2033 sets out that Devon County Council will prepare a masterplan for the Bovey Basin ball clay operations. Specifically, it states in para 4.2.18:

*“This masterplan will be prepared in partnership with the mineral operators and other relevant organisations and local communities, to inform the consideration of future planning applications and periodic reviews of existing planning permissions, including site management and restoration proposals”*

- 2.2 Work on the masterplan, referred to in this report as the Bovey Basin Strategy, has now commenced and is in the early stages. This has included initial discussions with the two mineral operators within the area (Imerys and Sibelco), Teignbridge District Council and statutory bodies such as Natural England, the Environment Agency and Historic England.
- 2.3 The main aim and purpose of the Bovey Basin Strategy is to provide a strategic, overarching approach to inform the development of the Bovey Basin over the next 100 years which is joined up, consistent and coordinated between the key stakeholders and delivery partners. Whilst minerals planning is the primary driver behind the strategy, it will also consider other interrelated issues, such as biodiversity net gain, habitat creation, opportunities for enhanced flood alleviation and any contributions mineral development could make towards climate change mitigation and adaptation. There is also an opportunity to work closely with Teignbridge District Council and consider the impact of non-mineral development as part of the Newton Abbot Garden Communities work. It is envisaged the document would be a non-statutory

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strategy which can be used as to inform the review and potential update of the Minerals Plan due in 2022.

## **3. Strategy Area**

3.1 The area to be covered by the Bovey Basin Strategy, shown in Appendix I, is based upon the Mineral Consultation Area for Industrial Minerals as defined through the Devon Minerals Plan 2011 - 2033. This area extends across 4 County Council electoral divisions, these being:

- Bovey Rural
- Chudleigh & Teign Valley
- Newton Abbot North
- Kingsteignton & Teign Estuary

## **4. The Local Member Consultative Group**

4.1 Officers have a duty to consult local members on issues affecting their divisions. The members for the first three divisions listed above are also members of the Development Management Committee and, as such, there is an opportunity for this group to act as a sub-group of this committee. This is considered to be a logical approach given that the requirement for the Bovey Basin Strategy is derived from the Minerals Plan, for which the Development Management Committee has responsibility to oversee.

4.2 The member for Kingsteignton & Teign Estuary is not a member of the Development Management Committee and as such cannot be part of a sub-group of the committee. He will instead be included in all correspondence/meetings as a Local Member only.

4.3 The proposed purpose of the group is primarily to ensure local members are kept informed of issues affecting their division, and it should be noted that the Local Member Consultative Group will not be a decision-making group. When it is necessary to make any significant decisions on the strategy, for example, to undertake community consultation on a draft document or approve the final document, a report will be brought back to Development Management Committee so all Members will have the opportunity to comment.

## **5. Reasons for Recommendation/Alternative Options Considered**

5.1 As highlighted above, officers have a duty to consult local members on issues affecting their divisions and the proposed approach would meet this requirement. The potential for wider membership of the group was considered but, given the full Development Management Committee will have opportunities to comment at key milestones, it was deemed most appropriate for local members upon which the strategy would most directly affect to have more regular engagement and form the group.

Mike Deaton  
Chief Planner

**Electoral Divisions:** Bovey Rural, Chudleigh & Teign Valley,  
Kingsteignton & Teign Estuary and Newton Abbot  
North

Local Government Act 1972: List of Background Papers

Contact for enquiries: Christina Davey

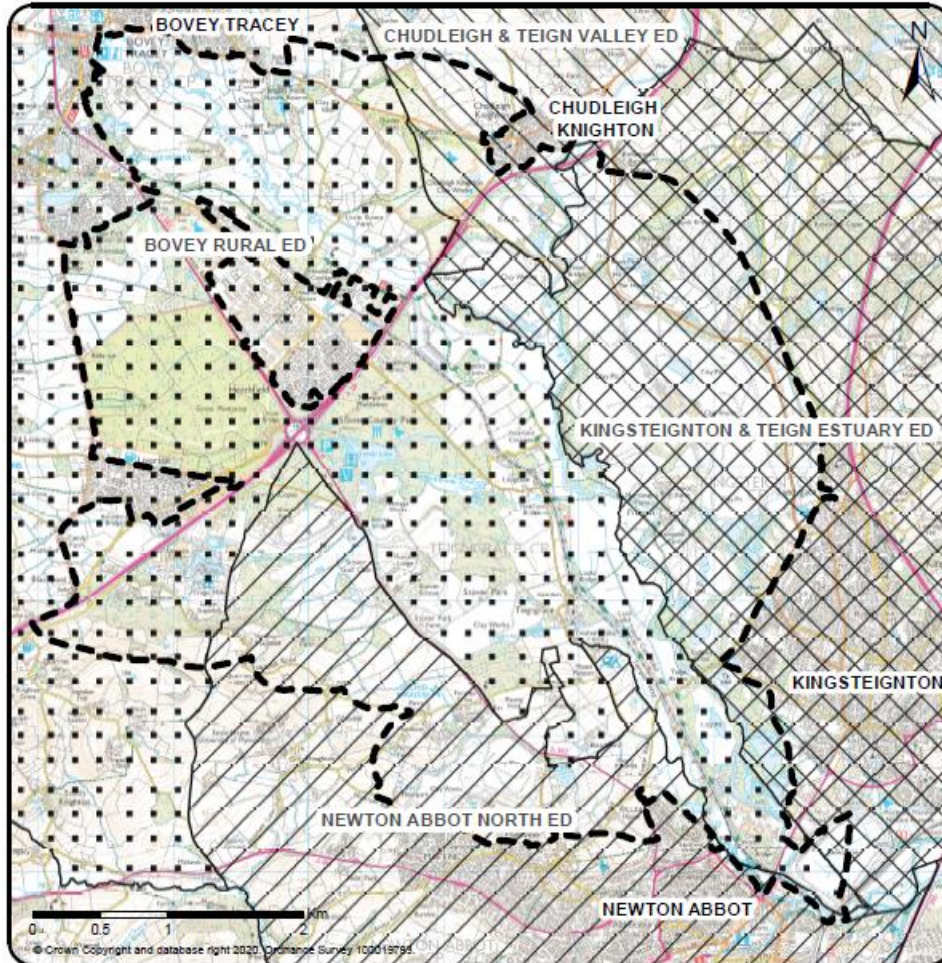
Room No: Room 120, County Hall

Tel No: 01392 382262

<b>Background Paper</b>	<b>Date</b>	<b>File Ref.</b>
Devon Minerals Plan	Feb 2017	<a href="https://www.devon.gov.uk/planning/planning-policies/minerals-and-waste-policy/devon-minerals-plan">https://www.devon.gov.uk/planning/planning-policies/minerals-and-waste-policy/devon-minerals-plan</a>

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sc/cr/Minerals Waste Development Framework Bovey Basin Strategy Member  
Engagement  
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## Electoral Divisions Covered By The Bovey Basin Strategy Area



 Bovey Basin Strategy Area

### Electoral Divisions

-  Bovey Rural ED
-  Chudleigh & Teign Valley ED
-  Kingsteignton & Teign Estuary ED
-  Newton Abbot North ED



**Delegated Schedule – 2 December 2020 - Summary**

<b>District</b>	<b>Location</b>	<b>Application Number</b>	<b>Proposal</b>	<b>Electoral Division</b>	<b>Decision</b>
East Devon District Council	Marshbroadmoor, North of Rockbeare Quarry, EX5 2HB	DCC/4197/2020	Variation of Condition 3 of planning permission DCC/4132/2019 to allow the importation of material until 31 March 2021	Otter Valley	Conditional Approval
South Hams District Council	Hemerdon Mine Drakelands Plympton Plymouth PL7 5BS	DCC/4201/2020	Prior Approval for drilling of boreholes	Bickleigh & Wembury	Permitted Development - Part 17 (B) (Mining & Mineral Expln)

