

County Matter: Minerals

Mid Devon District: Construction of asphalt plant and associated development including importation and recycling of reclaimed asphalt product (RAP) for use in plant and part-demolition of former In-vessel Composting Facility, Broadpath, Uffculme, EX15 3EP

Applicant: Aggregate Industries UK Ltd

Application No: 20/01272/DCC

Date application received by Devon County Council: 4 August 2020

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 requiring (a) the permanent cessation of the production of asphalt at its Westleigh Quarry site within seven days of this development being commissioned; (b) removal of the Westleigh Quarry asphalt plant within 12 months of that commissioning date; and (c) the off-site mitigation planting being undertaken within the first planting and seeding season after completion of the site entrance and subsequently maintained, 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 construction of an asphalt plant and associated development including importation and recycling of reclaimed asphalt product for use in the plant and partial demolition of the former existing in-vessel composting facility.
- 1.2 It is considered that the main material planning considerations in the determination of this application are the planning policy considerations; nature conservation/habitats; landscape and visual impact; highways and traffic impact; amenity considerations; flood risk and drainage; climate change/sustainability considerations; and alternatives and cumulative effects.
- 1.3 The planning application, representations received, and consultation responses are available to view on the Council website under reference DCC/4189/2020 or by clicking on the following link:
<https://planning.devon.gov.uk/PlanDisp.aspx?AppNo=DCC/4189/2020>.

2. The Proposal/Background

- 2.1 The application site comprises approximately 1.2 hectares of land and is located south of the A38, approximately 1.5 km east of Junction 27 of the M5 Motorway and 1.25 km from the village of Uffculme in Mid Devon. It is proposed for the asphalt plant to be situated on the site of a redundant in-vessel composting (IVC) facility that was developed on land previously associated with the adjacent quarry.
- 2.2 The site is located adjacent to Broadpath landfill site which has ceased receiving waste and is currently undergoing restoration, with ancillary activities including landfill gas generation continuing. To the south lies the active mineral processing plant in Hillhead Quarry and to the west lies the active mineral extraction site of Houndaller, with land to the north east either having been restored following mineral extraction or awaiting restoration. To the east of Broadpath landfill site, land is allocated as a 'preferred area' for sand and gravel extraction through Policy M12 of the Devon Minerals Plan. The closest residential property to the proposal is Hillhead Farm, located approximately 400 metres to the south of the site along Clay Lane.
- 2.3 Access to the site will be obtained from the A38 via Clay Lane through a new entrance. Planning permission for the widening of Clay Lane was granted by Devon County Council (18/01074/DCC) in October 2018, but this has not yet been implemented.
- 2.4 The site and surrounding area have been the subject of a number of planning permissions for mineral extraction and waste related development. Planning permission was granted by Mid Devon District Council for the installation of a ground mounted photovoltaic solar farm to generate up to 5MW of power and associated infrastructure on the adjacent land to the south and east extending to 8.5 hectares.
- 2.5 The County Council granted planning permission for the IVC facility in 2005 (04/00038/05), with the facility comprising a reception building, composting tunnels, maturation bays, associated office buildings and circulation space wheel wash and weighbridge. That permission included a requirement that the facility should close and be restored to agricultural land on final restoration of Broadpath landfill site. The current application seeks to demolish the existing redundant IVC facility buildings to enable construction of the asphalt plant and allow the importation, processing and stockpiling of recycled asphalt plantings (RAP) for use in the asphalt plant.
- 2.6 The new plant would replace the existing asphalt plant at Westleigh Quarry which is coming to the end of its operational life and is located on top of permitted limestone reserves within that quarry. That plant operates on a 24 hours basis, with the outward lorry route being through Burlescombe.

- 2.7 The principal items of plant for this development are:
- main asphalt plant tower - approximately 24 metres high;
 - exhaust stack – approximately 27 metres high;
 - bitumen tanks – approximately 11 metres high;
 - nine cold feed units – up to 8 metres high;
 - hot storage unit – up to 16.1 metres high;
 - RAP storage bay and covered hopper approximately 10 metres high;
 - nine covered aggregate storage bays – approximately 12 metres high;
 - retaining wall along boundary - 2-3 metres high; and
 - two weighbridges and associated offices, making use of existing buildings provided for the IVC facility.
- 2.8 The materials required for asphalt production consist of aggregates (primary and recycled), bitumen and filler. Aggregates would be delivered by sheeted HGVs, and bitumen and filler delivered by dedicated road tanker. Bitumen would be pumped into insulated enclosed tanks where it is stored at around 150° centigrade and pumped to the process via a system of sealed insulated pipework. Filler is discharged from the tanker into silos. The aggregate is transferred from the ground storage bays into the feed hoppers with a loading shovel, and a conveyor belt would transfer the material to the oil/gas-fired drier to dry and heat the aggregate. The tower would be encapsulated in a sheeted structure to mitigate noise and potential dust emissions to the atmosphere.
- 2.9 In support of their proposal, the applicant identifies the following criteria for a new facility to replace the existing plant:
- excellent access to the A38 and M5 to enable night-time movements without disturbing local villages;
 - an area in excess of 1 hectare to allow space for the recycling of road asphalt planings;
 - a similar location to the Westleigh plant to serve the same market area, including the substantial areas allocated in the Mid Devon Local Plan; and
 - a linkage with an existing quarrying operation to supply materials to the asphalt plant to reduce vehicle mileage.
- 2.10 The applicant states that there are no alternative locations for a new plant elsewhere within Westleigh Quarry. Consideration was also given to locating the plant within the existing Hillhead Quarry processing area, but insufficient space is available.

3. Consultation Responses

- 3.1 Mid Devon District Council (Planning): no objection subject to mitigation and/or appropriate conditions be imposed to deal with amenity issues such as noise, working hours, traffic, drainage and air quality as required by consultees.

- 3.2 Mid Devon District Council (Environmental Health): no objection, and are satisfied with the noise assessment subject to the major mitigation measures as suggested in report being imposed.
- 3.3 Uffculme Parish Council: opposes the application, and make the following comments:
- a wheel wash be installed on commencement rather than rely on just road sweep;
 - that the widening of Clay Lane must be a pre-condition of any works to carry out activities or move in equipment to start the processing plant;
 - calculation of movement should be based on 120 HGV movements per day based on stated potential increased demand to 200,000 tonnes;
 - a further planning application would be required for an LNG tank and can this be considered at the same time rather than piecemeal;
 - use of energy efficient lighting, suggest condition if planning granted;
 - traffic statement does not consider the number of lorry movements when material is brought in from other quarries for processing at Hillhead;
 - request additional works to reduce noise impact further, suggest soundproof fencing.

The Parish Council question the reliability of the data submitted that informed the Transport Statement, given that it is over 2 years old, and the noise assessment does not take account of the 10 new properties granted planning permission. Dormice surveys are from 2016 and considered out of date, and the bat survey carried out in 2019 need to consider the impact of noise and lights to bats as this will be 24 hours operation. There is no consideration made of the village for noise impact and light pollution given its elevated position over the village.

- 3.4 Holcombe Rogus Parish Council: supports this application assuming there is a consequential reduction of night-time lorry movement given the removal of the asphalt plant from the Westleigh Quarry to Broadpath. This reduction will greatly benefit the village and especially traffic passing the school and reduce the amount of traffic on the Whipcott road (part of the circuit the lorries make in our Parish) which is permanently potholed due to the high volume of lorries.
- 3.5 Burlescombe Parish Council: unanimously supports the relocation of the asphalt plant which would unequivocally benefit the lives of all parishioners by way of reduction in dust debris and lorry movements and would provide additional safety to the children who live in the village.
- 3.6 Environment Agency: no objection and recognise that groundwater protection measures will be regulated via an environmental permit. Planning conditions are recommended to secure remediation of contaminated land prior to development commencing and during construction.
- 3.7 Natural England: no objection, and provide advice relating to protected species.
- 3.8 Highways England: no objection.

- 3.9 South West Water: no objection.
- 3.10 Devon Stone Federation: supports the proposal which seeks to improve the capacity for processing primary and recycled aggregates in a suitable location.
- 3.11 DCC Highways: no objection subject to conditions relating to the closure of Westleigh Quarry Asphalt Plant prior to the opening of this facility; the widening scheme in Clay Lane be completed prior to commencement of this proposal; off-site highway works drawing to be approved; and a Construction Management Plan be provided.
- 3.12 DCC Ecology: no objection, subject to conditions relating to a Construction and Environmental Management Plan; a Landscape and Ecological Management Plan; a detailed Lighting Strategy; no works to commence until a copy of the licence for bats provided; prior to any works a repeat survey for the presence of badgers and no vegetation clearance to take place during the bird nesting season.
- 3.13 DCC Landscape: objection. The development could not be fully integrated into the landscape without the upper parts of the development, including the stack and plume emissions, presenting an incongruous industrial intrusion onto rural skylines rising above surrounding mature woodland as perceived in numerous views within the Culm Valley Lowlands. The development would extend the visual influence of industrial development at the site to a far greater area than is the case with the existing development, and would detract from, rather than conserve and enhance, the rural agricultural character of the Culm Valley Lowlands and its valued scenic quality as a gateway into Devon. The proposals would not make a positive contribution to the local landscape character and are contrary to Policies M18 and M20 of the Devon Minerals Plan and Policy DM1 of the Mid Devon Local Plan.
- 3.14 DCC Historic Environment (26/08/2020): no objection.
- 3.15 DCC Flood Risk: no objection subject to a pre-commencement condition being imposed requiring pre-commencement submission of drainage details.
- 3.16 DCC Public Health: support the application subject to implementation of storage and treatment guidance devised by the Environment Agency.

4. Advertisement/Representations

- 4.1 The application was advertised in accordance with the statutory publicity arrangements by means of a site notice, notice in the press and notification of neighbours by letter. As a result of these procedures 17 representations were received, and these are available to view through the link in paragraph 1.3 of this report.

- 4.2 Of these 17 representations, six are objections, one makes comment and 10 support the application. Objections were made on the following grounds:
- concern relating to elevated carcinogenic impact on local communities;
 - concern of allowing PAH's (polycyclic aromatic hydrocarbons) to leech through the soil, downwards towards the Culm having a negative impact on wildlife;
 - hours of operation and disruption through the night;
 - excessive light and noise impact;
 - concern relating to the development being built prior to the widening of Clay Lane scheme;
 - concern relating to impact on stability on the surrounding area and ground works required;
 - concern relating to the drainage conditions changing;
 - concern of impact on air quality and noxious odours;
 - incorrect statements relating community involvement/engagement;
 - proximity to a nursery school, a primary school and a secondary school, including the impact on the teaching environment of having to keep windows closed to keep out noxious smells would be significant and concern of deterioration in air quality on young people with respiratory conditions, particularly asthma;
 - dangerous roads - comment that roads to and from this site have been identified as inadequate for the lorry traffic, and the road scheme previously approved was designed to help improve safety and has never been actioned; and
 - insufficient measures detailed in the application to enforce minimalisation of impact on the village of Uffculme.
- 4.3 Councillor Robert Evans (district ward member) raised concerns listed above and further responded:
- mitigation should be provided to: control of hours of operation; type of vehicles used; reduction in night time activity to emergency use only; best in class cladding and noise abatement products used in processing facility; regular monitoring of noise to be in place; regular checks of local soil quality to understand microscopic pollutant deposits; associated speed calming and signage measures; and restricted brightness of all external required lighting in dark hours, all year.
 - for local residents: the provision of double/triple glazing for local properties within 1,000 meters of the facility; external painting of properties every 5 years; agreed health checks for the first ten years; and regular monitoring of any current residents who have a known respiratory issue.
 - concern that no reduction measures are seen to mitigate current carbon footprint and financial payment should be considered as compensation for local residents.
- 4.4 Those that support the application comment:
- relief is needed for all the residents of Westleigh, Canonsleigh and Burlescombe from the two hundred HGVs coming through the village day and night;

- moving the plant will be safer for people's health and mean less heavy lorries travelling through Burlescombe and past the primary school;
- relocating the asphalt plant, would much reduce the environmental impact of asphalt production and in particular would reduce the volume of HGV movements through Burlescombe, especially at night;
- MP Neil Parish in 2019 made it clear that he wanted to see the Asphalt Plant relocated from Westleigh;
- at least 70 residents are disturbed by night movements from the asphalt plant at Westleigh, and the move to Broadpath would only affect 2 residents.

5. Planning Policy Considerations

5.1 In considering this application the County Council, as Mineral 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 Minerals Plan (adopted February 2017)

Policies M1 (Spatial Strategy); M2 (Mineral Safeguarding Areas); M10 (Secondary and Recycled Aggregates); M12 (Land-won Sand and Gravel Supply); M16 (Green Infrastructure); M17 (Biodiversity and Geodiversity); M18 (Landscape and Visual Impact); M19 (The Historic Environment); M20 (Sustainable Design); M21 (Natural Resources); M22 (Transportation and Access); M23 (Quality of Life); M24 (Flooding); M25 (Land Stability); M26 (Cumulative Effects); and M27 (Restoration and Aftercare).

5.3 Devon Waste Plan (adopted December 2014)

Policies W5 (Reuse, Recycling and Materials Recovery) and W10 (Protection of Waste Management Capacity).

5.4 Mid Devon Local Plan 2013-2033 (Adopted July 2020)

Policies S1 (Sustainable development priorities); S9 (Environment); S14 (Countryside); DM1 (High Quality Design); DM3 (Transport and air quality); DM4 (Pollution) DM18 (Rural employment development) and DM26 (Green infrastructure in major development).

Other material considerations include:

- National Planning Policy Framework
- National Planning Policy for Waste
- Planning Practice Guidance

6. Comments/Issues

- 6.1 It is considered that the main material planning considerations in the determination of the proposed development are planning policy considerations; nature conservation/habitats; landscape and visual impact; highways and traffic impact; amenity considerations; flood risk and drainage; climate change/sustainability considerations; and alternatives and cumulative effects.

Planning Policy Considerations

- 6.2 The National Planning Policy Framework [NPPF] recognises the importance of minerals, stating that “it is essential that there is a sufficient supply of minerals to provide the infrastructure...that the country needs” and giving “great weight” to the benefits to the economy. These benefits should, however, be balanced against potential adverse impacts on the environment and human health, including cumulative effects.
- 6.3 The Devon Minerals Plan provides the local policy framework by which to consider proposals for extraction and reflects the guidance in the NPPF and its associated Planning Practice Guidance.
- 6.4 The Minerals Plan’s spatial strategy is expressed through Policy M1 which states that facilities for the production of recycled aggregates will be supported at or close to Strategic Transportation Corridors. Although the proposed plant would use, rather than produce, recycled aggregates, it is considered consistent with Policy M1 due to its location close to Junction 27 of the M5 and A38 and A361.
- 6.5 While the Minerals Plan does not have a specific policy for asphalt plants, Policy M10 includes a commitment to maximise the contribution of recycled aggregates, which would be achieved in the proposed development through the use of RAP. Policy M10 favours the development of new facilities where they are located at or close to the source of the materials, and/or located at an operational mineral site. In addition, Policy W5 of the Devon Waste Plan encourages the location of facilities for the recycling of waste materials, which would include road plantings, at or close to opportunities for their beneficial use.
- 6.6 Policy M10 requires that operations located at sites with an existing temporary mineral or waste planning permission should be limited to the life of that existing permission, unless it can be demonstrated that a need exists for a longer term permission, and that delivery of benefits from restoration of the site under the current temporary permission will not be impeded. In the case of the current proposal, its lifetime is likely to be longer than that of the adjacent quarry, but sand and gravel extraction in the area is likely to continue in the longer term due to the Minerals Plan allocation for the area to the east in Policy M12. The site of the proposed asphalt plant lies outside the area that is subject to restoration requirements under mineral planning permissions for Hillhead Quarry, so the development will not impede that restoration.

- 6.7 The application site is within a Waste Consultation Zone due to its previous use for composting, with Policy W10 of the Devon Waste Plan seeking to safeguard waste management capacity. However, the need for the composting facility has been replaced by the move to management of organic waste through anaerobic digestion, and it is clear that there is no ongoing need for the previous waste use.
- 6.8 The site is not subject to any allocations or constraints in the Mid Devon Local Plan, but Policy DM18 allows for rural employment development of an appropriate use and scale for its location, subject to no unacceptable impact on the local road network or character and appearance of the countryside and there being insufficient suitable sites or premises in the area. Traffic and landscape implications are addressed in subsequent sections of this report, but the applicant's requirements for the facility, as outlined in paragraph 2.9, limit the scope for alternative locations to be available.
- 6.9 There is an ongoing need for an asphalt plant located close to the M5 and planned development in the Mid Devon area, including that at Junction 27 800m to the west of the site. With the limited remaining life of the Westleigh facility and the lack of alternative sites within that quarry, and the benefits that would accrue from relocation of the plant to avoid traffic through Burlescombe, it is considered that the proposed location adjacent to Hillhead Quarry is consistent with the policy context.

Nature Conservation/Habitats

- 6.10 Policy M17 of the Devon Minerals Plan and Policies DM1 and DM26 of the Mid Devon Local Plan 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. There are no statutorily designated nature conservation sites within 20 kilometres of the application area, nor any potential impact pathways between the proposed works and any such sites. Houndaller Plantation Unconfirmed Wildlife Site (a broadleaved woodland) lies approximately 20 metres west of the site. The proposed works are localised in nature and there are no impact pathways between the proposed works and the protected site.
- 6.11 Although a broadleaved woodland 'tree screen' of 125 metres adjacent to Clay Lane will be removed to facilitate a new site access, this loss will be offset by the planting of 0.22 hectares of new broadleaved woodland to the east of Clay Lane and a further 0.08 hectare of enhancement planting within the existing tree screen. It will be necessary to attach conditions requiring a Construction and Environmental Management Plan, to include details of environmental protection throughout the construction phase, and a Landscape and Ecological Management Plan to include details relating to habitat creation, species specification and management, prior to development commencing.

- 6.12 The tree line present on the opposite side of Clay Lane provides suitable commuting habitat for bats throughout the wider site, and it will therefore be necessary to attach a condition requiring a detailed lighting strategy. Dormice have been confirmed to be present within suitable vegetation in the wider Broadpath Landfill and Hillhead Quarry sites, and this proposal will lead to the loss of 0.11 hectare of dormouse habitat, albeit with the planting of twice that amount of new broadleaved woodland. A further condition should be imposed requiring confirmation relating a dormouse licence from Natural England prior to development commencing.
- 6.13 Subject to the mitigation measures outlined above, the proposal is considered to accord with Policy M17 of the Devon Minerals Plan together with Policy S9 of the Mid Devon Local Plan.

Landscape and Visual Impact

- 6.14 Policy M18 (Landscape and Visual Impact) of the Devon Minerals Plan requires that the scale, design layout and operational practices of all mineral development will take into consideration the valued or special qualities, distinctive character and features of the landscape, and that an application should demonstrate how proposals respond to landscape context, avoid or minimise adverse impacts and take opportunities for landscape improvement.
- 6.15 The proposed development is not within an area subject to a protected landscape designation, but falls within an area defined as 'Lower rolling farmed and settled valley slopes' within the Culm Valley Lowlands Devon Character Area.
- 6.16 The applicant's landscape and visual impact assessment [LVIA] identifies adverse impacts on the landscape and sensitive receptors, but suggests that the development accords with landscape related planning policy and is capable of being accommodated within the landscape without undue levels of harm to landscape character or visual amenity.
- 6.17 The DCC Landscape Officer has considered the applicant's LVIA and concludes that it can be relied upon to a large degree, although disagrees with the overall conclusion which is considered to underestimate significance of effects.
- 6.18 The proposed development is large in scale and raises several issues relating to its landscape and visual impact that are considered below.

Scale and Visual Impact

- 6.19 The built elements of the proposal are considered significant in scale with the tallest feature being the exhaust stack, at approximately 27 metres in height, and the main asphalt plant tower which is approximately 24 metres high. These will provide the main visual impacts which cannot be easily mitigated, with the proposed taller elements interrupting the undeveloped skyline in many rural views, introducing an incongruous industrial element that would

extend the visual influence of modern development at the site to a far greater area than is the case with the existing mineral and waste development.

- 6.20 The larger structures such as the asphalt and concrete plants and the covered storage bays are to be clad with steel profiled sheeting in order to visually unify the appearance of the site and reduce potential visual impact. The proposed colour of the cladding is dark green (Juniper Green BS ref 12B29) at the mid-low level and light grey (Ivory RAL9002) which provides some mitigation for their appearance in the skyline.

Impacts on Tranquility

- 6.21 The stack and potential plume of emissions, together with the lighting and noise emissions from 24-hour operation, are considered likely to erode the area's tranquility and distinctive rural agricultural character. Lighting will be required to facilitate safe traffic movements, vehicle turning and loading in the hours of darkness.
- 6.22 In order to mitigate these impacts, conditions are imposed to control noise and for the applicant to provide a lighting strategy prior to development commencing. It is considered that, subject to these measures, the proposed development will not have an unacceptable impact upon tranquility in accordance with Policy M18 of the Devon Minerals Plan and Policy DM4 of the Mid Devon Local Plan.

Loss of Trees

- 6.23 The proposed new access would result in the loss of some woodland belt along Clay Lane and, in combination with the planned widening of Clay Lane, loss of trees along either side of Clay Lane could have a substantial effect on the rural wooded character of the area.
- 6.24 It is proposed to provide additional compensatory planting off site on an area of land to the east of the junction with Clay Lane and the A38, with part of this land already approved for compensatory planting in relation to a scheme to widen Clay Lane (DCC Ref. DCC/4067/2018). The proposed compensatory planting will be in addition to that already approved and will be provided on an area ratio of 2:1 (i.e. two units for each one removed). Additional planting is also proposed around the perimeter of the asphalt plant site, and details of the compensatory planting scheme are provided on Drawing No. 2806-4-4-1-DR0004-S4-P3.
- 6.25 Having regard to the submitted LVIA and the views of the Council's Landscape Officer, it is concluded that the proposed asphalt plant and associated loss of woodland would adversely affect, rather than conserve, the local landscape. While some mitigation is proposed through new tree planting and the design and choice of materials for the new plant, the residual harm indicates that the proposal would be contrary to Policies M18 and M20 of the Devon Minerals Plan and Policy DM1 of the Mid Devon Local Plan.

Highways and Traffic Impacts

- 6.26 Policy M22 (Transportation and Access) of the Devon Minerals Plan requires that, within geological constraints, mineral development should minimise the distance that minerals are transported while maximising opportunities for sustainable transportation. The site would be accessed directly from Clay Lane which, in turn, is accessed from the A38. The application indicates that the site would generate an average of 108 heavy goods vehicle movements per day (i.e. 54 inbound and 54 outbound movements), over a 24 hours period. In addition, other vehicles accessing the site will consist of Light Goods Vehicles, cars and vans, but it is not stated how many movements are associated with these vehicles.
- 6.27 Parking for all vehicles associated with the proposed operations will be provided on site as identified on the Site Layout Plan ref. 2806-4-1 DR- 0005.
- 6.28 The Transport Statement which accompanies the application concludes that the impact of the proposed development on the local highway network is considered to be minimal.
- 6.29 The Highways Officer has not raised an objection to the scheme, stating that requested additional information has been satisfactorily provided. The impacts upon the highway are therefore considered to accord with Policy M22 of the Devon Minerals Plan subject to a condition requiring the widening of Clay Lane to be completed prior to commencement of the asphalt plant development. This will ensure that HGVs during construction and operational stages will be able to access the A38 without the need to pass any residential properties.

Amenity Considerations

- 6.30 Policy M23 (Quality of Life) of the Devon Minerals Plan, together with Policies DM4 (Pollution) and DM3 (Transport and Air Quality) of the Mid Devon Local Plan, 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 application includes a 'potential noise assessment'.
- 6.31 The proposed development is within a rural location, with the nearest dwellings not occupied by persons connected with the site being approximately 320 metres to the north east; 450 metres south of the site boundary; 540 metres to the west; with the edge of Uffculme village being 1 kilometre from the development area to the south. Other sensitive receptors include Uffculme Secondary School and its playing field 740 metres to the south.

Noise

- 6.32 The main sources of noise arising from the proposed development are from the asphalt plant, associated infrastructure including feed hoppers and HGVs.
- 6.33 Noise mitigation has been suggested in the form of a building for the asphalt plant, an enclosure for the RAP vibratory feed and a barrier for the loading shovel, to be positioned along the southern site boundary. These mitigation measures would be conditioned through the approved plans, and a further condition is proposed that requires that noise levels do not exceed noise limits based on the planning practice guidance noise standards for mineral operators.
- 6.34 Representations refer to noise nuisance during night-time hours, with suggestions for restrictions on operating hours or the intensity of night-time working. The proposal is for working 24 hours each day, which will enable supply of asphalt for night-time operations which are typically used for major road resurfacing to minimise disruption for road users. Given that more restrictive noise levels are proposed between 1900 and 0700 through a planning conditions, and that vehicles travelling between the A38 and the site will not pass any dwellings, it is not considered necessary to limit operating hours.

Dust

- 6.35 In terms of dust and air quality the asphalt plant will require an Environmental Permit to be issued by the Environment Agency. The permit would cover emissions and odour and include conditions to control particulate emission from stockpiles, conveyor belts and hard surfaced roads.

Health

- 6.36 The exhaust gases from the drier and key plant extraction points would be ducted to a filtering process that would remove particulate matter (PM) to below 50mg/m³. The cleaned gases would be discharged via a 27 metres high stack to enable good plume dispersion. The extracted fine particulates (PM) would be recovered and transferred to holding silos for use in the manufacturing process. Control over emissions and odours would be addressed through an Environmental Permit that would be required from the Environment Agency.
- 6.37 It is noted that relevant consultees, including the Mid Devon District Council Environmental Health Officer and DCC Public Health, do not object to the proposed development.
- 6.38 Given the above, it is considered that the proposed development would not result in any significant adverse amenity impacts at surrounding noise and dust sensitive properties, and is consequently in accordance with Policy M23 of the Devon Minerals Plan and Policy DM4 of the Mid Devon Local Plan.

Flood Risk and Drainage

- 6.39 Policy M21 (Natural Resources) of the Devon Minerals Plan states that development will be permitted where it would not harm the quality, availability and/or flow of surface water and groundwater and the integrity and function of the water system, both surrounding and, where relevant, within the site. In addition, Policy M24 (Flooding) seeks to avoid increased risk of flooding. The application includes a Flood Risk Assessment which concludes that the development is safe from flood risk and will not increase flood risk elsewhere.
- 6.40 The Lead Local Flood Authority has not raised an objection, stating that requested additional information has been satisfactorily provided, and the Environment Agency also raise no objection, recognising that groundwater protection will be regulated through an Environmental Permit. The impacts upon the water environment are considered to accord with Policies M21 and M24 of the Devon Minerals Plan subject to conditions relating to a detailed drainage design being submitted prior to development commencing and requiring remediation of any contamination that may be present.

Climate Change/Sustainability Considerations

- 6.41 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. Policy M20 (Sustainable Design) of the Devon Minerals Plan encourages proposals that minimise energy demand, mitigate climate change and promote the use of recycled materials. 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.
- 6.42 The proposed plant will offer improved environmental performance and energy efficiency in comparison with the Westleigh Quarry plant being replaced, which is approximately 45 years old. The development will utilise RAP, with the use of recycled materials being supported in Policy M10 of the Devon Minerals Plan.
- 6.43 The applicant indicates that there is scope within this site location to use Liquefied Natural Gas (LNG) in the asphalt plant rather than kerosene, with LNG being considered a cleaner fuel in terms of CO₂ emissions. This would be subject to a further planning application for the necessary infrastructure, but the introduction of alternative cleaner fuel would positively contribute to reduction in CO₂ emissions. The applicant also refers to the possibility of the plant being linked to the solar farm proposed on adjacent land, although delivery of this option is not wholly within the applicant’s control.

Alternatives and Cumulative Effects.

- 6.44 The development would facilitate the closure of the existing Westleigh Quarry asphalt plant which currently operates 24 hours a day, resulting in night-time vehicle movements through the villages of Canonsleigh and Burlescombe. Should planning permission be granted, the applicant has stated that Westleigh asphalt plant movements would cease, but it will be necessary to secure this through a legal agreement to ensure that the Westleigh plant could not operate once the Broadpath plant is in operation in order for the development to be acceptable in terms of cumulative effects.
- 6.45 The closure of the Westleigh asphalt plant, without replacement elsewhere, would provide a shortfall in facilities for the necessary servicing of road resurfacing contracts on the M5 Motorway between Junction 31 (Exeter) and Junction 24 (Bridgwater), and would otherwise mean increased transportation distances from other asphalt plants serving the Devon market. This would result in an increase in associated HGV movements and increased emissions, which would be avoided through delivery of the replacement plant proposed in this application. As outlined in paragraphs 2.9 and 2.10, the applicant's site requirements limit the scope for alternative locations, with neither Westleigh Quarry nor the existing processing plant area at Hillhead Quarry having sufficient space to accommodate a new asphalt plant.

7. Reasons for Recommendation/Alternative Options Considered

- 7.1 The Committee has the option of approving, deferring or refusing this planning application.
- 7.2 The previous section of the report discussed a wide range of potential impacts of the proposed development, together with the relevant planning policy context. In the case of the majority of potential impacts – including on ecology, amenity, traffic, drainage and flood risk – it is concluded that adverse effects can be avoided or adequately mitigated to an acceptable level.
- 7.3 Taken in isolation, the landscape and visual impacts of the proposed development are such as to warrant refusal of the application due to the significant harm to the local landscape character and visual quality. Although some mitigation is proposed in the form of building design and tree planting, this is insufficient to outweigh the harm caused to the landscape, and the proposals are considered to fail to accord with relevant policies, notably M18 and M20 of the Devon Minerals Plan and DM1 of the Mid Devon Local Plan.
- 7.4 However, it is necessary to weigh the adverse landscape impact against the benefits that will be derived from securing the closure of the existing asphalt plant at Westleigh Quarry and cessation of the associated lorry movements through Burlescombe, particularly those during the night. The strong support for the proposal from Burlescombe and Holcombe Rogus Parish Councils is noted, as is the location of the site within a landscape that has been subject to extensive mineral and waste development. The potential closure of the

Westleigh plant without replacement would significantly increase transportation distances if asphalt were to be supplied to the Mid Devon area from more distant plants.

- 7.5 It is considered that, while the proposal is contrary to the Minerals Plan in terms of Policy M18, the benefits of facilitating the relocation of the asphalt plant away from Westleigh to a location where operational and traffic impacts will be lower is sufficient to offset the landscape impact. It is therefore considered that the principle of the development is acceptable in overall policy terms, having regard to the Devon Minerals Plan as a whole together with paragraph 203 of the NPPF, and that the development should be approved subject to the conditions set out in Appendix I.

Mike Deaton
Chief Planner

Electoral Division: Willand & Uffculme

Local Government Act 1972: List of Background Papers

Contact for enquiries: Charlotte Pope

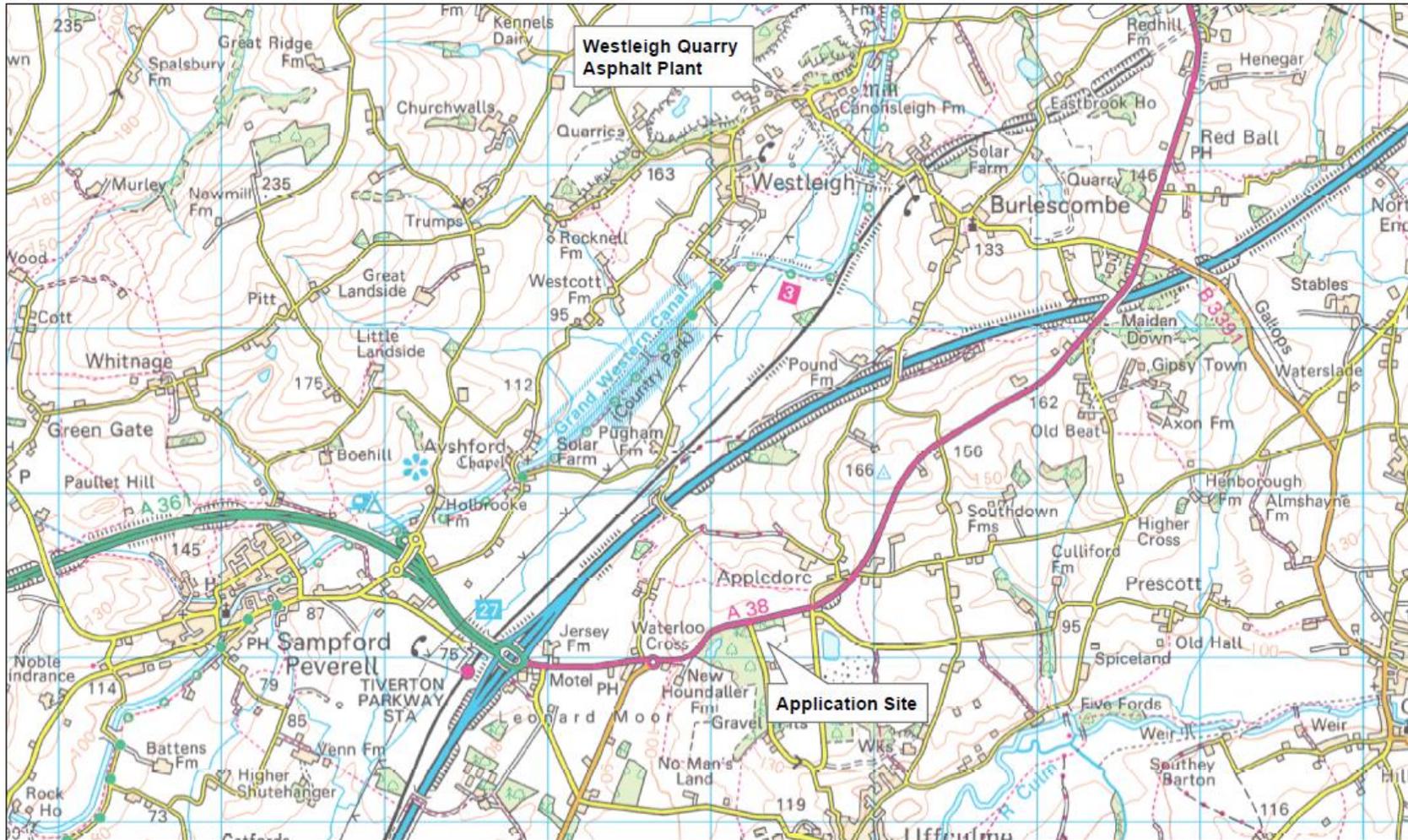
Room No: 120, County Hall

Tel No: 01392 383000

Background Paper	Date	File Ref.
Casework File	Current	20/01272/DCC

cp010421dma
sc/cr/Construction of asphalt plan former In-vessel Composting Facility Broadpath
Uffculme
02 120421

Location Plan



	Head of Planning, Transportation and Environment	Development Management Committee	date Apr 2021	scale 1:30,000
		County Matter: Minerals Mid Devon District: Construction of asphalt plant and associated development including; importation and recycling of reclaimed asphalt product (RAP) for use in plant; and part-demolition of former In-vessel Composting Facility, Broadpath, Uffculme, EX15 3EP	Application No: 20/01272/DCC	

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.

NOTIFICATION OF COMMENCEMENT

2. Written notification of the date of commencement of the development shall be sent to the Mineral Planning Authority at least 14 days prior to works commencing.

REASON: To enable the Mineral Planning Authority to control the development and to monitor the site to ensure compliance with the planning permission and to comply with Policies M1, M10 and M22 of the Devon Minerals Plan

STRICT ACCORDANCE WITH PLANS/DOCUMENTS

3. Unless varied by other conditions of this planning permission, the development shall be carried out in strict accordance with the details shown on the approved drawings and documents numbered/titled:

- Site Location (DR-0003)
- Proposed New Asphalt Plant Layout (DR-0005)
- Proposed Access Arrangements (DR-0007)
- Site Access General Arrangement (0564.103)
- Swept Path Analysis (0564.104)
- Proposed New Asphalt Plant Elevations (BRP/003 Rev E)
- Proposed Compensation and Enhancement Scheme (DR-0004)
- Potential Noise Impact Assessment (Advance Environmental - dated 12 March 2020)
- Waste Audit Statement (DJA 2806 – dated 30 July 2020)
- Flood Risk Assessment (AIUK.HHU.007.FRA – dated 19 July 2019)
- Landscape and Visual Impact Assessment (2806-2-1-1 P2 – dated 27 January 2020)
- Landscape and Visual Impact Assessment Plans (55P1 - dated January 2020)
- LVIA Appendix 5 - Consented Planting Scheme and Highway Improvements (2285-4-4-1 - dated 15 April 2016)
- LVIA Appendix 5 - Consented Planting Scheme and Highway Improvements (2285-4-4-1- dated 31 July 2017)

- LVIA Appendix 6 - Consented Restoration Scheme (2285/ROMP/4 - dated September 2016)
- Transport Statement (TS1 V3 – dated January 2020)

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

CONDITIONS (PRE-COMMENCEMENT)

4. No works shall commence until the Mineral Planning Authority has been provided with a copy of the licence for Dormice issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 (as amended) authorising the works to go ahead, or confirmation in writing from a suitably competent ecological consultant that such a licence is not required.

REASON: To ensure that the proposed development does not have an unacceptable impact upon a protected species in accordance with Policy M17 of the Devon Minerals Plan.

5. Prior to the commencement of any site works, a repeat survey for the presence of badgers on the site and surrounding suitable habitat, with associated mitigation/compensation measures, shall be submitted to and approved in writing by the Mineral Planning Authority.

REASON: To ensure that the proposed development does not have an unacceptable impact upon a protected species in accordance with Policy M17 of the Devon Minerals Plan.

6. No development shall take place until a Construction and Environmental Management Plan has been submitted to and approved in writing by the Mineral Planning Authority. The Plan shall provide details of:
- environmental protection in terms of biodiversity and protected species throughout the construction phase;
 - measures to BS5837 to protect trees within and adjacent to the site prior to and during construction;
 - timetable/programme of works;
 - measures for traffic management including routing of vehicles to and from the site, details of the number/frequency and sizes of vehicles and measures to promote car sharing by construction staff;
 - days and hours of building operations and construction deliveries;
 - wheel washing;
 - dust control; and
 - measures to control construction lighting.

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

REASON: To ensure adequate access and associated facilities are available for the construction traffic and to minimise the impact of construction on

nearby residents/local highway network in accordance with Policies M17, M22 and M23 of the Devon Minerals Plan.

7. No development shall take place until a Landscape and Ecological Management Plan (LEMP) has been submitted to and approved in writing by the Mineral Planning Authority. The LEMP shall include:
- (a) details relating to habitat creation, species specification and management;
 - (b) method statements for planting methods, maintenance and management where required, along with a timetable/schedule;
 - (c) an annotated map(s) illustrating the measures to mitigate ecology and landscape on the site; and
 - (d) measures for the control of invasive weeds.

The development shall be implemented in accordance with the approved LEMP. All planting and landscaping shown on drawing no. DR-0004 and associated with the proposed asphalt plant shall be implemented in the first planting and seeding season after completion of the site entrance. Planting and landscaping shall be maintained for a minimum of five years following completion of the development, and any failed planting shall be replaced in the following planting season.

REASON: To ensure the appropriate management of the site during its operation and following its restoration in accordance with Policies M17 and M18 of the Devon Minerals Plan.

8. No development shall commence until the following drainage information has been submitted to and approved in writing by the Mineral Planning Authority:
- (a) a detailed drainage design based upon the approved Flood Risk Assessment and Drainage Strategy, which must include MicroDrainage model outputs as well as plans and sections to depict the maximum water level within the RAP storage area;
 - (b) detailed proposals for the management of surface water and silt runoff from the site during construction of the development hereby permitted;
 - (c) proposals for the adoption and maintenance of the permanent surface water drainage system; and
 - (d) a plan indicating how exceedance flows will be safely managed at the site.

No building hereby permitted shall be occupied until the works have been approved and implemented in accordance with the details under (a) - (d) above.

REASON: The above conditions are required to ensure the proposed surface water drainage system will operate effectively and will not cause an increase in flood risk either on the site, adjacent land or downstream in line with SuDS for Devon Guidance (2017), the National Planning Policy Framework and Planning Practice Guidance and Policy M21 of the Devon Minerals Plan.

9. No development approved by this planning permission shall take place until a remediation strategy that includes the following components to deal with the risks associated with contamination of the site shall have been submitted to and approved, in writing, by the Mineral Planning Authority:
- (a) a preliminary risk assessment which has identified: all previous uses; potential contaminants associated with those uses; a conceptual model of the site indicating sources, pathways and receptors; and potentially unacceptable risks arising from contamination at the site;
 - (b) a site investigation scheme, based on (a) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site;
 - (c) the results of the site investigation and the detailed risk assessment referred to in (b) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken; and
 - (d) a verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (c) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express written consent of the Mineral Planning Authority. The scheme 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 M21 of the Devon Minerals Plan.

10. No development or removal of trees shall take place within the application site until the off-site highway widening works and associated planting approved under planning permission reference 18/01074/DCC approved on 30 October 2018 (as shown on drawings nos. 2285-4-1-PA-0002 (site plan); 0241.201 Rev B (section 278 scheme layout – sheet 1); 0241.202 Rev E (section 278 scheme layout - Sheet 2); DR-0001 (landscape proposals); DR-0002 (proposed mitigation planting) or such amended drawings as may be agreed by the Mineral Planning Authority) have been completed and the widened highway made available for use by vehicles.

REASON: To minimise the impact of the development on the highway network in accordance with Policies M22 and M23 of the Devon Minerals Plan.

CONDITIONS (OPERATIONAL)

11. The proposed asphalt plant shall not be brought into use until details of all fences, walls, gates or other means of enclosure within or on the boundaries of the site have been submitted to and approved in writing by the Mineral

Planning Authority. The development shall be implemented in accordance with the approved details.

REASON: To ensure an appropriate appearance in this rural location in accordance with Policy M18 of the Devon Minerals Plan.

12. The proposed asphalt plant shall not be brought into use until a detailed Lighting Strategy has been submitted to and approved in writing by the Mineral Planning Authority. The strategy will minimise indirect impacts from lighting associated with the operational stage, and demonstrate how the best practice (BCT/ILP, 2018) guidance has been implemented.

REASON: To enable the effects of the development to be adequately monitored to protect the amenity of the local environment and communities in accordance with Policies M17, M18 and M23 of the Devon Minerals Plan.

13. The proposed asphalt plant shall not be brought into use until a scheme for the suppression and control of dust and mud shall have been submitted to and approved in writing by the Mineral Planning Authority. The approved scheme shall be complied with at all times.

REASON: To protect the amenities of the locality area in accordance with Policies M22 and M23 of the Devon Minerals Plan.

NOISE

14. The developer shall implement the mitigation measures identified in paragraph 10.7 of the Assessment of the Potential Noise Impact (Advance Environmental, 12 March 2020) prior to commencement of use of the proposed asphalt plant, and shall ensure that any noise generated from the operation of the proposed asphalt plant shall not exceed the following levels expressed as an LAeq 1 hour (freefield) as measured at the nearest inhabited dwelling:

- (a) 55dB (freefield) for the period 0700 to 1900 hours;
- (b) 50dB (freefield) for the period 1900 to 2200 hours;
- (c) 42dB (freefield) for the period 2200 to 0700 hours.

Noise limits shall not apply to audible reversing alarms fitted to mobile plant and machinery.

REASON: To protect the amenity of residents and to reduce the impact of the development on the surrounding environment in accordance with Policy M23 of the Devon Minerals Plan and Minerals Planning Practice Guidance.

15. All plant, machinery and vehicles used on the site shall be fitted with and use silencers (or such other methods of sound proofing) in accordance with the manufacturers' specification at all times.

REASON: To protect the amenity of local residents and to reduce the impact of the development on the surrounding environment in accordance with the Development Plan specifically Devon Minerals Plan Policy M23 and Minerals Planning Practice Guidance.

BUNDING AND STORAGE FACILITIES

16. Any facilities for storage of oils, fuel or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The size of the bunded compounds shall be at least equivalent to 110% of the capacity of the tank. If there is multiple tankage, the compound shall be at least equivalent to 110% of the capacity of the largest tank. All filling points, vents and sight glasses must be located within the bund. The drainage system of the bunded area shall be sealed with no outlet to any watercourse, land or underground strata.

REASON: To minimise the risk to local amenity, water resources and wildlife in accordance with Policies M17, M21 and M27 of the Devon Minerals Plan.

WATER PROTECTION

17. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Mineral Planning Authority) shall be carried out until the developer has submitted a remediation strategy to the Mineral Planning Authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the Mineral 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. This is in line with paragraph 170 of the National Planning Policy Framework in accordance with Policy M21 of the Devon Minerals Plan.

ECOLOGY AND LANDSCAPING

18. 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 clearance will not disturb nesting birds and a record of this is kept. Such checks shall be carried out in the 14 days prior to clearance works commencing.

REASON: To minimise impacts on nesting wild birds and ensure that no birds take up residence in the intervening period in accordance with paragraph 170 of the National Planning Policy Framework, the Wildlife and Countryside Act 1981 (as amended) and Policy M17 of the Devon Minerals Plan.