

**County Matter: Waste**

**Teignbridge District: Consolidating application for the retention of the integrated waste management facility for the processing, transfer and recycling of waste and production of recycled aggregates, including offices, parking, hardstanding, associated plant and equipment and the extension in time (20 years) and area of the inert landfill at Kenbury Wood Landfill Site, Old Dawlish Road, Kennford, Devon.**

**Applicant: Kenbury Wood Ltd**

**Application No: 16/01969/DCC**

**Date application received by Devon County Council: 12 July 2016**

Report of the Head of Planning, Transportation and Environment

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

**Recommendation: It is recommended that subject to the applicant signing a legal agreement relating to the areas in the Heads of Terms set out in Appendix III to this Report, planning permission be granted subject to the conditions set out in Appendix II to this Report (with any subsequent changes to the conditions or legal agreement being agreed in consultation with the Chairman and Local Member).**

**1. Summary**

1.1 Kenbury Wood Resource Recovery Facility is an existing waste management facility located to the south west of Exeter. This Report relates to a planning application that seeks to consolidate all the existing consented activities at the site into one planning permission with one set of planning conditions. In addition the application seeks to obtain planning permission for existing unconsented developments on the site and an extension of the life and area of the inert landfill. The application was accompanied by an Environmental Statement.

1.2 The majority of the waste transfer facilities on the site already have permanent planning permission and will remain on site, it is therefore the impact of the unconsented developments including the inert landfill development that need to be assessed. It is considered that the main material issues in the consideration of this application are an examination of the development against relevant planning policy and the impact of the proposed development on; the landscape and the Area of Great Landscape Value (AGLV); archaeology; traffic; ecology; noise; litter; air quality; and drainage/flood risk.

**2. The Proposal/Background**

2.1 The Kenbury Wood site lies to the south west of Exeter, close to the intersection of the A38 and A379 approximately 500 metres to the north-east of Kennford village. Vehicular access to the site is provided from Old Dawlish Road which itself connects onto the A379 enabling access to and from the north. The site covers an area of approximately 7.5 hectares. It lies entirely within the Haldon Hills Area of Great Landscape Value and its eastern edge is bordered by woodland that is designated as

ancient woodland. In the centre of the existing landfill site is an area of archaeological interest.

2.2 Planning permission for an inert landfill site at Kenbury Wood was originally granted in 1985 (84/2140/42/4). Subsequent planning permissions extended the area of the landfill site and the life of it until 31 December 2014 (90/1988/42/4, 2002/3924/42/9). Although planning permission for the landfill has now expired, the approved levels for the tipping were not achieved and operations have continued without planning permission.

2.3 Waste transfer/recycling operations commenced on the site in the 1990's. Currently different waste streams are sorted and separated on site and transported to recycling facilities elsewhere. Other than materials destined for the landfill all other materials which are not suitable for recycling are sent for disposal elsewhere. In 2012 permanent permission was granted for a Materials Recycling Facility (MRF) including a MRF building, lorry/car parking, skip storage, green waste shredding, lighting and a weighbridge (11/01200/DCC). Subsequent planning permissions have allowed for the relocation of certain operations and for the provision of additional facilities such as a picking line, a replacement trommel, additional car parking and office/welfare facilities. However, other buildings and operations have been established on the site without the benefit of planning permission, these include a covered waste bay and a processing building adjacent to the MRF and an aggregates processing/inert storage area.

2.4 The site deals with around 75,000 tonnes of waste material per annum which is broken down as follows:

Construction & Demolition	40,172
Domestic (Black Bag)/C&I waste	16,048
Green/Garden	13,845
Paper and Cardboard	4,073
Waste Electrical and Electric Equipment (WEEE)	1,152
Pure Wood	272
Plastics	157
Metals	79

2.5 Depending on the type there are specific processes the waste material goes through which are; hand pick, trommel, picking station (construction and demolition waste/general waste); recycling MRF (commercial and industrial waste); crushing and screening (construction & demolition waste and soil, stone, brick and block); and green garden waste (shredded and, screened).

2.6 The output from the site include a number of recyclates (wood, plastics, metals, stone, card and paper); reuse of materials (soils and stone). Non-recyclable inert waste is landfilled at the site and other residual non-recyclable materials are sent off site for disposal.

2.7 Currently the Kenbury Wood facility employs around 55 staff, which includes drivers, site operations and administrative staff.

2.8 The Environmental Permit for the waste management facility allows for the 75,000 tonnes of waste materials to enter the site per annum and this application does not seek to increase this capacity. The intention of this consolidating planning application is to combine development on site that already benefits from planning

permission, development for which retrospective permission is sought and the proposed development into a single consent with one set of planning conditions.

2.9 The development for which retrospective planning permission is sought (see attached Existing Site Layout Plan):

- Lorry parking and skip/plant storage area (Area A). This bunded area has been extended and has a hardcore surface. It is used to store empty skips and containers, plant and machinery and provides parking for lorries. It is proposed to relocate fuel tanks into this area.
- Aggregate processing/inert materials storage area (Area B). This area of the site is approximately 1.3 ha and was formally part of the landfill operations. It is used for the crushing, screening and storage of aggregate and inert materials.
- Building to the east of the MRF. This building is used for storing sorted, baled waste. The dimensions are 10 metres x 20 metres by 5.86 metres to the ridge and it is constructed out of grey profiled steel panels.
- Covered waste bay/building to the west of the MRF (Area D). This building is used for the reception of waste. The dimensions are 15.30 metres x 20 metres by 9 metres to the ridge and it is constructed out of a metal frame covered with heavy duty polythene.
- Plant and equipment storage area (Area J). This fenced area in the south of the site is used for storing plant and equipment. It contains a porta cabin building that is used for document storage.
- Wood storage area. The wood storage area has been relocated away from the processing facilities. The area is bounded by 3 metre high concrete walls on two sides.
- Outside storage of baled waste material (Area L). Currently waste that has been sorted and baled is stored on the concreted area to the south of the MRF building.
- Supervisor's office. A porta cabin is located on the western side of the waste processing area. The dimensions are 3.3 metres x 10.3 metres and 3.3 metres high and it is coloured dark brown.
- Staff car park. An additional car park for approximately 20 vehicles has been created on the western side of the access road. It has a hard core surface.
- Overnight lorry parking. Currently lorries are parked overnight in the area to the north of the weighbridge and area A.

2.10 Proposed development for which planning permission is sought:

- Extension of time and revised restoration contours for the inert landfill operation (Areas I and F). It is proposed to extend the life of the inert landfill site for an additional 20 years. The development proposals include plans that identify the phasing of the landfill operation and the progressive restoration of the site. The proposed capacity is approximately 227,000 tonnes, which would equate to approximately 11,350 tonnes of inert waste being landfilled per annum over the 20 year period. Currently approximately 12,000 tonnes of inert waste are landfilled per annum and it is estimated that the previously consented landfill had a remaining capacity of approximately 415,000 tonnes. The proposed restored landform differs from that which was previously consented and includes infilling over a field that is known to have of archaeological interest and the creation of two large bunds on the plateau area immediately north of the MRF (Area E).

- Extension of operating hours. The applicant has applied to extend the operating hours of the site. Currently the permitted operating hours for the MRF and waste transfer/recycling operations are:  
0730hrs – 1800hrs Monday to Fridays  
0730hrs – 1800hrs on Saturdays between 1<sup>st</sup> March and 31<sup>st</sup> October only  
0730hrs - 1800hrs on public holidays  
No waste processing operations are allowed to take shall take place on Saturdays between 1<sup>st</sup> November and 29<sup>th</sup> February, or on Sundays.

The operating hours for the landfill and inert material crushing and screening operations are:

07.30 -18.00 Monday to Friday

07.30 – 13.00 Saturdays.

No operations shall take place on Sundays or public holidays.

The application proposes that the operating hours should be extended to:

07.00 -1800 seven days a week for MRF operations; and

07.00 – 18.00 Monday to Saturdays for all other operations.

The permitted hours for HGVs entering and leaving the site, associated with the MRF and waste transfer/recycling operations are between 0530 hours and 1800 hours on any day. The application does not propose to change these hours.

- Extension to the green waste processing area (Area C). The current processing area covers an area of approximately 1,800m<sup>2</sup> and it is proposed to extend it by approximately 2,000m<sup>2</sup>. This would entail raising the extension area with fill material to provide a level platform.
- Revised Landscaping Scheme. The previously approved landscaping scheme for the site has not been fully implemented. The revised scheme submitted with the application includes the provision of two large bunds to the north of the MRF to provide screening for the current waste transfer operations and buildings. In addition landscaping and planting plans are provided for the landfill area which includes provision for 0.6 hectares of woodland planting, grassland and hedgerows.
- Extension of the area of concrete hardstanding. It is proposed to concrete the area of the site in the vicinity of the weighbridge, which is currently heavily trafficked by HGV vehicles.

### **3. Consultation Responses**

- 3.1 Teignbridge District Council (Planning): no objection to the proposal. The Council makes a number of observations in particular that in determining the application appropriate consideration be given to the impact of the proposal on the landscape (and specifically the Area of Great Landscape Value (AGLV)); integrity of green infrastructure and integrity of the South Hams Special Area of Conservation. The Council makes specific reference to policies S1A, S1 and EN2A of the Teignbridge Local Plan 2013-20133 (which seek to ensure that development is sympathetic to and conserves and enhances the landscape, in particular within the AGLV. It notes that the buildings, for which retrospective planning permission is required, are of a considerable scale and whilst bunding and screening will establish in time, the impact of these buildings on the AGLV should be considered as the development is already impacts on the AGLV.

The Council also notes the site's proximity to Kenbury Wood, the potential impacts on biodiversity should be considered. Unconfirmed wildlife sites should be protected and the impact of lighting on bats considered. Restoration plans should include ecological enhancement.

- 3.2 Teignbridge District Council (Environmental Health): no objection to proposal.
- 3.3 Kenn Parish Council. in principle, the Council has no objection to this planning application. However, it still has ongoing concerns regarding lorries using the village of Kennford to access the A38/380 and litter.
- 3.4 Exminster Parish Council: no comments.
- 3.5 Environment Agency: no objections to this proposal. With respect to the waste management aspect the Agency note that the operator has applied for a bespoke permit which would allow certain wastes to be stored outside. Where possible the Agency would prefer the storage of wastes within a building and therefore supports the retention of the buildings. If the bespoke environmental permit application is issued then the Agency would be likely to agree with the storage of wood and dry mixed recyclates outside. Inert waste such as rubble and hard core can be stored and treated on hardstanding. The litter fence is considered an appropriate measure to control litter where wastes are being stored. The Agency also notes that the Environmental Permit will require modifications to the drainage system but considers that the proposal is unlikely to result in significant additional risk to controlled waters.
- 3.6 Highways England: no objection.
- 3.7 Natural England: no comments.
- 3.8 Exeter Airport: no objections.
- 3.9 Wales and West Utilities: notification of high pressure gas pipeline to the south east of the site.
- 3.10 Highway Authority: no objections.

#### **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 no representations were received.

#### **5. Planning Policy Considerations**

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

## 6. Comments/Issues

- 6.1 It is considered that the main material issues in the consideration of this application are an examination of the development against relevant planning policy and the impact of the proposed development on; the landscape and the Area of Great Landscape Value (AGLV); ecology; traffic; noise; litter; air quality; drainage/flood risk and archaeology.

### Waste Policy Considerations

- 6.2 Kenbury Wood is a well-established waste facility undertaking a large range of waste management activities. In this context it is considered that the application is in broad accordance with the adopted Devon Waste Plan policy W3: Spatial Strategy, which states:

*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.*

- 6.3 *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.*

- 6.4 Part of the proposal is to extend the life of the inert landfill site for an additional 20 years. The capacity is approximately 227,000 tonnes, which would equate to approximately 11,350 tonnes of inert waste being landfilled per annum over the 20 year period. Currently around 12,000 tonnes of inert waste are landfilled per annum. Although, landfill sits at the lowest level of the waste hierarchy, the Devon Waste Plan recognises that there will be a need to retain some inert landfill capacity throughout the Waste Plan period. Extending the life of the landfill capacity is supported by Waste Local Plan policy W7: Waste Disposal, part 3 of which states:

*3. 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 utilized.*

- 6.5 Retention of the landfill capacity on the site compliments the waste recycling and transfer operations that already have permanent permission. Co-location of the two facilities helps to ensure that only inert waste that is incapable of recycling or recovery is landfilled and it prevents the need for residual inert waste to be transported elsewhere. It is considered that the landfill element of the proposal is supported by Waste Local Plan Policy W5: Reuse, Recycling and Materials Recovery, which states:

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.

- 6.6 The applicants are proposing to extend the area of the green waste processing site. Currently, approximately 14,000 tonnes of green waste are shredded in this area per annum, before being transported to composting sites. Extending the site would improve efficiency at peak periods of high tonnage input during early summer as it would enable the stockpiles of fresh green waste, shredded material and screened material to be stored separately in defined areas. It is considered that this element of the application is consistent with Waste Local Plan Policy W5.
- 6.7 The existing permanent waste transfer/recycling facility provides valuable capacity to meet the recycling/composting targets set out in DWP policy W5.
- 6.8 An aggregate processing and storage facility has developed (without planning permission) on an area of the site that previously was part of the landfill consent (Area B). It covers an area of approximately 1.3 ha and is surrounded by high bunds on the west, south and east boundaries. The facility is used for the crushing, screening and storage of aggregates and handles approximately 25,000 tonnes of material per annum. The application seeks to regularise this use and it is considered that the provision of the facility and its co-location with existing waste operations is supported by Waste Local Plan Policy W5.

Landscape/AGLV

- 6.9 The site lies within the open countryside that is characterised by rolling farmland. It is in a relatively open position being located on the side of a valley, sloping from 37m to 95m AOD. The entire site is within the Haldon Hills AGLV.
- 6.10 Teignbridge Local Plan policy EN2A seeks to conserve and enhance the qualities, character and distinctiveness of the AGLV and Devon Waste Plan policy W12

requires waste management developments to be sympathetic to the qualities, distinctive character and setting of the landscape. Given, the location of the site there is the clear potential that any development could harm the special qualities and character of the AGLV. The Landscape and Visual Impact Assessment (LVIA) that accompanies the application, assesses the significance of effects on both the landscape and people's visual amenity resulting from the proposed permanent development associated with the waste transfer/recycling facility and the inert landfilling proposal which would last for 20 years and result in a new landform.

- 6.11 Within the waste transfer/recycling facility in the southern part of the site, permanent planning permission already exists for the majority of the buildings and structures and operations taking place. These buildings and structures, along with HGVs and plant operating within the site, are visible within views from the north and north east and they have an urbanising impact on the countryside and an adverse impact on the AGLV. Two additional storage buildings have been erected adjacent to the MRF building, without the benefit of planning permission. The LVIA considers that the visual impacts of these two buildings have a slight adverse effect as they increase the lateral extension of the building group and intensify the built character of the site. Two screening bunds are proposed to the north of the buildings (the MRF and the two storage buildings requiring retrospective planning permission) and it is considered that these would help to minimise visual impacts and reduce the perceived scale of the buildings in the longer term. If permission is granted, conditions are recommended to ensure that the screening bunds are constructed and planted within the first year and that the external cladding of buildings and structures on site are coloured van dyke brown.
- 6.12 With regard to the landfill operation, the proposed scheme provides for the progressive phasing of the infilling and restoration of the site. The LVIA identifies that the infill operation would have some moderately adverse visual impacts on some sensitive views within a 1.5 km radius of the site, specifically from viewpoints to the north and north-east of the site, which would be contrary to Teignbridge Local Plan policy EN2A. However, it is estimated that these adverse effects would only be in the early phases of the landfill operation lasting approximately 5 – 6 years, as it is intended that later phases of the landfilling operation would be screened by the restored landform and woodland planting of the earliest phases. If planning permission is granted, conditions are proposed to ensure that the landfilling and restoration operation is carried out in progressive phases to ensure that adverse visual impacts are minimised. In addition conditions are proposed to ensure that screen planting is provided and maintained in the long term.
- 6.13 The proposed final landform of the inert landfill site would be restored to woodland and pasture fields bounded by hedgerows. It is considered that the proposed landform and vegetation cover respects the distinctive character of the AGLV and would not have any significant adverse effects on it. However, this landform would not be achieved for at least 20 years.
- 6.14 Concerns have been raised regarding the visual impact of the existing floodlighting on the surrounding countryside/AGLV. Monitoring on the site has identified that the lighting is not always switched off overnight and this has had a detrimental urbanising effect an edge of urban area where there is already some light pollution. However, it is considered that the proposed use of 'shut down' switches should adequately address this problem and if planning permission is granted a condition is recommended to ensure that shut down switches and timers are installed and used. In addition, a condition is recommended that requires a modified lighting scheme to be submitted that would reduce the impact of the lighting on the landscape by the



introduction of shields on the floodlighting at the weighbridge and the removal of floodlights on the eastern side of the MRF building.

- 6.15 The applicant has requested that the operating hours of the existing MRF, be increased to include every Saturday throughout the year (not just between March and October which is currently the case) and all Sundays (none are currently worked). In addition they have applied to extend the operating hours of the inert landfill to include Saturday afternoons.
- 6.16 Given that this site is adjacent to the A38 which carries heavy volumes of traffic on the edge of an urban areas and a remote from key recreational areas it is unlikely to have any noticeable impact. There are no local objections. To make the best use of an existing facility. For these reasons, it is considered that it would be appropriate to extend the operating hours to include Sundays for the MRF operation and Saturday afternoons for the inert landfill.

### **Ecology**

- 6.17 The site does not have any statutory nature conservation designations; however it is located adjacent to Kenbury Wood, which is designated as ancient woodland. Immediately to the north of the site, a small disused quarry has developed into broadleaved woodland and is an unconfirmed wildlife site. Within the site are two areas of grassland that would be affected by the development proposals i.e. the 'archaeological field' and the 'plateau area'. A small pond is located on the north eastern boundary of the site that takes run-off from the site. The Environmental Statement (ES) includes a Phase 1 Habitat Survey and bat, reptile and Great Crested Newt surveys.
- 6.18 The ES found that there would be no significant effects on any 'valued ecological receptors' as a result of the proposed developments. The valued ecological receptors include the ancient woodland, broadleaved woodland, semi-improved grassland, bats, dormice and hedgehogs. The effects of the proposed development on the ancient woodland (Kenbury Wood) and broadleaved woodland were found to be negligible.
- 6.19 The bat surveys that were carried out on the site identified low levels of bat activity. However, lighting on the site was highlighted as a cause for concern as although the bat surveys were carried out during summer months, the lighting on the site was operating. Artificial lighting has the potential to restrict the movements of bats through the landscape and can cut off important commuting routes and prevent access to key foraging areas and roost sites. To prevent lighting on the site being left on and impacting on bats, 'shut down' timer switches are proposed. The use of such timer switches would be required by condition if permission is granted.
- 6.20 The habitat survey concluded that the 'archaeological field' was the least species diverse grassland on the site and that its loss could be offset by managing and improving areas of species rich grassland in the plateau area and in an area immediately to the north of the landfill area. If permission is granted a condition would be required to achieve the grassland management in these areas. In addition, a number of other recommendations are made to ensure that the impacts on wildlife are mitigated and the site enhanced for wildlife, including vegetation removal outside the bird nesting season; soil stripping overseen by a qualified ecologist to protect reptiles and the management of woodland. These recommendations could also be achieved by imposing conditions if planning permission is granted.

- 6.21 In the long term, it is considered that the restoration of the inert landfill site would enhance the biodiversity of the site by the provision of 0.6 hectares of broadleaved woodland and 170 metres of hedgerow. This biodiversity enhancement is in accordance with DWP policy W11 which seeks a net gain for wildlife proportionate to the nature and scale of the proposal.

#### Traffic and Transportation

- 6.22 Currently the site generates an average of 78.5 goods vehicle trips (157 movements) per day. These movements tend to occur at regular intervals throughout the day, during the permitted delivery hours of 05:30 to 18:00 Monday to Sunday. This equates approximately to 1 goods vehicle trip movement occurring every 5 minutes on average throughout the day. In addition, 55 staff travel to the site resulting in an additional 55 trips (110 movements) per day (Monday to Saturday), although this is a worst case scenario as many of the staff car share.
- 6.23 Vehicle movements to and from the site are to a large extent governed by the existing annual tonnage throughput limit of 75,000 tonnes per annum. This consolidating application does not propose to increase this annual tonnage and if permission is granted a planning condition is recommended that would restrict the annual tonnage throughput to 75,000 tonnes. Consequently, operations at the site should not be intensified in traffic terms and there should be no detrimental impact on the operation of the highway or highway safety.
- 6.24 A routing agreement has been in place since permission for the permanent MRF (11/01200/DCC) was granted permission in March 2012. The purpose of the agreement is to prevent vehicles that use the Kenbury Wood site from travelling through Kennford village. The agreement requires that all drivers of vehicles that use the site are issued with instructions that specify a route to and from the site that avoids travelling through Kennford village. For the vast majority of vehicles this routing agreement has worked, however in the last year DCC has received a number of complaints regarding lorries going through the village, including from Kenn Parish Council. In response to these complaints Kenbury Wood Ltd, has put a number of measures in place, specifically all the company's drivers and all other users of the site have been issued with a new set of directions that identify the routes to the site that avoid Kennford. In addition, the company has agreed to set up a 'hot line' between the village and the weighbridge office on the site. The contact telephone number for the weighbridge will be published in the parish magazine, which will enable 'stray' vehicles in the village to be quickly reported to the company, so that the appropriate action can be taken. The company has also agreed to attend Parish Council meetings on a regular basis, so that any problems with vehicles can be discussed. In addition their 'Disciplinary Rules' have been amended to specify that 'failure to adhere to the routing agreement and driving through Kennford' is a 'misconduct' that can trigger the disciplinary procedure for their employees.
- 6.25 It is clear that stray vehicles going through the village is an ongoing problem, however if this consolidating application was refused, the existing permanent permission would still be in place and heavy vehicles would still be travelling to and from the site. However, it is considered that the new measures to report vehicles going through the village should have a positive impact in preventing them doing so. The applicants would be required to enter into a new legal agreement prior to planning permission being granted for this consolidated application, this would include compliance with the original routing agreement dated 7 March 2012. The Heads of Terms of the new agreement are set out in Appendix III.

## Amenity issues – noise, air quality, litter

### Noise

- 6.26 The proposed development would not result in a significant change to the magnitude or location of noisy activities on the site. Recent noise monitoring that has been undertaken at the nearest noise-sensitive properties, Kerswell Grange and Westfield Nursery, identified that noise from activities taking place on the site was considerably below the noise limit of 5dB Leaq (1 hour) free field above background noise levels. No concerns regarding noise have been raised by local residents.
- 6.27 Previous planning permissions associated with the site have had conditions attached that required noise monitoring and have restricted noise levels. However, it is not recommended for similar conditions to be attached if planning permission is granted for this consolidated application, as it would be against advice given in the National Planning Policy Framework. Para 122 of the NPPF states that “...*local planning authorities should focus on whether the development itself is an acceptable use of the land, and the impact of the use, rather than the control of processes or emissions themselves where these are subject to approval under pollution control regimes. Local planning authorities should assume that these regimes will operate effectively.*” In this instance the Kenbury Wood site is regulated by an Environment Agency environmental permit, which includes the control of noise. For this reason, no planning conditions are recommended to control noise on the site as they would duplicate the controls of the environmental permit.

### Litter

- 6.28 Litter escaping from the site has previously been a concern, specifically waste materials from the MRF area has been blown into the ancient woodland to the south of the site. However, high litter fencing has now been erected around the MRF working area. If permission is granted, a condition is recommended to ensure that this litter fencing is retained and maintained for the life of the site.
- 6.29 Kenn Parish Council has raised concerns regarding litter along the verge of the A38 and A379, which they believe has come, in part, from vehicles associated with the Kenbury Wood site. In the event that planning permission is granted a condition is recommended to ensure that all vehicles leaving the site and carrying waste have their loads enclosed, sheeted or netted.

### Air Quality

- 6.30 The Air Quality Assessment has considered the potential impacts and effects of the proposed development at the site on local air quality. Overall the proposed development is not predicted to give rise to significant adverse air quality effects for either human or ecological receptors and no significant cumulative effects have been identified.
- 6.31 Operations on the site, including crushing and screening of aggregates and waste transfer operations have the ability to create dust. However, dust mitigation is regulated by the site’s environmental permit, which includes a dust management plan.
- 6.32 The proposed development would not result in a significant change to the magnitude or location of potential sources of odour on the site e.g. green waste or mixed waste

therefore the risks of odour impacts above the current baseline are considered negligible. Odour control is also controlled by the environmental permit.

#### Flood Risk/Drainage/Water Environment

- 6.33 The ES was accompanied by a Flood Risk Assessment and Surface Water Management Plan. The FRA identifies that the site lies entirely within Flood Zone 1 and therefore is not at flood risk from fluvial sources. This accords with the Devon Waste Plan policy W19 (flooding) that favours locating waste developments in Flood Zone 1.
- 6.34 The proposed surface water management plan includes improvements to the existing drainage across the site to facilitate drainage of the working areas and discharge to the existing attenuation pond in the north-eastern corner of the site, with an overflow to the Berry Brook. It is proposed to enlarge the attenuation pond to provide adequate storage capacity and thereby limit discharge to below the pre-development greenfield runoff rate. Given that maintenance will be critical in the functioning of the drainage system, a maintenance scheme has been included in the plan. If permission is granted, conditions are recommended to ensure that the proposed drainage scheme and maintenance strategy are implemented.

#### Archaeology

- 6.35 Within the landfill site is an area of 'archaeological interest', within which is a Romano-British enclosure along with an earlier cemetery. Whilst this heritage asset is not protected as a designated heritage asset it is of regional significance as evidence of Roman and earlier settlement and funerary activity in the County. However, the significance of the asset has been substantially degraded by the developments that surround it, namely existing elements of the resource recovery facility and landfill to the south, west and east, and by the A38 dual carriageway to the north, so that it no longer sits within its original landscape setting or is 'readable' in the landscape as a potential Romano-British settlement site. The previous archaeological evaluation of the site has also demonstrated that the archaeology has been substantially truncated by agricultural practices over the centuries.
- 6.36 The quality of the archaeological deposits are not of such significance that the DCC Historic Environment Team recommend preservation in situ, but it is considered that the assets are worthy of preservation by record via a programme of archaeological work to investigate, record and analyse prior to their destruction. If planning permission is granted a condition is recommended that would secure the appropriate programme of archaeological work. This programme would include an element of public outreach to disseminate the information gained from any archaeological work undertaken on the site, possibly in the form of talks to the community or a public open day. The applicant has indicated that they would support an open day at the archaeological site.
- 6.37 Devon Waste Plan policy W13 states: *'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.*

It is considered that the proposed landfill development would have the public benefit of providing inert landfill capacity and that the use of the archaeological field would enable a final landform to be created that is in keeping with the surrounding landscape. In addition, public benefit would be gained from the dissemination of information gained from any archaeological work undertaken on the site.

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

- 7.1 The Committee has the option of approving, deferring or refusing this planning application.
- 7.2 Within the planning balance it needs to be clearly recognised that permanent permission for the materials recovery/waste transfer facility already exists and if the current planning application was refused, the facility would still continue to operate. The facility supports a range of waste management operations that aids Devon to achieve the targets for reuse, recycling and composting set out in Devon Waste Plan policy W5. A clear benefit of granting consent for the consolidated application would be that the site would operate under one set of up to date conditions, which would allow operations on the site to be more easily monitored.
- 7.3 It is recognised that the inert landfill operation would have adverse visual impacts on the AGLV, specifically in the short to medium term (5 to 6 years) and would lead to the loss of the field of archaeological interest. However, continuation of the inert landfill facility is supported by the Devon Waste Plan, as inert landfill capacity is still required within the County, although landfill is at the bottom of the waste hierarchy. If permission was refused, the landfill site would still need to be restored and there is some uncertainty as to how this would be achieved. In the longer term (20 years) the final restored landform could be a positive element within the landscape.
- 7.4 The existing waste transfer/recovery facility has introduced buildings and activities into the open countryside/AGLV, which has had a detrimental urbanising impact. The two storage buildings that require retrospective planning permission add to this urbanising impact. However the proposed provision of two landscaped bunds on the 'Plateau Area' would have the beneficial effect of helping to integrate all the existing permitted and unpermitted buildings and operations into the surrounding landscape, in accordance with Teignbridge Local Plan policy EN2a and Waste Local Plan policy W12.
- 7.5 On balance, it is considered that the long term benefits of the development, ie the provision of an integrated waste facility, outweigh the potential harm to the AGLV. It is considered that the planning conditions set out in appendix II would adequately mitigate any potential adverse impacts of the development, including impacts on the AGLV.

Dave Black  
Head of Planning, Transportation and Environment

**Electoral Division: Exminster & Kenton**

Local Government Act 1972: List of Background Papers

Contact for enquiries: Jackie Reffell

Room No: AB2, Lucombe House, County Hall

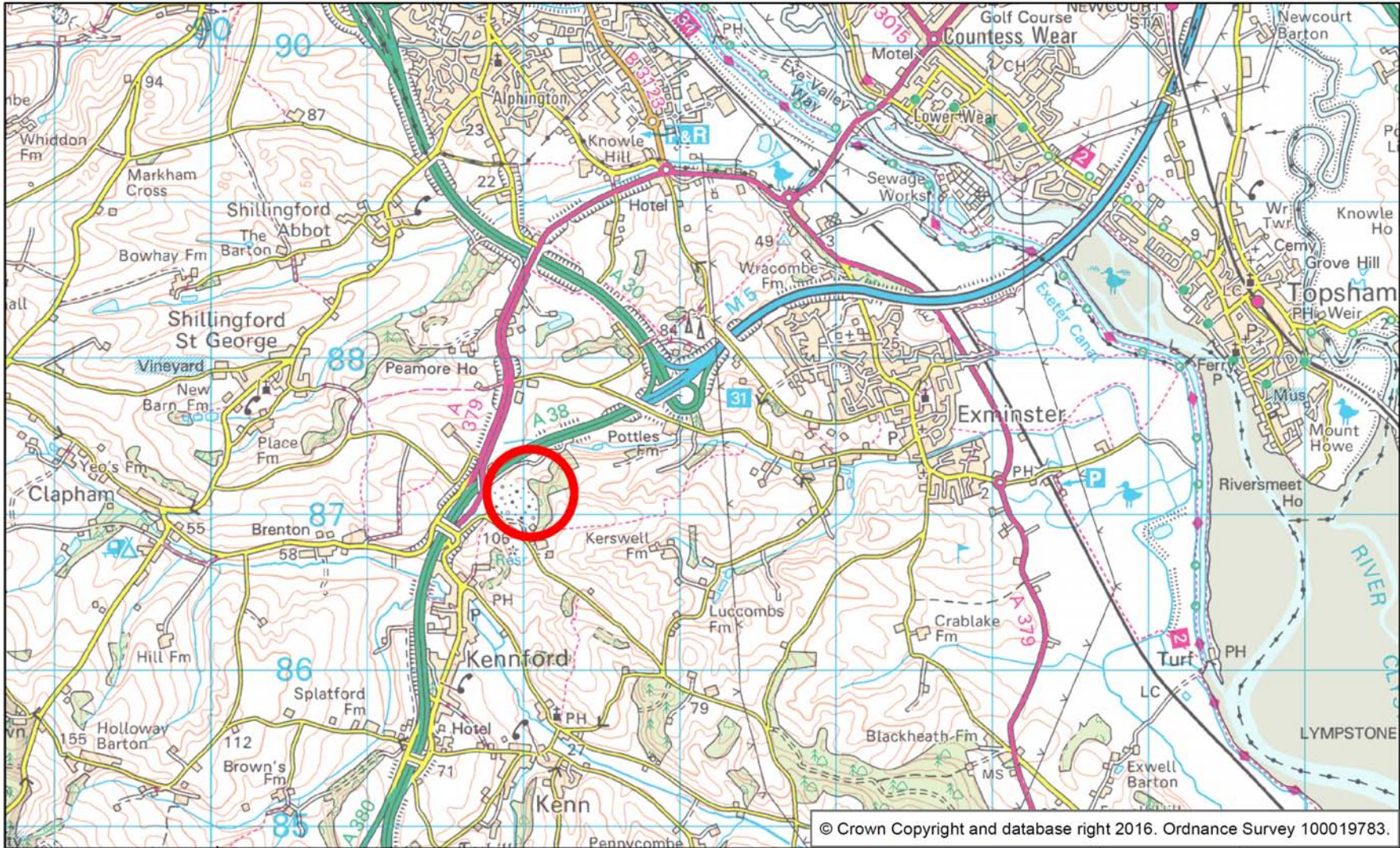
Tel No: 01392 383000


<b>Background Paper</b>	<b>Date</b>	<b>File Ref.</b>
Casework File	06/08/15	16/01969/DCC

jr231216dma  
sc/cr/integrated waste management facility kenbury wood landfill site kennford  
04 170117



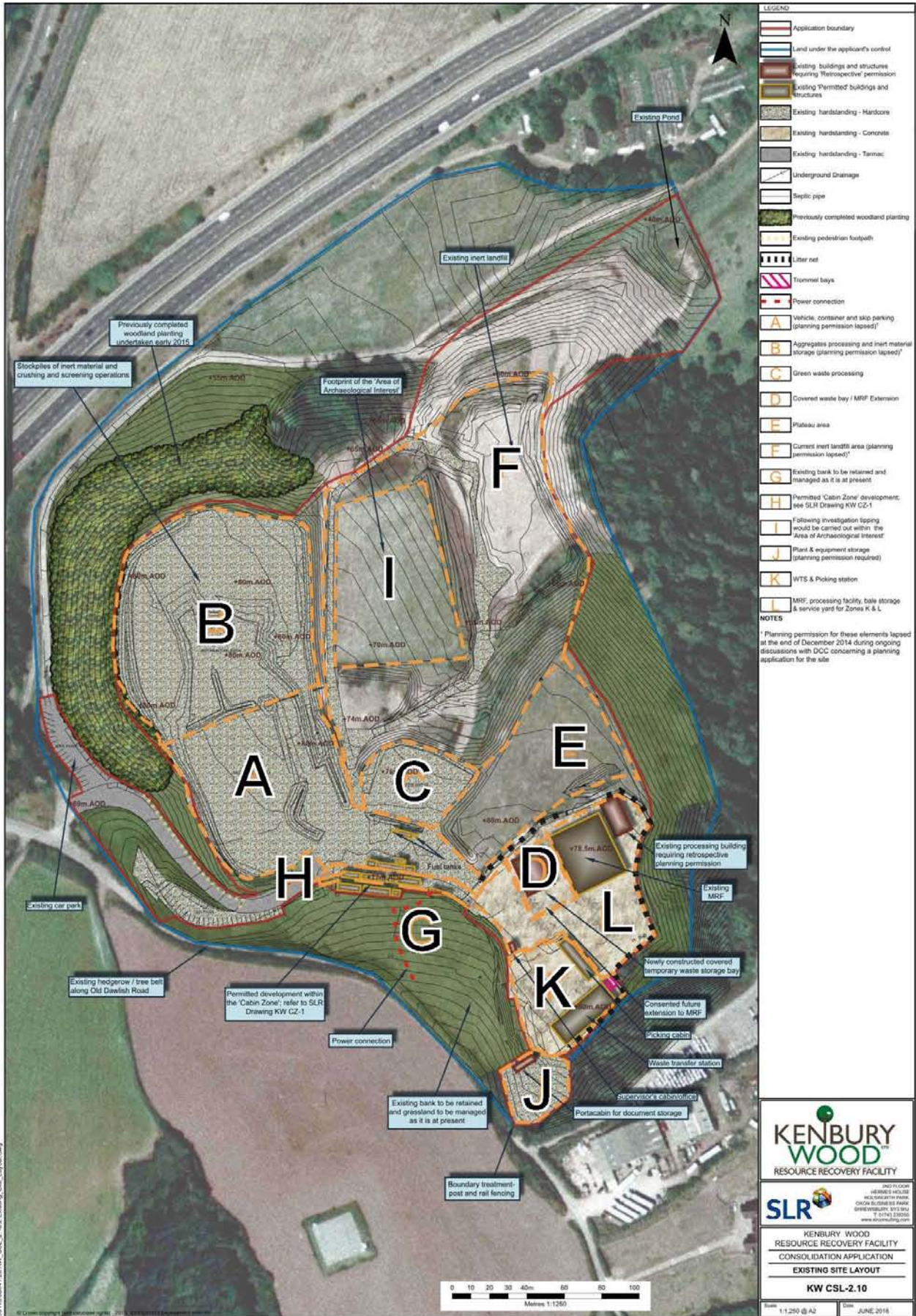
# Location Plan



	Head of Planning, Transportation and Environment	Development Management Committee	date January 2017	scale 1:30,975
		County Matter: Waste Teignbridge District Council: Consolidating application for the retention of the integrated waste management facility for the processing, transfer and recycling of waste and production of recycled aggregates, including offices, parking, hardstanding, associated plant and equipment and the extension in time (20 years) and area of the inert landfill at Kenbury Wood Landfill Site, Old Dawlish Road, Kennford, Devon, EX6 7XD		Application No: 16/01969/DCC



# Existing site layout plan

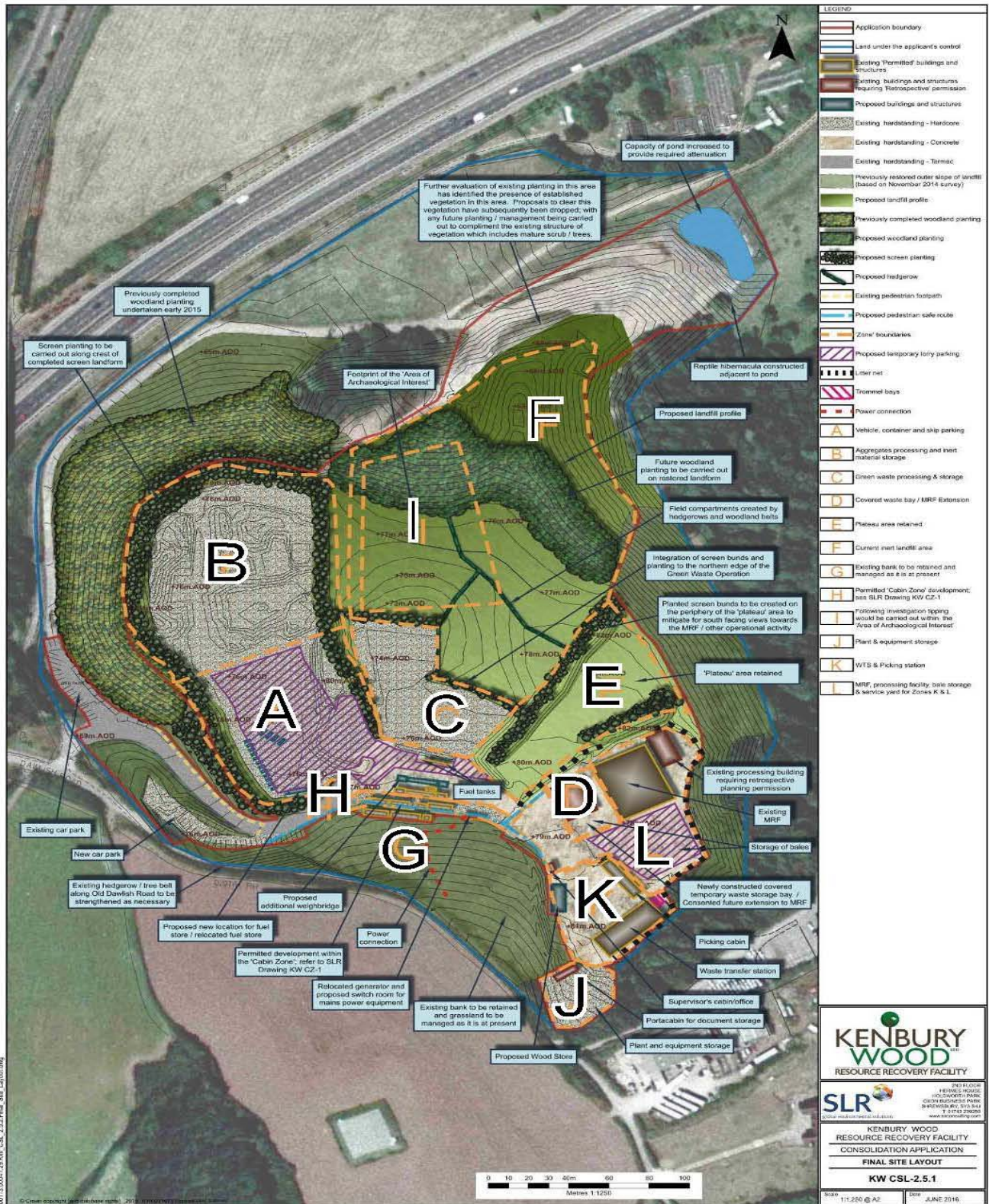


00113.0041.2016V\_CSL\_2.10.2 Existing Site Layout.dwg

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# Proposed final site layout



0013.0001.29 KW CSL 2.5.1 Final Site Layout.dwg

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## **Planning Policy Considerations**

**Devon Waste Plan: Adopted 11th December 2014:** Policies W01 (Presumption in Favour of Sustainable Development); W02 (Sustainable Waste Management); W03 (Spatial Strategy); W05 (Reuse, Recycling and Materials Recovery); W07 (Waste Disposal); W11 (Biodiversity and Geodiversity); W12 (Landscape and Visual Impact); W13 (The Historic Environment); W14 (Sustainable and Quality Design); W15 (Infrastructure and Community Services); W16 (Natural Resources); W17 (Transportation and Access); W18 (Quality of Life); W19 (Flooding); and W20 (Restoration and Aftercare).

**Teignbridge Local Plan 2013 - 2033 (Adopted May 2014):** Policies EN02A (Landscape Protection and Enhancement); EN04 (Flood Risk); EN05 (Heritage Assets); EN07 (Contaminated Land); EN08 (Biodiversity Protection and Enhancement); EN09 (Important Habitats and Features); EN11 (Legally Protected and Priority Species); EN12 (Woodlands, Trees and Hedgerows); S01 (Sustainable Development Criteria); S01A (Presumption in favour of Sustainable Development); S02 (Quality Development); and S11 (Pollution).

## **National planning Policy Framework**

**Proposed Planning Conditions**

**STRICT ACCORDANCE WITH PLANS/DOCUMENTS**

1. The development shall be carried out in strict accordance with the details shown on the approved drawings and documents numbered:  
Site Location 1.2 (March 2016); KW CSL 2.5.1 (Final site layout);  
Landfill: KW CSL 2.13 (Site sections); KW CSL/2.12 (Site sections); KW CSL/3 (Sightline location); KWCSL-2.14(2) (Overall phasing ); KWCSL-2.7 (Phase 1); KWCSL-2.8 (Phase 2); KWCSL-2.9 (Phase 3); KW AD 4.1 (Final landfill ); KW AD 2.1(sightline sections); KW AD 3.1 (Site sections); KW AD 3.2 (Site sections)  
Buildings:PL/EX&PRO Elevations 01 (Transfer); PL/EX&PRO Roof plan/01 (Transfer); DWM-460-10 Rev A (MRF building); DWM-450-010 RevA (TV tent elevations); DWM-440-010 Rev A (Reception tent); P1 DWM-300-101-RevL (Trommel); P2 DWM-300-101-RevL(Trommel); P3 DWM-300-101-RevL (Trommel) P4 DWM-300-101-RevL); DWM-470-010-A (Supervisors cabin); 001 Rev2 (Office elevations); 002 Rev1 (Mess elevations); 003 Rev1 (Changing rooms); 004 Rev1 (office elevations); 005 Rev 2 (cabin); 006 Rev2 (Cabin); KW CZ1.2 (Cabin Zone); KW CZ2 (Cabin zone); KW CZ3 (Cabin zone); 29(1)A (Datum control point).  
Landscaping: KW-01 (Phase 1 Bund details); KW-02 (Phase 2 Bund details);  
Proposed Landscape Scheme 00113.00041 Version 2 Oct 2016; KWPLS 1.0 (Proposed Landscape Scheme); WD/S(1)34 (proposed Fencing Northern Boundary of Landfill Area)  
Planning Statement (Vol 1) SLR 402.00113.00041 April 2016; Green Infrastructure Statement 402.00113.00041 June 2016; Ecology Appraisal and Management Plan; BlueSky Ecology, June 2015; Conservation Action Statement BlueSky Ecology June 2015; Blue Sky Ecology letter dated 22 September 2016 Dormice and Cirl Bunting; Noise Monitoring Scheme 402.00113.00041 April 2015; SLR letter 'DCC Request for additional Information on Surface Water Drainage Management Plan 20 October 2016; WD/S(1)/28E (Surface Water Management Plan).

Unless as varied by the conditions below.

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

**TEMPORARY INERT LANDFILL PERMISSION**

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

REASON: To minimise the impact of the development and to secure effective restoration of the site in accordance with DWP policies W12 and W20.

3. The inert landfill operation shall be carried out in accordance with the approved phasing plans KW CSL 2.14 (2), KW CSL 2.7, KW CSL 2.8, and KW CSL 2.9. No waste shall be tipped in any new phase of landfill (as identified on plan KW CSL2.14 (2)) until all tipping has been completed in the previous phase and restoration has been completed in the phase before that.

REASON: To limit the area of land disturbed by landfill and thereby limit the impact on the AGLV in accordance with DWP policy W12 and W20.

#### COMMENCEMENT AND CESSATION OF LANDFILL

4. Written notification shall be sent to the Waste Planning Authority no later than 21 days prior to the following dates:
  - a) commencement of the construction of the screening bunds in the Plateau area.
  - b) commencement of the extension of the green waste storage area;
  - c) commencement of the archaeological work;
  - d) commencement of each new phase of landfill as identified on approved plan KW CSL 2.14 (2);
  - e) completion of each landfill phase;
  - f) completion of restoration of each landfill phase;
  - g) completion of final restoration of the inert landfill under this planning permission.

REASON: To enable the Waste Planning Authority to control the development and to monitor the site to ensure compliance with the planning permission in accordance with policy DWP policies W12 and W20.

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

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

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

#### APPROVAL OF SCHEMES REQUIRED/PRE-COMMENCEMENT CONDITIONS

##### SURVEY POINT

6. Within 3 months of the date of this permission a control datum point shall have been installed in the location identified on plan 29(1)A (Datum Control Point). This point shall be retained for the life of the development.

REASON: To enable the Waste Planning Authority to control the development and to ensure that the approved restoration scheme is achieved in accordance with DWP policy W20.

7. A survey of levels of the landfill area shall be carried every 5 years from the date of this permission to when the landfill site is finally restored. A copy of the survey shall be submitted to the Waste Planning Authority within 14 days of being undertaken.

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



## ARCHAEOLOGY

8. No soils shall be stripped and no waste shall be deposited in areas identified as 2A, 2B, 2C, 3A, 3B and 3C on plan KW CSL 2.14 until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Waste Planning Authority. The development shall be carried out in accordance with the approved scheme.  
The 'archaeological field' shall remain fenced until the programme of archaeological work is implemented.

REASON: To ensure that an appropriate record is made of archaeological evidence that may be affected by the development and to comply with policies in the Development Plan in particular DWP policy W13 and para 141 of the NPPF.

## SURFACE WATER

9. Within 2 months of the date of this permission a Surface Water Maintenance Plan for the site shall be submitted to the Waste Planning Authority for approval in writing. The plan shall be based on the provisions outlined in para 4.0 and Table 4.1 of SLR letter dated 20 October 2016 'DCC Request for Additional Information on Surface Water Drainage Management Plan'. Maintenance of the surface water drainage shall be carried out in accordance with the approved plan.

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

## OPERATIONAL CONDITIONS

### WASTE RESTRICTIONS

10. No more than 75,000 tonnes of waste shall be delivered to the site in any calendar year.  
The operator shall maintain records of all waste entering the site and make them available to the Waste Planning Authority at any time upon request. The records shall contain details of all deliveries including date, vehicle registration, type of vehicle, type of waste, tonnage of waste, source of waste.

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

### HOURS OF USE

11. The site shall operate only between the following hours, except as varied by subsections (a) to (c) below:

From 07.00 to 18.00 hours Monday to Saturday.

The site shall not operate on Sundays, Christmas day, Boxing Day or new Years Day.

- (a) Delivery and export of materials shall only take place between 0530 hours and 1800 hours on any day. For the avoidance of doubt the loading and unloading of vehicles shall only take place between 0700 hours and 1800 hours.

- (b) The inert landfill shall only operate between:  
7.00 -18.00 hours Monday to Friday;  
07.00-13.00 Saturdays.  
No landfill operations shall take place on Sundays or public holidays.
- (c) The use of the office and welfare facilities shall be restricted to between 05.30 hours and 18.00 hours on any day.
- (d) Use of the external lighting shall only take place between:  
0700 hours and 1830, Mondays to Saturday, excluding Christmas Day, Boxing Day and New Years Day, except for lighting at the weighbridge and pedestrian lighting that shall be restricted to between 0530 hours and 1830 hours on any day.

REASON: To minimise the impact of the development on the local residents, wildlife and the Haldon Hills AGLV and to comply with policies in the Development Plan , in particular DWP policies W12, W11 and W18 and TLP policy EN02A).

12. The external walls of all buildings and fixed plant on the site, including all office/welfare/storage cabins, waste storage/handling buildings, MRF, trommel and picking line shall be coloured Van Dyke Brown RAL 8014/BS08B29. The flexible covering of the storage building to the west of the MRF building shall be non-reflective and coloured Van Dyke Brown, for the life of the development.

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

#### LIGHTING

13. Within one month of the date of this permission a lighting scheme for the site shall be submitted to the Waste Planning Authority for approval in writing. The lighting shall be designed, located and operated in such a way to avoid light spillage outside of the site boundary and upward light overspill; to minimise the impact on the wider AGLV and wildlife. The lighting scheme shall include:
- specification of lighting units and light shields and hoods
  - layout plan
  - mounting height
  - controls, specifically shutdown timers and movement sensors
  - Identify extent of light spill and details of mitigating measures.
  - Hours of use - use of the external lighting shall only take place between: 0700 hours and 1830, Mondays to Saturday, excluding Christmas Day, Boxing Day and New Years Day, except for lighting at the weighbridge and pedestrian lighting that shall be restricted to between 0530 hours and 1830 hours on any day

The lighting on the site shall only be installed and operated in accordance with the approved scheme.

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

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

and/or machinery shall be maintained in accordance with the manufacturers specification at all times.

REASON: To protect the amenity of nearby residents and the tranquil nature of the rural environment and to comply with policies in the Development Plan, in particular DWP policies W12 and W18.

#### STOCKPILES/STORAGE

15. The height of stockpiles, skip storage, baled waste and the storage of plant and machinery shall be restricted as follows:
- (a) No mobile or fixed plant, equipment, empty skips or containers shall be retained on the active landfill site.
  - (b) The height of stockpiles within the aggregate processing and inert material storage area, identified as B on plan KW CSL 2.5.1, shall remain below the height of the surrounding earth bund (not including the height of the vegetation). Processing plant shall be located on the floor of the processing area.
  - (c) The height of stored skips and containers within the storage area identified as A on plan KW CSL 2.5.1, shall remain below the height of the surrounding earth bund (not including the height of the vegetation).
  - (d) The stockpiles of processed and unprocessed green waste in area C (plan KW CSL 2.5.1) shall not exceed the height of 4 metres.
  - (e) Stockpiles of fines within the approved fines collection bays, identified on plan P2 DWM 300 101 RevL, and shall not exceed the height of 2.5 metres.
  - (f) The stockpile of wood shall not exceed a height of 4 metres.
  - (j) Baled waste shall only be stored outside in the area identified as 'materials storage area' on plan 29A Rev1. The height of the stored bales shall not exceed 5 metres.

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

16. The proposed litter fencing identified on plan WD/S(1)/34 shall be fully installed within 2 months of the date of this permission in accordance with the approved details identified on drawing (plan number to be supplied) and shall be retained and maintained for the life of the development. Any variations to the size of the mesh netting shall be agreed in writing by the Waste Planning Authority.

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

#### ECOLOGY

17. No vegetation clearance shall take place during the bird nesting season (01 March to 31 August inclusive) unless the developer has been advised by a suitably qualified ecologist that clearance will not disturb nesting birds and a record of this is kept. Such checks shall be carried out in the 14 days prior to clearance works commencing.

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

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

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

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

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

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

- Details of how any dormice and cirl bunting would be protected;
- Clearance only to take place in the presence of a suitably licenced ecologist and use of hand tools.

Scrub clearance on the site shall only be carried out in accordance with the approved scheme.

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

21. **The steel gate identified on drawing (drawing number to be confirmed), shall remain locked closed except for occasions when access is needed to construct the bunds on the Plateau Area or to carry out maintenance.**

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

#### SOILS

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

REASON: To ensure suitable soils are available to reinstate the site during restoration and to comply with policies in the Development Plan, in particular DWP policy W16.

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

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

24. All topsoil, subsoil and soil making material naturally occurring on the site shall be stripped, handled, transported and stored separately to each other and kept free from contamination. All soil and soil making heaps shall be no higher than 3 metres.



When topsoil and subsoil heaps are to remain in situ for more than 2 months they shall be graded and seeded with grass and wildflower seed until reused in restoration.

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

#### WATER PROTECTION AND POLLUTION CONTROL

25. All surface water shall be kept separate from foul water and managed in accordance with the approved surface water management plan WD/S(1)/28E.

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

#### LANDSCAPING, RESTORATION AND AFTERCARE

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

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

27. The phased landscaping and restoration of the site shall be carried out in accordance with the approved landscaping scheme 'Proposed Landscape Scheme 00113.00041 Version 2 October 2016' and approved plans 'Proposed Landscape Scheme KWPLS.1.0, KW-01 and KW-02'.

For the avoidance of doubt:

- the proposed screening bunds on the 'plateau' area identified on plan KWPLS.1.0, shall be constructed and planted within 12 months of the date of this permission. The screening bunds shall be retained and maintained for the life of the waste management facility.
- The inert landfill shall be fully restored by 31 December 2037.
- All areas of existing woodland and scrub identified as Tree Management zones 1 to 4) on approved plan KWPLS.1.0 shall be retained and maintained for the life of the waste management facility.

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

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

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

29. On or before 31st December each year, during the duration of the planning permission, an 'Annual Aftercare, Ecological and Surface Water Management Report' shall be submitted to the WPA, for approval in writing. The Report shall include inter alia:
- The date when each aftercare period commenced on each area of restored land, identified on a plan.
  - A record of aftercare operations carried out on the site during the previous 12 months.
  - A record of ecological management operations, specifically the management of unimproved grassland areas identified on approved plan KWPLS 1.0 as EZ-1, EZ-2 and EZ-3.
  - A record of woodland and scrub management operations specifically associated with zones 1, 2, 3 and 4 identified on approved plan KW PLS 1.0.
  - A record of surface water maintenance.
  - A review of performance.
  - Aftercare/management steps for the following 12 months based on Table 6 'Annual Aftercare/Management Activities' of the Proposed Landscape Scheme 00113.00041 Version 2 Oct 2016. The management steps shall include provision for a site meeting between the Waste Planning Authority (WPA) and the operator/landowner at the commencement of each growing season to consider the aftercare management for the following year.

REASON: To ensure effective restoration and landscaping of the site and provide effective screening of buildings to minimise the impact on AGLV, improve biodiversity and protect the water environment and comply with policies in the Development Plan, in particular DWP policies W12, W11, W16 and W20.

#### HIGHWAYS

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

REASON: In the interests of highway safety, in accordance with DWP policy W17.

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

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

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

REASON: In the interests of highway safety in accordance with DWP policy W17 (Transportation and Access).

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

REASON: In the interests of highway safety in accordance with DWP policy W17 (Transportation and Access).

Proposed Heads of Terms of Planning Agreement

1. The site to be developed and operated in accordance with the planning permission and no other planning permissions that have previously been granted on the site.
2. Consent for previous planning permissions on the site to be revoked without compensation.
3. Compliance with routing agreement dated 7 March 2012, that sets out measures to avoid vehicles that use the site from travelling through Kennford village and control deliveries of green waste.
4. All drivers and contractors to be provided with a copy of instructions 'Directions to Kenbury Wood Resource Facility'.