

04 July 2011

Our ref: New England Quarry

Your ref: DCC/2975/2010



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BY EMAIL ONLY

Dear Ms Penaluna

Planning consultation: New England Resource Recovery Centre Devon County Council
Application – Additional Environmental Information
Location: New England Quarry, Lee Mill, Devon

Thank you for your consultation dated 17 June 2011, which we received on the same day.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

You consulted us on additional information provided by Viridor in June subsequent to the Reg 19 additional information; specifically revised sections of Chapter 12 of the EIA comprising Appendix 12/14 Management Mitigation & Enhancement, Appendix 12/17 Additional Ecological Information and Appendix 12/18 Additional Bat Surveys.

Natural England welcomes the additional survey work provided in these revisions, and the clarification of detail on the impacts of the development and the link road on the ancient woodland.

With regard to the bat surveys, we note that the surveys were carried out over three days in April and May. Given that tree-roosting bats move frequently, and the known presence of Barbastelle bats which are hard to pick up using detectors, this survey effort does not seem sufficient nor the timing sufficiently long to clearly identify the impact of the access road on these protected species. I understand that the surveyors were asked to contact us to agree the survey methodology but I'm not aware that this took place.

The additional information on the predicted losses of ancient woodland goes some way to clarifying the figures produced in earlier versions. The commitment to new planting and improved management of the existing woodland is welcomed. However, Ancient Woodland loss is not mitigatable or compensatable. You should not grant permission that would result in its loss unless the benefits of the development in that location outweigh the loss of ancient woodland. It seems to Natural England that this loss may be avoidable, if it's for an access road.

The woodland Loss/Gain Balance sheet seems to only identify the direct loss of woodland through the construction of the access road. There does not appear to be any attempt to quantify the indirect loss through disturbance, dust and eutrophication from the activities on the road itself. Moreover, the effect of the access road is to bisect the woodland into two parts, with a substantial barrier between them. The impact of this severance on the remaining woodland is significant and likely to result in long-term deterioration of the woodland flora and fauna through increased edge effects.

Natural England would also like to take this opportunity to clarify our position regarding the landscape impacts of this proposed development.

The proposal is within 4km of Dartmoor National Park. All public bodies, including local planning authorities and Natural England, have a duty under Section 11A of the National Parks and Access to the Countryside Act 1949 (amended by Section 62 Environment Act) to have regard to the statutory purpose of National Parks which is:

- a) conserving and enhancing the natural beauty, wildlife and cultural heritage of the parks; and
- b) promoting opportunities for understanding and enjoyment of the special qualities of National Parks by the public.

Natural England would advise that careful consideration be given to evidence submitted with and in response to the application in respect of impacts and effects on the landscape and visual resource of the Dartmoor National Park. In particular, Devon County Council should be satisfied that their decision in respect to this proposal meets their statutory duty of regard to the statutory purpose of National Parks. We would consider this test may be best answered by the National Park Authority and we would support the views expressed by them.

The proposal is also within 3km from the South Devon Area of Outstanding Natural Beauty (AONB). In exercising or performing any functions in relation to, or so as to affect, land in an AONB, all public bodies, local planning authorities and Natural England, have a duty to have regard to the statutory purpose of AONBs, which is the purpose of conserving and enhancing the natural beauty of the area (Section 85 Countryside and Rights of Way Act, 2000). Local planning authorities are required to take such action as appears to them to be expedient for the accomplishment of the purpose of conserving and enhancing the natural beauty and amenity of an AONB to the extent that it lies within their area (Section 84(4) Countryside and Rights of Way Act, 2000).

Natural England would advise that careful consideration be given to evidence submitted with and in response to the application in respect of impacts and effects on the landscape and visual resource of the AONB. In particular, Devon County Council should be satisfied that their decision in respect to this proposal meets their statutory duty of regard to the statutory purpose of AONBs. We would consider this test may be best answered by the AONB and we would support the views expressed by them.

The development itself is not located within a designated landscape, but the critical test, as for proposals within protected landscapes, is to demonstrate that the development will not compromise the purpose of designation. Natural England therefore considers that the bar can also be set higher in locations outside of designated areas where developments may compromise the objectives of designation. This may include areas where developments can be seen from designated areas, or where development would adversely affect views of designated areas. Furthermore, careful consideration must be given to situations where development may adversely impact on or affect the understanding, interpretation and coherence of related or functionally linked landscape areas.

Yours sincerely



Denise Ramsay
Land Use Operations