

County Matter: Waste

Teignbridge District: The infilling of agricultural land with inert material, Welwyn Farm, Six Mile Hill, Tedburn St Mary

Applicant: Mr J Brooke

Application No: 18/01160/DCC

Date application received by Devon County Council: 30 May 2018

Report of the Chief Planner

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

Recommendation: It is recommended that planning permission is granted subject to the conditions set out in Appendix I to 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 application for the infilling of agricultural land with inert waste subsoil near Tedburn St Mary, which includes a hard standing for parking/turning, a temporary track and the fill working area.
- 1.2 The application site is situated approximately 2 miles to the east of Tedburn St Mary, and 3.5 miles to the west of Whitestone.
- 1.3 The main considerations in the determination of this application are the principle of development against planning policy; the retention of agricultural land; impact on the highway and road safety; risk of flooding; and landscape.
- 1.4 The planning application, representations received and consultation responses are available to view on the Council website under reference DCC/4055/2018 or by clicking on the following link:
<https://planning.devon.gov.uk/PlanDisp.aspx?AppNo=DCC/4055/2018>.

2. The Proposal/Background

- 2.1 The proposed infilling of inert waste (subsoil) would take place within the wider holding of Welwyn Farm which is located on Six Mile Hill, approximately two miles east of Tedburn St Mary and 2.4 miles from the A30. Although the farm is located in a predominantly rural location, it has a number of neighbours within a relatively close proximity for whom the development could be visible.
- 2.2 The proposal consists of an area of approximately 7,940m² (with a volume of 12,750m³) for landfill that would take 20,000 tonnes of inert waste, a 1,440m² hard standing for parking and turning, and a track measuring around 60m long by 4m wide that would connect the landfill to the hardstanding. Access to the proposal would be through an existing field gateway and no significant alterations are proposed to this aspect of the development.

- 2.3 The applicant states that the proposal is for agricultural benefit and the infilling with subsoil would improve the profile of the field and the soils' permeability. The current poor drainage has resulted in a shortened grazing period and machinery and stock have become stuck as a result of the soft ground. The applicant indicates that this has also led to heightened stress amongst the stock and can increase losses, adding significantly to the workload of the farm.
- 2.4 Once the specified amount of waste has been used to infill the site over a 30 months period, the land is to be restored to agricultural use. The hardstanding at the entrance will be retained and fenced with stockproof fencing and used as a stock handling and loading area. The temporary track's top scalplings will be removed, with the land under the track harrowed with a layer of topsoil, then replaced, rolled with grass seed and restored to compacted soil. The infill area will have the subsoil compacted under retained subsoil, then the topsoil will be loosened and aerated and filled in above the subsoil to reduce soil erosion, levelling the land. The topsoil will be cultivated to form a fine tilth and seedbed prior to being rolled in with seed.

3. Consultation Responses

- 3.1 Teignbridge District Council – No objection.
- 3.2 Environment Agency – No comments received (consulted 31 May 2018).
- 3.3 Tedburn St Mary Parish Council – Objection on grounds of increased traffic, road safety, waste implications, impact on flood risk, reduction in agricultural land, landscape impacts and destabilisation of drainage.
- 3.4 Whitestone Parish Council – Concern regarding the impact of lorries over an extended period of passing through Whitestone. It is stated that the calculations for the infilling do not appear consistent with the proposed timescale, and an increase in larger vehicles will cause greater disruption and increased road safety issues.

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, two representations were received of which one made no objection. The other letter raised an objection on the grounds that the amount of material to be imported was not consistent with the proposed lorry movements; the access roads are unsuitable for the proposed traffic; a clear end date is needed; a wheel wash and road sweeping are required; no working after dark and regular spreading of tipped materials; the hardstanding should be removed after conclusion of tipping; and lack of improvement to the field.
- 4.2 Following submission of revised and additional information by the applicant, consultees and representors have been notified and given the opportunity to comment on this information. Any additional comments received will be reported at the meeting.

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 below.

Devon Waste Plan 2011-2033

Policies W3 (Spatial Strategy), W7 (Waste Disposal), W11 (Biodiversity and Geodiversity), W12 (Landscape and Visual Impact), W16 (Natural Resources), W17 (Transportation and Access), W18 (Quality of Life), W20 (Restoration and Aftercare).

Teignbridge Local Plan 2013-2033

Policies S9 (Sustainable Transport), EN2A (Landscape Protection and Enhancement), EC3 (Rural Enhancement), EN4 (Flood Risk), EN8 (Biodiversity Protection and Enhancement), EN12 (Woodlands, Trees and Hedgerows).

6. Comments/Issues

- 6.1 The material considerations in the determination of this application are considered below.

Waste Planning Policy

- 6.2 Although the application is presented as a scheme to improve agricultural working, the proposal is to infill the land with inert material and needs to be considered against waste policy as a disposal site.
- 6.3 Policy W7 of the Devon Waste Plan allows for further capacity for inert waste disposal subject to two criteria relating to reducing the distance that waste needs to travel, and limiting materials being disposed to residual non-recyclable waste.
- 6.4 While Devon appears to have sufficient capacity at its existing inert landfill sites to meet forecast future requirements, this capacity is concentrated at five sites in Devon (one of which is shortly to close), and it is apparent that some of the sites provide limited access to smaller operators. The result is that inert waste is being diverted to other locations that may benefit from waste exemptions or be unauthorised and poorly regulated. In these circumstances, it would be preferable for inert waste to be managed at an authorised site that is subject to planning conditions and monitoring.
- 6.5 While the proposed site does not result in a reduction in transportation distances in comparison with the three landfill sites around Exeter, the proposal can be justified on the basis that those sites have constraints on their availability to small waste operators and independent hauliers, and Welwyn Farm provides an alternative option for the applicant, who is a small scale waste operator, that will be preferable to the use of less authorised sites.
- 6.6 Given the short timescale of the proposed development, it is assumed to be impractical to undertake separation and recycling of mixed inert waste at this site. The alternative would be for the imported materials to be limited to subsoils, and a condition to this effect should have been included which prevents the applicant from depositing any waste materials other than subsoil.
- 6.7 Taking the above into consideration it is concluded that the proposal is consistent with the Policy W7 of the Devon Waste Plan.

Retention of Agricultural Land

- 6.8 Tedburn St Mary Parish Council raise an objection over the potential loss of agricultural land as a result of the proposed infill. Whilst this is the case the operations will be temporary, and restoration will result in an overall agricultural improvement. Presently the field is poorly drained resulting in boggy conditions which have an adverse impact on the agricultural operations. The applicant has indicated that the proposed infilling will improve the land's drainage and therefore its use for grazing, and it is considered that these benefits offset the temporary reduction in available agricultural land. The proposals is therefore considered to be consistent with Policy W16 of the Devon Waste Plan and Policy EC3 of the Teignbridge Local Plan.

Impact on the Highway and Road Safety

- 6.9 Direct access to the site is from Six Mile Hill, a C Classified County Road which is part of the rural road network with the nearest access from the major road network being the Fingle Glen junction on the A30, about 4 miles away. To complete the infilling, it is anticipated that an average of two lorries with approximately 17 tonne loads will travel to the site per day. Given that suitable material for infilling will not always be available, it is likely that there will be times where no deposits are made at the site and others where there are significantly more, though a condition is proposed in Appendix I to limit the site to receiving 6 loads per day.
- 6.10 Since submission of the application, the timeframe for the operation has been extended from two years to 30 months, which means that the required amount of subsoil can be deposited at the site within the restrictions set by the submitted Construction Management Plan [CMP] of an average of 2 vehicle loads per day. To ensure this does not extend further, a condition is proposed in Appendix I to limit the operation to 30 months following determination.
- 6.11 The CMP states that the majority of traffic would come from the A30 trunk road and along Six Mile Hill avoiding Whitestone, and this route has sufficient capacity for this traffic. The site is accessed from Tedburn Road/Six Mile Hill which is a C Classified County Route and restricted to 60mph. The access provides adequate visibility for this type and speed of road as the topography is largely flat for a considerable distance either side of the site. The CMP also states that a suitable hardstanding will be constructed, removing the need for vehicles to wait or park on the public highway.
- 6.12 As the anticipated lorry route and the access arrangements for the site are considered acceptable in terms of highway capacity and safety, the proposed development is consistent with Policy W17 of the Devon Waste Plan and Policy S9 of the Teignbridge Local Plan.
- 6.13 The submitted CMP indicates that vehicles delivering waste materials will remain on the new hardstanding, thereby minimising the likelihood of mud being carried onto the highway. In the event that mud is deposited on the highway, the CMP proposes the provision of wheel cleaning facilities.

Ecology

- 6.14 The application site is grazed grassland with little species diversity, but with good mixed-species hedgerows on the field boundaries and a significant single oak tree to the north. As there is little good quality habitat within the site, the proposed infilling

and drainage improvement will not adversely affect biodiversity, while the CMP includes provision for protection of hedgerows and trees and planting of additional hedgerow trees.

Landscape Impacts

- 6.15 The site lies on gently sloping land with limited external viewpoints and, in view of the short-term nature of the proposed development and the proposed method of restoration, it is considered that no significant landscape or visual effects will occur.

Flood Risk and Drainage

- 6.16 Concern was raised by Tedburn St Mary Parish Council that the development could result in destabilisation of drainage. As the proposal is to deposit subsoil for the purpose of improving permeability of the land, it is considered that there will be no significant negative impacts on drainage.

7. Reasons for Recommendation/Alternatives Options Considered

- 7.1 The Committee has the option of approving, deferring or refusing this planning application. It is considered that the importation and deposit of 20,000 tonnes of subsoil will not result in adverse impacts for the local communities and environment and will achieve an improvement in the agricultural quality of the site. It is therefore considered appropriate to grant planning permission subject to the conditions in Appendix I. As the proposal is for a landfill operation, the site will be monitored regularly by the County Council in accordance with its Local Enforcement and Monitoring Plan.
- 7.2 The alternative option of refusing this application would be difficult to substantiate in the light of the conclusions reached above.

Mike Deaton
Chief Planner

Electoral Division: Chudleigh & Teign Valley

Local Government Act 1972: List of Background Papers

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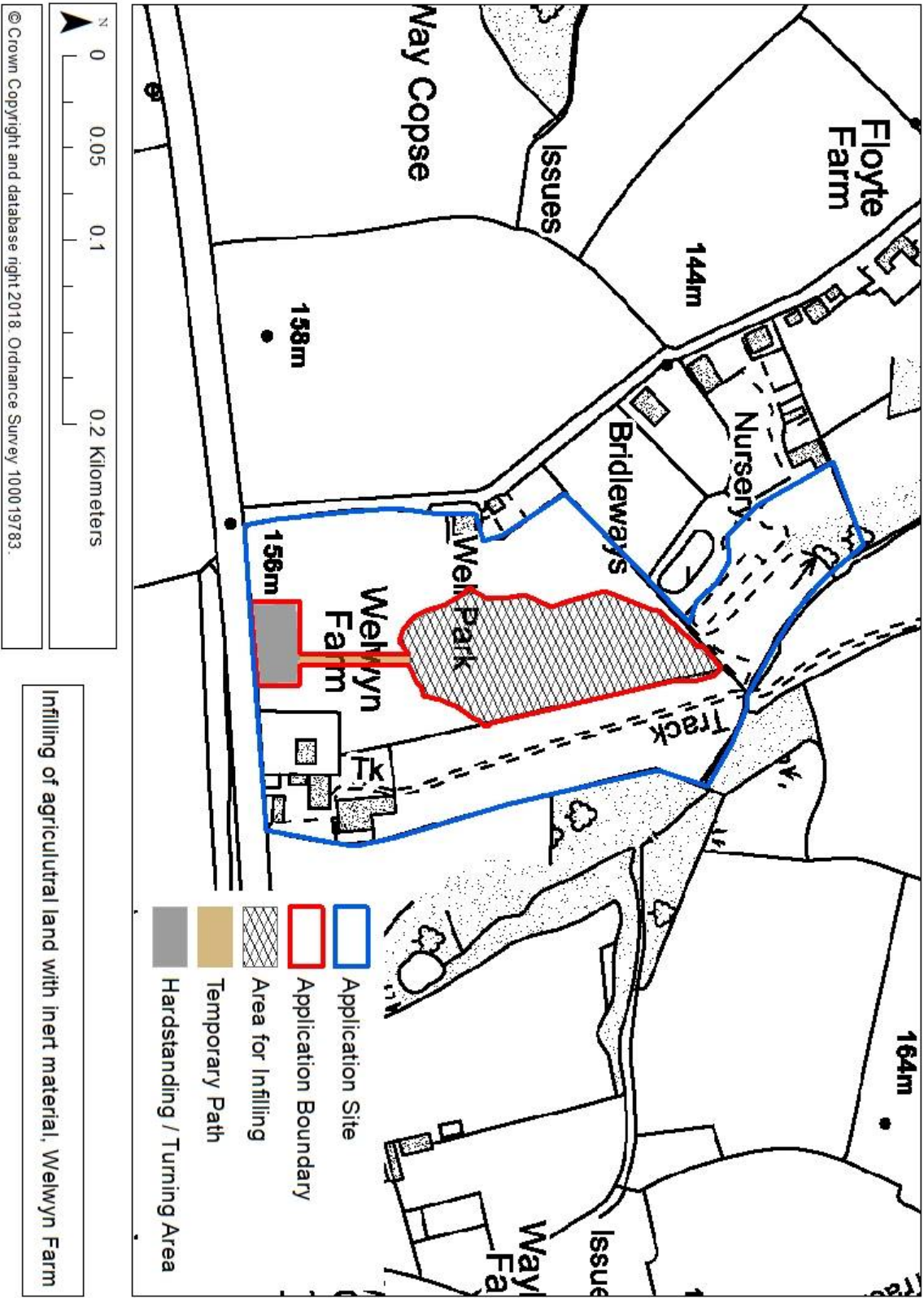
Tel No: 01392 383000

Background Paper
Casework File

Date

File Ref.
DCC/4055/2018

Site Plan



Infilling of agricultural land with inert material, Welwyn Farm

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Planning Conditions

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

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

2. The development shall be carried out in strict accordance with the details shown on the approved drawings Site Location and Block Plan-200-01 Rev B, Topographic Survey-200-02. OS Data Incorporating Topographic Survey-200-03, As Proposed Site Location and Block Plan-200-04 Rev A and Site Sections-200-05 and document titled Planning Statement (Rev A)-Development Schedule of Works/Restoration Scheme/Construction Management Plan.

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

3. No waste other than the inert waste material of subsoil, as stated in the Planning Statement (Rev A)-Development Schedule of Works/Restoration Scheme/Construction Management Plan, shall be deposited at the site.

REASON: To exclude recyclable wastes that are not appropriate for disposal at the site in accordance with Policy W7 of the Devon Waste Plan.

4. All tipping of inert waste shall cease by 1 February 2021, and the site shall be fully restored by 1 August 2021 in accordance with the scheme approved under condition 6.

REASON: To ensure completion and restoration of the site within the approved timescale and in the interest of residential amenity, the local landscape and the retention of agricultural land in accordance with Policies W12, W18 and W20 of the Devon Waste Plan and Policy EN2A of the Teignbridge Local Plan.

5. The development shall be carried out in strict accordance with the details submitted in the Construction Management Plan, included as Appendix 4 in the Planning Statement (Rev A)-Development Schedule of Works/Restoration Scheme/Construction Management Plan.

REASON: To ensure that the development is carried out in accordance with the Construction Management Plan and Policies W17 of the Devon Waste Plan and S9 of the Teignbridge Local Plan.

6. The restoration scheme shall be carried out in strict accordance with the details submitted in the Restoration Scheme, included as Appendix 3 in the Planning Statement (Rev A)-Development Schedule of Works/Restoration Scheme/Construction Management Plan.

REASON: To ensure that the development is carried out in accordance with the approved details of the Restoration Scheme and Policy W20 of the Devon Waste Plan.

7. Development shall be carried out in accordance with the actions set out in the Ecological Appraisal (David F Wills, February 2018) and Appendix 3 of the submitted Planning Statement (Rev A)-Development Schedule of Works/Restoration Scheme/Construction Management Plan.

REASON: To ensure that biodiversity is protected and species are conserved in accordance with Policy W11 of the Devon Waste Plan and Policy EN8 of the Teignbridge Local Plan.

8. Tree protection measures will be established and implemented during construction works in accordance with 'BS 5837:2012 - Trees in relation to design, demolition and construction'

REASON: To ensure that trees, shrubs and other natural features to be retained are adequately protected from damage by the development, in the interests of visual amenity and in accordance with Policies W11 and W12 of the Devon Waste Plan and EN2A and EN8 of the Teignbridge Local Plan.