

PTE/19/22

Development Management Committee
5 June 2019

County Matter: Waste

West Devon Borough: Re-processing of inert construction and demolition waste used in the creation of base levels required under planning permission 01083/2010 to remove high quality material capable of being used as secondary aggregate. The application also seeks, temporarily for a period of 5 years, to include importation of up to 25,000t per annum of inert waste for recycling and resale with the residue being used for finishing off the levels required under extant permission 01083/2010, Wilminstone Quarry, Wilminstone, Tavistock

Applicant: Portflair Quarries Ltd

Application No: 4012/18/DCC

Date application received by Devon County Council: 4 December 2018

Report of the Chief Planner

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

Recommendation: It is recommended that temporary planning permission be granted subject to the conditions attached at Appendix I (with any subsequent minor changes to the conditions being agreed in consultation with the Chair and Local Member).

1. Summary

- 1.1 This application proposes the reprocessing of inert waste already present on the site to recover recyclable materials, and the temporary importation of inert materials for recycling and resale or use in achieving final levels for the site.
- 1.2 It is considered that the main issues in the determination of this application are waste policy considerations, the potential increase in heavy goods vehicles and the conflict with users of the public footpath, the effects on nature conservation, noise, flooding and landscape impacts.
- 1.3 The planning application, representations received, and consultation responses are available to view on the Council website under reference DCC/4100/2018 or by clicking on the following link:
<https://planning.devon.gov.uk/PlanDisp.aspx?AppNo=DCC/4100/2018>

2. The Proposal/Background.

- 2.1 Wilminstone Quarry is a former dolerite quarry situated approximately 1.5km to the north east of Tavistock, close to the Wilminstone Railway Viaduct. Since its closure it has had various uses, including an outdoor activity centre, a scrapyards, and a fishery.
- 2.2 Vehicular access to and from the A386 is achieved along a lane which also serves several residential and commercial properties and which, to the west of Old Exeter Road, is defined as a public footpath.
- 2.3 In 2001, West Devon Borough Council (WDBC) gave planning permission for the redevelopment of the former Wilminstone Quarry as a leisure development

(0965/2000/TAV) incorporating the waterfilled lower workings for use as a water sports facility with associated holiday accommodation. This was subsequently amended in 2006 (9308/2006/TAV). As part of this development, the developer started to import inert waste material to reduce the water level in the quarry bottom.

- 2.4 In early 2007, this importation of material was brought to the attention of the County Council as Waste Planning Authority and a Temporary Stop Notice (TSN) was issued. This notice suspended operations on the site for 28 days to allow for discussions between WDBC, the applicant and the County Council as to the validity of the planning permissions allowing for this importation. It was concluded that the importation of waste material was not controlled by the previously approved planning permission granted by West Devon BC, and that a separate planning application would be required to be made to the County Council.
- 2.5 An application was made to the County Council (10880/2007/TAV) for the infilling of the flooded quarry with inert materials to raise the existing quarry floor level from 83.5m AOD to 90.9m AOD, with restoration to fishing/boating lake in conjunction with leisure use approved under 0965/2000/TAV. A temporary two years conditional planning permission was subsequently granted by the County Council in September 2007.
- 2.6 In December 2009, outline planning permission was granted by WDBC (00016/2010) for the creation of a business park on the site for B1 (Business), B2 (General Industrial) and B8 (Storage and Distribution) uses. In November 2010 a reserved matters application was determined by West Devon BC (01083/2010) in respect of access, appearance, landscaping layout and scale of the proposed business park. This permission is still extant and allows the developer to import substantial quantities of inert material to raise the level of the site by up to 10m from the previously approved levels to achieve a suitable level for the construction of site roads and industrial units.
- 2.7 Subsequently, the site has changed ownership and the present owner wishes to reprocess the materials which have already been imported using mobile crushing and screening plant to recover value from the inert waste. It is also proposed to import up to 25,000 tonnes of further inert materials from local sites to promote their recycling and to use the residues from this processing to complete the permitted levels of the site as allowed for in the permission for the business park. An Environmental Permit will be required from the Environment Agency for this operation.
- 2.8 The application also includes an area for the storage of skips to accommodate residual waste that is not suitable for recycling or land reclamation prior to its disposal elsewhere, and for empty skips associated with the applicant's other business.

3. Consultation Responses

- 3.1 West Devon Borough Council: The operations are broadly similar to those as carried out previously on site where the importation of materials has been undertaken to raise the ground level in compliance with planning approval for industrial units and associated infrastructure (01083/2010); any consent as may be granted will enable for suitable conditions to be imposed in respect of vehicle wash off facilities and how many vehicles attend the site; and the use is for a temporary period of 5 years. Suitable conditions should be imposed to ensure that impacts to the highway network

and nearby properties are kept to a minimum and to enable for a suitable level of amenity to be preserved for residents and users of the highway.

- 3.2 Dartmoor National Park Authority: Consulted December 2018 – no views received.
- 3.3 Tavistock Town Council: Welcomes the potential recycling but has concerns over the impact of traffic and noise on neighbouring properties.
- 3.4 Environment Agency: No objection subject to existing permitted levels contained in the business park permission not being exceeded and any planning permission being restricted to a five years period.
- 3.5 Natural England: No objection but draws attention to the need to protect protected species.

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. From this, seven objections have been received from residents, two of which are occupiers of properties fronting onto the road leading to the site. The concerns relate to:

- the level of potential traffic attracted to the site, with residents having benefited from an absence of this over the last two years since the site changed hands;
- the spread of mud and other material on the road which has previously blocked the road drains;
- damage to the highway;
- the narrow approach road and lack of visibility at the junction with the A386;
- the speed of vehicles arriving at and leaving the site and the danger to pedestrians;
- lack of monitoring of the imported waste; and
- the potential noise generated by the recycling operations and the effect on residents' amenity.

5. Planning Policy Considerations

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

Devon Waste Plan (adopted December 2014)

Policies W2 (Sustainable Waste Management); W5 (Reuse, Recycling & Materials Recovery); W7 (Waste Disposal); W11 (Biodiversity & Geodiversity); W12 (Landscape & Visual Impact); W17 (Transportation & Access); W18 (Quality of Life); W19 (Flooding); and W20 (Restoration & Aftercare).

Plymouth & South West Devon Joint Local Plan (adopted March 2019)

Policies DEV1 (protecting health and amenity); DEV2 (Air, water, soil, noise, land and light); DEV23 (Landscape character); DEV25 (Nationally protected landscapes); DEV26 (Protecting and enhancing biodiversity and geological conservation); DEV29 (Specific provisions relating to transport); and DEV35 (Managing flood risk and water quality impacts).

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National Planning Policy Framework

National Planning Policy for Waste

Planning Practice Guidance

6. Comments/Issues

- 6.1 It is considered that the main issues in the determination of this application are waste policy considerations, the potential increase in heavy goods vehicles and the conflict with users of the public footpath, the effects on nature conservation, noise, flooding and landscape impacts.

Waste Policy Considerations

- 6.2 At present there are no facilities for the disposal of inert construction, demolition and excavation waste in the Tavistock area, and the provision of this site in the short term will reduce the need for transportation of material for disposal over longer distances, in compliance with the Policy W7 of the Devon Waste Plan. The intention to reprocess materials already deposited at the site, together with imported materials, to recover potential construction aggregates, is also in accordance with Policies W4 and W7. However, because of the short timescale proposed, this may mean that material may be imported from over a wider catchment area, but it is not possible to condition the source of material.

Highways/Traffic Issues

- 6.3 Vehicular access to the site from the public highway is via a private access road/public footpath serving the site, Kestrel Kennels and a private residence, leading onto a minor county highway, which has a junction with Old Exeter Road, before reaching the A386.
- 6.4 The extant planning permission for business development granted by WDBC does not have a restriction on the number of vehicles accessing the site for the raising of the site levels, but it does require highway improvements both on and off site before the business park is brought into use. It was envisaged that the business park, when operational, will generate up to 233 vehicular trips per day.
- 6.5 This application, as detailed in the supporting information from the applicant, will result in a maximum of 96 HGV movements in a working week, or 17 per day, including for the importation of inert waste and exportation of recycled materials. This level of traffic can safely be accommodated within the highway network, despite the width constraints in the vicinity of the site access. There are therefore no objections from a highway safety point of view.
- 6.6 The current owner of the site has invested in new wheel washing facilities which should overcome the problem of vehicles leaving the site in an unclean manner. A

condition is proposed requiring that mud and other debris shall not be deposited on the public highway and that the road be swept at frequent intervals. Conditions are also proposed relating to operating hours and a restriction on the number of vehicles attracted to the site in any one day/week.

Conflict with users of the Public Footpath

- 6.7 A public right of way exists over the access road to the site from the junction with the highway and continues past the site entrance. As part of the application, the applicant has agreed to construct a defined footpath for users of the public right of way, which would consist of a crushed aggregate path of 1.2m in width with a painted line or wooden board delineating the path from the vehicular access. Suitable warning signage for pedestrians and lorry drivers would also be installed.
- 6.8 The County Council's Public Rights of Way team has advised that the applicant's specification does not adequately address safety and maintenance concerns. A minimum path width of two metres is recommended, with use of highway standard kerbing and a sealed surface to protect the public using the right of way.
- 6.9 The measures suggested by the Public Rights of Way team are considered impractical given the amount of excavation which would be required and the potential effect on the listed viaduct under which the access track runs. It should be noted that the proposed measures are over and above those required by the extant planning permission on the site for business development.

Nature Conservation/Habitats

- 6.10 The site has been heavily disturbed through previous infilling operations, and the main ecological impacts from the scheme will be the potential for increased noise and dust, which will be controlled through appropriate conditions, and the known presence of protected species. The site owner has confirmed that there are protected species nesting on the site and has proposed an 80m exclusion zone around the nest site during occupation. This would sterilise approximately two thirds of the site for a substantial period of time (March to July). To overcome this, the applicant has submitted a working scheme which allows for early infill and reprocessing of the area closest to the nest outside of the nesting period and suggests further controls to be put in place if protected species are nesting during the period of operation. In the event of planning permission being granted, these matters can be covered by the imposition of appropriate planning conditions.

Noise Concerns

- 6.11 Given the absence of current activity on the site due to external matters, residents have expressed concerns over the potential for noise generated by the operations on the site. To reduce the impact of noisy operations on residents, it is proposed that a condition be imposed restricting the hours of operation on the site outside of normal working hours. Further controls over noise will be imposed by the Environment Agency through the Environmental Permit.

Potential for Flooding

- 6.12 The site lies in Flood Zones 2 and 3 as indicated on the Flood Risk maps prepared by the Environment Agency. A Flood Risk Assessment was prepared for the 2010 application and, following review of this, the Agency has indicated that it is satisfied that the proposal will not increase finished ground levels and will therefore not

increase flood risk elsewhere, subject to imposition of a condition limiting levels to those previously approved.

Landscape and Visual Impact

6.13 The site lies 400m west of Dartmoor National Park and 3km to the north of the Tamar Valley Outstanding Area of Natural Beauty, within a rural landscape. While the proposals may result in adverse noise and visual impacts that could potentially erode the quality of views, tranquillity and dark skies that are special qualities of the surrounding landscape, such effects are likely to be minor and could be mitigated to acceptable levels through the imposition of suitable conditions covering lighting, noise suppression, hours and duration of working and use of a dark colour for built structures.

7. Reasons for Recommendation/Alternatives Options Considered

7.1 The Committee has the options of approving, deferring or refusing this planning application. It is considered that the proposal accords with Waste Plan policies and that potential adverse impacts can be adequately controlled through the proposed planning conditions. If planning permission were granted a condition would be imposed restricting working in the sensitive part of the site between the months of March and July in order to avoid disturbance to the protected species in accordance with the submitted scheme. The applicant has indicated his willingness to be bound by such a condition and considers that he will be able to achieve the required levels in the period requested.

7.2 As previously indicated the extant permission granted by WDBC does not place a restriction on the number of vehicles attracted to the site. In order to seek to reduce the impact of HGV traffic on the residents fronting on to the minor public highway, the applicant has agreed to a condition restricting on the number of vehicles which may access the site during the five-year period requested to bring the site to a state that the industrial development previously permitted may be implemented.

7.3 In these circumstances it is recommended that planning permission be granted subject to conditions proposed in Appendix I.

Mike Deaton
Chief Planner

Electoral Division: Tavistock

Local Government Act 1972: List of Background Papers

Contact for enquiries: Andy Bowman

Room No: AB2, Lucombe House, County Hall

Tel No: 01392 383000

Background Paper

Casework File

Date

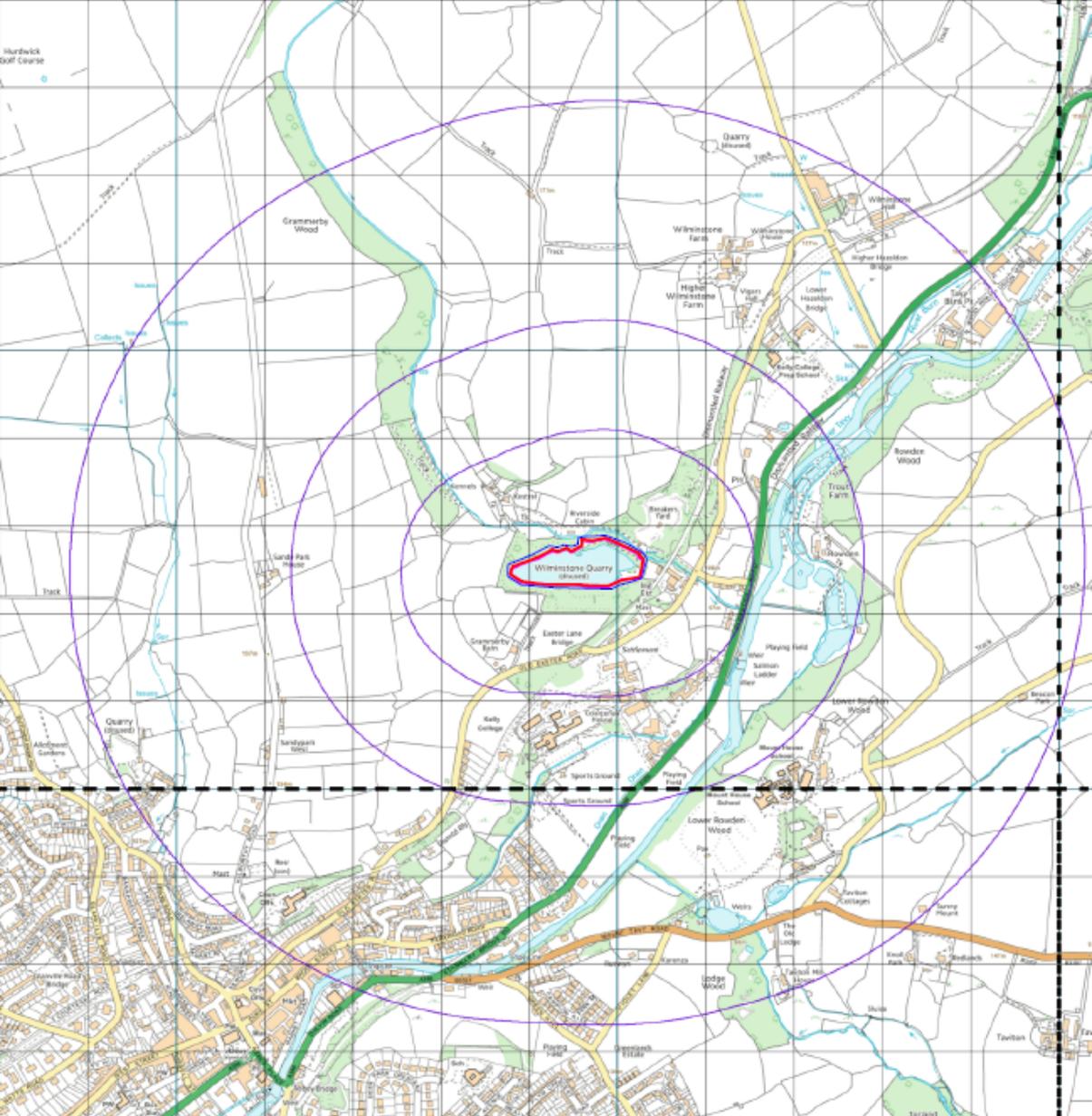
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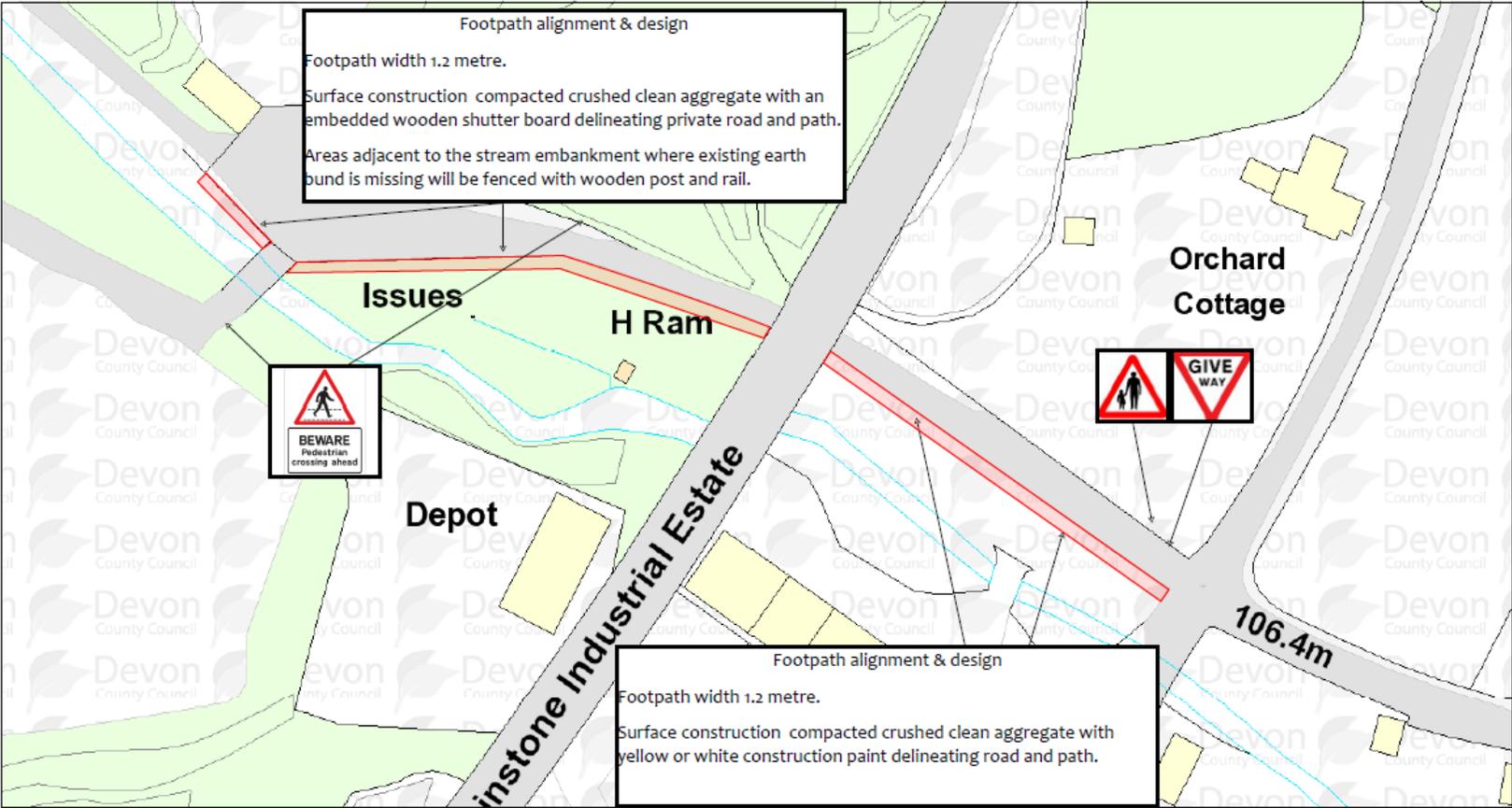
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sc/cr/Re-processing of inert construction and demolition waste Wilminstone Quarry, Wilminstone, Tavistock
02 240519

**Location Plan
To PTE/19/22**

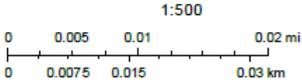


**Footpath Works
To PTE/19/22**



January 24, 2019 Wilminster Quarry footpath design plan. Drawing REF RJA/WQ/006

Footpath alignment & design
Footpath width 1.2 metre.
Surface construction compacted crushed clean aggregate with wood shuttering or yellow or white construction paint delineating road and path.
Installation of two pedestrian crossing signs, 2 Pedestrian in road ahead signs and 1 Give way sign at locations identified on plan.



Planning Conditions

TEMPORARY PERMISSION

1. The use hereby permitted shall be discontinued and the land restored to a condition suitable for business development as permitted by planning permission 01083/2010 (issued by West Devon Borough Council) on achievement of the final ground levels approved under that permission or on 1 June 2024, whichever occurs earlier.

REASON: The development is only appropriate as a temporary activity in the interests of the amenity of the locality.

STRICT ACCORDANCE WITH PLANS/DOCUMENTS

2. The development shall be carried out in strict accordance with the details shown on the approved drawings and documents numbered/titled: Location Plan; Ownership & Application Plan; Site Layout – drawing no. 2018_042_01; Topographic Survey – drawing no. 2018_042_01; Footpath Design Plan - RJAWQ006; Planning Statement (RJA, 21/06/2018); Flood Risk Assessment Incorporating Sustainable Urban Drainage System (December 2009); and Design Statement for Foul and Surface Water Drainage (H2OK, June 2019) unless as varied by the conditions below.

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

TIPPING LEVELS

3. A control datum point shall be installed within one month of the date of this permission. This point shall be retained until achievement of the final ground levels approved under permission 01083/2010 or 1 June 2024, whichever is the later, to allow for the accurate measurement of tipping levels and storage heights. The final finished levels of the site shall not exceed those levels conditioned in planning permission 01083/2010 issued by West Devon Borough Council.

REASON: To enable the Waste Planning Authority to control the development and avoid increased flood risk in accordance with Policies W19 and W20 of the Devon Waste Plan.

HOURS OF USE

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

From 0700 to 1900 on Mondays to Fridays

From 0900 to 1300 on Saturdays

The site shall not operate on Sundays or Bank and Public Holidays.

- (a) Delivery and export of materials shall only take place from 0800 to 1800 on Mondays to Fridays. No deliveries or exports shall take place on Saturdays, Sundays or Bank and Public Holidays.

- (b) Emergency maintenance work may take place outside of the operating hours. The Waste Planning Authority shall be notified in writing within 24 hours of the emergency work taking place, providing details of the nature of the works and when they were carried out.

REASON: To minimise the impact of the development on local residents in accordance with Policy W18 of the Devon Waste Plan.

OPERATIONAL RESTRICTIONS

5. No waste other than the waste materials stated in the applicant's planning statement dated 26 June 2018 shall enter or be treated at the site.

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

6. No more than 25,000 tonnes of inert waste shall be imported onto the site in any one calendar year.

The operator shall maintain records of all waste entering the site and material exported from the site making them available to the Waste Planning Authority at any time upon request.

REASON: To minimise the impact of the development on local residents and the local highway network in accordance with Policies W17 and W18 of the Devon Waste Plan.

7. The total number of heavy goods vehicle movements [vehicles in excess of 7.5 tonnes gross weight] shall not exceed 96 movements Mondays to Fridays over a four weeks average. There shall be no vehicle movements into or out of the site outside of the approved working hours on Saturdays or on Sundays or Public Holidays.

Records of all movements of heavy goods vehicles into and out of the site shall be maintained and made available for inspection at the request of the Waste Planning Authority.

REASON: To minimise the impact of the development on the local residents and the local highway network in accordance with Policies W17 and W18 of the Devon Waste Plan.

8. No loading, unloading, deposit, storage, treatment, processing, sorting or other handling of waste shall take place at the site outside of the designated areas shown for those purposes on drawing 2018_042_01 – Site Layout. The height of any stored waste shall not exceed the height of the bund adjoining the reception bay.

REASON: To minimise the visual impact of the development in accordance with Policy W12 of the Devon Waste Plan.

9. There shall be no external lighting at the site.

REASON: To minimise the visual impact of the site in accordance with Policy W12 of the Devon Waste Plan.

10. Dust from the development shall be managed in accordance with the details included in the applicant's planning statement dated 26 June 2018 at all times.

REASON: To minimise pollution arising from the development in accordance with Policy W18 of the Devon Waste Plan.

11. No deposit of inert waste or movement of machinery shall occur within the 'Phase 1 reprocess area' shown on drawing 2018_042_01 – Site Layout during the breeding season of peregrine falcons (i.e. between 15 March and 30 August of any year) unless written confirmation is provided to the Waste Planning Authority and agreed in writing that peregrine falcons have not started nesting at Wilminstone Quarry during that breeding season.

For avoidance of doubt, verification should be provided by an experienced raptor ornithologist who has visited the quarry for a minimum of three visits carried out at different times of day during a 10 days period from 1 March onwards.

REASON: To prevent disturbance to the protected species during the nesting season.

12. Before the importation of inert waste onto the site or within three months of the date of this permission, whichever is the soonest, the access improvements on plan RJAWQ006 shall be implemented and subsequently maintained for the duration of the operations approved under this permission.

The access roadway shall be maintained at all times and kept clear of mud, dust and other debris while the site is operational so that no mud or dust is carried onto the public highway.

REASON: In the interests of highway safety and to comply with Policies W17 and W18 of the Devon Waste Plan.