

# **Review of the Devon Waste Plan**

Topic Paper 5:  
Duty to Cooperate Engagement

August 2020

**Devon County Council**  
County Hall  
Topsham Road  
Exeter  
Devon  
EX2 4QD



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## 1.1. Introduction

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

## 1.2. Method of engagement

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

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

### **1.3. Responses**

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

### **1.4. Discussion on cross boundary waste movements**

- 1.4.1. As part of the engagement with neighbouring waste planning authorities (including Plymouth, Torbay, Somerset and Cornwall) cross boundary waste movements were discussed. Cross boundary movements of waste across administrative boundaries for its management is commonplace. In developing the Waste Plan, an assessment of cross boundary waste movements was undertaken. This was published as part of the evidence base for the Plan<sup>1</sup> and informed the Duty to Cooperate Statement submitted alongside the Plan. It also affected the outcomes for the Plan itself, as

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

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

#### **1.4.2. Torbay**

1.4.3. The Waste Plan assumes that by 2031 Torbay will send 38,600 – 48,300 tonnes of CIW per annum to Devon for energy recovery and 11,200 – 15,600 tonnes of LACW and CIW per annum for disposal. The evidence informing this approach was based on the Torbay Waste Sites Appraisal Report (September 2013) which concluded that there was very limited scope for suitable, viable or deliverable sites for CIW energy recovery within Torbay. Similarly, at the time of preparing the Plan, there were no non-hazardous landfill sites within Torbay and residual waste from Torbay was sent to Heathfield Landfill site in Teignbridge as the nearest available facility.

1.4.4. Discussions with Torbay Council as part of the review process has indicated that this situation remains unchanged and therefore cross boundary movements from Torbay to Devon are likely to continue into the future. No energy recovery facilities have been built in Torbay and there are currently no proposals for this type of facility. The evidence referred to above was used to inform the approach set out in the Torbay Local Plan (Adopted December 2015). No further detailed waste forecasting for CIW has been undertaken by Torbay. The latest projections for LACW continue to be in line with the projections used to inform the Waste Plan.

#### **1.4.5. Plymouth**

1.4.6. The Waste Plan assumes that by 2031, 4,600 – 9,900 tonnes of LACW and CIW per annum will come to Devon from Plymouth for disposal. This was based upon there being no landfill capacity available within the city itself, resulting in a need to export any residual waste which could not be treated at the Dockyard energy from waste facility. The figures were based upon detailed waste forecasting which has not been replicated since the Waste Plan's production. However, there continues to be no landfill capacity available within the city and data indicates that the anticipated relationship is continuing. Therefore, the driving factor informing the overarching approach remains valid.

1.4.7. Discussion with Plymouth City Council as part of the review process has confirmed that there are no areas of conflict between the approach set out in the Waste Plan and the Plymouth and South West Devon Joint Local Plan which was adopted in March 2019.

#### **1.4.8. Somerset**

1.4.9. The Waste Plan assumes that by 2031, 1,800 - 5,200 tonnes of LACW and CIW per annum will come to Devon from Somerset for disposal. This approach was informed by an existing cross boundary pattern of waste movements from Somerset to Broadpath landfill site, which is located in proximity to the Devon-Somerset border.

1.4.10. Whilst data indicates that this relationship has continued since the Waste Plan's adoption, tipping ceased at the site at the end of August 2019. As such this relationship may change in the future as waste which would have

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

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

## **1.5. Conclusion**

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

## APPENDIX 1:

### COMMENTS RECEIVED IN RESPONSE TO DUTY TO COOPERATE ENGAGEMENT

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

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

## **Review of policies, national policy and overall conclusions**

Informed by the evidence, Table 1 of the summary of evidence and conclusions report presents a review of each of the Waste Plan's policies and the conclusions from the review process. Adopted Policy W12: Landscape and Visual Impacts makes specific reference to National Parks, their special qualities and settings. The report notes that the monitoring indicator most relevant to this policy (5.5) indicates that the policy is being effectively implemented and planning permissions for waste development are not having a significant landscape impact on any AONBs or National Parks. It concludes that the policies remain fit for purpose and do not need to be updated at this time.

In addition to the policies review, the review has assessed national policy changes. The National Planning Policy for Waste and the National Waste Management Plan for England have not been updated. The review concludes that the Waste Plan remains in conformity with national planning policy. The 5-year review process has also identified a number of additional policy drivers (of which the 25-year Environment Plan is most relevant to National Parks).

Overall, the review concludes that it is not considered necessary to update any of the Waste Plan policies at this time and that the policies remain fit for purpose, consistent with national planning policy and provide an appropriate framework for the determination of waste planning applications across Devon. It is suggested that monitoring should continue through the annual monitoring process and a further review undertaken, if necessary as a result of monitoring, or if there is a significant change in circumstances.

## **Exmoor National Park Authority's Response**

The adopted Devon Waste Plan recognises that the National Parks are waste planning authorities for their areas. It provides a policy framework for protected landscapes including the National Parks, their special qualities (such as tranquillity and the dark night sky) and their settings as well as reference to the policy framework for consideration of major development. Since adoption of the Devon Waste Plan, there has not been substantive change with respect to National Parks and, based on the evidence as part of the 5-year review, **Exmoor National Park Authority agrees that the 2014 Devon Waste Plan's policies remain fit for purpose and do not need to be updated at this time.** We note the conclusion that a further review should be undertaken if necessary, as a result of monitoring or a significant change in wider circumstances. For example, as a result of any actions or outcomes set out in the Devon Carbon Plan, due to be published in 2021 (which the National Park Authority has also been involved with).

Any future plan review will provide an opportunity to ensure that the Devon Waste Plan policies reflect the National Park purposes including to conserve and enhance their natural beauty, wildlife and cultural heritage. There may also be scope to refer to the National Parks and the Broads Vision and Circular 2010 (footnoted in the NPPF) <https://www.gov.uk/government/publications/english-national-parks-and-the-broads-uk-government-vision-and-circular-2010> as well as NNPF



	<p>policy that “<i>great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, ...and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas and should be given great weight in National Parks.</i>”</p>
<p>Highways England</p>	<p>Thank you for providing Highways England with the opportunity to comment on the review of the Devon Waste Plan. Highways England are responsible for operating, maintaining and improving the strategic road network (SRN) which in Devon comprises parts of the M5, A30, A35, A38 and A303.</p> <p>We note that the current policies are considered as remaining compliant with the relevant policies of the NPPF, and based on the review so far the Council is likely to conclude that no updates to the policies will be required.</p> <p>The Council confirms that annual monitoring of the Plan will continue in line with the current monitoring process, and further reviews may be undertaken as necessary, for example in the event of an update to national planning policy, or in recognition of the Climate Emergency Declaration and the future publication of the Devon Carbon Plan, scheduled for 2021.</p> <p>Based on the information provided, Highways England has no specific comments to make on the Plan’s policies or implementation. Any proposed changes to the Plan’s policies will need to consider the transport impacts of such changes on the safe and efficient operation of the strategic road network.</p> <p>I trust the above is clear. Highways England looks forward to continued involvement in the review of the Devon Waste Plan.</p>
<p>Historic England</p>	<p>Thank you for consulting Historic England on the five year review of the Devon Plan and for allowing us some additional time to respond. As the Government’s adviser on the historic environment, Historic England is keen to ensure that the protection of Devon’s historic environment is fully taken into account at all stages and levels of the planning process. We have considered your email and the attached summary of evidence and conclusions and topic papers, noting that the review is likely to conclude that the existing Waste Plan policies do not need to be updated.</p> <p><b>Policy W13: The Historic Environment</b></p> <p>While it is heartening to note from Topic Paper 1: 5 year Review of AMR Data (2020) that no consents granted have resulted in the loss of, or harm to, heritage assets, there have been several updates to the National Planning Policy Framework (NPPF) since the adoption of the existing Devon Waste Plan in 2014. Historic England has also published relevant advice, including The Historic Environment in Local Plans Historic Environment Good Practice Advice in Planning: Note 1 (2015), The Historic Environment and Site Allocations in Local Plans (2015), Good Practice Advice in Planning Note 3: The Setting of Heritage Assets (2017)</p>

and Sustainability Appraisal and Strategic Environmental Assessment (2016).

In respect of the conservation and enhancement of the historic environment, Appendix 1 in Topic Paper 2: Review of Consistency with National Policy (May 2020) considers section 16 of the NPPF in relation to Policy W13: The Historic Environment. Attention is drawn here to paragraphs 189, 190, 195, 199 and 200 of the NPPF and concludes that there is alignment between Policy W13 and the NPPF. In particular, it is stated that Policy W13 supports the overarching objectives of paragraph 195 of the NPPF, incorporates key elements of paragraph 195 and is compliant with paragraphs 189, 195, 199 and 200 of the NPPF.

Having considered this, however, Historic England is of the view that Policy W13 would benefit from some amendments to make it more consistent with the requirements of chapter 16 of the NPPF. We consider that paragraphs 184 and 185 of the NPPF are key considerations for assessing whether Policy W13 should be amended. Paragraph 184 (not 195) sets out the overarching objective of national policy for conserving and enhancing the historic environment, stating that heritage assets are an irreplaceable resource that should be conserved in a manner appropriate to their significance. Paragraph 185 concerns plans, which should set out a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats. These have not been assessed in Appendix 1.

This feedback is really helpful. The appendix has been updated accordingly to reflect these comments and include reference to paragraphs 184 and 185 of the NPPF.

Appendix 1 also does not comment on whether paragraph 190 of the NPPF is appropriately addressed in Policy W13. This paragraph advises that proposals should seek to avoid or minimise any conflicts with the conservation of the significance of heritage assets.

This is an omission and the appendix has been updated accordingly.

Paragraph 193 of the NPPF states that great weight should be given to the conservation of the significance of a designated heritage asset irrespective of the level of loss or harm. Paragraph 194 of the NPPF describes how exceptional cases of substantial harm to, or loss of, the significance of designated heritage assets should be. However, the wording of Policy W13 does not direct development proposals to avoid harm to the significance of heritage assets in the first instance and then to minimise any harm. Instead it presupposes that a level of harm will be acceptable and that all significant adverse effects can be adequately mitigated. New wording could be introduced at the beginning of part 2 of Policy W13 to resolve this, for example:

*Waste management development should avoid the loss of, or harm to, the significance of designated and non-designated heritage assets, including their settings. Any loss or harm that is demonstrated to be unavoidable and/or justified should be minimised and opportunities for enhancement should be maximised.*

The NPPF contains different information requirements and approaches for designated and non-designated heritage assets and for different asset types, which are not reflected in Policy W13. In the case of designated heritage assets, paragraph 194 states that clear and convincing justification is required for any harm to, or loss of, the significance of a designated heritage asset. Paragraph 195 set out how decisions should be made in cases of substantial harm to, or total loss of, designated heritage assets requiring either substantial public benefits to outweigh the harm or loss, or the alternative tests to be met. The alternative tests are not provided for in Policy W13. Paragraph 196 covers cases of less than substantial harm to the significance of designated heritage assets, which requires harm to be weighed against the public benefits of the proposal. Paragraph 201 of the NPPF sets out how harm in Conservation Areas and World Heritage Sites should be treated. For non-designated heritage assets, paragraph 197 of the NPPF requires a balanced judgement between the scale of any harm or loss and significance.

Amendments could be made the remainder of part 2 of Policy W13 to address this and to do so, you may find it easier to have separate policy provisions for different levels of harm to designated heritage assets and for non-designated heritage assets.

Paras 193 and 194 of the 2019 NPPF replicates the wording previously included within para 132 of the 2012 NPPF and in this context there has been no material change to this part of national policy since the Waste Plan was adopted. Similarly, the wording of paras 195 and 196 has not changed since the Waste Plan was adopted and therefore it is not considered necessary to make any changes in this regard.

In response to the comment that the wording of Policy W13 does not direct development proposals to avoid harm to the significance of heritage assets in the first instance and then to minimise any harm, the opening line of part one of the policy is that "*waste management development will conserve and enhance Devon's historical and cultural environment*" and in stating this the policy seeks to avoid harm in the first instance before discussing mitigation in part 2 of the policy.

In terms parts of parts 1 and 3 of Policy W13, the second sentence in part 1 could be expanded to refer to statements of heritage significance, desk-based assessments, and field evaluation, in response to paragraph 189 of the NPPF. Historic England has new advice on statements of heritage significance that could be referenced.

This advice is noted, however the wording in the policy is considered sufficient to indicate that an assessment of the presence and significance of heritage assets is required. The level and type of assessment required will be on a case by case basis. The supporting text in para 4.4.2 of the Waste Plan indicates that the County Council has published a guidance note on archaeology and this should be used to inform the preparation of waste planning applications and early consultation with the county council's Historic Environment Team is also advised.

Finally, the wording of part 3 of Policy W13 would benefit from drawing upon some of the language of paragraph 200 of the NPPF and also seek

	<p>to encourage development that will enhance or better reveal significance of heritage assets.</p> <p>Having reviewed paragraph 200 of the 2019 NPPF against the wording in the 2012 NPPF (para 137) under which the Waste Plan was prepared, there is no change here and therefore we do not consider it necessary to update Policy W13 as there has been no change to national policy in this regard.</p> <p>We hope you find this advice helpful and we would be pleased to comment on any revised wording that may be proposed. If you have any queries about any of the matters raised in this letter or consider that a meeting would be helpful, please do not hesitate to contact me.</p>
<p>Mid Devon District Council</p>	<p>Thanks for the opportunity for us to provide an informal officer view on work you have completed so far for the review of the Devon Waste Plan. I note this informal view is sufficient at this stage, and my comments are provided on that basis.</p> <p>I note that you have reviewed the need to update the Devon Waste Plan and you consider it still fit for purpose in terms of national policy etc. I am assuming you have covered off the SEA, HRA, and EqIA matters too?</p> <p>These assessments were undertaken at the time of preparing the Waste Plan and their outcomes informed the Plan itself. If the conclusion from the review is that no update is required, then it is not considered necessary to update these assessments as there will be no change to the policy landscape. If changes are required then these supporting assessments will need to be updated also.</p> <p>I have only two observations to make at this stage.</p> <p><b>Topic Paper 3 Spatial Strategy Review</b></p> <p>1.6.2 - please can this be updated to note the Inspector's report was received on 26<sup>th</sup> June 2020. The Inspector has concluded that the Mid Devon Local Plan Review 2013 – 2033 provides an appropriate base for the planning of the District and with a number of main modifications (MMs), is sound and capable of adoption. The Council will consider the adoption of the Local Plan Review at its meeting on 29<sup>th</sup> July 2020.</p> <p>Noted. This change will be made to the report.</p> <p><b>Policy W6: Energy Recovery</b></p> <p>The adopted Devon Waste Plan (2014) Policy W6 (page 64) includes WB6 Tiverton Eastern Urban Extension as one of the strategic locations where planning permission could be granted for additional energy recovery capacity.</p> <p>I wish to advise that the Council is not currently pursuing the provision of an energy recovery facility at the Tiverton Eastern Urban Extension. Policies in the (soon to be adopted) Mid Devon Local Plan Review 2013 –</p>

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

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

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

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

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

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

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