

County Matter: Waste

South Hams District: Planning application for the provision of:

- (a) Construction of waste transfer building (62mx31mx8m); asbestos compound; waste treatment plant; weighbridge, parking for 5 additional cars and associated landscaping and drainage at existing waste transfer site; and,**
- (b) Land raise operations - importation of 585,000m³ of inert waste material over a 10 years period, requiring a change of use from agriculture (16.25 hectares) to waste disposal, incorporating phased landscape restoration.**

Land at Challonsleigh Farm, Smithaleigh

Applicant: Dorton Group

Application No: 1105/18/DCC

Date application received by Devon County Council: 16 March 2018

Report of the Chief Planner

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

Recommendation: It is recommended that, subject to the applicant entering into a legal agreement providing for contributions of (a) £40,000 towards a traffic capacity, safety and amenity scheme for Lee Mill and (b) £5,000 towards the cost of a traffic regulation order, planning permission is granted subject to the conditions set out in Appendix I of this report (with any subsequent minor changes to the conditions being agreed in consultation with the Chair and Local Member).

1. Summary

- 1.1 This report relates to the expansion of an existing waste transfer and treatment facility involving the construction of a new transfer building, together with a large-scale inert waste land raising operation.
- 1.2 It is considered that the main material planning considerations in the determination of this application are planning policy considerations; impacts on nature conservation sites and habitats; landscape and visual impacts; highways and traffic impacts; noise and air quality; flood risk and drainage; impact on historic assets; loss of agricultural land; and other environmental impacts including climate change.
- 1.3 The planning application, representations received and consultation responses are available to view on the Council website under reference DCC/4038/2018 or by clicking on the following link:
<https://planning.devon.gov.uk/PlanDisp.aspx?AppNo=DCC/4038/2018>.

2. The Proposal/Background

- 2.1 The application site occupies an area of approximately 19 hectares comprising land currently or previously used for waste management purposes in the south of the site, together with land presently in agricultural use. Plympton lies 3km to the west, with the centre of Plymouth being 11km away, while Ivybridge is 2.5km to the east.

- 2.2 Directly to the north of the site is the A38 trunk road, with the village of Lee Mill lying to the north east. The eastern boundary of the site is formed by the River Yealm, beyond which is the Strashleigh Hams waste management facility which undertakes recycling of inert waste. To the south of the site is woodland and the closed New England Quarry, while agricultural land is to the west of the site. Lower Challonsleigh Farm is the closest residential property, with the house 100m from the site boundary and its garden being 75m away, and this is occupied by the owner of the application site's freehold. Also located at Lower Challonsleigh Farm are two waste transfer units, served by the same access as the application site, but both of these have recently closed.
- 2.3 The southern part of the application site was originally developed as an inert landfill facility with planning permission first granted in 1987, followed by subsequent extensions and renewals, with permission given in 2003 for the final restoration of the landfill site. Permission for the recycling of inert waste was first granted in 1995, with the current facility, occupying the western part of the former landfill site and contained within screening bunds, being approved in 2010 (DCC/2961/2009).
- 2.4 The application comprises two main elements, expansion of the existing waste transfer/recycling operation and development of a new inert landraise facility, and these are described in turn below.

Waste Transfer/Recycling Facility

- 2.5 The existing inert waste recycling facility occupies the western part of the original landfill site and comprises stockpiles of waste and recycled materials together with processing plant and a small site office, located behind screening bunds.
- 2.6 The redeveloped facility would cover 2.6ha and will include a new processing building; new access roads and turning area; weighbridge and site offices/welfare facilities; a fenced asbestos storage compound; waste treatment plant; an area for crushing, screening and storage of aggregates; and a drainage attenuation/settlement pond.
- 2.7 The new processing building would measure 62m in length, 31m in width and 8m in height to eaves level and would be faced in concrete panels and timber boarding with a steel roof. This building would be used for the sorting and separation of waste materials, with crushing and screening of construction and demolition waste continuing to take place externally.
- 2.8 The secure asbestos storage area would be contained within a 2.4m high fence and have four lockable skips for the storage of up to 40 tonnes of asbestos. When these skips become full, the asbestos will be transported to a disposal facility elsewhere that is permitted to accept hazardous waste, and these materials will not be disposed of within the landraise facility that forms part of this planning application.
- 2.9 The proposals will result in an increase in impermeable, hard surfaced areas, and therefore include a surface water attenuation pond in the southern corner of the site.

Landraise Facility

- 2.10 The proposed landraising operation will extend over 16.25ha of agricultural land, currently used for grazing, between the waste transfer facility and the A38 to the north. It is anticipated that the landraising will take place for around 10 years and will accommodate approximately 585,000m³ of inert wastes that are not suitable for

recycling. Development of the landraising site will require the removal of existing hedgerows but will retain the existing watercourse across the site that drains to the River Yealm to the east.

- 2.11 Landraising will take place in four phases, commencing to the north of the watercourse and then proceeding in the southern part of the site. A temporary bund will screen operations around each phase, and this will be removed once restoration of a phase is completed. The final landform will amount to a raised area on each side of the watercourse at a maximum of 10m above existing ground level, with levels reducing from west to east towards the Yealm. Restoration planting will comprise species rich grassland, replacement hedgerows, woodland and an area of native scrub planting, with the retention of three surface water ponds.
- 2.12 Vehicular access to the waste transfer and landraising facilities will use a private road leading from the Smithleigh slip road off the A38. The proposed operating hours for the site are 0730 to 1800 on Monday to Fridays and 0800 to 1300 hrs on Saturdays.
- 2.13 The proposals are Environmental Impact Assessment (EIA) development and are accompanied by an Environmental Statement. In accordance with Regulation 25 of the EIA Regulations, additional environmental information has been required from the applicant, and further consultation and publicity have been undertaken on this information.

3. Consultation Responses

- 3.1 Consultation was undertaken on the submitted application in March 2018 and, following the submission of additional or amended information, further consultation was undertaken in May 2018, August 2018, February 2019 and November 2019. The consultation responses outlined below are the most recent from each consultee, with dates provided for each.
- 3.2 South Hams District Council (Planning) (16/05/2018): objection. The plans as currently presented are not acceptable because of the impact in the landscape in the area. Whilst it is accepted that the site is already used for waste transfer, the current proposal has a building which is excessively large in this location and there will be a considerable change in the landscape as a result of the additional inert waste.

If these issues can be mitigated, then the Council would be happy to review. At this time however, it is considered that the proposal would be contrary to Policies CS9 of the Core Strategy and DP1 and DP2 of the Development Policies DPD. Impacts on the residential properties nearby are also a concern.
- 3.3 South Hams District Council (Environmental Health) (10/05/2018): objection, raising concerns over the impact of noise on neighbouring amenity, the proposed hours of operation, the lack of assessment on air quality on the Western Road AQMA in Ivybridge and the guidance used to assess dust impacts.
- 3.4 Sparkwell Parish Council (22/04/2018): objection due to the increase in traffic volumes; asbestos handling; loss of amenity and peace for neighbours; and impact on Ivybridge roundabout.
- 3.5 Ermington Parish Council (04/12/2019): objection due to the potential environmental impact on the River Yealm, which is adjacent to site proposed; extra heavy traffic on A38 slip road, which is already heavily congested; and the proximity of the proposed site to New England Woods.

- 3.6 Yealmpton Parish Council (14/05/2019): objection to this proposal due to direct potential to cause an environmental impact to the River Yealm; its siting between a National Park and the AONB and the proximity to New England Woods; its potential to disrupt traffic locally; and its proximity to Smithaleigh village with the general loss of amenity and lifestyle to the area.
- 3.7 Environment Agency (01/03/2019): no objections subject to conditions regarding an annual review of the systems in operation and to ensure any unsuspected contamination is appropriately dealt with.
- 3.8 Natural England (17/12/2019): no objection and concur with the conclusions of the appropriate assessment, providing that all mitigation measures are appropriately secured. Within the context of the adjacent New England Woodland Reserve managed by Devon Wildlife Trust, it would be beneficial to explore opportunities to restore further areas to broadleaf woodland to compliment adjacent habitats that are managed for nature conservation.
- 3.9 Highways England (25/11/2019): no objection subject to a condition requiring that the location, construction, planting and maintenance of the proposed bund adjacent to the A38 be submitted to the LPA for review and approval to protect the integrity of the strategic road network and associated soft estate.
- 3.10 DCC Highways (10/12/2019): no objection subject to a condition requiring completion of off-site highway works prior to the use of any buildings. It is noted both the Transport Statement and Environmental Statement imply that HGV traffic travelling from the Plymouth direction to the site will utilise the Lee Mill junction to turn around (to travel south) on the A38 so that drivers can then proceed to exit the A38 at Smithaleigh to reach the site. The Highway Authority has no objections to this approach subject to a legal agreement requiring contributions of (a) £5,000 towards a Traffic Regulation Order to secure a new highway sign, and (b) £40,000 towards a capacity, safety and amenity scheme in and around Lee Mill.
- 3.11 DCC Landscape (11/04/2019): no objection. Slight to moderate short-term adverse effects of landfilling operation on the rural character of the area and availability of agricultural land together with slight adverse permanent effect of the WTS building on the rural character of the area to be weighed against the benefits of the scheme, subject to securing suitably worded conditions that allow potential adverse landscape and visual effects to be moderated to acceptable levels.
- 3.12 DCC Ecologist (11/12/2019): no objection subject to conditions requiring development to be in accordance with submitted documents, submission of a Landscape and Ecological Management Plan, implementation of tree protection and landscaping measures, and timing of vegetation clearance. It is considered likely that Natural England will issue a dormouse mitigation licence due to the new woodland, scrub and hedgerow planting.
- 3.13 DCC Flood Risk Management (21/02/2020): no in-principle objections subject to conditions relating to detailed design of surface water drainage, percolation testing, condition of watercourse, exceedance pathways and overland routes, and adoption and maintenance arrangements.
- 3.14 DCC Historic Environment (08/03/2019): recommend that the application should be supported by the submission of a Written Scheme of Investigation setting out a

programme of archaeological work to be undertaken in mitigation for the loss of heritage assets and archaeological interest.

- 3.15 DCC Public Health (03/12/2019): recommend that the proposed mitigation measures to prevent the impacts of dust are implemented and monitored throughout the various stages of the application. There have been concerns about the impact of the local population using the land for physical activity, but our understanding is that the site is not accessible to the public and therefore the application is not likely to reduce the accessibility of publicly accessible green space.

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. Further publicity was undertaken on receipt of the further information submitted under Regulation 25. As a result of these procedures 18 representations have been received, of these one is in support and seventeen objecting to the proposal.

The objections raised relate to:

- the increased traffic attracted to the site together with attendant noise and environmental effects on residents on Plymouth Road;
- mud and dust on the roads;
- traffic using the Smithaleigh slip road;
- impact on adjoining land uses including the campsite;
- danger to other road users including horse riders;
- impact on the local landscape due to the size and scale of the development;
- use of best and most versatile agricultural land;
- loss of existing hedgerows;
- impact on neighbouring national and county wildlife designations including ancient woodland;
- net loss of biodiversity in an area associated with the ecological network in the vicinity of the River Yealm; and
- contrary to the requirements of the National Planning Framework in respect of the net loss of biodiversity.

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.

- 5.2 Devon Waste Plan (adopted December 2014)

Policies W2 (Sustainable Waste Management); W3 (Spatial Strategy); W5 (Reuse, Recycling & Materials Recovery); W7 (Waste Disposal); W9 (Management of Special Types of Waste); W11 (Biodiversity & Geodiversity); W12 (Landscape and Visual Impact); W13 (Historic Environment); W14 (Sustainable and Quality Design); W16

(Natural Resources); W17 (Transportation & Access); W18 (Quality of Life) and W19 (Flooding) W20 (Restoration & Aftercare).

5.3 Plymouth and South West Devon Joint Local Plan [PSWDJLP] Adopted 21 March 2019

Policies SPT1 (Delivering sustainable development); SPT7 (Working with neighbouring areas); SPT12 (Strategic approach to the natural environment); TTV26 (Development in the countryside); DEV1 (Protecting health and amenity); DEV2 (Air, water, soil, noise, land and light); DEV15 (Supporting the rural economy); DEV21 (Development affecting the historic environment); DEV23 (Landscape character); DEV25 (Nationally protected landscapes); DEV26 (Protecting and enhancing biodiversity and geological conservation); DEV28 (Trees, woodlands and hedges); DEV29 (Specific provisions relating to transport); DEV31 (Waste management); DEV32 (Delivering low carbon development) and DEV35 (Managing flood risk and water quality impacts).

5.4 Other material considerations include:

- National Planning Policy Framework;
- National Planning Policy for Waste; and
- Planning Practice Guidance.

6. Comments/Issues

- 6.1 It is considered that the main material planning considerations in the determination of this application are planning policy considerations; impacts on nature conservation sites and habitats; landscape and visual impacts; highways and traffic impacts; noise and air quality; flood risk and drainage; impact on historic assets; loss of agricultural land; and other environmental impacts including climate change. These issues are discussed in turn below.

Planning Policy Considerations

- 6.2 The Devon Waste Plan contains a range of strategic and development management policies, with the latter considered under the relevant topic-specific sections below. Objectives of the Plan include the management of waste in accordance with the waste hierarchy; delivery of adequate waste management capacity through a network of strategic sites; tackling climate change; conserving and enhancing Devon's environment; and avoiding adverse impacts from waste transportation by locating facilities close to major sources of waste and considering local impacts.
- 6.3 Policy W2 (Sustainable Waste Management) of the Devon Waste Plan requires that waste is managed in accordance with the waste hierarchy, which places recycling and recovery of materials above disposal, while Policies W5 (Reuse, Recycling and Materials Recovery), W7 (Waste Disposal) and W9 (The Management of Special Types of Waste) provide criteria for specific types of facility. Finally, Policy W3 (Spatial Strategy) provides an approach to the location of strategic and other waste management facilities, and this and the other relevant policies are considered in more detail below.

Location of the Site

- 6.4 Policy W3 requires that strategic recycling, recovery and disposal facilities (defined as those capable of managing a minimum of 40,000 tonnes of waste) should be located within or close to Exeter, Barnstaple and Newton Abbot. For all facilities,

Policy W3 requires that consideration be given to the use of previously developed land and/or co-location with other waste management facilities and the potential cumulative effects of doing so.

- 6.5 Although Policy W3 refers specifically to Exeter, Barnstaple and Newton Abbot as main settlements and the foci for growth in Devon, the presence of Plymouth on the Plan area's boundary is a material consideration. Policies W5 and W7 include reference to location of sites close to the source of the waste and to reducing the distance that waste is transported. Given that the proposed development amounts to a strategic facility, is located adjacent to the A38 and 3km from the edge of Plymouth, and is based on an existing waste management facility, it is considered that the proposal is consistent with the spatial approach of Policy W3.

Waste Transfer and Recycling Facility

- 6.6 The proposed waste transfer station and associated inert waste recycling facility will replace and enhance the current recycling facility that has operated from 1995 and was most recently approved in 2010. That permission was for a permanent facility and had no limit on annual tonnages of waste, although a limit was imposed on stockpile heights in the interests of visual amenity.
- 6.7 The redevelopment of the facility will retain an external area for the crushing and screening of construction and demolition waste for production of recycled aggregates, with stockpiles for waste and processed materials. To the north of this area will be the new waste transfer building which will enable the unloading of mixed wastes and their sorting and storage for subsequent recycling.
- 6.8 Policy W5 supports the provision of facilities for the sorting, transfer and recycling of waste where they are located close to the source of the waste or opportunities for its beneficial use, achieve the segregation of recyclable materials prior to disposal, and/or are co-located with a complementary waste management location. The proposed development meets these requirements in being close to Plymouth, which represents a major source of waste as well as a market for the recycled aggregates, as well as being developed as an integrated recycling and disposal facility.
- 6.9 The new asbestos storage facility will receive locally collected asbestos, classed as a hazardous waste, until sufficient quantities are present to allow it to be transported for disposal elsewhere, with the closest disposal site being at Deep Moor near Great Torrington. Provision of this facility is consistent with Policy W9 of the Devon Waste Plan in serving the local area, and it will avoid the need to transport individual loads of asbestos to Deep Moor or other similar sites. In accordance with Policy W9, the storage facility will be segregated from handling of other waste streams and kept secure through the use of fencing, a lockable gate and lockable skips.

Inert Landraise Facility

- 6.10 At the time of adoption of the Devon Waste Plan in 2014, Devon was anticipated to have adequate inert disposal capacity for the Plan period to 2031. However, in recognition of the uneven distribution of this capacity across the county, Policy W7 allows for new inert disposal capacity where a proposal will achieve a significant reduction in the distance that waste is transported, and subject to the materials disposed of being limited to residual non-recyclable waste.
- 6.11 The Council's waste monitoring report for 2017/18 indicated that the available inert disposal capacity (1.67 million m³) was less the requirement for that year forecast in

preparation of the Waste Plan (1.81 million m³). Further analysis of the most recent data suggests that the annual rate of inert disposal is higher than anticipated, indicating a need for additional capacity in Devon during the Plan period.

- 6.12 A factor in the adequacy of Devon's inert disposal capacity is that inert disposal sites are supplemented by waste recovery sites, which are usually shorter-term construction and quarry restoration sites that are authorised to use inert waste for beneficial purposes. However, changes to the permitting regime by the Environment Agency in 2015/16 has led to closure of several of Devon's recovery sites with the remaining sites taking in 300,000 tonnes in 2018 (that year being a short term increase with over half of the inputs accounted for by one short-term quarry restoration, with inputs in the preceding two years averaging 112,000 tonnes), with inert disposal rising to 464,000 tonnes to partially compensate.
- 6.13 The operational inert disposal sites within Devon are not well distributed to serve the county as a whole, with three sites around Exeter and one near Barnstaple but none in southern Devon. Shorter term recovery capacity is available in South Hams with Lee Moor and New England Quarry accepting inert waste materials in 2018, while Steer Point near Brixton commenced importation in 2019 for the purpose of quarry restoration. However, the planning permission for Steer Point requires importation to cease by May 2023 and has an annual limit of 50,000m³, so it should be seen as contributing to, but not meeting, the area's inert waste disposal capacity requirement.
- 6.14 As well as Devon having an overall need for inert disposal capacity, there is likely to be increased demand for capacity to cater for planned growth in and around Plymouth that, without specific provision in the south of the county, may lead to waste being transported as far as Exeter for disposal if available recovery capacity proves insufficient. There are no inert waste disposal sites within Plymouth, and the PSWDJLP makes no provision for new capacity.
- 6.15 The development of an inert waste disposal site at Challonsleigh would be well-located to serve the Plymouth and south Devon area, and is supported by Policy W7 as it will achieve a significant reduction in transportation distances in comparison with existing sites in Cornwall and at Exeter.
- 6.16 Policy W7 also requires that materials disposed of at inert disposal sites are limited to residual non-recyclable waste. Challonsleigh has an existing recycling facility that will undertake crushing and screening to produce recycled aggregates, with inputs to the landraise facility being limited to the residues of the recycling operations and materials such as subsoil that are unsuitable for recycling.
- 6.17 In conclusion, the proposal is considered to accord with Policies W3, W5, W7 and W9 for the reasons outlined above and, subject to compliance with the development management policies of the Devon Waste Plan that are considered in the following sections, the development is acceptable in principle.

Nature Conservation

- 6.18 The northern part of the site comprises improved grassland bounded by hedgerows, while the southern part contains a range of habitats including semi-natural and plantation woodland, scrub and semi-improved grassland. While no part of the site is designated for nature conservation value, a large area of woodland and former quarry to the south forms the Mackarell Parks, Southwood Woods & Strashleigh Ham County Wildlife Site (CWS), of which some parts are defined as Ancient Woodland. The River Yealm, which forms the eastern boundary of the application site, provides

a hydrological link to the Start Point to Plymouth Sound & Eddystone Special Area of Conservation (SAC), which lies 5.9km downstream at its closest point south west of Yealmpton.

- 6.19 Policy W11 of the Devon Waste Plan and Policy DEV26 of the PSWDJLP provide the policy context for considering the impacts of a proposed development on the hierarchy of wildlife sites together with other considerations including species and net biodiversity gain, and these are considered in turn below.

International and National Wildlife Sites

- 6.20 The Start Point to Plymouth Sound & Eddystone SAC referred to above (which includes the Yealm Estuary and Wembury Point Sites of Special Scientific Interest) is designated for its range of habitats including estuaries and inlets, sandbanks, reefs and salt meadows, and is vulnerable to pollution or changes in groundwater in the catchments that drain to the SAC such as the River Yealm. If not properly managed, the proposed development has the potential to generate sediments or pollutants in surface water or groundwater flowing to the River Yealm on the eastern boundary of the application site that could lead to a reduction in water quality and a likely significant effect on the SAC.
- 6.21 Following discussions with the applicant and consultees including Natural England, a package of measures has been developed to prevent any adverse impact on the River Yealm and, therefore, the downstream SAC, including:
- (a) installation of protective fencing to prevent development encroaching within 5m of the river and retained riverside vegetation;
 - (b) planting of woodland adjacent to the river to maintain a sufficient buffer from potentially polluting activities;
 - (c) good practice adopted for dust mitigation, with all used water separated from watercourses through filtration/retention ponds;
 - (d) compliance with pollution prevention guidelines including storage of all oils and chemicals in bunded bases;
 - (e) drainage from the impermeable waste transfer area discharging to an attenuation pond that will filter particulates and allow silt and dust to settle; and
 - (f) a drainage strategy for the landraise area using Sustainable Drainage Systems (SuDS) including ditches, detention basins and attenuation ponds with straw filtration bales, silt fences and erosion prevention matting.
- 6.22 The Council has undertaken Appropriate Assessment under the Habitats Regulations to consider the potential impacts on the SAC, which concludes that, subject to the measures outline above being secured through planning conditions, the development would have no adverse effect on the integrity of the SAC due to water quality issues, either alone or in combination with other plans or projects.

Local Wildlife Sites

- 6.23 The Mackarell Parks, Southwood Woods & Strashleigh Ham CWS lies to the south of the application site and comprises woodland on either side of the River Yealm and a disused quarry. Implementation of the measures identified above in relation to the SAC will ensure that the proposed development does not harm the biodiversity value of the CWS.

Species

- 6.24 Desktop and field species surveys were undertaken on behalf of the applicant and identify a relatively low level of bat activity over the site with a few key areas; a local level of importance for birds; evidence of one dormouse nest with connectivity to adjacent woodland; and evidence that otters are commuting or foraging within the vicinity of the application site but not using it as a resting place.
- 6.25 Areas of highest activity for bats are located in the south east corner of the site and along with hedgerow on the north west boundary, and connectivity for bats will be maintained through the protection of vegetation being retained and by planting of 383m of hedgerow along the western boundary.
- 6.26 A dormouse mitigation licence will be required to enable the development to proceed, and it is considered likely that Natural England would issue due to the proposal meeting the three Habitats Regulations tests. New woodland planting will be carried out during the construction and restoration phases, together with 1,018m of hedgerow planting to maintain connectivity across the site and encourage dispersal and genetic exchange within the local dormouse population, and this mitigation is considered to be proportionate.

Enhancement and Net Biodiversity Gain

- 6.27 Policies W11 and DEV26 support development that achieves a net gain for wildlife proportionate to the nature and scale of the proposal, which is consistent with the Government's intention for mandatory net gain introduced through the Environment Bill. To address this requirement, the applicant has applied the Defra biodiversity offsetting metric, which provides a structured methodology for quantifying habitat loss and the value of replacement habitat provision. Use of the metric is an iterative process, with initial versions showing a net loss in biodiversity leading to amendment and refinement of the planting and restoration schemes to achieve a net gain, including the following measures:
- (a) to compensate for the loss of 1.77ha of broadleaved woodland (0.16ha of semi-natural woodland and 1.61ha of young plantation woodland), 2.1ha of new broadleaved woodland will be planted;
 - (b) the development will lead to the loss of 713m of hedgerow, for which compensation will amount to 1,018m of new hedgerow;
 - (c) the loss of 0.13ha of poor semi-improved grassland and 10.32ha of improved grassland will be compensated for by the creation of 11.08ha of neutral species-rich semi-improved grassland; and
 - (d) new areas of native shrub planting amounting to 2.02ha will be managed to allow the habitat to undergo natural succession and develop into woodland.

- 6.28 In avoiding harm to statutory and non-statutory wildlife sites and making provision for the enhancement of habitats for species and delivering a net gain in biodiversity, the proposals accord with Policy W11 of the Devon Waste Plan and Policy DEV26 of the PSWDJLP, subject to securing the proposed measures through planning conditions.

Landscape and Visual Impact

- 6.29 Policy W12 (Landscape and Visual Impact) of the Devon Waste Plan requires that waste management development should be sympathetic to the qualities, distinctive character and setting of the landscape, should not have an adverse effect on the natural beauty, distinctive landscape character and special qualities of a National Park, and should meet specific criteria where it may affect an Area of Outstanding Natural Beauty [AONB], and is consistent with Policies DEV23 and DEV25 of the PSWDJLP. The tests in Policy W12 relating to National Parks and AONBs reflect paragraph 172 of the NPPF.
- 6.30 The application site is located 3km south of Dartmoor National Park and a similar distance north of the South Devon AONB, although it is not visible from the latter. There are views of the site from elevated locations within the National Park such as Henlake Down. Landscape character assessment defines the character type for the site and its surroundings as being 'lower rolling farmed and settled valley slopes', for which key characteristics include fields that are generally medium in size and semi-regular in shape, and secretive valleys contrasting with the more open farmland.
- 6.31 The proposed development is large in scale and raises several issues relating to its landscape and visual impact that are considered below.

Scale of the Waste Transfer Building

- 6.32 The horizontal scale and mass of the proposed waste transfer building could appear incongruous and out of scale with the rural character of the area and not sympathetic to the scale of rural buildings. In combination with other waste development to the south of the A38, the building could potentially result in an adverse effect and appearance of the surrounding countryside.
- 6.33 The applicant has provided additional illustrative material to clarify the effectiveness of the proposed screening bunds and mitigation planting, which demonstrates that these works are essential to mitigate the adverse visual impact to acceptable levels. Subject to securing delivery of the screening works as early as practically possible and ensuring integration of the building into the landscape through the use of appropriate building materials and colours, the proposed building is considered to be acceptable.

Phasing and Restoration of the Landraise Operation

- 6.34 The landraise operation will be undertaken in a series of phases working from north to south and, as the duration of each phase is uncertain, there is a risk that the whole extent of the site operations would be laid bare for periods of time. People travelling along the A38 and using rights of way and rural lanes in the area would be sensitive to the visual intrusion of the landraising operation in the foreground of wider views into the South Hams countryside, while the visibility of the site within rural views with Dartmoor as a backdrop increases the sensitivity of the visual impacts.

- 6.35 These concerns can be addressed through imposition of conditions requiring progressive phasing and restoration to limit the perceived scale of adverse visual impacts from the landraising operation at any one time.

Potentially Artificial Landform

- 6.36 The originally submitted proposals for Phase 1 of the landraising operation were considered to create an artificial landform that would be prominent in views from the north. However, the proposals have been amended to achieve a gently rolling landform without any abrupt change of slope, and they are now consistent with the character of the wider area.

Impacts on Tranquility

- 6.37 Commercial development in the area is largely confined to Lee Mill north of the A38, and the proposals could extend the urbanising effects of development into the countryside. This may have an adverse effect on the tranquillity of nearby accessible woodland in the river valley, together with cumulative effects in combination with other nearby waste management operations. To limit these impacts, conditions are proposed to control noise levels and hours of operation.
- 6.38 Overall, the landraising operation is anticipated to have a slight to moderate short-term adverse effect on the rural character of the area, with the waste transfer building having a slight permanent adverse effect. Given the potential waste policy benefits of the proposed development, these limited impacts are considered to be acceptable and the proposal in accordance with Policy W12 of the Devon Waste Plan and Policies DEV23 and DEV25 of the PSWDJLP, subject to the inclusion of suitable conditions covering phasing and progressive restoration, woodland and hedgerow planting, building materials and colours, lighting and management of planting.

Highway and Traffic Impacts

- 6.39 The applicant's Transport Statement indicates that the existing waste transfer and recycling facility generates 30 operational (i.e. light or heavy goods vehicle (LGV/HGV)) movements and 22 staff car movements each day. Enlargement of that facility would generate an additional 24 daily LGV/HGV movements, although the planning permission for the existing facility is not limited in terms of vehicle numbers or throughput of waste. A further 68 daily LGV/HGV movements would be generated by the new landraising operation (assuming its completion in six years). The total number of daily LGV/HGV movements would therefore be 122 (i.e. 61 in and 61 out), with staff movements increasing to 38.
- 6.40 The application assumes that 90% of operational traffic and 80% of staff traffic will arrive from the west and leave in that direction. While vehicles leaving the site to travel west will join the A38 at the Smithhaleigh slip road, the lack of an eastbound off-slip road at Smithhaleigh means that there are two options for vehicles travelling to the site from the west:
- (a) leave the A38 at the Lee Mill exit and travel through the village to turn right beneath the A38, rejoin the A38 westbound and then leave at the Smithhaleigh exit; and
 - (b) continue on the A38 past Lee Mill to leave at the Ivybridge exit and pass over the A38 to rejoin it in a westerly direction, before exiting at Smithhaleigh.

- 6.41 At the time of submission of the application, the applicant proposed that traffic from the west should use the Ivybridge exit to avoid vehicles travelling through Lee Mill. However, concerns from the County Council's highways officer regarding the limited capacity of that junction, and from South Hams District Council's environmental health officer on the implications for the Western Road Air Quality Management Area, the applicant amended the proposals to refer to the Lee Mill exit (i.e. option (a) above). As the Lee Mill exit would only be used for inbound traffic (with outward traffic gaining access to the A38 via the Smithaleigh slip road), the number of additional daily movements through Lee Mill that would be generated by the new landraising operation would be 35 over a six years period.
- 6.42 For all vehicles arriving at the site from the Smithaleigh exit, the tight angle of the private access road with the public highway requires the use of an informal roundabout arrangement, with vehicles reaching the access turning around a traffic island to cross the highway and enter the site at a right angle.
- 6.43 Policy W17 (Transportation and Access) of the Devon Waste Plan seeks to minimise the distance that waste is transported, which reflects Policy W7, and paragraph 6.15 addresses this point. The Policy also requires that development should not have an adverse effect on road safety or the capacity and functionality of the road network, and that transportation impacts on local communities and the environment should be mitigated through infrastructure improvements, reflecting Policy DEV29 of the PSWDJLP.
- 6.44 The highways officer has no objection to the use of the Lee Mill option to gain access to the site, subject to a contribution by the applicant of £40,000 towards a capacity, safety and amenity scheme in and around Lee Mill, with this sum reflecting the degree of additional lorry movements. By including a means of mitigating the impact of the development on the local community, the proposal accords with Policy W17 and Policy DEV29.
- 6.45 The application includes a proposal for the improvement of the access roundabout through provision of lining and a new sign. As a Traffic Regulation Order will be required to facilitate these works, the applicant has offered to contribute £5,000 to fund this process which will need to be secured through a legal agreement.
- 6.46 The planning permission for the nearby inert waste recycling facility at Strashleigh Hams was subject to a legal undertaking that included a routing agreement that requires that inbound HGVs travelling eastwards on the A38 should use the Ivybridge junction to access the site, rather than travelling through Lee Mill. While this arrangement was considered for the Challonsleigh Farm site, it was considered likely to cause capacity and air quality impacts at Ivybridge. The Lee Mill option has therefore been pursued instead, with the circumstances differing from the Strashleigh Hams proposal in that the applicant has agreed to fund work associated with a highway capacity, safety and amenity scheme for Lee Mill to alleviate adverse impacts that may occur.

Amenity Considerations

- 6.47 Policy W18 (Quality of Life) of the Devon Waste Plan, together with Policy DEV2 of the PSWDJLP, seek to protect the quality of life for local residents and require that applications should demonstrate that noise and air quality impacts will be strictly controlled to prevent significant nuisance to properties close to the site or its transportation routes. The planning application included noise and vibration and air quality assessments, and these were subsequently updated through the Regulation

25 response to reflect changes to the vehicle routing and address concerns raised by the Environmental Health Officer.

- 6.48 The existing waste transfer and recycling facility is in a rural location, with the nearest dwellings not occupied by persons connected with the site being at Lee Mill (north of the A38) 520m or more to the north east, and at Smithhaleigh (south of the A38), approximately 530m to 770m to the north west. Also located at Smithhaleigh are a caravan and camping site and an hotel. Development of the new landfill facility will occur closer to these dwellings than the existing operations, with the closest tipping locations being 160m from Smithhaleigh and 120m from Lee Mill in the initial phases. Individual rural dwellings are located to the south, south east and south west of the application site including Beacon View (650m W), Cloakford (860m SW), Southwood (720m S) and Swainstone (875m SE).

Noise

- 6.49 The main sources of operational noise at the proposed facilities will be the movement and unloading of vehicles, emptying of skips, operation of crushing and screening plant and processing and storage of recyclable materials. In addition, traffic generated by the site will result in noise occurring along the access routes, notably on the roads used to travel between the A38 and the site, while further noise will be caused for a temporary period during construction of the new building and other infrastructure.
- 6.50 The assessment of operational noise identified a 'low impact' for the majority of receptors and a 'slight adverse impact' for three properties to the west, together with a potential 'adverse impact' for a few properties to the south west and south east that are located further from the A38 and therefore experience lower background noise levels. With suitable working practices and mitigation measures, the assessment concludes that the potential residual noise impact of the site can be managed to the 'noticeable and not intrusive' category for all of the assessed receptors.
- 6.51 The additional traffic through Lee Mill that will be generated by traffic to the application site is stated in the updated noise assessment to increase traffic flows by less than 1% and not a material impact. Potential off-site noise impacts from traffic are therefore assessed as being at most a 'minor adverse effect' and of 'slight or neutral significance'.
- 6.52 The proposed conditions in Appendix I include limitations on hours of operation, a requirement for use of silencers on vehicles and plant, and provision and maintenance of screening bunds, and it is considered that these will ensure that the proposed development is consistent with Policies W18 and DEV2.

Air Quality

- 6.53 The proposed operations have the potential to generate dust from the unloading and movement of soils and other materials, the movement of vehicles and plant over unbound surfaces and the operation of processing plant, while air quality can be adversely affected by the generation of contaminants (e.g. NO₂) and particulates by traffic and plant within the site and on access routes. As well as the receptors identified in 6.47 that would be sensitive to air quality as well as noise impacts, generation of dust can also have adverse impacts on sensitive habitats and wildlife sites.

- 6.54 In the Lee Mill area, the existing air quality is primarily influenced by the A38 dual carriageway that forms the northern boundary of the application site, with further influences being other local routes, agricultural activities and existing waste management operations. At Ivybridge, Western Road has been designated as an Air Quality Management Area, which would potentially have been affected by the applicant's original intention to route HGVs via the Western Road junction of the A38; however, the routing has subsequently been altered through Lee Mill.
- 6.55 The air quality assessment proposes a range of mitigation measures including dust suppression on stockpiles and site roads; wheel washing at the site exit; sheeting of lorries; limiting material movement during high winds; minimising stockpiling of materials; cleaning of site and public roads; and monitoring of dust conditions and management measures. As noted above, the increase in traffic in Lee Mill that can be attributed to the proposed development is less than 1% and therefore not a material impact on air quality.
- 6.56 Subject to implementation of the mitigation measures, which can be secured through planning conditions, the potential impact of dust from the proposed development is assessed as a 'magnitude of no change' with 'neutral significance' for all potentially sensitive receptors, with 'no significant adverse residual effects' on ecological receptors. In respect of off-site traffic impacts on air quality, this is assessed as being of 'negligible adverse magnitude' with 'neutral significance'. The proposals are therefore considered to accord with Policies W18 and DEV2 subject to the recommended conditions.

Flood Risk and Drainage

- 6.57 Policies W19 of the Devon Waste Plan and DEV35 of the PSWDJLP require that waste management development must be resilient to the impacts of flooding and not lead to increased risk of flooding, and applies a sequential test towards developing sites, while Policy W16 (Natural Resources) seeks to avoid adverse effects on the quality and/or availability of water resources. As indicated above, the relationship of the application site with downstream wildlife sites results in potential impacts on the water environment requiring consideration under Policy W11 (Biodiversity and Geodiversity), which is addressed in 6.20-6.22.

Fluvial Flood Risk and Surface Water Drainage

- 6.58 The River Yealm is an Environment Agency main river and is situated immediately adjacent to the site in the east, running from north to south. Within the area proposed for landraising is a ditch running west to east which conveys overland flows to the River Yealm, with this ditch falling under the responsibility of Devon County Council as the Lead Local Flood Authority (LLFA).
- 6.59 The majority of the application site is located within Flood Zone 1 (meaning a probability of fluvial flooding of less than 1 in 1,000 (i.e. 0.1%) chance of flooding in any given year). Areas along the eastern edge of the site are designated as being within Flood Zones 2 and/or 3, with the area within Flood Zone 2 indicating that this land is at medium to high risk of flooding. The risk of flooding from rivers equates to an annual probability of between 1 in 100 (1%) and 1 in 1,000 (0.1%) for Flood Zone 2 and greater than 1 in 100 (>1%) for Flood Zone 3.
- 6.60 The area within which landraising will take place has been defined to exclude any land within Flood Zones 2 and 3 to ensure that no loss of flood capacity or obstruction to flood flows occurs. In addition, a sustainable drainage system is

proposed to manage surface water run-off from the landraise area through a system of ditches and attenuation ponds before discharge to the River Yealm.

- 6.61 A separate sustainable drainage system is proposed for the waste transfer and recycling facility, with two attenuation basins storing run-off to greenfield rates before it is discharged to an existing ditch.

Groundwater

- 6.62 The bedrock underlying the site is classed as a Secondary A aquifer, defined by “permeable layers capable of supporting water supplies at a local rather than strategic scale, and in some cases forming an important source of base flow to rivers”. As there is likely to be hydraulic continuity between groundwater beneath the application site and the River Yealm, there is the potential for a pathway between imported waste materials, the underlying groundwater and the river unless appropriate mitigation is made.
- 6.63 Following an initial objection from the Environment Agency, the applicant has provided further evidence in the form of a hydrological risk assessment which confirms an absence of risk as the waste materials will not be placed below the water table; a geological barrier can be provided to achieve separation between waste and groundwater; deposition of inert wastes only; and control of surface water drainage.
- 6.64 In the light of the additional information provided on surface water and groundwater measures, the Environment Agency and the Lead Local Flood Authority have confirmed that they have no objections subject to inclusion of suitable conditions to ensure implementation of the mitigation measures.

Historic Environment

- 6.65 Prior to submission of the application, the applicant commissioned a geophysical survey of the site followed by a programme of archaeological trench evaluation, and the reports of these investigations accompanied the application. The main features found within the site are an enclosure and related settlement dating from the Middle Bronze Age, and evidence of a medieval chapel or other high-status building.
- 6.66 The archaeological work undertaken on the site has demonstrated the presence of significant prehistoric and later archaeological deposits across this site. However, the significance of these heritage assets is not sufficient to warrant preservation *in situ*, and the impact of the proposed development upon these heritage assets can be mitigated by securing a programme of archaeological investigation and recording through a planning condition.
- 6.67 It is envisaged that a suitable programme of work would take the form of (a) the excavation of a series of further evaluative trenches to determine the extent of the archaeological deposits across the proposed development site and (b) the full archaeological excavation of all areas affected by the proposed development that are demonstrated to contain archaeological or artefactual deposits. This will ensure an appropriate record is made of the heritage assets prior to their destruction by the proposed development. The results of the fieldwork and any post-excavation analysis undertaken would need to be presented in an appropriately detailed and illustrated report.
- 6.68 Policies W13 of the Devon Waste Plan and DEV21 of the PSWDJLP allow for proposals that may cause harm to the significance of non-designated heritage assets

if it can be demonstrated that this is outweighed by the benefits of the development and that adverse impacts are mitigated, and subject to excavation and recording of the heritage assets. These Policies reflect paragraph 197 of the National Planning Policy Framework.

- 6.69 As the Council's historic environment advisor has concluded that the significance of the non-designated heritage assets does not warrant preservation, the proposals are considered to accord with Policies W13 and DEV21 subject to inclusion of a planning condition requiring implementation of a programme of archaeological work in accordance with a written scheme of investigation to be approved by the Council.

Agricultural Land

- 6.70 Policy W16 of the Devon Waste Plan discourages "the loss of the best and most versatile agricultural land [i.e. land within Grades 1, 2 and 3a] unless the environmental, social and economic benefits of the proposal outweigh this loss".
- 6.71 Strategic mapping of the Agricultural Land Classification published by Natural England indicates that the northern half of the area proposed for landraising is Grade 3, with the southern part being Grade 4. However, this mapping is subject to the caveat that "it represents a generalised pattern of land classification grades and...does not show subdivisions of Grade 3 which are normally mapped by more detailed work". It is therefore not possible to confirm whether any part of the site falls within the scope of 'best and most versatile land', although the available evidence suggests that at least part of the proposed landraising area may fall within that category.
- 6.72 The development of the landraise facility will include the deposition of inert waste materials such as subsoil over 16ha of agricultural land, followed by restoration to agricultural use with enhanced biodiversity, ponds and hedge and woodland planting. Provided that development and restoration of the site are undertaken in accordance with good practice, i.e. that existing soils are stripped and stored for the duration of landraising for re-use in the site's restoration and laid to a depth and method that accords with good practice, the temporary loss of the agricultural land is considered to be outweighed by the economic and social benefit of delivering waste disposal capacity and therefore in accordance with Policy W16.

Other Environmental Impacts including Climate Change

- 6.73 Paragraph 148 of the National Planning Policy Framework requires that "the planning system should support the transition to a low carbon future in a changing climate", while Devon County Council has declared a climate emergency and committed to facilitating the reduction of Devon's carbon emissions to net-zero by 2050. The scope for individual planning applications to contribute to these initiatives will be dependent on the nature and scale of the development being proposed, and relevant considerations are outlined below.
- 6.74 The application proposes an integrated approach to the management of construction, demolition and excavation wastes that will ensure that materials are separated and recycled where feasible, with disposal limited to non-recyclable wastes. Supply of recycled aggregates from the site will assist in reducing demand for primary aggregates and thereby improving resource efficiency.

- 6.75 While disposal is at the bottom of the waste hierarchy, landfill capacity is still required for inert waste materials that are not suitable for recycling. The current lack of capacity in the Plymouth and South Devon areas is likely to increase the distance that waste is transported for disposal and, therefore, contribute to emissions from vehicles. Provision of new disposal capacity in a location accessible to Plymouth and towns in South Hams will reduce the need for waste vehicles to travel to more distant sites.
- 6.76 The proposals also address climate change through delivering a net gain for biodiversity and allowing for increased levels of surface water in providing for flood attenuation.

7. Reasons for Recommendation/Alternatives Options Considered

- 7.1 The Committee has the option of approving, deferring or refusing this planning application.
- 7.2 It is considered that the proposed development will deliver sustainable waste management by enhancing an existing waste transfer and recycling facility and providing new disposal capacity in an area that is currently not well served. While the proposed development has implications for biodiversity, loss of agricultural land, archaeology and drainage, discussions with the applicant and relevant consultees has resulted in improvements to the proposals to address these concerns. It is recognised that some increase in traffic on local roads will occur, but it is considered that this will not have a significant adverse impact upon the amenity of local residents, and the applicant has offered a contribution towards the costs of a highway enhancement scheme. On balance, it is concluded that any negative impacts of the development are outweighed by the benefits from delivery of additional waste management capacity.

Mike Deaton
Chief Planner

Electoral Division: Bickleigh & Wembury

Local Government Act 1972: List of Background Papers

Contact for enquiries: Andy Hill

Room No: AB2, Lucombe House, County Hall

Tel No: 01392 383000

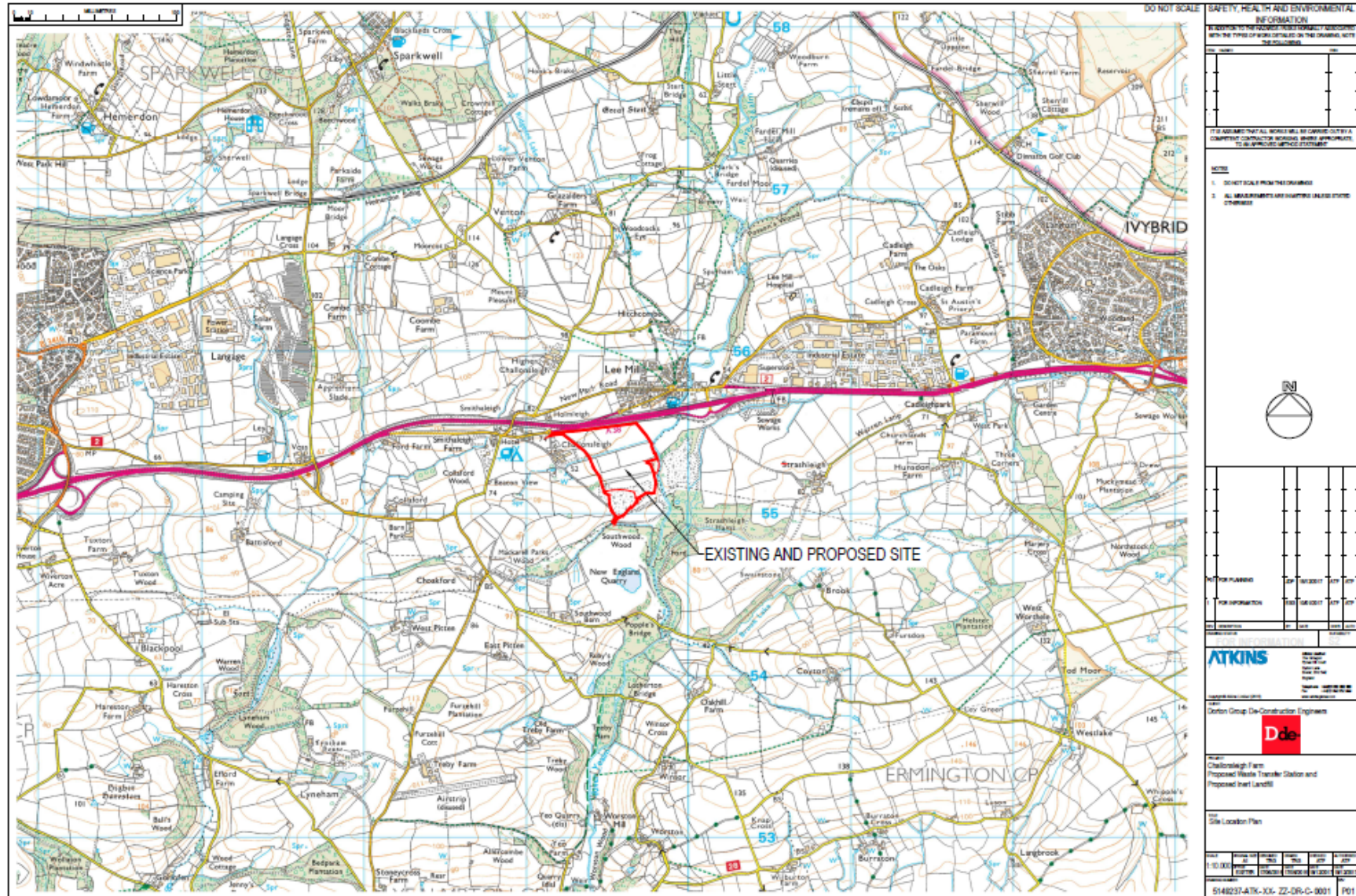
Background Paper
Casework File

Date

File Ref.
DCC/4038/2018

ah240220dma
sc/cr/Construction of waste transfer building Challonsleigh Farm Smithhaleigh
02 090320

Location Plan



Site Plan



Planning Conditions

COMMENCEMENT

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

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

TEMPORARY LANDRAISE PERMISSION

2. The deposit of inert waste materials within the area identified on the approved drawings for landraising shall cease no later than ten years from the date on which waste is first deposited.

REASON: To minimise the impact of the development and to ensure the timely completion of restoration of this part of the site in accordance with Policies W18 and W20 of the Devon Waste Plan and Policy DEV23 of the Plymouth and South West Devon Joint Local Plan.

NOTIFICATION OF STAGES OF DEVELOPMENT

3. Written notification shall be provided to the Waste Planning Authority no later than 14 days prior to the following events:
 - (a) commencement of the programme of archaeological work required by Condition 13;
 - (b) installation of the datum control point required by Condition 14;
 - (c) commencement of the deposition of waste materials within the proposed landraise area;
 - (d) commencement and completion of each new phase of the landraise operations as defined on drawing no. 5149237-ATK-XX-ZZ-DR-C-0029/P03; and
 - (e) completion of final restoration of the inert landraise area.

REASON: To enable the Waste Planning Authority to control the development and to monitor the site to ensure compliance with the planning permission and to comply with Policies W12 and W20 of the Devon Waste Plan and Policy DEV23 of the Plymouth and South West Devon Joint Local Plan.

STRICT ACCORDANCE WITH PLANS/DOCUMENTS

4. The development shall be carried out in strict accordance with the details shown on the approved drawings and documents numbered/titled:
 - Site Location Plan (5149237-ATK-ZZ-DR-C-0001/P01)
 - Existing Site Plan/Red Line Boundary Plan (5149237-ATK-ZZ-DR-C-0002/P02)
 - Proposed Site Plan Combined (5149237-ATK-ZZ-DR-C-0005/P01)
 - Proposed Site Plan – Waste Transfer Station (5149237-ATK-ZZ-DR-C-0006/P01)

- Cut and Fill (Sheet 1 of 2) (5149237-ATK-XX-ZZ-DR-C-0017/P01)
- Cut and Fill (Sheet 2 of 2) (5149237-ATK-XX-ZZ-DR-C-0015/P01)
- Cross Sections (Sheet 1 of 2) (5149237-ATK-XX-ZZ-DR-C-0024/P02)
- Waste Transfer Station Tracking (5149237-ATK-XX-XX-DR-C-0025/P01)
- Asbestos Bulking Area Tracking (5149237-ATK-XX-XX-DR-C-0026/P01)
- Phases (5149237-ATK-XX-ZZ-DR-C-0029/P03)
- Proposed Waste Transfer Station (5149237-ATK-XX-ZZ-DR-C-0030/P02)
- Proposed Office (5149237-ATK-XX-ZZ-DR-C-0031/P01)
- Long Section Plan Option 4 (5149237-ATK-XX-ZZ-DR-C-0035/P04)
- Long Sections (Sheet 1 of 2) Option 4 (5149237-ATK-XX-ZZ-DR-C-0036/P08)
- Long Sections (Sheet 2 of 2) Option 4 (5149237-ATK-XX-ZZ-DR-C-0037/P04)
- Cross Sections (Sheet 2 of 2) (5149237-ATK-XX-ZZ-DR-C-0039/P01)
- Visibility Long Sections (5149237-ATK-XX-ZZ-DR-C-0045/P03)
- Landscape GA with Landscape Phases (5149237-ATK-XX-ZZ-DR-C-0046/P01)
- Landscape General Arrangement (5149237-LA-DR-100-4900/J)
- Tree Protection & Removal (5149237-LA-DR-100-4901/G)
- Amended Pre-development Habitat Map (5149237-EC-DR-100-0001/B)
- Amended Post-development Habitat Creation Map (5149237-EC-DR-100-0002/B)
- Amended Post-development Habitat Creation Map with Suggested Alternative Habitats (5149237-EC-DR-100-0003/B)
- External Lighting Layout (5149237-ATK-Z1-XX-PL-E-6101/P01)
- Planning Statement (August 2018)
- Design and Access Statement (December 2017)
- Landscape & Visual Impact Assessment (Atkins, December 2017)* as amended by supplementary information submitted in February 2019
- Ecological Impact Assessment (WSP, December 2017)
- Air Quality, Dust and Odour Impact Assessment (Atkins, February 2017)*
- Noise and Vibration Impact Assessment (Atkins, August 2016)*
- Transport Statement v6 (WSP, May 2018)
- Level 2 Flood Risk Assessment rev. 2 (WSP, June 2018)
- Hydrological Assessment (Atkins, June 2018)
- Arboricultural Impact Assessment Report (Aspect, ref. 04744 AIA 5.1.18)
- Landscaping Management Plan (Aspect, ref. 04744 LMP 23.3.17)
- Geophysical Survey Report (SUMO Services Ltd, August 2017)
- Results of an Archaeological Trench Evaluation (AC Archaeology, November 2017)
- Archaeology & Heritage Assessment (BSA Heritage, 16th December 2017)
- Ground Investigation Report (YourEnvironment, 8th March 2017)
- Environmental Statement (Atkins, February 2018)*
- Regulation 25 Submission rev. 2 (Atkins, August 2018)
- Response to Request for Further Information (Biodiversity Metric) (Atkins, 11 November 2019)

[* as amended by the Regulation 25 Submission rev. 2 (Atkins, August 2018)]
unless as varied by the conditions below.

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

PRE-COMMENCEMENT CONDITIONS - DRAINAGE

5. No part of the development hereby permitted shall be commenced until a programme of percolation tests has been carried out in accordance with BRE Digest 365 Soakaway Design (2016), and the results approved in writing by the Waste Planning Authority. A representative number of tests should be conducted to provide adequate coverage of the site, with particular focus placed on the locations of the proposed infiltration devices/permeable surfaces.

REASON: To ensure that surface water from the development is discharged as high up the drainage hierarchy as is feasible in accordance with Policies W16 and W19 of the Devon Waste Plan and Policy DEV35 of the Plymouth and South West Devon Joint Local Plan.

6. No part of the development hereby permitted shall be commenced until a detailed assessment of the condition and capacity of the receiving watercourse has been undertaken on behalf of the applicant and approved in writing by the Waste Planning Authority. This detailed assessment must also identify, and commit to, any repair and/or improvement works to the receiving watercourse which will be required to facilitate the development.

REASON: To ensure that the receiving watercourse is of a satisfactory condition to receive the surface water runoff generated from the proposed development in accordance with Policies W16 and W19 of the Devon Waste Plan and Policy DEV35 of the Plymouth and South West Devon Joint Local Plan.

7. No part of the development hereby permitted shall be commenced until the detailed design of the proposed surface water drainage management system which will serve the development site for the full period of its construction has been submitted to, and approved in writing by, the Waste Planning Authority. This temporary surface water drainage management system must satisfactorily address both the rates and volumes, and quality, of the surface water runoff from the construction site.

REASON: To ensure that surface water runoff from the construction site is appropriately managed so as to not increase the flood risk, or pose water quality issues, to the surrounding area in accordance with Policies W16 and W19 of the Devon Waste Plan and Policy DEV35 of the Plymouth and South West Devon Joint Local Plan.

Advice: Refer to Devon County Council's Sustainable Drainage Guidance.

8. No part of the development hereby permitted shall be commenced until the detailed design of the proposed permanent surface water drainage management system has been submitted to, and approved in writing by, the Waste Planning Authority. The design of this permanent surface water drainage management system will be in accordance with the principles of sustainable drainage systems, and those set out in the Dorton Quarry, Smithaleigh, Level 2 Flood Risk Assessment, dated June 2018 Rev 2. No part of the development shall be occupied until the surface water management scheme serving that part of the development has been provided in accordance with the approved details and the drainage infrastructure shall be retained and maintained for the lifetime of the development.

REASON: To ensure that surface water runoff from the development is managed in accordance with the principles of sustainable drainage systems in accordance with

Policies W16 and W19 of the Devon Waste Plan and Policy DEV35 of the Plymouth and South West Devon Joint Local Plan.

Advice: Refer to Devon County Council's Sustainable Drainage Guidance.

9. No part of the development hereby permitted shall be commenced until details of the exceedance pathways and overland flow routes across the site in the event of rainfall in excess of the design standard of the proposed surface water drainage management system have been submitted to, and approved in writing by, the Waste Planning Authority.

REASON: To ensure that the surface water runoff generated from rainfall events in excess of the design standard of the proposed surface water drainage management system is safely managed in accordance with Policies W16 and W19 of the Devon Waste Plan and Policy DEV35 of the Plymouth and South West Devon Joint Local Plan.

10. No part of the development hereby permitted shall be commenced until the full details of the adoption and maintenance arrangements for the proposed permanent surface water drainage management system have been submitted to, and approved in writing by, the Waste Planning Authority.

REASON: To ensure that the development's permanent surface water drainage management systems will remain fully operational throughout the lifetime of the development in accordance with Policies W16 and W19 of the Devon Waste Plan and Policy DEV35 of the Plymouth and South West Devon Joint Local Plan.

PRE-COMMENCEMENT CONDITIONS - HIGHWAYS

11. Prior to the commencement of the landraise operations hereby permitted, a detailed design for the location, construction, planting and maintenance of the proposed bund adjacent to the A38 trunk road boundary shall be submitted for written approval to the Waste Planning Authority (in consultation with Highways England). Construction and maintenance of the bund shall be undertaken in line with the approved plans.

REASON: in order to protect the integrity of the strategic road network and associated soft estate in accordance with Policy W17 of the Devon Waste Plan and Policy DEV29 of the Plymouth and South West Devon Joint Local Plan.

12. No deposition of waste materials within the landraise area or occupation of new buildings shall occur until the off-site highway works shown on drawing no. 27257-PHL-001 Rev A included in Appendix A of the Transport Statement (WSP v5 May 2018) have been fully implemented.

REASON: In the interests of highway safety in accordance with Policy W17 of the Devon Waste Plan and Policy DEV29 of the Plymouth and South West Devon Joint Local Plan.

PRE-COMMENCEMENT CONDITIONS – ARCHAEOLOGY

13. No development shall take place until the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which shall first have been submitted to and approved in writing by the Waste Planning Authority. The development shall be carried out at all times in

accordance with the approved scheme, or such other details as may be subsequently agreed in writing by the Waste Planning Authority.

REASON: To ensure, in accordance with Policy W13 of the Devon Waste Plan, Policy DEV21 of the Plymouth and South West Devon Joint Local Plan and paragraph 199 of the National Planning Policy Framework (2018), that an appropriate record is made of archaeological evidence that may be affected by the development.

SURVEY AND MONITORING

14. Prior to the deposit of any waste materials within the area proposed for landraising, a control datum point shall be installed in a location that shall first have been agreed in writing by the Waste Planning Authority. This control datum point shall be retained for the duration of landraising and restoration operations.

REASON: To enable the Waste Planning Authority to control the development and to ensure that the approved restoration scheme is achieved in accordance with Policy W20 of the Devon Waste Plan and Policy DEV23 of the Plymouth and South West Devon Joint Local Plan.

15. A survey of levels of the landraise area shall be carried every three years from the date on which waste materials are first deposited within the landfill area until the cessation of landraising operations and restoration of the site. A copy of each survey shall be submitted to the Waste Planning Authority within 21 days of being undertaken.

REASON: To ensure effective management of the site to minimise the impact upon the local landscape in accordance with Policies W12 and W20 of the Devon Waste Plan and Policy DEV23 of the Plymouth and South West Devon Joint Local Plan.

PRE-CONSTRUCTION CONDITIONS

16. Prior to commencement of construction of any part of the proposed waste transfer and recycling facility (including buildings, hardstandings, access roads and associated infrastructure), a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Waste Planning Authority. The CEMP shall include the following:

- (a) timetable/programme of works;
- (b) measures for construction traffic management [including routing of vehicles to and from the site, details of the number/frequency and sizes of vehicles];
- (c) days and hours of building operations and deliveries; including any further restrictions on noisy operations;
- (g) parking of vehicles of construction site personnel, operatives and visitors;
- (h) wheel washing for construction traffic;
- (i) construction dust management and mitigation measures; including complaints procedures and notification, inspections, screening, site layout and liaison meetings;
- (l) habitat protection measures including control of invasive species;

- (m) species mitigation measures including requirements for Natural England Licences, measures to prevent animals being trapped within trenches, and timing of vegetation removal; and
- (n) any lighting control measures for the construction phase.

The development shall be implemented in accordance with the approved Plan.

REASON: To protect local communities and the local environment from potential adverse impacts of construction in accordance with Policies W11 and W18 of the Devon Waste Plan and Policies DEV1, DEV2 and DEV26 of the Plymouth and South West Devon Joint Local Plan.

- 17. Prior to the commencement of construction of the new waste transfer buildings, details of all external materials shall be submitted to and approved in writing by the Waste Planning Authority. The building shall subsequently be constructed in accordance with the approved details.

REASON: To ensure that the proposed building is effectively integrated within the local landscape in accordance with Policy W12 of the Devon Waste Plan and Policy DEV23 of the Plymouth and South West Devon Joint Local Plan.

- 18. No new permanent fencing shall be erected within the site unless details of its height, materials and colour have first been submitted to and approved in writing by the Waste Planning Authority.

REASON: To ensure that any proposed fencing is effectively integrated within the local landscape in accordance with Policy W12 of the Devon Waste Plan and Policy DEV23 of the Plymouth and South West Devon Joint Local Plan.

OPERATIONAL CONDITIONS

- 19. The site shall only operate between the hours of 0730 to 1800 on Mondays to Fridays and 0800 to 1300 on Saturdays, with no operations on Sundays or Public Holidays.

REASON: To protect the amenity of nearby residents in accordance with Policy W18 of the Devon Waste Plan and Policies DEV1 and DEV2 of the Plymouth and South West Devon Joint Local Plan.

- 20. No more than 75,000 tonnes of waste shall be delivered to the waste transfer and recycling facility 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 and source of waste.

REASON: To minimise the impact of the development on local residents and the local highway in accordance with Policies W17 and W18 of the Devon Waste Plan and Policies DEV1, DEV2 and DEV29 of the Plymouth and South West Devon Joint Local Plan.

21. The measures for the control of dust listed in Table 5-3 of the Air Quality, Dust and Odour Impact Assessment (Atkins, revision 02, 16/12/2017) shall be complied with for the duration of the operations hereby permitted.

REASON: To protect properties and habitats that are sensitive to the effects of dust in accordance with Policies W11 and W18 of the Devon Waste Plan and Policies DEV1, DEV2 and DEV26 of the Plymouth and South West Devon Joint Local Plan.

22. The site shall be managed in a manner to ensure that no mud, water or other debris is carried onto the public highway from the site.

REASON: In the interests of highway safety in accordance with Policy W17 of the Devon Waste Plan and Policy DEV29 of the Plymouth and South West Devon Joint Local Plan.

23. All loaded vehicles carrying waste entering and leaving the site shall have their loads 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 Policies W17 and W20 of the Devon Waste Plan and Policy DEV29 of the Plymouth and South West Devon Joint Local Plan.

24. Any weighbridge within the site shall not be used as a public weighbridge.

REASON: In the interests of highway safety in accordance with Policy W17 of the Devon Waste Plan and Policy DEV29 of the Plymouth and South West Devon Joint Local Plan.

25. No vehicle, plant, equipment and/or machinery controlled by the operator shall be operated at the site unless it has been fitted with and uses an effective silencer. All such vehicles, plant, equipment and/or machinery shall be maintained in accordance with the manufacturer's 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 and Policies DEV1 and DEV2 of the Plymouth and South West Devon Joint Local Plan.

26. Lighting shall be installed in accordance with the details shown on drawing no. 5149237-ATK-Z1-XX-PL-E-6101/P01 (External Lighting Layout, March 2018). No additional or increased intensity lighting shall be installed within the site without the prior written approval of the Waste Planning Authority.

REASON: In the interests of the amenity of local residents and the local environment in accordance with Policies W11, W12 and W18 of the Devon Waste Plan and Policies DEV1 and DEV2 of the Plymouth and South West Devon Joint Local Plan.

27. No stockpiles of waste and processed materials relating to the development shall exceed a height of 65.5m AOD or be visible from the north or north west of the site.

REASON: To ensure that stockpiles of materials are screened from public viewpoints in the interests of the local landscape in accordance with Policies W12 and W18 of the Devon Waste Plan and Policy DEV23 of the Plymouth and South West Devon Joint Local Plan.

ECOLOGY, LANDSCAPING AND RESTORATION

28. No vegetation clearance shall take place during the bird nesting season (1 March to 31 August, inclusive) unless the developer has been advised by a suitably qualified ecologist that the clearance will not disturb nesting birds and a record of this kept.

REASON: To avoid adverse impacts on nesting birds in accordance with Policy W11 of the Devon Waste Plan and Policy DEV28 of the Plymouth and South West Devon Joint Local Plan.

29. No waste materials shall be deposited within any part of the inert landraise area until the tree protection measures indicated on drawing 5149237/LA/DR/100/4901/G (Tree Protection & Removal, February 2019) have been implemented. These measures shall subsequently be maintained for the duration of landraise operations.

REASON: To ensure that trees and hedgerows are protected from damage by deposition of materials or the activity of plant and machinery in accordance with Policy W11 of the Devon Waste Plan and Policy DEV28 of the Plymouth and South West Devon Joint Local Plan.

30. The development, landscaping and restoration of the inert landraise site shall be undertaken in phases as indicated on drawing no. 5149237-ATK-XX-ZZ-DR-C-0029/P03 and in accordance with the details shown on drawings nos. 5149237-EC-DR-100-0003/B and 5149237-LA-DR-100-4900/J subject to the following requirements:

- (a) no waste shall be disposed of in any new phase of landraising until all practicable tipping has been completed in the previous phase and restoration has been completed in the phase before that;
- (b) planting of the proposed woodland screening belt in Phase 0 immediately to the north of the proposed waste transfer building shall be completed prior to occupation of that building; and
- (c) no waste shall be deposited in Phase 1 until the proposed 10m wide woodland planting on Phase 0 has been implemented.

REASON: To minimise the landscape impact of the development and to ensure the timely completion of restoration of this part of the site in accordance with Policies W12 and W20 of the Devon Waste Plan and Policy DEV23 of the Plymouth and South West Devon Joint Local Plan.

31. No waste materials shall be deposited within any part of the inert landraise area until a Landscape and Ecological Management Plan (LEMP) has been submitted to and approved in writing by the Waste Planning Authority. The LEMP shall provide details of proposed creation and management of existing and new planting and habitats, and shall include:

- (a) the intended purpose and structure/composition at end of the maintenance period of each vegetation type and intended ultimate size once mature, with clear composition targets;
- (b) timings and frequencies of maintenance/management interventions including identifying any restrictions on timing of operations and responsibilities for necessary permissions/licences;

- (c) measures for the maintenance and management of other landscape elements that are critical to the way the landscaping scheme functions, including fencing, surfaces, sustainable drainage features and culverts;
- (d) measures for the control of invasive weeds;
- (e) arrangements for the use and storage of chemicals for Landscape Maintenance Operations/Control of Substances Hazardous to Health; and
- (f) arrangements for reporting and monitoring, which shall be consistent with the approved landscaping scheme and any relevant development consents and licenses.

REASON: To ensure the appropriate management of the site during its operation and following its restoration in accordance with Policies W11, W12 and W20 of the Devon Waste Plan and Policies DEV23 and DEV26 of the Plymouth and South West Devon Joint Local Plan.

32. Each phase of landscaping and restoration shall be maintained for a minimum 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 the local landscape and improve biodiversity in accordance with Policies W11, W12 and W20 of the Devon Waste Plan and Policies DEV23 and DEV26 of the Plymouth and South West Devon Joint Local Plan.

33. In the event that the inert landraise operations permanently cease prior to the approved final levels being reached, a revised restoration scheme shall be submitted to the Waste Planning Authority within three months of the Authority giving written notice of a requirement for such a scheme.

The revised restoration scheme shall be fully implemented within 12 months of the approval of the scheme by the Waste Planning Authority.

REASON: To ensure effective restoration of the site in the interests of the local landscape and biodiversity in accordance with Policies W11, W12 and W20 of the Devon Waste Plan and Policies DEV23 and DEV26 of the Plymouth and South West Devon Joint Local Plan.

SOIL MANAGEMENT

34. No topsoil, subsoil or soil making material naturally occurring on the site shall be removed from the site.

REASON: To ensure suitable soils are available to restore the site in accordance with Policies W16 and W20 of the Devon Waste Plan.

35. No waste materials shall be deposited within any part of the inert landraise area until a soil strategy has been submitted to and approved in writing by the Waste Planning Authority. This strategy shall include details of:

- (a) the stripping and storage of existing topsoil, including heights of stockpiles and measures for their temporary seeding and prevention of weeds; and
- (b) the proposed restoration method including subsoiling operations, spreading of soils (which shall be carried out only when there is sufficient soil moisture deficit so as to prevent any degradation of soil structure), and the soil profile and soil specification for each vegetation type, to ensure effective establishment of new seeding and planting and subsequent agricultural use.

The soil strategy shall be implemented for the duration of landraise, landscaping, restoration and aftercare operations.

REASON: To ensure that the landscaping and restoration proposals conserve and enhance soil resources and agricultural land quality in accordance with Policy W16 of the Devon Waste Plan.

DRAINAGE AND CONTAMINATION

36. The development hereby permitted shall not commence until a scheme to review the drainage system operations annually has been submitted to and approved in writing by the Waste Planning Authority. The review shall include both surface and groundwater quality monitoring, and shall be implemented following its approval for the duration of the development hereby approved.

REASON: To ensure that the site does not pose any further risk to the water environment by managing ongoing operations in accordance with Policy W16 of the Devon Waste Plan.

37. If contamination not previously identified is found, during implementation of the development, to be present at the site then no further development (unless otherwise agreed in writing by the Waste Planning Authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the Waste Planning Authority. The remediation strategy shall be implemented as approved.

REASON: To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site, in accordance with paragraph 170 of the National Planning Policy Framework and Policy W16 of the Devon Waste Plan.