



New England Resource Recovery Centre

Appendix 1-3: Scoping Opinion Report



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Appendix (1-3) – Response to Scoping Opinion

As a result of its consultation on scoping with other organisations, it is the opinion of Devon County Council that in addition to the information identified by the applicant in the scoping report set out in Appendix (ii) the following information is required to be provided in the Environmental Statement (ES):

1.0 GENERAL

EIA and resultant ES have been prepared based on the most accurate and updated baseline information provided by Stakeholders, assessments undertaken by SLR, and mapping provided by Ordnance Survey (in accordance with SLR's licence LA10012293).

With regards to policy documents and legislation, all reports have been prepared in accordance with relevant documents current as of 31st October 2009.

1.1 Executive Summary

1.1.1 *The ES shall be accompanied by an Executive Summary as required by the regulations, and a Method Statement which should include the way in which properties and communities have been identified as likely to be affected by the proposals and the justification for drawing such boundaries.*

It is assumed that by Executive Summary the request is actually for a Non Technical Summary. This is included at Volume 4 of the application and is also available as a stand alone document. This will be made available to interested parties free of charge to ensure that maximum distribution is available. The requirement for a Method Statement is assumed to include the statement of community engagement, which is addressed below. With regards to identifying properties and communities likely to be affected, each of the Technical sections identifies criteria based on international, national, regional and local legislation, policies and best practice that establish the sphere of influence of any potential impact.

1.2 Public consultation/stakeholder engagement

1.2.1 *The ES should explain the measures taken to engage with local stakeholders and demonstrate any alterations to the proposed development as a result of such public and stakeholder consultation.*

A Statement of Community engagement report is included at Volume 1 Appendix 1.

1.3 Technology

1.3.1 *The ES shall explain the incineration technology proposed for the site and the method of operation in such a way that the working of the proposed development can be clearly related to the likely environmental effects and proposed mitigation.*

The incineration technology is outlined in Section 3 of the ES. In accordance with the provisions of PPS10, a more detailed consideration of technical specification is included within the environmental permit application.

1.3.2 The proposed method of thermal treatment should be compared with other alternative incineration and other non thermal waste management technologies and the appraisal should clearly set out why the proposed technology is the most appropriate in environmental terms.

Consideration of alternative technologies is set out in Section 14 of the planning supporting statement.

1.3.3 The ES should contain an appraisal of the likely uses of heat from the proposal including potential users and an assessment of whether the production of heat from the proposal is the most efficient process and whether it is likely to generate additional development requirements in the vicinity including new users and infrastructure requirements.

A detailed Heat Plan has been prepared to consider the potential use of CHP within the facility and this is included at Appendix 14.2 of the ES.

1.3.4 The recent application at St. Dennis indicated that the Incinerator Bottom Ash would be stockpiled within buildings – the ES should explain why this not required in Devon and why mobile washing of the Incinerator Bottom Ash is needed. The storage and management of waste prior to treatment and the outputs from the process should be clearly indicated and proposals for pollution control put forward.

The description of the IBA storage area is included within Section 3 of the Environmental Statement.

1.3.5 The ES should demonstrate the “benign” nature of Incinerator Bottom Ash.

Text within Chapter 16 of the ES summarises the position of the Environment Agency with regards to IBA. This is dealt with in more detail in the environmental permit.

1.3.6 The ES should clarify the proposals for the disposal of hazardous waste.

The nature of the waste delivered to the site is such that there will be no hazardous waste received as a matter of routine. In the event that any hazardous wastes are received by the site, these will be stored in a quarantine area within the waste reception building and removed immediately.

1.3.7 The ES should comprehensively clarify the composition of and detailed proposals for the disposal of fly ash.

Section 3 of the ES addresses the issue of fly ash. It includes details of the proposed methodology for the removal of fly ash: the actual disposal of that material is entirely the responsibility of the receiving location, and the statutory undertakers associated with that site.

1.3.8 The site’s suitability for hazardous waste disposal needs to be considered in the ES.

The planning application does not include provision for the disposal of any hazardous waste at the site.

1.3.9 *The ES should consider accident prevention along with the management of fire fighting water.*

An outline of the accident prevention methods and fire fighting methodology is included within Section 3.0 of the ES however; this issue is more relevant to the environmental permit and will be dealt with within that application

1.3.10 *Construction Environmental Management Plan - This will be needed for the construction phase and a clear management plan for the operational phase will also be required, including contingency plans in the event of failure of control measures.*

An Outline Construction Environmental Management Plan is included at Appendix 3/2 of the ES.

1.4 Policy

1.3.11 *The ES shall clearly set out the context of the proposal with relation to existing and emerging environmental policy, the statutory planning context and strategies for waste management and disposal. The ES shall clearly demonstrate how the proposal complies with the current and emerging policy framework in terms of the chosen technology and assessment of need for the development.*

A comprehensive planning policy assessment is included at Section 5 of the ES. It considers all relevant existing environmental policy and emerging environmental policy where appropriate. It also considers the compliance with policy framework in terms of technology and need.

1.4 Alternatives

1.4.1 *The ES shall take account of the alternative options for delivering this facility, including alternative sites (identified in the relevant LDF and Local Plan Documents) and alternative technologies and shall be clear in its conclusions that the proposal represents the most appropriate environmental option in its location.*

The requirement to consider alternative technologies and sites is satisfied at Section 4 of the ES including, at Appendix 4-1, an Alternative Site Assessment.

2.0 MINERALS

The ES shall contain an assessment of the Impacts of proposal set against likely impacts of the existing planning consent for mineral extraction at New England Quarry and the permission for landfill and recycling at Strashleigh Hams. The ES should also contain an assessment of the impact of the proposal on the supply of minerals set against current planning policies for the safeguarding of mineral resources.

It is considered that the most appropriate location for considering the issues associated with minerals are within the planning supporting statement as opposed to the ES. This conclusion is reached on a basis that this is a planning application for a waste related resource recovery centre as opposed to a minerals application.

As such, these issues are considered in the Section 6 of the supporting statement. With regards to the impact in the context of the environmental effects of quarrying and Strashleigh Hams recycling centre, these are dealt with at Section 17 of the ES.

3.0 HIGHWAYS

A full transport assessment is included at Section 6 of the ES. The specific issues raised in the Scoping Opinion are addressed below.

3.1 Capacity & road safety Impact

A comprehensive assessment of the capacity and road safety impact of the scheme on the A38 has been undertaken and is included in full at Section 6 of the ES.

3.2 Access onto A38

It is the Highways Agency's understanding that the December 2008 study proposed a new direct access onto the A38. The March 2009 study states that there will be an access onto the A38 at Lee Mill. Because neither report contains detailed drawings it is not possible to ascertain whether the proposed access schemes are the same or have changed. The HA wishes to reiterate Dft Circular 02/07 "Planning and the strategic road network" which states the following:

"There is a general presumption that there will be no additional accesses to motorways and other routes of strategic national importance, other than the provision of service areas, facilities for the travelling public, maintenance compounds and, exceptionally, other major transport interchanges. Access from other types of development to motorways and other routes of strategic national importance will be limited to existing junctions with all-purpose roads. Modifications to existing junctions will be carried out only where traffic flows and safety will not be adversely affected. Connections to slip roads and/or connector roads will not be permitted (para.41)"

The applicant has given extensive consideration to the potential for the accessing the site via the A38. A number of options have been considered throughout the duration of the preparation of the EIA and these have variously been presented to and considered by the Highways Authority, The Highways Agency, and local interested parties. The various alternatives are presented within the transport assessment (Section 6 of the ES) and also within Section 4, which addresses need and alternatives.

The application itself does not include a new access directly off the A38. It does include improvements to the junction of the new access road with the slip road located to the south of the A38. Again these are considered in full in Section 6 of the ES.

3.3 Vehicular access options

If the application contains proposals for a new eastbound slip off the A38 or development directly off the existing A38 Lee Mill interchange junction, the TA will need to contain a strategic case to demonstrate compliance with the relevant Circular/DMRB standards. Proposals for a new access onto the Lee Mill interchange will need to be subjected to a Road Safety Audit. The Agency would wish to flag up concerns over how the access road will connect to the network at the end of the A38 westbound off-slip and the beginning of the westbound on-slip – any proposals will need to meet the DMRB visibility requirements.

The assessment of the improvements to the westbound offslip and onslip are included within Section 6. This includes an assessment of the DMRB visibility requirements.

3.4 Traffic Generation

The TA will need to contain a robust trip generation assessment showing the number and type of vehicular arrivals and departures generated for both daily trips and the Strategic Road Network's am and pm peak periods. It is recommended that consideration of the daily profile of arrivals and departures for similar plants elsewhere in the country is used to support this analysis.

The full results of the trip generation assessment are also included within the Transport Assessment and includes comparison with similar plants elsewhere.

3.5 Traffic Distribution

The trip generation analysis will need to consider the likely catchment area for waste collection and should assign trips to the local and strategic road network accordingly. It may be necessary to consider sensitivity or scenario tests assuming different HGV movements (including the possibility of a more restricted HGV access at the Lee Mill interchange should the proposed infrastructure improvements be undeliverable).

The traffic generation and distribution assessments should consider the existing levels and patterns of traffic in Lee Mill Village and the potential cumulative impacts from existing traffic, the projected movements from the proposal and an assessment of the likely demand for ancillary or linked developments in the area which may arise as a result of the building of the plant.

The Transport Assessment considers the trip generation based on information provided by the waste authorities within the designated catchment area and based on knowledge of the applicant in dealing with this areas waste.

3.6 Junction capacity assessment

The Highways Agency would wish to understand which software would be used to assess the impacts on the A38 junctions and also to understand how delays or queuing may be mitigated.

The full details of the software and mitigation measures are also included within the transport assessment.

3.7 Assessment Years

The Highways Agency accepts the assessment year of 2019, however the +10 year assessment relates to the year of application rather than the opening year.

The assessment plus 10 year has been amended to consider the opening year.

3.8 Vehicular management options

The TA should contain an HGV management plan which should seek to consolidate loads into and from the site and focus on operating vehicles outside the SRN peak periods.

An Outline Travel Plan has been prepared to consider the effects of traffic during the construction period, and is included in Section 6. It is recognised that the delivery of materials by HGV cannot be replaced by alternative forms of transport. It is accepted that delivery times, routes and potential consolidation may be achievable, but the details of such arrangements will be included within the full travel plan to be submitted prior to the commencement of construction of the site.

3.9 Sustainable Transport Options

The TA should contain a justification of the choice of site with relation to its ability to accommodate sustainable transport modes and the application should be accompanied by a comprehensive and challenging Travel Plan to minimise employee car borne impacts.

As above, Section 6 includes an Outline Travel Plan that considers the potential to minimize employee car borne impacts during the construction period and with regards the operational period. With regards to the justification of the choice of site to accommodate available transport modes it is acknowledged that this is largely an inappropriate location to accommodate alternative sustainable transport mode.

3.10 Other requirements

3.10.1 Air Quality, Water Quality, nature conservation, biodiversity and visual impacts need also to be addressed with relation to the A38 Trunk Road.

The nature of the improvements to the A38 are such that the environmental impacts are minimal, these have been considered however in each of the relevant technical chapters.

3.10.2 The ES should contain detailed assessment of the noise impacts of traffic at agreed locations and in particular at New Park Road. Detailed surveys of ambient noise levels in a number of agreed locations need to be carried out to inform the appraisal. (This should form a part of the Transport Assessment)

A detailed assessment of the noise impacts have been undertaken at a number of locations, as included in the Noise Section 9 of the ES.

3.10.3 The ES should contain detailed assessment of air quality impacts of traffic at agreed locations and in particular at New Park Road

The air quality assessment includes potential for impact on New Park Road and other locations within Lee Mill and is included at Section 7 of the ES.

3.10.4 The application should explore the scope to use the new haul routes to provide a new opportunity for recreational routes. The ES should therefore examine how the access arrangements relate to other existing public access routes (public footpaths) and whether there is scope to provide suitable opportunities – this may impact on the design of the haul route.

Currently there is no public access to any part of the application area, or other land within the control of the applicant. Similarly, there are no public footpaths adjacent to the boundary. The scope does exist to provide public access, although this does not form part of the application at this time.

3.10.5 The ES should address existing and potential local highway safety and amenity issues within Lee Mill Village based on the most comprehensive information available from sources including the Highway Authority, the police and the Parish Council.

All of these issues are considered within the Transport Assessment.

3.10.6 The “alternatives” section needs to consider the impacts of the proposed haul road set against alternative routes and specifications.

All highways alternatives are considered within Sections 4 and 6 of the ES.

3.10.7 The TA should carefully and realistically assess the likely trips generated by Light vehicles. This should include movements to and from the proposed visitor centre.

The likely trips generated by light vehicles in association with staff and visitors are considered within the Transport Assessment and also the Outline Travel Plan.

3.10.8 The TA should also include trips generated by the need to dispose of fly ash or other materials off site. The distance for these trips needs to be assessed with relation to the sustainability of the proposal.

The exportation of fly ash and other materials has been considered within the Transport Assessment.

3.10.9 The assumption that bottom ash can be recycled and re-sold needs to be justified due to the current oversupply of aggregates in the area. The ES should consider alternative options at different recycling rates.

The reuse of bottom ash is considered in the context of existing markets, existing demand and proposed markets.

3.10.10 The ES should consider the likely cumulative impacts of the proposal on the settlement of Lee Mill, taking into account the likelihood of other uses being encouraged into the area by the presence of the EfW plant, including other potential end users and users of land around the access road and the intensification of existing land uses in the Strashleigh Hams area.

The Transport Assessment considers the potential for cumulative impact on the road network in the Lee Mill area whilst other cumulative impacts are considered at Section 17 of the ES.

4.0 EMISSIONS AND AIR QUALITY

4.1 Health Impacts

Health Impact Assessment

4.1.1 The ES should contain a detailed and independently commissioned Human Health Impact Assessment.

The ES has taken into account the most recent national advice offered by the Health Protection Agency which has concluded that “any potential risk of cancer due to residency near to municipal waste incinerators is exceedingly low and probably not measurable by the most modern techniques. Since any possible health effects are likely to be very small if detectable, studies of public health around modern, well managed municipal waste incinerators are not recommended.”

Notwithstanding this advice, a Human Health Assessment has been undertaken and is submitted at Section 16 of the Environmental Statement.

4.1.2 The Human Health Assessment should also identify proximity and number of sensitive human populations and local air quality management areas with special reference to landscape and topography.

The requirements to identify sensitive human populations and local air quality management areas have been considered in the context of the air quality assessment at Section 7.

4.1.3 Estimates of tolerable daily intake for dioxins and furans and other persistent pollutants should be based on the most sensitive effect, namely, adverse effects on the developing foetus resulting from exposure in utero in line with the recommendations of the Committee on Toxicity of Chemicals in Food, Consumer Products and the Environment.

The recommendations of the committee on Toxicity of Chemicals in Food, Consumer Products and the Environment are set out within the Human Health Assessment included at Section 16.

4.1.4 The human health risk assessment should also cover “well being” issues.

The Human Health Assessment does not consider the issue of “well being” specifically, on the basis that the HPA advice is clear in respect of health, and in the absence of a specific definition of well being.

4.2 Air Quality Monitoring

Stack Emissions

4.2.1 The measurement protocol for emissions needs to be specified and a rationale for using or not using continuous monitoring in the stack. Similarly, whether background metal and dioxin monitoring will or will not take place will need justification.

The Air Quality Assessment includes details of measurement protocol for emissions, background metal and dioxin monitoring.

4.2.2 The modelling of flue gas and aerial pollutant dispersal should take account of the significantly higher elevation and higher rainfall in the predominant downwind corridor nearby. These features may both serve to increase the impacts of aerial wastes in the close vicinity.

The topography and meteorology of the area have both been considered in the context of the Air Quality Assessment.

4.2.3 CO₂ emissions and global warming potential should be clearly addressed in the ES along with proposals for NO_x control and potential for ammonia slippage/emissions. N₂O ozone creation potential should also be considered and mitigation measures proposed.

The air quality assessment considers NO_x and N₂O potential, whilst the issue of carbon dioxide emissions is dealt with in the Section 14 Climate Change.

4.2.4 The ES should contain an assessment of likely odour from the process and contain proposals for its management.

There will be no odour from the EFW process, although the odour from the landfill element has been considered in Section 7.

4.2.5 The height and nature of the plume and its dispersion should be modelled as a part of the ES and its assessment of and proposed mitigation for impact on human and habitat receptors.

The Air Quality Assessment considers the height and nature of the proposed plume.

Impact on Protected areas

4.2.6 The blanket bog of Dartmoor is a nationally important carbon source and has a role to play in climate and resource protection. Airborne pollution scenarios should be thoroughly investigated to assess and avoid any impact on the nearby blanket bog and also the rare lichens in the area. In particular, care should be taken to minimise/avoid nitrogen and sulphur emissions rather than spreading them over a wider area.

General

The Air Quality Assessment considers in full the potential of the effect of the development on the blanket bog, rare lichens and mosses within Dartmoor. (Appendix 7)

4.2.7 Air quality emissions modelling should include the potential cumulative effect of other major permitted processes in the area including the new gas fired power station at Langage and any other significant emissions from process industries on the Lee Mill and Langage Industrial Estates and from the A38 expressway.

The cumulative effects of the proposed development, the power station at Langage and other relevant permitted development has been considered within the Air Quality Assessment.

4.2.8 *The traffic and air quality assessment should have regard to the Air Quality Management Area at Dean Prior.*

The Traffic and Air Quality assessments take into account the AQMA within Ivybridge.

4.2.9 *The ES should assess the likely impact and mitigation of dust, odours and bioaerosols. This assessment should be based on quantitative data and baseline measurements will be required to assess and model existing and projected background levels.*

The Air Quality Assessment and the summary of mitigation measures consider the likely impact of dust odours and bioaerosols in the context of the EFW, the landfill, and all other development aspects of this scheme.

4.2.10 *Further assessment and modelling in excess of Design Manuals for Roads and Bridges should be undertaken to indicate likely increases in levels of emissions in Lee Mill.*

The DMRB assessment has been applied to the potential level of emissions in Lee Mill.

4.3 Noise and Vibration

4.3.1 *The ES should assess the likely impact of noise on sensitive receptors which should have been agreed previously with the Waste Planning Authority. The likely impact should be assessed against existing background levels which will need to be established by measurement on site and the likely impacts should include, construction, ongoing operation of the site and traffic movements.*

The Noise Assessment locations have been agreed with the Environmental Health Officer and are considered in the context of existing background levels and the potential impacts during construction, operation and traffic movements.

4.3.2 *The ES will need to assess whether the proposed development would impact on the tranquillity of the National Park. The Environmental Noise Assessment should identify background noise levels within the National Park, at identified receptor points and compare this with predicted noise levels.*

The Noise Assessment has considered background noise levels within the National Park.

5.0 ECONOMIC CONSIDERATIONS

The ES should address the wider socio-economic impacts of the proposal in terms of local benefits such as construction employment; new permanent employment opportunities; training opportunities and potential for existing businesses to use heat or power generated from the site, set against the possible adverse impacts on existing businesses or developments from actual or perceived impacts from the plant. The ES should particularly assess the likely impacts on food producers and on tourism and recreation businesses in the locality as well as the likely and perceived impact on residential property prices and proposed development such as the new community at Sherford.

The Socio-Economic Impact Assessments included at Section 15 has considered the potential benefits by means of construction employment, permanent operational employment and the potential for businesses to use CHP from the site. In terms of the perceived adverse impacts consideration has been given to tourism, impacts on food producers and recreation in the area.

6.0 LANDSCAPE AND VISUAL IMPACT

The proposed installation is within a sensitive landscape and visible from both the Dartmoor National Park and South Devon AONB – an assessment of the landscape impacts needs to follow the methodology given in “Guidelines for Landscape and Visual Impact Assessment – Second Edition 2002”, The Landscape Institute and the Institute of Environmental Management and Assessment.

6.1 Dartmoor National Park

6.1.1 The Landscape Assessment will need to address the impact of the proposed development on views of and from the National Park.

The Landscape and Visual Impact Assessment included at Section 11 of the ES has considered 5 viewpoints from within the National Park. The results of the L&VIA are included at Section 11.

6.1.2 Sensitive receptor points (open access land, Public rights of way, highways etc) will need to be identified within the National Park to understand the Zone of Visual Influence. Consideration will need to be given to the local topography, as the visual impact may extend further into the National Park than the fringe areas close to the A38 corridor. A range of receptor points at varying heights directions and distances from the proposal need to be agreed.

A comprehensive zone of visual influence has been prepared as part of the assessment at Section 11. The topography has influenced the viewpoints identified.

6.1.3 Photomontages, cross referenced with maps should be used to determine the extent of visibility and assess landscape impact – these need to include existing and proposed views, taking into consideration any mitigation strategies proposed and the timescale, for any new planting to establish.

A range of photomontages are included in accordance with the requirements set out in the Scoping Opinion.

6.2 South Devon Area of Outstanding Natural Beauty

6.2.1 The choice of viewpoints for landscape impact assessment as seen from South Devon AONB should take account of the way elevation increases southwards away from the AONB inland boundary. The sites selected should therefore use more elevated AONB sites which are not necessarily the closest. The Visual Impact Assessment should also assess the impact of any proposed new power lines.

The selection of viewpoints from within the AONB has been influenced by the zone of visual influence survey which has demonstrated that there is limited visual impact. As a result, one location within the AONB has been assessed, the results of which are included at Section 11.

6.3 The stack

6.3.1 The nearby Langage power station has a stack of similar dimensions to that proposed. There was a considerable concern over the visual impact of this chimney and the cumulative impact of a further chimney needs to be carefully

considered. A landscape fund was provided to South Hams District Council for projects to mitigate against the landscape impacts of the Langage chimney. If a similar size chimney is considered to be acceptable then the provision of adequate funding to provide mitigation for new and cumulative impacts should probably follow this model and the landscape mitigation should include proposals for on and off site strategic landscape screening.

The proposed stacks at New England have been designed to ensure that it has minimum visual impact on the landscape. They are considerably different to those constructed at Langage Power Station. It is considered that the need for offsite strategic landscape screening is therefore not justified.

6.4 General

6.4.1 The Assessment should have regard to all building works including the impact of the haul road, cable runs, security measures, external storage and lighting.

The Landscape and Visual Impact Assessment has considered all of the building work associated with the scheme.

6.4.2 The visual impact assessment should take into account visual receptors within the proposed new community at Sherford.

There are no visual receptors within the location of the proposed new community at Sherford.

7.0 ECOLOGICAL CONSIDERATIONS

7.1 Impact on Special Areas of Conservation – Need for Appropriate Assessment

7.1.1 *An assessment of potential impacts on watercourses and hydrology in relation to the Plymouth Sounds and Tamar Estuaries SAC given that the site would drain into the Yealm catchment and that there is a potential connection between New England Quarry and the estuary through the aquifer (see comments on groundwater and hydrology).*

The issue of drainage into the SAC has concluded (in Sections 9 and 12 of the ES) that the potential for adverse impact on the watercourses and hydrology is minor.

7.1.2 *The likelihood of there being a “significant effect” on the Plymouth Sound and Estuaries Special Area of Conservation (SAC) from leachate escaping the site into the Yealm and from atmospheric and waterborne pollutants. Therefore the ES should assess any potential adverse effect on the integrity of the SAC from any pollutants reaching the estuary environment.*

The Hydrology section identifies that there is no potential for a significant effect on the SAC.

7.1.3 *The likely air quality impacts on the Dartmoor SACs are through the additional loading of air pollutants that convert to plant nutrients in the soil. The Dartmoor SACs have vegetation communities which are sensitive to aerial inputs of nitrogen and sulphur compounds.*

Noted and considered in the Air Quality Assessment (Section 7 of the ES)

7.1.4 *Detailed baseline survey work to inform an appraisal of the likely environmental impacts which is sufficiently comprehensive to provide the Local Planning Authorities adequate information to carry out appropriate assessments of the impact of the proposal on all of the adjacent SACs.*

It is considered that the information supplied is sufficiently comprehensive to inform the local planning authority on the impact proposal on the SAC. It should be noted that the SAC is not adjacent to the site.

7.2 Protected Species

7.2.1 *The ES should contain a clear indication of the potential impact on protected species and BAP species and their habitats and the impact on County Wildlife Sites and Ancient Woodland, including disturbance during the breeding or pre-breeding season; from site surveys and studies (including ecological surveys); from construction works including site preparation/remodelling/stabilisation or infilling/construction activities or any of the associated activities involved with preparing the site to receive landfill and from the ongoing operation of the EfW/landfill or transfer and recycling activities.*

The ecological assessment included at Section 12 includes full details of the potential impact on all major conservation interests, species, and habitats associated with all of the construction and operational works including landfill, EFW, transfer and recycling activities.

7.2.2 *The assessment should be based on appropriately detailed survey work carried out by a qualified ecologist to identify the location of the habitat of any*

protected species or Biodiversity Action Plan (BAP) species and areas of the site important to maintaining that habitat. To acquire this information, guidelines for both bat and dormice monitoring should be followed. The advice of the RSPB should be followed with regard to the protection of birds and it is advised that they are consulted specifically before the ES is prepared.

All assessment have been undertaken by a qualified ecologist and taken into account protected species and action plan species. Extensive consultation has been undertaken.

7.2.3 *The ES should contain an assessment of the impact of loss of existing and potential habitat or access to such from physical construction activity.*

The ES contains a detailed assessment of the potential impact from construction activity.

7.2.4 *The ES should assess the likelihood of abandonment of the site by protected species and mitigation of this likelihood.*

A detailed mitigation strategy is included.

7.2.5 *The ES should identify locations within the site that are essential to maintaining protected habitats – e.g. for feeding/breeding/access.*

The mitigation proposals include maintaining protected habitats, where possible.

7.2.6 *The ES should contain clear on and off site mitigation measures to compensate for any of the potential impacts referred to above.*

Extensive on and offsite mitigation measures are included within the ecological assessment.

7.2.7 *The ES should contain a wildlife monitoring programme for pre/during and post construction activity to evaluate the impacts on wildlife and on protected species in particular and for monitoring and management of invasive species. Such a programme should come with a commitment to additional mitigation measures should monitoring indicate a decline in numbers.*

A monitoring programme and management of invasive species will be included within the detailed Management Plan should permission be granted.

7.2.8 *The ES should contain information on the schedule of works or a commitment to avoiding ground clearance operations during the bird nesting season (28/2 to 1/9).*

The applicant is committed to avoid ground clearance operations during the bird nesting season.

7.2.9 *In its consideration of “alternatives” the ES should look at less ecologically damaging routes for the new access road which would minimise the loss of Ancient semi natural woodland which forms the County Wildlife Site habitat and minimise disturbance to woodland birds and should demonstrate that alternative sites with fewer ecological constraints are not available.*

The consideration of access alternatives has reviewed the potential for alternative access road solutions, and are detailed at section 4 of the ES.

7.2.10 The ES should demonstrate how the proposal accords with key planning policies PPS7, Devon Structure Plan Policy CO2, Circular 12/96 and Section 62 of the Environment Act 1995.

The above policies and legislations have been considered within the context of the major conservation assessment.

7.2.11 The ES should identify existing wildlife/management agreements and restoration/aftercare proposals relating to the New England quarry and the tip at Strashleigh. The EA should assess the impact of the proposal and proposed mitigation against the existing environmental requirements for restoration and aftercare of these areas of land.

The restoration and aftercare proposals for the landfill have been included within the ES. With regards to the tip at Strashleigh, this does not form part of the planning application.

7.2.12 The ES should contain an assessment of the impact of the proposed landfill element of the proposal and how it would, over time, be likely to result in the permanent loss of habitat for protected species (and where this habitat might be replaced).

The proposed landfill will not result in a permanent loss of habitat for protected species.

7.2.13 The ES should contain a clear assessment of the likely impact of the proposals on the existing County Geological Site (RIGS), how the proposal has been adapted to mitigate the impacts on this and proposals for the retention and interpretation of the geological resource.

Consideration of the RIGS is given in section 9 and section 12 of the ES

7.2.14 The ES should appraise the likely Environmental Impacts during the development, construction, working and decommissioning of the EfW plant and construction, operation and post –operation of the landfill. The assessment and proposed mitigation will also need to consider the potential for the creation of habitats and enhanced biodiversity in the restoration and subsequent aftercare of the landfill.

The Ecological Assessment has considered the environmental impacts for the development construction working and restoration of the EFW and landfill, including habitat creation and biodiversity enhancements.

7.2.15 If the ES contains information relating to protected species that could be considered to identify their location in a manner likely to lead to their disturbance, then such information should be contained in a separate appendix that may be kept separate from the rest of the document.

Noted

8.0 FLOOD RISK AND HYDROLOGY/HYDROGEOLOGY

8.1 Flood Risk

8.1.1 *The ES should contain a full Flood Risk Assessment (FRA) in accordance with PPS25 to include flood risk management hierarchy; details of crossing the flood plain; sustainable drainage proposals; assessment of the functioning of the flood plain and a clear assessment of how this has influenced the road design; demonstration that the proposal meets the policy aims identified in Table D1 of PPS25 relating to vulnerable land uses within flood zones.*

The ES includes a full Flood Risk Assessment included at Section 9 of the ES.

8.1.2 *The applicant should submit sufficient information to enable the Waste Planning Authority to apply the sequential test as a significant part of the application site is located within Flood Risk Zones 2 and 3.*

The FRA includes sufficient details to consider the sequential test associated with flood risk.

8.2 Protection of Groundwater

The ES shall incorporate:

8.2.1 *A review of former operational practices at the quarry to assess risks associated with disturbing the site (including a land contamination assessment)*

Discussion has been held with the previous operators of the site and is considered within Section 9

8.2.2 *A detailed water features survey to inform the conceptual hydrogeological model.*

The water feature survey is included within the Hydrological Assessment.

8.2.3 *Details of the proposed nature of the infill material (including geochemical/WAC testing where appropriate) to inform a risk assessment.*

There is no proposed infill material

8.2.4 *An assessment of short term impacts on groundwater, surface water and private water supplies (in terms of quality and resources) from construction activity.*

The impacts on groundwater, surface water and private water supplies are considered both in terms of construction and operation.

8.2.5 *An assessment of the long term impacts from the proposal on the above water resources.*

The longer term impacts are also considered.

8.2.6 Details of the proposed extent of any dewatering operation including discharge proposals and informed by the review of former operations as required above in terms of the likelihood of abstracted water being contaminated.

The Hydrological Assessment considers the extent of dewatering operation from the quarry and the measures undertaken to ensure that discharge water is not contaminated.

8.2.7 Details of proposed water demand and management for the development, including the source, use and disposal route and any proposed demand minimisation schemes.

The consideration of the hydrology includes the proposed water demand and management.

8.2.8 The ES should quantitatively determine the existing hydrogeological relationship between the quarry and the river on a seasonal basis (the monitoring scheme should be agreed with the Agency in advance).

Discussions with the EA have been used as a basis for all Hydrogeological work including the relationship between the quarry and the river.

8.3 Protection of the River Yealm

8.3.1 The River Yealm estuary is an SAC and SSSI and is also a significant salmonid river and bass nursery ground, supporting commercial shell fisheries and a bathing beach.

Noted

8.3.2 The river has a “flashy” hydrological pattern is already subject to a number of human pressures including abstraction, agricultural pollution, accelerated storm water runoff, surcharging of waste water treatment works and siltation. The ES should therefore recognise the extreme sensitivity of the Yealm and the significant cumulative impacts of existing stresses and it should demonstrate that the proposed development will not in any way add to these stresses either during the construction or operational phases. The haul roads need to be included in the Assessment.

The sensitivity of the Yealm is an important element of the hydrology and hydrogeological risk assessments.

8.3.3 Interceptors for silts and toxins and the attenuation of runoff must be of the highest specification.

Noted

8.3.4 The applicant is advised that under s.40 of the Natural Environment and Rural Communities Act 2006 there is a responsibility to conserve and enhance biodiversity (which may include restoration) and the ES should demonstrate how these requirements would be addressed in any mitigation.

The ES demonstrates an extensive understanding of biodiversity issues through the implication of mitigation measures with regards to air quality, noise, hydrology, hydrogeology, ecology and landscape impact.

8.3.5 For the full detail of the Environment Agency Response see Appendix (iii) – the full scope of their guidance on landfill and incineration should be taken into account in the ES and its proposed mitigation.

Noted.

9.0 SUSTAINABLE BUILDING DESIGN

9.1.1 *The ES should contain information to explain the design of the buildings on the site and to set out their efficiency in terms of BREEAM standards. The emerging Regional Spatial Strategy requires that new development promotes “best practice” in sustainable construction and the ES should demonstrate how the selected design achieves these objectives. If the proposed building is of a design that does not meet the standards required for BREEAM “Excellent” then the approach should be justified in the ES.*

The initial BREEAM assessment has concluded that the proposed building is likely to meet the Excellent standard.

9.1.2 *It would be the intention of the Waste Planning Authority to submit detailed proposals to the Commission for Architecture and the Built Environment (CABE) for assessment. The ES should therefore contain a design appraisal for the proposed buildings.*

Consideration of the design process associated with the EfW building is included in the Design & Access Statement.

10.0 CUMULATIVE IMPACTS

In assessing the likely impacts of the proposal, the ES should take into account other existing and proposed land uses in this area which would have an impact on the overall environment of this part of the Yealm Valley, the village of Lee Mill, local air quality and landscape and the local road network. The ES should clearly identify how cumulative impacts are assessed and give reasoning for the boundaries chosen for the study/mitigation.

Consideration of the Cumulative Impact has been included at Section 17 of the ES.

11.0 MITIGATION

All of the Impacts set out above which need to form the basis of the ES should be clearly related to proposed mitigation statements. These statements and proposals should be clearly set out in the application and cross referenced to the relevant section of the ES.

Noted.