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POLICY CONTEXT 5



INTRODUCTION

- 5.1 It is customary in undertaking an Environmental Impact Assessment (EIA), and in preparing an Environmental Statement (ES) in support of a planning application, to review planning policy at an international, national regional and local level, in order to consider whether the proposed development and the potential environmental implications are in conformity with such policy. This is particularly the case in the context of the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004, which requires planning applications and appeals to be determined in accordance with the development plan, unless material considerations indicate otherwise. In effect, this established a presumption in favour of granting permission for developments which are in accordance with the development plan.
- 5.2 Schedule 4 to the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 does not make any specific reference to the inclusion of an assessment of planning policy. However, Chapter 6 of the DTLR Good Practice Guide on the preparation of an ES includes a section on “Policies and Plans”. Paragraph 6.1 states: “*An ES should include a section on policies and plans which are relevant to the environmental assessment of the development in question*”. The rationale for this is stated as “*The objective is to demonstrate how these policy guidelines have been taken into account in developing the project and compiling the ES, and to provide a picture of the decision making context in which the environmental impacts will be evaluated*”.
- 5.3 It can be seen that there is some ambiguity between the Regulations and the guidance provided by the Government. However, it is clear, from published guidance, that the Government is committed to a plan led system, with the Development Plan forming the basis of all planning decisions. Accordingly, policies and plans play an important role in determining any planning application.
- 5.4 In the spirit of the guidance, this Section provides an overview of the policies that have been considered in undertaking the EIA.

The Development Plan

- 5.5 The proposed development of the Resource Recovery facility at New England Quarry has taken into account the following planning policy context, which comprises:
- Regional Spatial Strategy for the South West;
 - Devon County Structure Plan;
 - Devon County Waste Local Plan;
 - Devon County Minerals Local Plan; and the
 - South Hams Local Plan.
- 5.6 These documents and the planning policies within them comprise the Development Plan for the area. In addition to the Development Plan a review

of European legislation and national policy and guidance has been undertaken setting out Planning Policy Statements (PPS's) and Planning Policy Guidance Notes (PPG's) that are considered to be relevant in respect to the proposals.

INTERNATIONAL POLICIES

Introduction

5.7 National Policy relating to waste management, like many other matters including Environmental Impacts Assessment, is derived from a number of European Directives. The primary Directives in respect of the planning context of waste management are the Waste Framework Directive (75/442/EEC as amended by 91/56/EEC) and the Landfill Directive (99/31/EC).

European Policy

EC Framework Directive for Waste 75/442/EEC as amended by 91/156/EEC

5.8 The 1991 Framework Directive for Waste (1991 Directive) sets out the basic components of the sustainable waste policy that is to be adopted by all Member states. It:

- establishes a system for the co-ordinated management of waste within the community;
- establishes a foundation for sustainable waste management;
- defines waste and introduces the principles of the waste hierarchy, proximity principle and self sufficiency;
- requires Member States to adopt waste management plans for dealing with the types and quantities of wastes to be disposed of;
- requires the setting up of a permitting system for any undertaking carrying out waste disposal activities; and
- requires Member States to establish an integrated and adequate network of disposal installations to enable the EC as a whole and separate Member States individually to be self-sufficient.

5.9 The 1991 Directive also requires that waste is recovered or disposed of without danger to human health and without using processes which could harm the environment, and in particular without:

- "Risk to water, air, soil, plants and animals;
- Causing noise or odour pollution; or
- Adversely affecting the countryside or places of special interest"

- 5.10 Within the UK, the 1991 Directive has largely been implemented by means of Part II of the Environmental Protection Act 1990.
- 5.11 In accordance with the intentions of the 1991 Directive, the UK has seen a significant move from disposal by means of landfill towards a more sustainable management strategy. This complies with the need to apply the waste hierarchy, the principles of self-sufficiency and the proximity principle.
- 5.12 A revised Framework Directive for Waste (draft ref: 2006/12/EC) was ratified by the European Commission on 20th June 2008. All current UK legislation is based on the 1991 Directive, but the key points of the New Directive (as it relates to EfWs) are summarised below:
- the waste hierarchy will be early in the document and deviations will be allowed “where this is justified by life cycle thinking”;
 - by-products are defined;
 - there will be an end-of-waste procedure produced by comitology. This will include aggregates, paper, glass, metal, tyres and textiles; to produce a “recycling society” by 2020 50% of waste from households and similar wastes are to be recycled. By 2020 70% of construction and demolition wastes are to be recycled;
 - by 2014, the Commission will decide whether targets for the recycling of other wastes should be set; and
 - use of waste as a fuel will be considered a recovery operation if the thermal efficiency is above 60% for plants permitted before 1 Jan 2009 and 65% for later plants.

EC Landfill Directive 1999/3/EC

- 5.13 The 1999 Landfill Directive (1999 Directive) seeks to further the aims of the 1991 Directive in relation to the role of the landfill. It aims to prevent, or reduce as far as possible, the negative effects on the environment from landfilling waste.
- 5.14 In order to achieve this, it seeks to:
- end co-disposal of hazardous and non-hazardous waste in landfill;
 - introduce rigorous technical requirements for landfills and waste;
 - phase in the prohibition of landfilling specific wastes including liquid hazardous waste, other hazardous waste, whole tyres, shredded tyres;
 - oblige operators to pre-treat all hazardous waste and all other wastes;
 - introduce phased targets for the reduction of biodegradable waste being landfilled at 2010, 2013 and 2020.

- 5.15 The implementation of the 1999 Directive has been the most significant factor influencing the way the management of waste in England is undertaken, and requires a momentous move towards more sustainable waste management options.
- 5.16 In the context of the 1999 Directive, the proposed facility at New England seeks to provide an option for the effective and sustainable management of waste within South West Devon. The implementation of this proposal will ensure that the terms of the 1999 Directive are being met in this area.

NATIONAL PLANNING POLICY

Introduction

- 5.17 National planning policy is set out within Planning Policy Statements (PPS). The Planning Policy Statements which have been considered to be relevant in this instance are set out below:
- Planning Policy Statement 1 (PPS1): Delivering Sustainable Development (2005);
 - Planning Policy Statement 7 (PPS 7): Sustainable Development In Rural Areas;
 - Planning Policy Statement 9 (PPS9): Biodiversity and Geological Conservation;
 - Planning Policy Statement 10 (PPS10): Planning for Sustainable Waste Management;
 - Planning Policy Statement 12 (PPS12): Local Development Frameworks 2004;
 - Planning Policy Guidance 13 (PPG13): Transport, 2001;
 - Planning Policy Statement 22 (PPS22);
 - Planning Policy Guidance Note 24 (PPG24): Planning and Noise, 1994; and
 - Planning Policy Statement 25 (PPS25): Development and Flood Risk.
 - Waste Strategy 2007
- 5.18 The following represents a summary of the relevant guidance within the PPS system as applicable to the New England proposal.

PPS1 – Delivering Sustainable Development (2005)

- 5.19 Planning Policy Statement 1 (PPS 1) sets out the Government's overarching planning policies on the delivery of sustainable development through the planning system and the Government's high level policy objectives.
- 5.20 PPS 1 sets out key principles which should be applied to ensure that development plans and decisions taken on planning applications contribute to delivering sustainable development.
- 5.21 In December 2007, a supplement to PPS 1, 'Delivering Sustainable Development' was published. The supplement sets out how planning should

contribute to reducing emissions and stabilising climate change and also how new developments should be designed to reduce risk from climate change. The potential impact of the New England facility on climate change has been considered throughout the design of the proposal.

- 5.22 This PPS can be used as a material consideration that may supersede the policies in the development plan.

PPS 7 – Sustainable Development in Rural Areas

- 5.23 PPS 7 includes a series of policies that seek to:

- (i) raise the quality of life and the environment in rural areas;
- (ii) promote more sustainable patterns of development;
- (iii) promote the development of the English regions by improving their economic performance so that all are able to reach their full potential; and
- (iv) promote sustainable, diverse and adaptable agriculture sectors.

- 5.24 In order to achieve these objectives, the document adopts a series of sustainable principals specifically aimed at the rural economy and the protection of the countryside. Those with specific reference to this application include:

(i) Decisions on development proposals should be based on sustainable development principles, ensuring an integrated approach to the consideration of:

- social inclusion, recognising the needs of everyone;
- effective protection and enhancement of the environment;
- prudent use of natural resources; and
- maintaining high and stable levels of economic growth and employment.

The proposed RRC seeks to secure an effective and sustainable long-term solution to waste management within the South West Devon sub-region. In the context of the principal of PPS7, the technology proposed and the manner of its operation is such that the solution will not compromise the amenity of the local population or the quality of the environment.

(iv) New building development in the open countryside away from existing settlements, or outside areas allocated for development in development plans, should be strictly controlled; the Government's overall aim is to protect the countryside for the sake of its intrinsic character and beauty, the diversity of its landscapes, heritage and wildlife, the wealth of its natural resources and so it may be enjoyed by all.

The scheme has been carefully designed to ensure that the open countryside is not materially compromised, and that where effects on the landscape and wildlife are identified, appropriate mitigation measures are proposed.

(v) Priority should be given to the re-use of previously-developed ('brownfield') sites in preference to the development of greenfield sites, except in cases where there are no brownfield sites available, or these brownfield sites perform so poorly in terms of sustainability considerations (for example, in their remoteness from settlements and services) in comparison with greenfield sites.

The site is not a greenfield site, but has been subject to significant disturbance in the form of quarrying. It is also relevant that a significant element of the extant permission for extraction has not been completed, but is subject to an extant permission. The relationship between the New England site and the availability or otherwise of appropriate brownfield sites is considered at Appendix 14.2 of the ES within the Site Selection Report.

(vi) All development in rural areas should be well designed and inclusive, in keeping and scale with its location, and sensitive to the character of the countryside and local distinctiveness.

The Design and Access Statement includes details on the consideration given to the design of the facility both in its own right and in the context of the immediate surroundings, and wider landscape context.

PPS 9 – Biodiversity and Geological Conservation

- 5.25 PPS 9 sets out the Government's national planning policies on protection of biodiversity and geological conservation and states that developments should conserve and enhance biological and geological diversity.
- 5.26 The EIA has comprehensively considered the ecological value of the site itself and immediate surroundings in the context of habitats and an array of species associated with the existing land-use, the adjacent land and associated features (such as the River Yealm).
- 5.27 In addition, consideration has been given to designated sites within a 10km radius and the potential effects on those as a result of the proposed development. The outcome of those assessments are included at Sections 7 (Air Quality), 9 (the water environment) and 12 (Ecology).

PPS 10 – Planning for Sustainable Waste Management

- 5.28 PPS 10 sets out the Government's objectives for sustainable waste management. The proposed development has been considered against these objectives in order to demonstrate its compliance with national waste planning policy.
- 5.29 With regard to the objectives for sustainable waste management, the NERRC will provide a facility to deal with residual waste within South West Devon. The EfW facility will process up to 275,000 tpa of residual waste which will make a significant contribution to the achievement of local and regional targets for diverting waste from landfill. In summary, the site will provide a

facility to enable the treatment of waste which would have previously gone to landfill, to be moved up the waste hierarchy.

5.30 Annex E of PPS 10 sets out the main factors waste planning authorities should take into account when testing the suitability of a site for waste management purposes. These are:

- protection of water resources - considerations will include the proximity of vulnerable surface and groundwater. For landfill or landraising, geological conditions and the behaviour of surface water and groundwater should be assessed both for the site under consideration and the surrounding area. The suitability of locations subject to flooding will also need particular care;
- land instability, locations, and/or the environs of locations, that are liable to be affected by land instability will not normally be suitable for waste management facilities;
- visual intrusion, considerations will include (i) the setting of the proposed location and the potential for design-led solutions to produce acceptable development; (ii) the need to protect landscapes of national importance (National Parks, Areas of Outstanding Natural Beauty and Heritage Coast)
- nature conservation, considerations will include any adverse effect on a site of international importance for nature conservation (Special Protection Areas, Special Areas of Conservation and RAMSAR sites) or a site with a nationally recognised designation (Site of Special Scientific Interest, National Nature Reserves);
- historic environment and built heritage, considerations will include any adverse effect on a site of international importance (World Heritage Sites) or a site or building within a nationally recognised designation (Scheduled Monuments, Conservation Area, Listed Buildings, Registered Historic Battlefields and Registered Parks and Gardens);
- traffic and access, considerations will include the suitability of the road network and the extent to which access would require reliance on local roads;
- air emissions, including dust, considerations will include the proximity of sensitive receptors and the extent to which adverse emissions can be controlled through the use of appropriate and well maintained and managed equipment and vehicles;
- odours, considerations will include the proximity of sensitive receptors and the extent to which adverse odours can be controlled through the use of appropriate and well maintained and managed equipment;
- vermin and birds, considerations will include the proximity of sensitive receptors. Some waste management facilities, especially landfills

which accept putrescible waste, can attract vermin and birds, and may be influenced by the distribution of landfill sites;

- noise and vibration, considerations will include the proximity of sensitive receptors. The operation of large waste management facilities in particular can produce noise both inside and outside buildings. Intermittent and sustained operating noise may be a problem if not kept to acceptable levels and particularly if night-time working is involved;
- litter can be a concern at some waste management facilities; and
- potential land use conflict, likely proposed development in the vicinity of the location under consideration should be taken into account in considering site suitability and the envisaged waste management facility.

5.31 All of the above have been considered in the development of the proposal and it is concluded that the proposal has addressed each of the locational issues.

5.32 With regard to the environmental impact of the proposals these have been thoroughly assessed in the subsequent chapters that follow and identify that there would be limited significant adverse effects on the environment or local communities from the proposed development.

PPG 13 – Transport

5.33 The key objectives of PPG 13 are to integrate planning and transportation at the national, regional and local level in order to:

- Promote more sustainable choices;
- Promote accessibility to jobs, shopping, leisure facilities and services by public transport, walking and cycling and;
- Reduce the need to travel especially by car.

5.34 Whilst PPG13 is more relevant to housing and commercial developments than industrial developments, the traffic impacts of the proposal have been assessed at section 6 of the ES and an Outline Travel Plan has been prepared.

PPS 22 – Renewable Energy

5.35 PPS 22 sets out the Government's policies for renewable energy, which planning authorities should have regard to when preparing local development documents and when taking planning decisions. The PPS recognises that increased development of renewable energy resources is vital to facilitating the delivery of the Government's commitments on both climate change and renewable energy. Positive planning which facilitates renewable energy

developments can contribute to all four elements of the Government's sustainable development strategy:

- Social progress which recognizes the needs of everyone – by contributing to the nations energy needs, ensuring all homes are adequately and affordably heated and providing new sources of energy in remote areas;
- Effective protection of the environment by reductions in emissions of greenhouse gases and thereby reducing the potential for the environment to be affected by climate change;
- Prudent use of national resources by reducing the Nation's reliance on ever-diminishing supplies of fossil fuels; and
- Maintenance of high and stable levels of economic growth and employment through the creation of jobs directly related to renewable energy developments, but also in the development of new technologies.

5.36 Through the use of life cycle assessment software, it can be demonstrated that Energy from Waste yields an environmental impact that is comparable to Advanced Thermal Treatment, and better than other competing technologies. On this basis it is concluded that the proposed NERRC EfW facility will result in a negative environmental footprint, that is, an overall reduction in environmental impacts such as global CO₂ emissions. In addition, the proposal will include Combined Heat and Power (CHP) infrastructure and aims to generate enough energy to power itself and surplus to export to the National Grid.

PPS 23 – Planning and Pollution Control

5.37 PPS 23 provides advice on Planning and Pollution Control. The proposals set out within the planning application have taken the main considerations of the PPS into account. PPS 23 advises that:

- Any consideration of the quality of land, air or water and potential impacts arising from development, possibly leading to impacts on health, is capable of being a material planning consideration, in so far as it arises or may arise from or may affect any land use;
-
- Presence of contamination in land can present risks to human health and the environment, which adversely affect or restrict the beneficial use of land but development presents an opportunity to deal with these risks successfully;
-
- Where pollution issues are likely to arise, intending developers should hold informal pre-application discussions with the LPA, the relevant pollution authority and/or the environmental health departments of local authorities (LAs), and other authorities and stakeholders with a legitimate interest; and

-
- Where it will save time and money, consideration should be given to submitting applications for planning permission and pollution control permits in parallel and co-ordinating their consideration by the relevant authorities.

PPS 25 Development & Flood Risk

5.38 PPS 25 recognises that planning applications should apply the following procedures to identify potential flooding. This guidance has been followed and implemented successfully for this application:

- Ensure that planning applications are supported by site-specific Flood Risk Assessments (FRAs) as appropriate:
- Apply the sequential approach at a site level to minimise risk by directing the most vulnerable development to areas of lowest flood risk, matching vulnerability of land use to flood risk;
- Give priority to the use of Sustainable Drainage Systems (SuDS); and
- Ensure that all developments in flood risk areas are appropriately flood resilient and resistant, including safe access and escape routes where required, and that any residual use can safely managed.

5.39 PPS 25 also provides useful guidance on the implementation of developments recognising that the following should be taken into account:

- Provide a Flood Risk Assessment;
- Opportunities to reduce flood risk should be installed within schemes;
- Enhance biodiversity and amenity within schemes;
- Protect the historic environment; and
- Seek collective solutions to managing flood risks.

5.40 PPS 25 states that developments should take account of flood risk at all times in the planning process. The comprehensive Flood Risk Assessment (Appendix 9.8) has considered the full remit of PPS 25.

Waste Strategy

5.41 The Government published the Waste Strategy 2007 for England on 24 May 2007. It sets out the Government's vision for sustainable waste management.

5.42 The majority of the UK's waste is disposed through landfill with a small proportion incinerated. In comparison with other European countries, the UK ranks as one of the countries which sends the most amount of municipal waste to landfill. Only Greece and Ireland ranked higher.

- 5.43 The Department for the Environment, Food and Rural Affairs (DEFRA) has identified the following trend in municipal waste management in England 2006/07.
- 57.9% of waste is landfilled;
 - 11.1% of waste is incinerated with EfW
 - 30.6% of waste is recycled/composted
 - 0.4% other waste disposal techniques

- 5.44 The Waste Strategy 2007 recognises that the Landfill Tax Escalator and the introduction of the Landfill Allowance Trading Scheme (LATS) have created sharp incentives to direct waste from landfill. A variety of Objectives and Targets are set out within Waste Strategy 2007 which confirm the acceptability of the principle of development for the proposed RRC at New England. In particular the following key objectives and targets have been recognised as pertinent to the application:

Key Objectives

- Meet and exceed the landfill directive targets for biodegradable municipal waste in 2010, 2013 and 2020; and
- Increase diversion from landfill of non-municipal waste and secure better integration for treatment of municipal and non municipal waste.

Key Targets

- Reduce the amount of household waste not re-used, recycled or composted from over 22.2 million tonnes in 2000 by 29% to 15.8 million tonnes in 2010 with an aspiration to reduce it to 12.2 million tonnes in 2020 – a reduction of 45%;
 - Recovery of Municipal Waste – 53% by 2010, 67% by 2015 and 75% by 2020
- 5.45 The Waste Strategy 2007 recognises that recovering Energy from Waste (EfW) is an essential component of well balanced energy policy. Energy from Waste is expected to account for 25% of municipal waste by 2020 compared to 10% today.
- 5.46 It is considered that the NERRC is in accordance with the Waste Strategy 2007 as it will help to achieve the national target for reducing biodegradable municipal waste going to landfill and reduce the amount of municipal waste not recycled or recovered.

REGIONAL POLICY

Regional Planning Guidance for the South West (RPG10)

- 5.47 Section 9 of RPG10 sets targets for the recycling, composting and value recovery from waste up to 2015. It recognises the historic dominance of landfill in the South West and that achieving the challenging waste targets will require a step change in waste management.
- 5.48 Policy RE5 - Management and Transportation of Waste states that in order to achieve sustainable waste management, the Region should aim to;
- recycle and compost 33% of household waste by 2015;
 - recover value from 45% of municipal waste by 2010 and 67% by 2015; and
 - reduce landfilling of biodegradable municipal waste to 75% of the 1995 production level by 2010; and 50% by 2013.
- 5.49 Policy RE6 - Energy Generation and Use supports and encourages the Region to meet national targets for a 20% reduction (from 1990 levels) in carbon dioxide emissions by 2010 and a minimum of 11-15% electricity production to be from renewable energy by 2010.
- 5.50 It is considered that the NERRRC is in accordance with these policies as it would provide significant capacity for recycling and recovering energy from waste, and would generate electricity.
- 5.51 RPG10 is in the process of being replaced by The South West Spatial strategy. The advance nature of the document is such that it is reviewed below.

The Draft Regional Spatial Strategy for the South West (RSS)

- 5.52 In September 2009, the Government Office for the South West announced that further Sustainability Appraisal work needs to be carried-out on the Proposed Changes. The outcome of this is expected in early 2010. This work has delayed the final publication of the RSS.
- 5.53 The Draft RSS identifies managing waste as one of the greatest challenges facing the Region. By 2026, up to 117,000 new homes and 122,000 new jobs are identified in the Secretary of State's proposed changes to the RSS. This growth will have consequences for waste disposal and energy use. Energy from Waste is identified in the RSS as a source of 'renewable heat'. The target for renewable heat in the South West is 100MW by 2010 and 500MW by 2050.
- 5.54 Relevant RSS policies which have been considered in relation to the New England Resource Recovery Centre are set out below:

- Policy F1: Flood Risk
- Policy RE1: Renewable Energy Targets
- Policy RE5: Renewable Energy and New Development;
- Policy RE6: Water Resources
- Policy RE9: Air Quality
- Policy W1: Provision of Waste Sites
- Policy W2: Waste Facilities and the Waste Hierarchy

- 5.55 Policy F1: Flood Risk aims to;
- Defend existing properties and, where possible, locate new development in places with little or no risk of flooding;
 - Protect flood plains and land liable to tidal or coastal flooding from development;
 - Follow a sequential approach to development in flood risk areas;
 - Use development to reduce the risk of flooding through location, layout and design;
 - Relocate existing development from areas of the coast at risk, which cannot be realistically defended; and
 - Identify areas of opportunity for managed realignment to reduce the risk of flooding and create new wildlife areas.
- 5.56 Policy RE1: Renewable Electricity Targets requires Local Development Documents to include positive policies to enable the achievement of the following targets: by 2010 a minimum target of 509 to 611 MWe installed generating capacity, from a range of onshore renewable electricity technologies.
- 5.57 By 2020, the regional target will increase to 850 MWe installed generating capacity from a range of onshore renewable electricity technologies. This onshore target, together with offshore renewable electricity capacity, will help to provide at least 20% of the region's electricity demand by 2020.
- 5.58 Policy RE5 Renewable Energy and New Development states that larger-scale developments will be expected to provide, as a minimum, sufficient on-site renewable energy to reduce CO2 emissions from energy use by users of the buildings constructed on site by 10%.
- 5.59 Policy RE6: Water Resources seeks to protect and enhance the Region's network of ground, surface and coastal waters and associated ecosystems taking account of the Environment Agency's 'Regional Water Resources Strategy', catchment abstraction management strategies, groundwater vulnerability maps, groundwater source protection zone maps and river basin management plans.

- 5.60 RE9 Air Quality: The impacts of development proposals on air quality must be taken into account and local authorities should ensure, through LDDs, that new development will not exacerbate air quality problems in existing and potential AQMAs.
- 5.61 W1 Provision of Waste Sites, requires Waste Planning Authorities will make provision in their Waste Development Frameworks for a network of strategic and local waste collection, transfer, treatment (including recycling) and disposal sites to provide the capacity to meet the indicative allocations for their area shown in Appendix 2, for 2010, 2013 and 2020.
- 5.62 W2 Waste Facilities and the Waste Hierarchy: Provision of waste facilities will take account of the following waste hierarchy:
- Waste should be managed on the site where it arises, wherever possible (waste minimisation), and
 - Waste that is not managed at its point of arising should be managed according to the proximity principle. In all areas, identification of sites for facilities will take account of the following;
 - Established and proposed industrial sites, in particular those that have scope for the co-location of complementary activities, such as proposed resource recovery parks, and
 - Other previously developed land, including use of mineral extraction and landfill sites during their period of operation for the location of related waste treatment activities.
- 5.63 Appendix 2 of the RSS states that Commercial and Industrial Waste Management Capacity will need to be developed to manage up to 470,000 tonnes per annum in 2020. In terms of mixed residual waste streams from households, capacity for up to 370,000 tpa of secondary treatment such as incineration will need to be developed by 2020.
- 5.64 In summary, regional waste planning policy recognises that increasing amounts of waste cannot be landfilled if waste management is to become more sustainable. Local Planning Authorities will be required to provide the capacity to manage waste sustainably and this is likely to include technologies such as EfW. The RSS states that provision must be made for waste sites in Local Development Frameworks and identified in Waste Development Frameworks.
- 5.65 The site is within the floodplain and close to ecologically sensitive areas. In order to comply with PPS 9, PPS 25 and draft policies in the RSS, appropriate technical assessments must be undertaken and any identified mitigation and enhancement measures put into place.

COUNTY POLICY

The Devon Structure Plan 2001 – 2016

5.66 The Devon Structure Plan was adopted in October 2004 and sets out the strategic planning framework for the administrative areas of Devon County Council, Plymouth City Council, Torbay Council and Dartmoor National Park Authority.

5.67 Policies within the plan considered relevant to this application are detailed in the following paragraphs.

Policy ST1: Sustainable Development:

“In planning for the future of Devon, Local Planning Authorities and other agencies should ensure that sustainable development objectives are achieved by:

1) conserving resources - through the efficient use of land, waste minimisation, conservation of mineral resources, energy conservation and the use of renewable resources, and the effective management of water;

2) protecting environmental assets – including landscape, the natural, built and historic environment - and ensuring that development proposals are well designed and sympathetic to Devon’s distinctive character;

3) meeting the needs of the community, including housing, employment, social and cultural needs, in terms of their range and scale - provided for in locations most accessible to those who need to use them;

4) developing a sustainable transport system that is accessible, sustainable, integrated, efficient and safe, in both urban and rural areas - including pedestrian, cycle, road, rail, air, waterway and sea networks for work, shopping, leisure, and services;

5) assessing the impact of proposals against national and regional indicators of sustainable development - to make positive improvements to quality of life.”

5.68 The proposed NERRC seeks to achieve the implementation of sustainable waste management with the context of overall environmental policies. The scheme has been designed to ensure that the overall thrust of sustainable land use has been incorporated into the project.

Policy ST3: Self Sufficiency of Devon’s Communities:

“The self-sufficiency of communities should be maintained and enhanced by providing a balance of housing and employment, the provision of a range of local services and facilities, and a mix of compatible uses in order to maximise accessibility and reduce the extent of travel.

“Opportunities should also be taken to introduce appropriate land uses into existing developed areas where this would lead to a better balance in the mix of development. In providing for development, Local Authorities should have regard to the need for community facilities and services, including education, recreation, open space, health and cultural facilities, local shopping facilities, transport infrastructure, employment, housing including affordable housing, and public utilities.”

- 5.69 The provision of sustainable waste management is an integral part of the local services. The proposed NERRC will serve a limited area of South West Devon, and combine a sustainable location with effective and proven method of waste management.

- 5.70 Policy CO1 Landscape Character and Local Distinctiveness

“The distinctive qualities and features of Devon’s Landscape Character Zones, illustrated in Map 5, should be sustained and enhanced. Within the context of this broad characterisation, Local Planning Authorities should undertake more detailed assessments of landscape character in order to identify priority areas for the maintenance, enhancement and / or restoration of that character and provide an appropriate policy framework in Local Plans for each area. Policies and proposals within each part of Devon should be informed by and be sympathetic to its landscape character and quality”

- 5.71 Policy CO2: National Parks

“In designated Areas of Outstanding Natural Beauty, the conservation and enhancement of their natural beauty will be given priority over other considerations. Within these areas, development will only be provided for where it would support their conservation or enhancement or would foster their social and economic well-being provided that such development is compatible with their conservation. Particular care will also be taken to ensure that any development proposed adjacent to such areas does not damage their natural beauty”

- 5.72 Policy CO6: Quality of New Development

“The identity, distinctive character and features of existing settlements, urban and rural areas should be conserved and enhanced. In planning for new development the Local Planning Authority should maintain and improve the quality of Devon’s environment by requiring attention to good design and layout that respects the character of the site and its surroundings and by providing for regeneration and conservation, townscape enhancement, traffic management and the retention and provision of open space.”

- 5.73 Policies CO1, CO2 and CO6 seek to ensure that Devon’s landscape character is considered at application stage. A full landscape and visual Impact has been undertaken as part of this application (Section 11), and the design of the facility, considered to landscape measures and general layout has sought to minimise any impact of the visual amenity of the area.

5.74 Policy CO7: Historic Settlements and Buildings and states:

“The quality of Devon’s historic environment should be conserved and enhanced. In providing for new development particular care should be taken to conserve the special historic character of settlements, the character and appearance of conservation areas, the historic character of the landscape, listed or other buildings of historic or architectural interest and their settings and parks and gardens of special historic interest and their settings.”

5.75 Policy CO8: Archaeology:

“Internationally, nationally and regionally important archaeological sites and their settings, whether Scheduled Monuments or unscheduled, will be preserved. Other important sites and their settings should be preserved wherever possible, and in considering proposals for development which would have an adverse impact on them, the importance and value of the remains will be a determining factor.

“Where a lack of information precludes the proper assessment of a site or area with archaeological potential, developers will be required to arrange appropriate prior evaluation in advance of any decision to affect the site or area.

“Where the loss of an archaeological site or area is acceptable, proper provision for archaeological excavation and recording will be required.”

5.76 The location of the site is such that no elements of cultural heritage have been directly impacted. The Cultural Heritage Impact Assessment (Section 13) considers the effect of the scheme on features in the vicinity of the site.

5.77 Policy CO10: Protection of Nature Conservation Sites and Species:

“Sites of National and International importance for nature conservation will be protected from development which would harm their nature conservation interest or conflict with their conservation objectives. Where practical, opportunities for enhancement should be sought. Local Plans should also define sites and features of local nature conservation importance, including landscape features which provide wildlife corridors, links or stepping stones between habitats, and seek to protect these sites and features from harmful development and promote their beneficial management. Development likely to have an adverse effect on a specially protected species should only be permitted where appropriate measures are taken to secure its protection. Special consideration should be given to any development proposals likely to affect a European Protected Species.”

5.78 The site is not subject to any statutory site if national or international designations. These are a number of features of County significance and a detailed Ecological Impact Assessment has been undertaken at section 12.

5.79 Policy CO13: Protecting Water Resources and Flood Defence

POLICY CONTEXT 5

All new development should be subject to an appropriate drainage assessment, and wherever possible appropriate sustainable drainage systems. Proposals for development should not be provided for where:

1) such development would lead to a deterioration in the quality, quantity, or natural flow of underground, surface and coastal waters;

2) adequate water resources do not already exist, or where their provision is considered likely to pose a risk to existing abstractions, water quality, fisheries, nature conservation, amenity or inland navigation interests or any facet of the natural water environment;

5.80 Policy CO15: Air Quality:

“Development that would give rise to a significant deterioration in air quality should not be located where that deterioration would adversely affect other land-uses and amenity in the vicinity.”

5.81 Policy CO16: Noise Pollution:

“Development should not be located where it would result in a significant increase in the level of noise affecting existing or proposed land uses in the vicinity, and noise sensitive land uses should not be located in areas affected by significant existing noise.”

5.82 The EIA undertaken to inform this ES has considered all environmental issues associated with development of this nature, based on SLR’s experience of similar developments, the results of the Scoping procedures and consultation with statutory consultation.

5.83 Section J of the Structure Plan addresses issues in relation to waste management and gives a broad indication of the amounts and types of controlled waste arising in Devon. Consideration of the scheme in the context of waste-specific policies is provided in the section dedicated to the Devon Waste Local Plan below.

Devon County Waste Local Plan

5.84 The Devon County Waste Local Plan (WLP) was adopted in June 2006 and covers the period to 2016.

5.85 The WLP provides land-use planning policies for managing waste in Devon. The WLP does not include policies relating to Plymouth, Torbay or Dartmoor and Exmoor National Parks but does take into account waste that may arise in these areas as they may be processed or disposed of within the plan area.

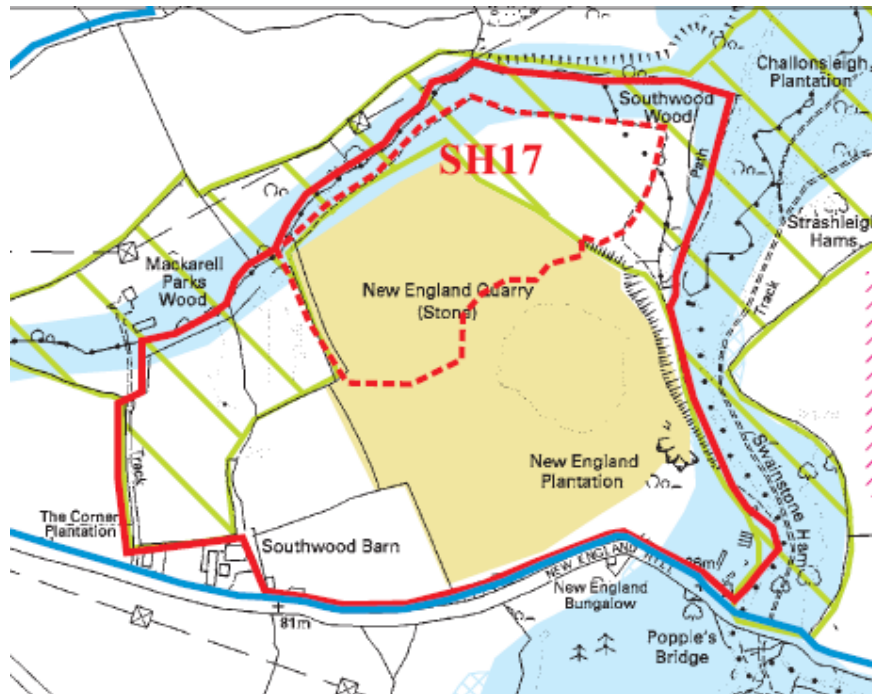
5.86 Chapter 4 of the WLP sets out the position in respect of waste arisings in Devon. Section 4.3 identifies current waste generation within the WLP area and paragraph 4.3.5 identifies that in 2003/4 483,979 tonnes of municipal solid waste (MSW) were generated in Devon (excluding Plymouth). The text goes on to state that 445,261 tonnes of this MSW were classed as

Household Waste, approximately 73% of which was sent to landfill, with the remainder either recycled or composted.

- 5.87 Section 4.4 forecasts future trends in waste generation and identifies that municipal waste is expected to grow in Devon over the coming years from a peak rate of 2.6% in the early years of the plan, reducing to a rate of growth of 1% from 2009 onwards. Based upon this rate of growth, the WLP identifies that by 2015/16 MSW arisings will amount to 571,745 tonnes.
- 5.88 With regards to Commercial and Industrial Waste (CIW), Section 4.3.7 estimates the arisings in 2003/4 as 933,353 tonnes, of which some 55% was landfilled, 27% recycled and approximately 18% re-used or used in land recovery projects.
- 5.89 In terms of future arisings, the Plan applies a growth rate of commercial waste of 1.45% per annum, and of industrial waste of -0.45% per annum. This translates into a combined increase in CIW waste of some 50,000 tonnes per annum over the period to 2015/16.
- 5.90 Policies within the plan considered relevant to this proposal are detailed in the following paragraphs:

Policy WPP1: Site Specific Policies for the Provision of Additional Waste Management Facilities.

- 5.91 The basis for the promotion of the NERRC is enshrined in Policy WPP1 of the Devon Waste Local Plan. The New England Quarry is identified within the policy as a site appropriate for the location of a strategic waste management facility, provided that the particular proposals comply with the other relevant policies contained within the Waste Local Plan.
- 5.92 The extent of the allocation is illustrated below on the extract from Inset Plan SH17 of the Local Plan. The full site policy associated with New England Quarry is included at Appendix 5/1. It should be noted that the application boundary excludes the western most field (north of Southwood Barn) identified in the Local Plan.



- 5.93 The Inset Plan identifies the potential of the site to accommodate “non-hazardous and inert landfill, energy from waste, MBT/BMT, MRF and waste transfer facilities, greenwaste and mixed waste composting and inert waste recycling.” The facility at NERRC would accommodate the landfill and EfW elements of the policy, in clear accordance with the WLP.
- 5.94 However, it is also acknowledged that the Plan identifies several constraints and considerations that are material in the context of Policy WPP1 and the development plan. Each of these, including nature conservation, a County Geological Site, floodplain, archaeology and minerals consultation area have been included in the consideration of the scheme through the EIA process. In addition, the policy identifies the need for a new access road.
- 5.95 The ES demonstrates that there is no constraint associated with Policy WPP1 that would preclude the development of the site for the waste management techniques proposed.

Policy WPC1: Sustainable Waste Management

- 5.96 Planning applications for waste management facilities will only be permitted where they accord with the Objectives of the Waste Local Plan and form part of an integrated and sustainable waste management strategy for the County. When assessing a planning application for a waste management facility, regard will be had to:
- (i) the waste hierarchy;
 - (ii) minimising the transportation of waste;
 - (iii) self-sufficiency; and

(iv) whether any potential adverse effects on the environment which cannot be mitigated are outweighed by wider environmental benefits.

- 5.97 The Devon County Waste Management Local Plan recognises that planning applications for waste management facilities should take into account the need for such a facility locally within the Waste Planning Authority area and regionally, taking into account the advice of the relevant sub-regional and regional planning bodies.
- 5.98 It is also recognised within the Waste Local Plan that “consideration of planning applications will be considered on their individual merits”.
- 5.99 The site at New England has been subject to detailed consideration as part of the Plan adoption process, and accords with the requirement for sustainable development and waste management.

Policy WPC2: Development Control Considerations

5.100 *Proposals for waste development will be assessed having regard to the following considerations:*

1. Any adverse impact arising from the proposal on:

(a) the environment, including biodiversity, earth science interest, landscape and the historic environment considerations;

(b) the best and most versatile agricultural land;

(c) the likely traffic generated by the proposal, and the overall effect on the highway network;

(d) the water environment with particular reference to the protection of groundwater resources and the effects of the proposal on flood risk

(e) the recreational use of the area to include effects on Public Rights of Way;

(f) the health and amenity of nearby residents;

(g) the likely generation of noise, vibration, odour, fumes, dust, litter, scavengers and vermin;

(h) the risk to aircraft from bird strikes or structures; and

(i) Mineral Consultation Areas.

2. Any benefits arising from the proposal, in particular:

(a) the effects of the development on the local, regional and national economy and environment;

(b) the extent to which any extension to existing tipped areas would achieve a net benefit to the local landscape; and

(c) opportunities for the introduction of alternatives to road transport.

3. *Where the application is likely to give rise to material planning objections:*

(a) the local need for waste management facilities to meet the demand identified by Devon's BPEO studies as embodied in the Municipal Waste Management Strategy for Devon; and

(b) the regional need for waste management facilities to meet the demand identified by the Regional Waste Strategy for the South West .

4. *Where relevant, information will also be required on:*

(a) the proposed working programmes;

(b) proposals for the restoration and aftercare of the site;

(c) the type and location of any plant; and

(d) the relationship of the proposal to existing waste management facilities.

- 5.101 The Environmental Statement and other documents associated with the application have considered all of the development control criteria including within Policy WPC 2. Where impacts have been identified, appropriate mitigation measures have been proposed and form part of the application and here in turn been subject to EIA.

Policy WPC3: Integrated Waste Management Facilities

- 5.102 *Where possible, opportunities should be taken to integrate a variety of waste management facilities on one site, and applications for integrated waste management facilities at the sites proposed in Policies WPP1, WPP2 and WPP3 will be permitted having regard to the Waste Local Plan policies specific to the proposals put forward, provided that any adverse environmental impacts, including any cumulative effects, are not considered sufficient to justify refusal of planning permission.*

- 5.103 As stated in the description of development this application located at New England will integrate two waste management facilities on one site. The proposed development will integrate an EFW facility as well as an non hazardous landfill site. The development also fully complies with this policy as New England is a favourable waste site that is identified in policy WPP1.

Policy WPP5: Areas Of Outstanding Natural Beauty And Effects On National Parks

- 5.104 *"Proposals for waste management facilities within an Area of Outstanding Natural Beauty will not be permitted if they would conflict with the objective to preserve and enhance its natural beauty.*

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- 5.105 *No waste development will be permitted outside an Area of Outstanding Natural Beauty or National Park, which would unacceptably damage the designated area's natural beauty, character and special qualities."*
- 5.106 The Landscape and Visual Impact Assessment has considered the setting of the Site in the context of the ANOB and National Park, and concluded that the scheme will have no effect on the character or special qualities of these protected areas.

Policy WPP6: Sites Of Special Scientific Interest And National Nature Reserves

- 5.107 *"Proposals for waste management facilities will not be permitted if they are likely to harm, either directly or indirectly, the particular wildlife or geological interest of a Site of Special Scientific Interest, a National Nature Reserve, or a Marine Nature Reserve."*
- 5.108 A full Ecological Impact Assessment has been carried out and is included at Chapter 12 of this full Environmental Statement.
- 5.109 This assessment ensures that any harm that the proposed development is likely to cause to wildlife or protected area is either avoided or measures will be put in place to minimise harm.

Policy WPP7: Archaeological Sites

- 5.110 *"Proposals for the development of waste management facilities which involve the loss of, or damage to, nationally important archaeological remains, whether scheduled or not, or their settings, will not be permitted."*
- 5.111 A full Cultural Heritage Assessment is included at Section 13 of the Environmental Impact Assessment. The baseline survey has identified a range of archaeological sites within a 2km zone that lie within the application site and its environs. It has also discussed designated sites and their settings within a wider area of 5km, and assessed the indirect impacts that might potentially affect these nationally protected historic assets.

Policy WPP8: Listed Buildings

- 5.112 *"Proposals for waste management facilities which would conflict with the objective to preserve Listed Buildings and their features and settings will not be permitted."*
- 5.113 There are 293 listed structures within 5km of the centre of the application site. Such a large number of listed buildings required an initial filtering exercise to determine which would need to be assessed in any detail. Through liaison with the Landscape Architects it was possible to utilize the Zones of Theoretical Visibility (ZTV) to establish which areas were likely to be intervisible with the proposed development. The majority of construction operations will be confined within the existing New England Quarry, an area

that has already undergone severe disturbance. It is therefore concluded that there will be no direct impact on listed building remains within this area as survival of any potential remains following past quarrying activities would be highly unlikely.

Policy WPP13: Local Conservation Designations

5.114 *“Proposals for waste management facilities which are likely to have an adverse effect on the following local sites of substantive nature conservation, geological or historic environment importance:*

- *County Wildlife Sites*
- *County Geological Sites*
- *Local Nature Reserves*
- *Sites listed on the Sites and Monuments Register*
- *Sites listed on the Devon Local Register of Parks and Gardens of Special Historic Interest; or*
- *Sites which following survey are shown to be of equivalent importance to those listed above, but are not designated as such will only be approved if:*

(i) there is a need for the waste management facility which outweighs the need to safeguard the nature conservation, geological or historic value of the site; and

(ii) there are no reasonable, less damaging alternative solutions; and

(iii) the development incorporates satisfactory provision for the mitigation of its impacts in the form of habitat creation/re-creation, landscaping or planting, conservation of geological or other features, and the recording, excavation and subsequent reporting of any historic or archaeological sites or features to be affected.

Policy WPP14: Maintenance And Enhancement Of The County’s Nature Conservation Resource

5.115 *“Proposals for waste management facilities shall include provision to maintain or enhance the extent, diversity and local distinctiveness of the County’s nature conservation resource. Planning conditions and planning obligations will be used to mitigate or compensate for any adverse impacts. Opportunities will be sought to manage, restore and enhance key conservation interests, including landscape features which may provide wildlife corridors and links between habitats.”*

5.116 As stated above a full Ecological Impact Assessment has been carried out that identifies all the local conservation designations within close proximity of the site. The assessment also provides mitigation measures for areas that will be affected by the development.

Policy WPP17: Water Resources Protection

- 5.117 *“Proposals for waste management facilities will not be permitted which would cause unacceptable harm to water resources and the water environment (either by way of pollution, contamination or derogation).”*

Policy WPP18: Protection Of Floodplains

- 5.118 *“Proposals for waste management facilities which increase the risk of flooding or reduce floodplain capacity will not be permitted unless the risks or impacts can be mitigated by appropriate measures”*
- 5.119 Section 9 includes full details of the Hydrological and Hydrogeological assessment of the site. The review includes a detailed Flood Risk Assessment at Appendix 9-8.

Policy WPP19: Protection Of Mineral Consultation Areas

- 5.120 *“Proposals for waste management facilities within Mineral Consultation Areas will not be permitted where they would sterilise mineral resources which are, or may become, of economic importance, would prejudice the future tipping of mineral waste, or would otherwise be incompatible with mineral development”*
- 5.121 The mothballed New England Quarry is located within a Mineral Consultation Area and benefits from an extant permission. The land to the east of the Yealm similarly benefits from permission, and the proposed development has been designed to ensure that the mineral resource within that area will not be compromised.

Policy WPP20: Transportation Of Waste

- 5.122 *“Proposals for waste management facilities should seek to minimise the need to transport waste, especially by road. Proposals which would conflict with the objectives of maximising the proportion of materials moved by rail or water will not be permitted. Consideration will be given to the location of waste management facilities adjacent to a railhead or navigable waterway, or to the major road network. Consideration will also be given to the access to, and the availability of, non-road transport facilities, and to all likely costs and benefits.”*

Policy WPP21: Road Transport

- 5.123 *“Proposals for waste development will not be permitted where the potential generation of heavy goods vehicle movements could not be satisfactorily accommodated on the existing local highway network, and/or these vehicle movements would cause demonstrable harm to interests of acknowledged*

importance, unless highway improvements can be carried out which do not cause demonstrable harm to interests of acknowledged importance.”

- 5.124 The application is accompanied by a comprehensive Transport Assessment included at Section 6 that has taken into account all highways issues, and considered a number of alternatives associated with access to the site.

Policy WPP22: Health And Air Quality

- 5.125 *“Proposals for waste development which would have an unacceptable adverse effect on health or air quality will not be permitted.”*
- 5.126 The application is accompanied by a comprehensive air quality assessment that has included extensive modelling of dispersion.

Policy WPP24: Site Design and Appearance

- 5.127 *“Only planning applications for waste management facilities which have had regard to minimising visual impact by:*

- appropriate landscaping, or*
- utilising existing topography and natural cover, or*
- grouping structures to prevent sprawl*

will be permitted. Structures should be designed, and colour applied, so as to minimise visual impact, to minimise light pollution, and to assist integration into the local landscape.”

- 5.128 A detailed Design and Access Statement has been produced following consultation with the Design Panel for the South West and an iterative design process.

Policy WPP36: Energy From Waste Incineration

- 5.129 *“Proposals for the development of energy from waste incineration facilities will be permitted having regard to the following:*

*(i) preference will be given to proposals at the Sites contained in **Policy WPP1**;*

(ii) the proposal will aid the development of a co-ordinated network of waste disposal facilities;

(iii) the scale of the proposal would not compromise waste recovery operations higher in the waste hierarchy (i.e. recycling and composting);

(iv) the facility incorporates appropriate measures to reduce all forms of pollution to an acceptable level, for the protection of groundwater and surface water, to prevent

additional flood risk due to increased surface water run-off, to avoid ground contamination, and to protect human health;

(v) mitigation measures are taken to minimise the adverse impacts on all occupiers and users of nearby land and buildings, including: noise, dust, air and water pollution, smell, litter, scavengers and vermin, visual intrusion, traffic and other disturbance;

(vi) the traffic likely to be generated by the facility will not cause congestion on the roads leading to the site, and appropriate access can be accommodated on the highway network;

(vii) there is sufficient space within the site for the traffic likely to be generated to park, turn and manoeuvre off the highway, and for the temporary storage of material waiting to be processed; and

(viii) the site design and the appearance of buildings are in accordance with the requirements of Policy WPP24.”

- 5.130 The consideration of the EfW element of this proposal has formed a fundamental part of the EIA approach. The iterative design, scope, extent and form of the EfW, and the various ancillary elements hereof, has shaped the scheme and the various assessments. The conclusion has been reached, that the site is appropriate for a development of this nature, and this conclusion is supported by the prevailing international, national and county wide policies. The sites allocation at Policy WPP1 demonstrates that the principal of EfW are landfill at this location has been accepted, and has been considered in the public domain as part of the Plan's detailed consultation process. The proposed scheme therefore clearly complies with development plans.

Policy WPP39: Non-Hazardous Waste Landfill Sites

- 5.131 Preference will be given to extensions to existing landfill sites for non-hazardous waste. Where no such sites may be identified, proposals for the development of new landfill sites will be permitted having regard to the following:

(i) preference will be given to proposals at the Sites contained in Policy WPP1;

- The proposed development is included within WPP1.

(ii) sites which do not incorporate facilities for energy recovery will not be permitted unless it can be shown that this would be impractical;

- The site is associated with an energy recovery facility.

(iii) the proposal will aid the development of a co-ordinated network of waste disposal facilities;

- NERRC forms part of the integrated management of waste.

(iv) the scale of the proposal would not compromise waste recovery operations higher in the waste hierarchy;

- the need for limited landfill is an integrated part of the hierarchy.

(v) mitigation measures are taken to minimise the adverse impacts on all occupiers and users of nearby land and buildings, including: noise, dust, air and water pollution, smell, litter, scavengers and vermin, visual intrusion, traffic and other disturbance;

- the EIA has considered all of these potential impacts.

(vi) the traffic likely to be generated by the facility will not cause congestion on the roads leading to the site, and appropriate access can be accommodated on the highway network;

- a full Transport Assessment has considered traffic impacts

(vii) the proposal would assist the reclamation of the site to an agreed after-use, or would facilitate the re-engineering of the site, and improve its finished landform and appearance;

- a detailed restoration scheme has been included in the application.

(viii) the site design and the appearance of buildings are in accordance with the requirements of Policy WPP24; and

- there are no building specifically related to the landfill.

(ix) the facility incorporates appropriate measures to reduce all forms of pollution to an acceptable level, for the protection of groundwater and surface water, to prevent additional flood risk due to increased surface water run-off, to avoid ground contamination, and to protect human health.

5.132 The context of the ES, allied with the Environmental Permit, will mitigate all environmental issues.

Devon Minerals Local Plan

5.133 The Devon Minerals Local Plan (MLP) was adopted in June 2004, and remains part of the development plan for the site. The relevance in the context of this application is the presence of the mothballed New England Quarry identified specifically at Inset Plan 40 of the MLP.

5.134 In broad terms, the key objectives of the MLP are:

(i) to strike a balance between the demand for all mineral resources and the need to protect the environment having regard to the principles of sustainable development;

ii) to maintain a stock of permitted reserves (a landbank) for aggregate minerals in accordance with current Government advice;

iii) to encourage the most appropriate use of all mineral resources and the re-use of waste minerals and secondary aggregates, in order to reduce the requirement for new primary resources to a minimum;

iv) to protect the quality and diversity of the County's earth science and nature conservation interest, historic environment, water environment and landscape character;

v) to identify Mineral Working Areas which will provide for the continued extraction of minerals, having regard to the need to avoid demonstrable harm to interests of acknowledged importance;

vi) to ensure, in consultation with local communities, that mineral sites are progressively restored to a beneficial after-use;

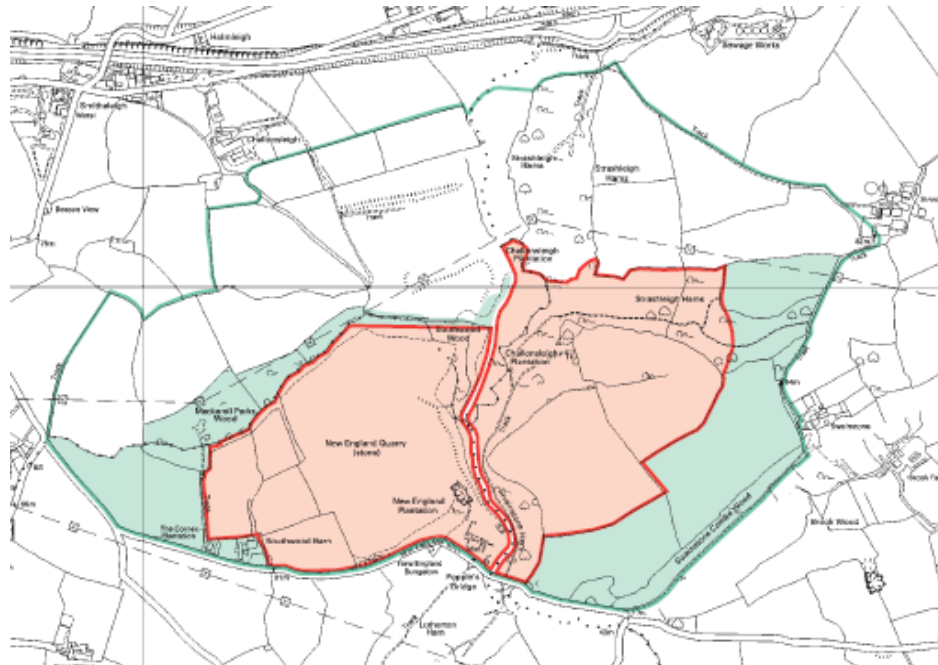
vii) to prevent the unnecessary sterilisation of mineral resources by other forms of development; and

viii) to identify those mineral sites where the County Council will seek to remove the possibility of their re-opening by the service of Prohibition Orders.

5.135 With regards to the sterilisation of minerals resources, (vii) above, Chapter 5 of the MLP identifies New England Quarry as lying within a Mineral Consultation Area (MCA) (Policy MP14). The identification of a site within an MCA recognises the economic importance of mineral resources but does not bestow on it any commitment to extraction in the event that the site does not benefit from planning permission.

5.136 The New England Quarry does benefit from permission, and this reserve therefore has the potential to contribute to the County's landbank. Policy MP13 precludes development within MCAs "where it will sterilise mineral resources which are, or may become, of economic importance, will prejudice the future tipping of mineral waste, or will otherwise be incompatible with mineral development." The planning permission for extraction at New England covers a total area of some 80 hectares of which approximately 20 hectares has been partially worked.

5.137 The extent of the MCA is illustrated below, defined by the blue line, which extends to a total area of some 175 ha. The construction of the RRC will sterilise approximately 35ha. of this total, but will not compromise the overall economic viability of the reserve, or introduce a development incompatible with quarrying.



LOCAL POLICY

The South Hams Local Plan (1989 – 2001)

- 5.138 The South Hams Local Plan remains the statutory development plan within South Hams until the Local Development Framework (LDF) is completed.
- 5.139 Careful consideration of the character of the application site and its surroundings, effects in relation to traffic, air quality, road safety, drainage, the landscape, wildlife and historic interests or local amenity have all been carefully considered and the development proposals which are being put forward are in accordance with Policy SHDC 1.
- 5.140 Detailed Landscaping and Restoration principles are set out in Chapter 10 of the ES Statement (Volume 3) and are considered to contribute to the promotion of positive measures of countryside management as in accordance with Policy SHDC 21.
- 5.141 The South Hams Local Plan Review (1995-2011) sets out the broad policies which will apply throughout the South Hams during the period up to 2011.
- 5.142 With regard to the South Hams Local Plan Review document, the proposed development at New England Quarry will:
- have no significant adverse impact on the natural landscape (ES Chapter 10, Volume 3), will not affect any landscape, wildlife (ES Chapter 11,

Volume 3) or heritage designations (ES Chapter 12, Volume 3) and will have no adverse impact on the amenity of the area in respect of noise (ES Chapter 8, Volume 3) dust, odour, and traffic generation (ES Chapters 6 & 7, Volume 3) and therefore in accordance with policy Dev 11;

- not result in any loss of local amenity and will not impact on surrounding areas in relation to additional noise, traffic, smoke, dust, smell or any other form of pollution attributable to the proposals (DEV 17);
- make provision for safe access, egress and internal circulation arrangements for all modes of transport relevant to the proposal (DEV 19);
- not be intrusive in the wider landscape setting, will not be detrimental to the landscape character of views from public vantage points, and will not disrupt the character of existing skylines (DEV 23);
- not impact on the rural character and appearance of the site, the settlement and its setting, the amenities of nearby residents or other land uses, and travel, access and highway safety (EMP 3);
- be satisfactorily assimilated into the surroundings, bring economic benefits to the agricultural community, be sited close to an existing building in a location that will minimise the impact on the character and appearance of the countryside (EMP 5);
- will allow for diversification of the rural economy, will sit satisfactorily in the landscape in terms of its design, siting and materials and will have no adverse impact on the amenities of nearby residents or other land uses (EMP 6).

South Hams District Local Core Strategy

5.143 The South Hams District LDF Core Strategy seeks to:

- provide for business growth and development, supporting indigenous growth and growth sectors that enhance the prospects of local businesses (SO7);
- maintain and develop a prosperous working countryside, encouraging sustainable development including rural regeneration and diversification (SO10);
- achieve development which is of a high quality, respects its location and is compatible with the sustainable management of land, soil, air and water (SO20); and
- promote development that will help to reduce the consumption of fossil fuels and the emission of greenhouse gases (SO21).

POLICY SUMMARY CONCLUSIONS

- 5.144 This section has summarised the findings of a planning review that considers the development plans that are applicable to the site and that may have a material bearing on the determination of the planning application.
- 5.145 The prevailing policies at a European, national, regional and local level all advocate the reduction in the quantities of waste being directed towards landfill, and the increase in recycling levels. Furthermore, the general approach of planning policy is the encouragement of renewable sources of energy, the reclamation of sites, the application of good design principles, and the sustainable use of resources. The Applicant fully supports these policies, and has effectively incorporated these issues into the ES as part of the EIA process.
- 5.146 The principle of development at the New England site is clearly established in the Devon Waste Local Plan. The onus is to ensure that the potential environmental issues identified in general terms in the Plan, and more especially through the Scoping exercise, have been addressed. The purpose of the ES is to show how that exercise has been undertaken. The site is allocated in the Devon Waste Local Plan for the uses included in the application, and the proposal accords fully with the policies therein.
- 5.147 The principle of sustainability is uppermost in the proposed implementation of this scheme, and complies with prevailing policies. In the light of these circumstances, it is concluded that there are no overriding planning constraints specific to the site, and the proposal is in accordance with development plan policies.