

# **Review of the Devon Waste Plan**

Topic Paper 4: Review of Climate Emergency  
Declaration implications

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## 1.1. Introduction

- 1.1.1. The Devon Waste Plan was adopted in December 2014 and since then has provided the local planning policy framework informing the determination of waste planning applications in the administrative area covered by Devon County Council. Over the last 5 years, 133 waste planning applications have been determined, with 95% being approved.<sup>1</sup> The 21 policies provided in the Waste Plan were used a total of 802 times when determining these applications.
- 1.1.2. There is a statutory requirement for local planning authorities to review their local plan policies at least every 5 years from the date of their adoption. This requirement is set out in Regulation 10A of The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended)<sup>2</sup>. Paragraph 33 of the National Planning Policy Framework (NPPF) indicates that policies “*should be reviewed to assess whether they need updating at least once every five years, and should then be updated as necessary.*”
- 1.1.3. As such, it has been necessary to review the Devon Waste Plan to assess if the vision and objectives of the Plan are on track to be achieved and whether the Plan’s policies are proving to be effective and remain fit for purpose.
- 1.1.4. Planning Practice Guidance (PPG)<sup>3</sup> provides advice on what factors authorities should consider when reviewing a plan. In addition, the Planning Advisory Service (PAS) has published the Local Plan Route Mapper<sup>4</sup> guidance to assist LPAs in undertaking plan reviews and this has also been used to inform the review process.
- 1.1.5. Both of these guidance documents recommend considering changes to local circumstances and the corporate context as part of any review process. The Devon Climate Emergency is considered to be a significant change in local circumstance since the adoption of the Waste Plan which requires consideration.
- 1.1.6. The waste sector contributes to greenhouse gas emissions from the fossil fuel used to transport of the waste, the fugitive emissions from waste treatment and the energy used by treatment facilities. Emissions can also be avoided through the promotion of reuse and recycling, and additionally emissions can be absorbed into vegetation through site restoration schemes.

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

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

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

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

## **1.2. Purpose of this report**

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

## **1.3. National context**

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

## **1.4. Local Context – The Climate Emergency Declaration**

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

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

## **1.5. The Waste Plan’s consideration of Climate Change**

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

*change through the delivery of low carbon energy”.*

1.5.5. Additional examples are provided in Appendix 1 where the vision is presented in full. This demonstrates how climate change as a key theme is embedded at the heart of the Devon Waste Plan.

1.5.6. Along with the vision there are 6 overarching objectives set out in the Plan; the objectives articulate the actions that Devon County Council wishes to undertake with its delivery partners and have been derived from the vision. One of these objectives is dedicated to tackling climate change, again demonstrating how central this is to the Plan. The objective is as follows:

*Objective 3: Climate Change*

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

1.5.7. A number of the other 5 objectives include measures which support the need to address climate change. For example, Objective 1: Management of Waste, supports the sequential application of the waste hierarchy. Following this approach supports a reduction in climate change impacts as natural resources are preserved and carbon emissions are reduced. In relation to Objective 6: Transportation of Waste, locating waste management facilities close to the major sources of waste seeks to reduce carbon emissions from transportation of waste.

1.5.8. In relation to the policies themselves, a review has been undertaken to identify where measures to tackle climate change and its impacts have been incorporated. This is presented in Appendix 1.

1.5.9. The Plan does not contain a stand-alone climate change policy. However, the review has identified that 12 of the 21 policies incorporate measures relevant to climate change. This includes both direct references and also indirect measures that would have a positive impact on reducing climate change. Relevant policies are as follows:

Policy W1: Presumption in Favour of Sustainable Development

Policy W2: Sustainable Waste Management

Policy W3: Spatial Strategy

Policy W4: Waste Prevention

Policy W5: Reuse, Recycling and Materials Recovery

Policy W6: Energy Recovery

Policy W7: Waste Disposal

Policy W14: Sustainable and Quality Design

Policy W15: Infrastructure and Community Services

Policy W16: Natural Resources

Policy W17: Transportation and Access

Policy W19: Flooding

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

## **1.6. Conclusion**

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

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

### The Vision for the Devon Waste Plan

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

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

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

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

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

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

### **Policy W1: Presumption in Favour of Sustainable Development**

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

### **Policy W2: Sustainable Waste Management**

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

### **Policy W3: Spatial Strategy**

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

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

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

### **Policy W4: Waste Prevention**

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

### **Policy W5: Reuse, Recycling and Materials Recovery**

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

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

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

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

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

### **Policy W6: Energy Recovery**

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

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

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

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

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

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

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

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

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

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

## Policy W7: Waste Disposal

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

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

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

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

### **Policy W8: Waste Water Treatment**

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

### **Policy W9: The Management of Special Types of Waste**

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

**Policy W10: Protection of Waste Management Capacity**

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

## **Policy W11: Biodiversity and Geodiversity**

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

### **2. International Sites**

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

### **3. National Sites and Habitats**

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

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

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

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

### **5. Species**

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

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

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

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

## **Policy W12: Landscape and Visual Impact**

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

In taking landscape into account, reference should be made to relevant landscape character assessments.

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

### **Policy W13: The Historic Environment**

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

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

### **Policy W14: Sustainable and Quality Design**

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

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

**Policy W15: Infrastructure and Community Services**

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

### **Policy W16: Natural Resources**

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

### **Policy W17: Transportation and Access**

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

**Policy W18: Quality of Life**

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

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

### **Policy W19: Flooding**

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

### **Policy W20: Restoration and Aftercare**

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

### **Policy W21: Making Provision for Waste Management**

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

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