

STATEMENT OF CASE

**MVV Environment (Devonport) Limited
(the Appellant)**

Whitecleave Quarry, Buckfastleigh

**Proposed Materials Recycling Facility for Construction and
Demolition Waste; IBA Reprocessing Facility and Working of
Dolerite Outcrop.**

LPA REF: DCC/3242/2011

PINS Ref: APP/J1155/A/12/2185633

January 2013

INTRODUCTION

- 1.1 The statement is submitted under Rule 6 of the Town and Country Planning (Inquiries Procedure) (England) Rules 2000.
- 1.2 It has been prepared in advance of the Pre-Inquiry meeting and the Appellant, therefore, reserves the right to extend the range of issues upon which evidence will be presented pending further clarification from the Inspector concerning matters upon which he wishes to be informed. In addition, the Appellant reserves the right to submit further evidence on other matters and concerns raised either by Devon County Council (DCC) and Buckfastleigh Community Forum (BCF) through their Statements of Case or by third parties in representations to the inquiry.
- 1.3 It relates to a decision by the DCC to refuse planning permission for the construction and operation of a Materials Recovery Facility for Inert Construction and demolition waste; Construction and Operation of an Incinerator Bottom Ash Processing facility; Removal of Dolerite Outcrop and Filling Quarry with Dolerite and Inert Material to a Depth of 60m AOD to Facilitate Storage of Recycled Materials with Associated Engineering and Infrastructure at Whitecleaves Quarry, Buckfastleigh (planning application reference DCC/3242/2011), contrary to officer recommendation.
- 1.4 DCC as the Waste Planning Authority (WPA) considered a planning application by MVV Environment (Devonport) Ltd for the above development at its Development Management Committee on 25th April 2012. At this meeting the Committee received a comprehensive written report by the Head of Planning, Transportation and Environment. The Officer's Report recommended in summary that;

".. subject to the Secretary of State for Communities and Local Government confirming that he does not intend to call in the application, and subject to the conclusion of an agreement under S106 of the Town and Country Planning Act requiring the Applicant to undertake certain contributions and operations, and to the Applicant and landowner not contesting an appropriate Order to remove the future possibility of long term mineral working.... The Committee resolves to grant conditional planning permission subject to the conditions attached ..."
- 1.5 The full recommendation is set out on Page 1 of the Officer's Report.

1.6 The Committee resolved at that meeting that;

" ... subject to agreement by the Chairman, Vice Chairman in consultation with the local Member, Head of Planning, Transportation and Environment and County Solicitor about the detailed reasons, the planning application ... be refused for reasons relating to: adverse impacts on the amenities of local residents by virtue of the increased movements of HGVs and the levels of noise and dust generated from the site, and that there is no overriding need for the facility in this location."

1.7 The notice of refusal was issued subsequently on 3rd May 2012. It set out two reasons for refusal which are described and addressed subsequently in Section 6.

1.8 This Statement responds to the specific issues identified in the Decision Notice together with concerns raised by statutory consultees and third parties. In particular it addresses the objections raised by the BCF in their capacity as a Rule 6 party.

THE SITE AND ITS SURROUNDINGS

2.1 A full description of the site and its surroundings is provided within Section 2.1 of the Planning Application Supporting Statement (PASS) and Chapter 4 of the Environmental Statement (ES) accompanying the planning application. This is summarised at paragraphs 2.1 – 2.11 of the Officer's Report.

2.2 An agreed description of the Site and its Surroundings will be incorporated into the Statement of Common Ground entered into between the Appellant and DCC.

THE PROPOSED DEVELOPMENT

3.1 A full description of the proposed development is provided within Section 3 of the PASS and Chapter 6 of the ES accompanying the planning application and in supplementary information forwarded to DCC in October 2011 and March 2012. This is summarised at paragraphs 2.12 – 2.18 of the Officer's Report.

3.2 An agreed description of the Proposed Development will be incorporated into the Statement of Common Ground entered into between the Appellant and DCC.

NATIONAL POLICY AND GUIDANCE

4.1 The Appellant will refer to the following national guidance as being of particular importance in the determination of the appeal proposals:

- The National Planning Policy Framework 2012 (NPPF);
- PPS10 Planning for Sustainable Waste Management March 2011 (PPS10);
- Waste Strategy for England and Wales 2007 (WS2007);
- The Government Review of Waste Management Policy 2011 (RWMP); and
- Planning for Growth 2011 (PfG).

NPPF

4.2 The Appellant will demonstrate that the Proposal is in accordance with the NPPF.

4.3 In particular, the evidence will address the following provisions of the NPPF and will highlight the contribution of the Proposal towards meeting them:

4.3.1 The NPPF maintains the status of the development plan and urges planning authorities to grant permission for development that is in accordance with it without delay. This applies in respect of this Proposal.

4.3.2 The NPPF has as its focus the promotion of sustainable development particularly in the form of economic growth and the transition to a low carbon economy. The evidence will demonstrate the contribution of the Proposal towards achieving this by, inter alia;

- a. promoting the recycling and recovery of waste and its diversion from landfill, thereby reducing harmful greenhouse gas emissions;
- b. promoting economic growth by providing jobs locally and supporting the consolidation and expansion of an existing local employer;
- c. co-locating different but complementary waste management uses on previously disturbed land in accordance with the locational policies of the Development Plan; and

d. reducing the demand for primary aggregate by approximately 1.5m tonnes over the 25 year life of the contract and by approximately 2.5m tonnes over the potential 40+ year life of the plant as a consequence of the use of the IBA as a secondary aggregate.

4.3.3 The NPPF also sets out policies to protect and enhance the environment and protect local communities. The evidence will demonstrate that all matters raised within the guidance have been fully assessed within the ES and/or through the submission of additional environmental information. The conclusion that derives from these assessments and which was reflected in the Officer's report to Committee is that the Proposal will not cause any unacceptable harm to the environment or to the amenities and/or health of the local community. Reference will be made in this respect to the consultation responses received in response to the planning application. The scope and extent of the evidence that will be presented in respect of the various environmental disciplines is considered more fully in sections 6 and 7 of this statement.

PPS10

4.4 The Appellant will demonstrate that the Proposal is in accordance with the policies and provisions of PPS10.

4.5 In particular, the evidence presented will demonstrate that:

4.5.1 The Proposal accords with the key planning principles (paragraph 3);

4.5.2 The Proposal promotes the co-location of complementary activities and therefore supports the objectives of paragraph 20;

4.5.3 The Proposal should be considered favourably as it accords with the policies in the PPS and with the waste planning authority's Waste Local Plan (paragraph 24);

4.5.4 The Proposal meets the relevant criteria in paragraph 21 most notably it:

a. supports the policies of the PPS by: helping to deliver sustainable development through driving waste management up the waste hierarchy and diverting waste from landfill; forming part of an integrated strategy within which the South West Devon Waste

Partnership can take more responsibility for its own waste and Sam Gilpin Demolition Limited (SGDL) can manage construction and demolition waste arisings locally; enabling sufficient and timely provision of waste management facilities; helping secure the recovery or disposal of waste without endangering human health and without harming the environment;

- b. does not give rise to significant or unacceptable impacts to the environment or neighbouring communities (see sections 6 and 7 below);
- c. does not result in adverse cumulative impact;
- d. is well located relative to the strategic road network; and
- e. lies within an area of previously disturbed land. Evidence will be presented on the duration of the permitted operations and the extent and timing of the ROMP obligations pertaining to the restoration of the site.

4.5.5 Matters of pollution control are properly dealt with through the Environmental Permitting regime and planning should not seek to duplicate these controls but should assume that they work effectively and are properly enforced (paragraphs 26-29). Detailed matters relating to the control of processes and emissions are not therefore a matter for this inquiry and should not be afforded significant weight in the determination process. It should be noted that the Environment Agency was consulted and raised no objection to the planning application;

4.5.6 The detailed consideration of a waste management process and the implications, if any, for human health are the responsibility of the pollution control regime and planning authorities should not therefore carry out their own detailed assessment of epidemiological and other health studies but should rather rely on Government advice and research and consultation with the relevant health authorities and agencies (paragraph 30-31). It will be demonstrated that sufficient advice has been provided through the Health Impact Assessment and the relevant consultation responses to enable the locational implications be considered fully, and that this advice all points to the absence of any likely

significant impacts on the health of the local community;
and

4.5.7 The proposal meets fully the locational criteria set out in Annex E of PPS10. The manner in which this will be addressed in evidence is set out subsequently in sections 6 and 7 of this statement.

Other National Policy

4.6 The Appellant will further assess the proposal against other relevant national policy guidance, including the guidance referred to in paragraph 4.1 above. In particular, it will demonstrate that the Proposal;

- a. accords with the objectives of WS2007 in relation to the Waste Hierarchy, to landfill diversion and to the objectives of sustainable waste management generally;
- b. is consistent with the objectives of the RWMP in relation to the Waste Hierarchy, to landfill diversion and to the objectives of sustainable waste management generally; and
- c. will benefit from the presumption in favour of sustainable economic development set out within PfG.

THE DEVELOPMENT PLAN

5.1 The Development Plan for the area comprises:

- RPG10 Regional Planning Guidance for the South West 2001 (RPG10)
- Devon County Structure Plan 2001 – 2016, 2004 (DCSP);
- Devon Waste Local Plan, 2006 (DWLP);
- Devon Minerals Local Plan, 2004 (DMLP); and
- Teignbridge District Local Plan, 1996 (saved policies) (TDLP)

5.2 The draft Regional Spatial Strategy for the South West was submitted to Government in 2006 and was the subject of an Examination in Public in 2007. However, it was never adopted and work on it ceased in 2010. No weight can therefore be attributed to its policies and provisions.

5.3 The Appellant will demonstrate that the Proposal is in accordance with the Development Plan. It will further demonstrate that there are no material considerations that would outweigh the

presumption in favour of development that derives from the provisions of section 38(6) of the Planning and Compulsory Purchase Act 2004.

5.4 In relation to the principle of development and the location of new waste management facilities, the Appellant will demonstrate that the appeal proposal:

5.4.1 Is for the recycling of construction and demolition waste, the recycling of ferrous and non ferrous metal from IBA and the recovery of the remaining IBA to form a construction aggregate. It therefore furthers the objectives of the waste hierarchy and is in consequence in conformity with Policy WM1 of the DCSP and Policy WPC1 of the DWLP in so far as they address such matters.

5.4.2 Will contribute towards the objective of self sufficiency in the treatment of waste allowing IBA derived from the recovery of waste from the South West Devon Waste Partnership area to be managed within that area. It therefore accords with Policy WPC1 of the DWLP in so far as it addresses such matters;

5.4.3 Will increase the supply of secondary or recycled materials, including the production of approximately 1.5m tonnes of secondary aggregate over the 25 year life of the contract and approximately 2.5m tonnes over the potential 40+ year life of the plant and is therefore in accordance with Policy MP27 of the DMLP; and

5.4.4 Incorporates proposals for the recycling of bulk waste materials and the provision of appropriate storage and processing facilities which will not cause significant or unacceptable harm to the environment or local communities and therefore accords with Policy MP28 of the DMLP.

5.5 The appellant will further demonstrate that:

5.5.1 Policy WPP4 of the DWLP allows for the development of waste management proposals on sites that are not expressly listed within Policies WPP1, WPP2 or WPP3 where they would accord with all relevant policies in the Plan and where they would contribute towards the achievement of an integrated and sustainable waste management for the County;

- 5.5.2 It does not stipulate or imply within that policy a sequential preference for the release of sites listed in Policies WPP1, WPP2 and WPP3 over those that comply with the terms of Policy WPP4.
- 5.5.3 Specifically, Policy WPP32 "Inert Waste Recycling" does not specify any sequential preference for the location of development, unlike those policies of the Plan which deal with the location of Recycling Centres, Material Reclamation Facilities for Household and Commercial Waste and Transfer Stations. On the contrary, it provides that such development will be permitted and encouraged, particularly where they are proposed at existing mineral or landfill sites. There is no requirement on the Appellant therefore to demonstrate that the sites listed within Policies WPP1, WPP2 or WPP3 are either unavailable or are not suitable for the accommodation of development;
- 5.5.4 The appeal proposal forms part of an integrated strategy for the sustainable management of waste within the County by virtue of;
- (i) the reprocessing of IBA from the treatment of residual MSW generated within the South West Devon Waste Partnership area, an area that includes the appeal site;
 - (ii) the recycling, inter alia, of locally generated construction and demolition waste by an existing local business; and
 - (ii) the potential for the co-location of activities (see 5.5.5 below); and
- 5.5.5 The appeal proposal complies with Policy WPC3 which seeks to promote opportunities to integrate a variety of waste management facilities on a single site. In this case, there are significant benefits to be derived from the co-location of the IBA reprocessing and the recycling of Construction and Demolition Wastes given potential for these materials to be blended to enhance the usability and saleability of the product. The presence of Dolerite on site further enhances this potential. These benefits will be highlighted in evidence.
- 5.6 The Appellant will also address in evidence the identification of the appeal site as an existing quarrying operation within the DMLP and

will demonstrate that the policies and provisions of that Plan do not prevent the site from being considered for alternative development and do not prejudice the potential of the site to accommodate the alternative uses proposed. It will therefore demonstrate that there is no conflict between the appeal proposal and policies for the safeguarding of mineral deposits (Policy MN1 of the DCSP, Policy WPP19 of the DWLP and Policies MP13 and MP14 of the DMLP).

- 5.7 In relation to the environmental and development control policies of the Development Plan, sections 6 and 7 below set out the extent to which evidence will be presented on individual subject areas. This evidence will be used to demonstrate that the appeal proposal can be carried out without causing significant or unacceptable harm or loss of amenity to the local community or the environment generally.
- 5.8 Evidence will be presented to demonstrate that such material considerations as do exist in this case either support the conformity of the proposals with the development plan, or are of limited weight and do not therefore outweigh the presumption in favour of development.
- 5.9 The evidence will conclude that the appeal proposal is in general conformity with the Development Plan and that the presumption in favour of development should therefore apply in this case.

REASONS FOR REFUSAL

- 6.1 The Appellant will address specifically the two reasons for refusal as set out on the decision notice dated 3rd May 2012.

First Reason for Refusal

- 6.2 The first reason for refusal states;

"The Proposal would lead to unacceptable adverse impacts on the amenities of the local community by virtue of increased movement of HGVs, and an increase in noise and dust generated by the operations at the site, and is therefore contrary to the provisions of Policy WPP4 of the adopted Devon County Waste Local Plan, and contrary to the National Planning Policy Framework."

- 6.3 The Appellant will describe the increase in traffic generation resulting from the appeal proposals in terms of the type and number of movements and the anticipated routing that vehicle traffic will take. It will refer also to previous levels of traffic

generation associated with the operation of the site and the number of movements that could potentially arise under the existing permission.

- 6.4 It will show that the appeal proposal will give rise to approximately 126 two way trips (86 HGV / 40 non-HGV) at 2016 under average weekday operating conditions. Further, sensitivity testing has assessed the traffic impact of 298 daily movements (258 HGV / 40 non-HGV) assuming short term "campaign" working and an extreme of 440 two way trips (400 HGV / 40 non-HGV), assessed at the request of the Highways Agency. A condition is proposed limiting the number of two way HGV movements to a maximum of 200.
- 6.5 Evidence will be presented demonstrating that in all the cases assessed, the existing design and layout of the roads are adequate to deal safely with the traffic generation from the appeal proposal. This will be placed in the context of the guidance at paragraph 32 of the NPPF that development should only be prevented or refused on transport grounds where the residual cumulative impacts of that development are severe.
- 6.6 Evidence will also be presented to support the conclusion of the ES and of the Officer's Report to committee that under average use conditions the increase in overall road traffic noise levels caused by the increase in traffic movements resulting from the appeal proposals will be negligible and hence that there will be no significant or unacceptable noise impacts on residential properties along the B3380 Plymouth Road and Strode Road as a consequence of the increased traffic movements.
- 6.7 In relation to the impact of traffic on local air quality, it will be demonstrated that there will be no perceptible change in local air quality conditions for residential properties fronting the B3380 Plymouth Road and Strode Road as a consequence of the increase in traffic movements along the B3380.
- 6.8 Evidence will also be presented to demonstrate the absence of significant and/or unacceptable adverse effects on the safety of pedestrians and cyclists using the B3380 and the absence of any material increase in severance caused by the additional traffic volumes. In this context it will be demonstrated that there is no need for additional pedestrian crossings to be provided.

6.9 In relation to on-site impacts, evidence will be presented to demonstrate that the appeal proposal will not give rise to significant or unacceptable impacts as a consequence of noise or dust generated by the appeal proposals.

6.9.1 In relation to noise, it will demonstrate how the use of appropriate conditions governing the hours of operation, site maintenance, blasting conditions and maximum noise levels will serve to ensure that the operations are appropriately controlled and that any potential disturbance will be reduced to a level that does not cause a significant or unacceptable adverse impact to local residents.

6.9.2 In terms of air quality, it will demonstrate that the appeal proposals will have no perceptible impact on local air quality as a consequence of on-site operations. DCC has proposed appropriate conditions which are acceptable to the Appellants to ensure the appropriate control of all potential emission sources. This will include a requirement to undertake on-going dust monitoring.

6.10 As such it will be demonstrated that the appeal proposal accords fully with relevant development plan policies and national guidance and in particular satisfies Policies CO156 and CO16 of the DCSP; Policies WPP4, WPC2, WPP21, WPP22 and WPP32 of the DWLP; Policies MP43 of the DMLP and Policy ENV9 of the TLP, which govern the impact of traffic, noise and dust from new development.

Second Reason for Refusal

6.11 The second reason for refusal states that;

"The site is not allocated within the Devon County Waste Local Plan, and there has been inadequate consideration of alternative sites to accommodate the proposed operations, and therefore it is considered that there is no overriding need for the facility in this location"

6.12 Policy WPP4 allows for the development of sites that are not allocated within Policies WPP1, WPP2 or WPP3. The policy does not require an applicant to demonstrate the absence of suitable or available sites listed within the aforementioned policies in order for the release of unallocated sites to be acceptable.

6.13 There is no express requirement within the Development Plan, or for that matter within other policy guidance including PPS10, to

consider alternative sites. Likewise, there is no requirement to consider alternative sites as a consequence of the proposal being EIA development, simply to record those alternatives that have been considered.

- 6.14 A consideration of alternative sites in the determination of this appeal would be relevant only to the extent that reliance is placed upon the need for the development and the benefits that it will deliver, against which has to be weighed clear and demonstrable evidence of significant or unacceptable environmental or amenity harm. Under such circumstances it would be appropriate to consider whether the need and/or benefits could reasonably be met in a less harmful way.
- 6.15 As set out above and subsequently within Section 7, however, the Appellant will demonstrate that the appeal proposal complies fully with the Development Plan and with relevant national planning policy guidance and that it will not give rise to any significant or unacceptable environmental or amenity harm. On this basis, there exists no requirement to consider alternative sites.
- 6.16 Notwithstanding this, alternative sites were considered within the ES. The previous work identifies the absence of sites that are reasonably available or preferable to the appeal site having regard to all relevant considerations. Evidence will be presented to demonstrate that the work undertaken previously is robust and can therefore be relied upon.
- 6.17 As a consequence of the conclusions set out within paragraphs 6.12 – 6.16 above, there is no requirement to demonstrate an overriding need for the facility in this location and hence the reason for refusal is predicated on a false premise.
- 6.18 The site was previously considered in 2006 for inclusion as an allocated site for inert waste landfill with associated inert waste recycling in the DWLP. It was not allocated at that stage as the landfill element was not considered to meet the aims and objectives of the Plan. The Appellant will demonstrate that the aforementioned reason is not material in considering the current proposal and that the consideration given to the site through the Local Plan process should not therefore weigh against the site being properly considered as suitable for release under Policy WPP4 of the DWLP.
- 6.19 The appellant will also consider the appeal proposal in the context of;

- Paragraph 20 of PPS 10 which encourages the co-location of complementary activities and requires Waste Planning Authorities to have regard to such potential; and
- paragraphs 24 and 21 of PPS10 which addresses the release of unidentified sites and will conclude along the lines set out in 4.5.4 above.

6.20 Lastly, it will demonstrate that the appeal proposal would contribute to the achievement of an integrated and sustainable waste management strategy for the County and that it accords with all relevant policies of the DWLP. As such, the appeal proposal accords fully with Policy WPP4 of the DWLP.

OTHER EVIDENCE

7.1 The appellant will also produce evidence in response to objections raised by the BCF and other third parties in response to the planning application. This will be presented on the following main topics;

Ecology

7.2 The appellant will demonstrate that the appeal proposal will not cause any likely significant effect to the integrity of the Dartmoor SAC and, subject to the implementation of agreed mitigation measures, will not adversely affect the integrity of the South Hams SAC.

7.3 It will further demonstrate that the appeal proposal will not have a significant adverse impact on the conservation status of European protected species and in particular that;

- the translocation and provision of compensatory habitat for hazel dormouse will ensure that the Habitat Regulation tests for that species are met;
- the prevention of pollution to the Dean Burn will ensure that there is no significant adverse impact on the conservation status of Eurasian otter using that river or the River Dart; and
- that the scheme design and mitigation measures proposed will ensure no significant adverse impact on the conservation status of bat species, particularly the Greater Horseshoe Bat.

7.4 Lastly, it will demonstrate the absence of significant adverse impact on other protected species or habitats as a consequence of the appeal proposal. In particular it will refer to the compensatory

woodland planting on adjoining land and the provision of funding within the S106 Agreement for off-site planting as part of the Pilot South Devon Biodiversity Offsetting Scheme.

- 7.5 The appellant will thereby demonstrate that the appeal proposal complies with relevant national planning policy guidance and with Policies CO2, CO9 and CO10 of the DSP; Policies WPC1, WPC2, WPP5, WPP6, WPP13, WPP14 and WPP15 of the DWLP; Policies MP3, MP10 and MP11 of the DMLP and Policies ENV4, C8, C16 and C18 of the TLP in so far as they relate to matters of ecological importance.

Hydrology and Hydrogeology

- 7.6 The appellant will describe the hydrology and hydrogeology of the area and the main risks to surface and groundwater from development within the quarry. It will describe the design of the surface water drainage arrangements associated with the construction and operation of the MRF and the IBA reprocessing and the risk assessment carried out as part of the ES.
- 7.7 Through this evidence it will distinguish between the drainage arrangements for the IBA reprocessing, including the storage of raw IBA, which are based upon the containment of all water impacting the operational area, and other areas within the appeal site which will be discharged to the Dean Burn via measures, such as swales or other interceptors, designed to both attenuate flow rates and mitigate pollution potential. All discharges will be properly controlled by the Environment Agency through its regulatory powers to ensure no adverse impact on the quality of surrounding water courses or to groundwater. As such the matter will be properly dealt with under the Environmental Permit for the site and in accordance with guidance in PPS10 and the NPPF, planning should not seek to duplicate such controls. The drainage strategy for the operation will ensure that all management conditions of the EA permit are fulfilled.
- 7.8 The appellant will thereby demonstrate that the appeal proposal complies with relevant national planning policy guidance and with Policy CO13 of the DSP; Policies WPC1, WPC2 and WPP17 of the DWLP; Policies DM45 and DM46 of the DMLP and Policy ENV9 of the TLP in so far as they relate to matters of hydrology and hydrogeology.

Socio Economic Impacts

- 7.9 The appellant will demonstrate the absence of any clear evidence on the part of those opposing the development of a discernible adverse impact on the economy and regeneration of the local area, on local tourism, agriculture and food production or on the social fabric of the local community.
- 7.10 On the contrary, it will demonstrate that the development will result in the creation of new jobs as a consequence of both the construction and the operation of the new facility, and the indirect effects to which this will give rise in the local supply chain. The appeal proposal will also support the operation of an existing local business and enable it to expand within the local area.
- 7.11 The appellant will thereby demonstrate that the appeal proposal complies with relevant national planning policy guidance and with Policy WPC2 of the DWLP and Policy ST1 of the DSP in so far as they relate to matters of socio economic impact.

Landscape and Visual Impacts

- 7.12 It is not intended to produce landscape evidence in the absence of any apparent objection from the Rule 6 parties. However, the Appellant does reserve the right to produce a witness in the event of any significant objection being raised by third parties.

Sustainability

- 7.13 The Appellant will demonstrate that the appeal proposals comprise sustainable development and will in particular highlight, inter alia, the following areas;
- The contribution that the development will make towards recycling, recovery and landfill diversion;
 - The location of the development relative to the source of the waste and the prospective markets for the product;
 - The production of secondary aggregates and the consequent protection of natural resources, having particular regard to the benefits of co-locating dolerite extraction, recycling of construction and demolition wastes and the recycling/recovery of IBA;
 - The additional tree planting that will be carried out as a consequence of development; and

- The contribution towards jobs and economic growth within the local economy.

7.14 The Appellant will thereby demonstrate that the appeal proposal complies with relevant national planning policy guidance and with Policy ST1 of the DSP; Policies WPC1, WPC2 and WPP17 of the DWLP; and Policy ENV9 of the TLP in so far as they relate to matters of sustainability.

Health

7.15 The Appellant will present evidence within the context of paragraphs 26-31 of PPS10. It will distinguish between the roles of the pollution control and planning regimes and will demonstrate that it is for the Environment Agency properly to concern itself with the control of the processes and that the implementation of such controls must be assumed to be carried out effectively and enforced.

7.16 The Appellant will refer to the process for the preparation of the Health Impact Assessment carried out in respect of the development, which was overseen by the Primary Care Trust and included the involvement of the BCF on the steering group, and the conclusions of that assessment. It will refer also to involvement of the Health Protection Agency, the Environment Agency, DCC and the Teignbridge Borough Council Environmental Health Officer, all of whom were involved in the scoping of the assessment and who, subsequently, raised no objection to the development on health grounds. It will demonstrate that, taking proper account of Government Guidance and the informed responses of those with responsibility for health issues, there is no evidence that the appeal proposal will give rise to significant or unacceptable impacts on health and well being.

7.17 The appellant will further demonstrate that the public fear of health risks, whilst having the potential to be a material consideration in this case even in the absence of scientific fact, cannot be afforded any weight given the absence of objective evidence in support of those fears and the absence of any demonstrable land use effect. Relevant appeal decisions and cases will be quoted in support of this position.

7.18 In any event, it will be demonstrated that any limited harm arising as a consequence of the fear of health risks will be substantially outweighed by the benefits of the appeal proposals.

7.19 The appellant will thereby demonstrate that the appeal proposal complies with relevant national planning policy guidance and with Policy CO13 of the DSP; Policies WPC2 and WPP22 of the DWLP; and Policy ENV9 of the TLP in so far as they relate to matters of health and the perception of health risks.

7.20 Matters relating to traffic impacts, noise and air quality will be considered fully in response to the first reason for refusal as set out in section 6 above.

EVIDENCE TO THE INQUIRY

8.1 At this stage the Appellant envisages that there may need to be evidence called on the following:

- a. Company overview
- b. Planning, Waste and Climate Change Policies
- c. Alternative Sites
- d. Socio Economic Impacts
- e. Traffic and Transport
- f. Air Quality
- g. Noise
- h. Ecology and Nature Conservation
- i. Hydrology and Hydrogeology

LIST OF DOCUMENTS TO WHICH THE APPLICANT MAY REFER

9.1 This list has been prepared in advance of the pre-inquiry meeting and in the absence of full details of the case to be presented by the DCC and BCF. The Appellant therefore reserves the right to add to this list in respect of any areas on which evidence is to be presented at the inquiry.

9.2 The list does not include legislative, policy and technical documents specific to individual areas of evidence and to which reference may be made at the inquiry. It is proposed that these will be agreed between the Rule 6 parties through the preparation of the core document list.

PLANNING APPLICATION DOCUMENTS

- Planning Application Form and Certificates
- Planning Application Supporting Statement, incorporating;

- Design and Access Statement;
- Statement of Community Involvement;
- External Lighting Assessment; and
- Transport Statement
- Planning Application Drawings
- Environmental Statement and Appendices prepared by URS on behalf of MVV Environment (Devonport) Limited and incorporating supplementary information dated October 2011, February 2012, and March 2012.
- Non Technical Summary
- Decision Notice
- Landscape and Ecological Management Plan
- Letter of clarification from Dickinson Dees to DCC 29.08.12
- Response from DCC to Dickinson Dees 07.09.12

COMMITTEE REPORTS and CONSULTATIONS

- Devon County Council Development Management Committee Report 25th April 2012
- Devon County Council Development Management Committee Minutes 25th April 2012
- Consultation responses to planning application reference DCC/3242/2011
- Dartmoor National Park Committee Report 13.09.11

THE DEVELOPMENT PLAN

- RPG10 Regional Planning Guidance for the South West 2001 (RPG10)
- Devon County Structure Plan 2001 – 2016, 2004 (DCSP);
- Devon Waste Local Plan, 2006 (DWLP);
- Devon Minerals Local Plan, 2004 (DMLP); and
- Teignbridge District Local Plan, 1996 (saved policies) (TDLP)

OTHER LOCAL POLICY DOCUMENTS AND GUIDANCE

- Devon Waste Local Plan Inspector's Report
- Plymouth Core Strategy
- Draft Devon Waste Plan

OTHER NATIONAL POLICY DOCUMENTS AND GUIDANCE

- The Planning System – General Principles 2005
- Waste Strategy for England and Supporting Annexes May 2007
- Government Review of Waste Policy 2011 and Action Plan June 2011
- Ministerial Statement – Planning for Growth 2011
- Planning Policy Statement 10 Planning for Sustainable Waste Management 2011
- National Planning Policy Framework 2012
- Circular 03/2009 Costs Awards in Appeals and Other Planning Proceedings

OTHER DOCUMENTS

- Reference will be made to various appeal decisions
- Review of Mineral Planning Permission 98/3304/32/9/DCC dated 05.02.2002
- Correspondence between the Appellant and various consultees
- DCC Habitat Regulations Screening 2010
- Habitats Directive (92/43/EEC)
- The Conservation of Habitats and Species Regulations 2010
- Health Impact Assessment