



**Inspector: Simon E Gibbs MA MSocSc MRTPI**

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**Report on Objections  
to the  
Devon County  
Waste Local Plan**

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Devon County Waste Local Plan  
**Inspector's Report on Objections**

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# Report on Objections to the Devon County Waste Local Plan

by **Simon E Gibbs** MA MSocSc MRTPI

an Inspector appointed by the Secretary of State

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Date 07 June 2006

To The Chief Executive  
Devon County Council

Dear Sir,

- 0.1 I was appointed by the Secretary of State to hold an inquiry into and report on objections made to the Devon County Waste Local Plan. This appointment was made under transitional arrangements introduced by the Planning and Compulsory Purchase Act 2004 in accordance with which the output from my report in relation to changes to be made to the Plan is binding upon the local planning authority. It is now for the County Council to decide whether to proceed with adoption of the Waste Local Plan taking on board the changes set out in this report.
- 0.2 The inquiry opened on Tuesday 10<sup>th</sup> January 2006 and closed on Wednesday 8<sup>th</sup> February having sat for a total of 4 sitting days. There were 2 days on which I made accompanied site visits, one during and one immediately after the close of the inquiry, and I also made unaccompanied site visits at various times. 476 objections were made at the Re-Deposit stage.
- 0.3 My decisions on changes to the Plan are made in light of the objections raised, of the written submissions made in support of them and of the matters discussed at the inquiry. My decisions are also informed by a substantial number of changes put forward by the County Council and contained in a Schedule of Proposed Changes dated 6<sup>th</sup> February 2006 and given to me by the County Council at the close of the inquiry. This Schedule involves a colour coding of the Proposed Changes: proposed Pre-Inquiry Changes published in November 2005 are in blue; changes proposed prior to the commencement of the Inquiry in the County Council's proofs of evidence and written statements are in red; and changes proposed during the course of the Inquiry are in green.

### *Appropriate Assessment and the Habitats Directive*

- 0.4 Since the inquiry closed, the government has published guidance on the application of Appropriate Assessment under Article 6(3) and (4) of the Habitats Directive 92/43/EEC to development plans in the transitional period before proposed amending regulations come into force. This advice took the form of a letter dated 9 March 2006 to Chief Planning Officers.

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- 0.5 The purpose of an Appropriate Assessment is to assess the impacts of a land-use plan against the conservation objectives of a European Site, including Special Protection Areas, Special Areas of Conservation (SACs) and sites on draft lists for such protection, and to ascertain whether it would adversely affect the integrity of that site. The advice given to me is that Devon County Council has the responsibility of assessing whether an Appropriate Assessment would be necessary in this instance.
- 0.6 On 23 March 2006 I raised this issue with the County Council team responsible for the Waste Local Plan through my Programme Officer and received an e-mail in reply which set out the way that the County Council had considered the issue of Appropriate Assessment under Article 6(3) and (4) of the Habitats Directive. The reply included the following statement for me to include within this covering letter:

*The County Council considers that, in the event of proposals for waste management facilities being submitted at those sites in the Inset Plans, they are unlikely to have any significant adverse impacts on Natura 2000 sites. Therefore, no Appropriate Assessment, as required under Article 6 (3) and (4) of the Habitats Directive, has been carried out.*

#### *Structure and Character of my Report*

- 0.7 In my report I have focused attention on objections that are related to the policies and proposals within the Re-Deposit Version of the Plan. These are dealt with sequentially in each chapter adopting the structure and paragraph numbering in the Re-Deposit Version. In preparing the Re-Deposit Version the County Council took objections made at the First Deposit stage into account and a substantial number of changes were made. There were certain objectors to the First Deposit Version, including Mr Hammond and Mr Langdon, who brought their objections before me at the Local Plan inquiry. In addition I received written representations from Mr and Mrs Irwin. However, I consider that the matters that these parties have raised do not require any further change to the Plan.
- 0.8 Objections to the Inset Plans appear in Chapter 9 towards the end of my report. Chapter 10 deals with objections that relate to sites that have not been included in the Plan. My appraisal of these omission sites includes objections raised at the First Deposit stage. Where site specific objections lead me to make changes affecting the lists of sites included under Policies WPP1, WPP2 and WPP3, the site specific change has been carried across to the relevant related policy or policies in Chapter 7. One of the principles underlying changes introduced to the Re-Deposit Version is that the plan has been updated to reflect the current position, in relation inter alia to site planning histories, as at 1<sup>st</sup> January 2006.
- 0.9 The report that follows does not deal in detail with the following groups of changes that appear in the 6 February Schedule of Proposed Changes: changes to the Summary, the Contents (including Figures, Maps and Inset Plans), the Glossary, and the Bibliography nor to the factual updating of Maps 1, 5 and 7.
- 0.10 The County Council's 6 February Schedule of Proposed Changes put forward changes to the Summary and the Contents designed to achieve an internally consistent document, however what is necessary is that the final version of the Plan should be internally consistent. Since there are points at which my decisions diverge from the County Council's Proposed Changes, I do not fully endorse the 6 February
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Schedule in relation to the changes put forward for the Summary and Contents. I leave it to the County Council to ensure that the Summary and the Contents pages in the Plan are an accurate reflection of what the substantive Chapters contain and that the Summary and Contents put into the Plan are set out in a manner that is fully consistent with my decisions on what should be in each of the Chapters and with the Proposals Map and Inset Plans.

- 0.11 The changes to the Glossary, the Bibliography and to Maps 1, 5 and 7 are all ones that I endorse through this introduction except where the change made by the County Council would be inconsistent with one of the specific decisions that I have made in this report.
- 0.12 The County Council propose deletion of Appendices 3 and 4 and I agree that they are unnecessary within an adopted Local Plan and should therefore be omitted. In addition to and separate from the Summary, the Re-Deposit Version of the Plan contains a Summary of Waste Local Plan Objectives, a Summary of Waste Local Plan Core Policies and a Summary of Waste Local Plan Detailed Policies. The latter two “summaries” are simply lists of policy titles while the first summary triplicates material appearing in the Summary and in Chapter 3. My view is that nothing worthwhile is achieved by the inclusion of this material and that it should be deleted.

### **Main Issues**

- 0.13 There are two types of main issue raised by this Waste Local Plan. The first type relates to policies and proposals of the Plan itself. This includes the important question of whether the Plan is sufficiently clear about what is proposed and where particular facilities are to be developed. That question is addressed in paragraphs 5.11 to 5.15 below and arises in particular from the concerns raised by the Kingsteignton Residents' Environmental Awareness Group who played an important part at the inquiry<sup>1</sup>. The second type of issue relates to features of the process of plan-making and in particular the extent of changes introduced at a late stage in the process with only limited opportunity for those potentially affected to comment. There are many issues that Devon County Council's officers have sought to resolve by acceding to objections. In some cases these changes are uncontroversial, for example where they flow from a desire to recast the context of the Waste Local Plan to reflect changes to Government policy as expressed in PPS10 and to the revision of Waste Strategy 2000. However the complexity and length of this report is extended by the sheer size and extent of the 70 page compilation of proposed changes produced before the Close of the Inquiry.
- 0.14 The two types of issue come together in the single most important issue: proposals relating to Inset Plan MD05, the Broadpath site. At Broadpath, the issues before me include the extent and location of a site put forward as a major site for strategic waste management facilities, compounded with a widespread local feeling, articulated by Uffculme Parish Council, that the County Council's position had dramatically altered

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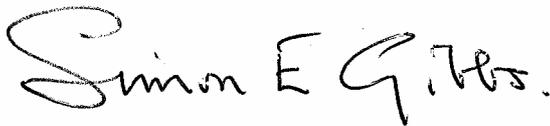
<sup>1</sup> In representations made orally at the Local Plan Inquiry, Kingsteignton Residents' Environmental Awareness Group raised concerns about Babcombe Copse. There was considerable discussion of this site at the inquiry and I made a site visit to the area. However, there is no reference to the site in the Plan and I consider that KREAG's concerns do not involve an objection to the Plan: in any case, no change is called for.

at the inquiry in a manner that would be detrimental to the locality and in response to objections from the waste industry.

- 0.15 Broadpath is not the only aspect of the Plan to raise issues which are described by the Planning Officer attending the inquiry from Teignbridge District Council as demonstrating a “democratic deficit”. In making my decisions on matters before me in relation to this Local Plan I have been fully aware of the fact that this report is binding on the County Council.

*Formal Adoption of the Waste Local Plan*

- 0.16 As I have said in the opening paragraph of this introduction, it is now for the County Council to decide whether to proceed with adoption of the Waste Local Plan taking on board the changes set out in this report. In making that decision I would ask the County Council to determine whether it is better to have a statutory Waste Local Plan in place, even though there are aspects of the Plan that are not immune to potential criticism, or to have no such plan in place. This is a choice that I identify in paragraph 5.15 of my report in discussion of the desirability of having a Plan with firmer identification of facilities to be developed at particular sites. It is however a choice that is generally applicable to the Plan as a whole. It is on the basis that this is the most suitable form in which the Plan can be brought forward in the time available that I make my recommendation that the County Council should now proceed to adoption.



Simon E Gibbs

Inspector

cc: Government Office South West, the Pithay, Bristol,  
Department for Communities and Local Government, Eland House, London

# Chapter 1: Introduction

## Inspector's Foreword

- 1.1 The underlying purpose of this Chapter is to describe what the Waste Local Plan sets out to do and the processes leading to its adoption. There are no objections to the text of the Re-Deposit Version but certain changes have been put forward by the County Council and are set out in the 6 February Schedule of Proposed Changes. My comments are restricted to these changes.

### Paragraph 1.6

#### County Council's Proposed Pre-Inquiry Change

- 1.2 Proposed Pre-Inquiry Change PIC013 is to delete the word "regional" before self sufficiency. This is to reflect the publication of PPS10 and the revision of Waste Strategy 2000

#### Inspector's Reasoning and Conclusions

- 1.3 While replacement of references to "regional self sufficiency" by "self sufficiency" is appropriate in other parts of the Plan as a result of changes in PPS10 and the Waste Strategy, the purpose of this paragraph is to set the Devon Waste Local Plan in the context of other neighbouring waste planning authorities. Within this context I consider that the wording of the Re-Deposit Version is not inappropriate and therefore I consider that the change in PIC013 need not be made.

#### DECISION

- D a That no change be made.

\* \* \*

### Paragraph 1.8

#### County Council's Proposed Pre-Inquiry Change

- 1.4 Proposed Pre-Inquiry Change PIC014 is to replace "Preferred" with "Proposed" and "identifies" with "proposes". This is to reflect the publication of PPS10 and the revision of Waste Strategy 2000

#### Inspector's Reasoning and Conclusions

- 1.5 The County Council's proposal to replace "Preferred" with "Proposed" occurs as a Proposed Pre-Inquiry Change in many parts of the Plan. In paragraph 7.8 of my report I explain why I favour deletion of "Preferred" but do not support its replacement with "Proposed".

**DECISION**

- D b That the word "Preferred" be deleted but no other change be made

\* \* \*

**Paragraphs 1.11, 1.13, 1.14, 1.15 and Figure 1****County Council's Proposed "Green Changes" in the 6 February Schedule**

- 1.6 Changes are put forward to update these paragraphs so that they reflect the progress of the Plan through the various stages up to its adoption.

**Inspector's Reasoning and Conclusions**

- 1.7 These paragraphs recite the history of plan-making and it is appropriate that it should be an accurate reflection of what has happened and what does happen as the Plan is finally adopted. The changes should also be made in Figure 1.
- 1.8 The change proposed to Paragraph 1.14 is important as it draws attention to the fact that the Re-Deposit Version was also subject to Sustainability Appraisal. It is also helpful that paragraph 1.15 should record that the baseline date adopted for the Plan has been 1 January 2006.

**DECISIONS**

- D c That the "green changes" to paragraphs 1.11, 1.13, 1.14 and 1.15 in the 6 February Schedule of Proposed Changes and expressed to record the stages of the Plan's progress to adoption.
- D d That the same changes be made to Figure 1.

\* \* \*

## Chapter 2: The Planning Framework

### Paragraphs 2.3.2-9 – Government Policy Guidance

#### Objections to Re-Deposit Version

Objection Ref	Respondent	Summary of Representation
2163 - 7	Viridor Waste Management	Various deletions from the paragraphs are put forward with suggested text to explain changes to current Government policy.
2283 - 90	Government Office for the South West	Paragraphs need updating in order to reflect PPS10.

#### Devon County Council Response

- 2.1 Proposed Pre-Inquiry Change PIC015 updates these paragraphs, deleting the wording in the Re-Deposit Version and putting forward replacement wording in 5 new paragraphs that reflect changes to Waste Strategy 2000.

#### Inspector's Reasoning and Conclusions

- 2.2 The Proposed Pre-Inquiry Change is a suitable summary of current Government policy and an appropriate replacement for the text in the Re-Deposit Version which requires updating.

#### DECISION

- D1 That the changes set out in PIC015 be made.

\* \* \*

### Paragraph 2.3.10 & 11 (Figure 3)

#### Objections to Re-Deposit Version

Objection Ref	Respondent	Summary of Representation
2168 2169	Viridor Waste Management	Amend Figure 3 to accord with updated guidance July 2005. Amend paragraph 02.03.11: Landfill Tax applied at rate of £18 a tonne as April 2005.

#### Devon County Council Response

- 2.3 Proposed Pre-Inquiry Changes PIC016 and PIC017 are minor changes taking these objections on board by adding a sentence to paragraph 2.3.10 and amending 2.3.11 to reflect the increase in landfill tax in 2005.

#### Inspector's Reasoning and Conclusions

- 2.4 These changes are uncontroversial updating of the plan.

#### DECISION

- D2 That the changes set out in PIC016 and PIC017 be made.

## Paragraphs 2.3.12 to 14

### Objections to Re-Deposit Version

Objection Ref	Respondent	Summary of Representation
2170-2	Viridor Waste Management	Amend tenses in the text to reflect historic status of PPG10.
2291-3	Government Office for the South West	Paragraphs need updating in order to reflect PPS10.

### Devon County Council Response

- 2.5 Proposed Pre-Inquiry Change PIC018 is a replacement paragraph reflecting the publication of PPS10.

### Inspector's Reasoning and Conclusions

- 2.6 The Proposed Pre-Inquiry Change is an appropriate replacement for the text in the Re-Deposit Version which requires updating in view of the publication of PPS10.

### DECISION

- D3 That the changes set out in PIC018 be made.

\* \* \*

## Paragraph 2.8.1

### Objections to Re-Deposit Version

Objection Ref	Respondent	Summary of Representation
2173	Viridor Waste Management	Amend paragraph to include text to explain that BPEO will not be used in future for land use waste planning, instead will be replaced by SA/SEA.

### Devon County Council Response

- 2.7 Proposed Pre-Inquiry Change PIC019 is a replacement paragraph updated to reflect new published guidance in PPS10 and the revision of Waste Strategy 2000.

### Inspector's Reasoning and Conclusions

- 2.8 The Proposed Pre-Inquiry Change is an appropriate replacement for the text in the Re-Deposit Version to reflect PPS10 and the revision of Waste Strategy 2000.

### DECISION

- D4 That the changes set out in PIC019 be made.

\* \* \*

## Paragraphs 2.9.2 to 2.9.4

### Objections to Re-Deposit Version

Objection Ref	Respondent	Summary of Representation
2174	Viridor Waste Management	Alter references in the text from present tense to past

		tense, and include the date that the Waste Strategy 2000 and Guidance were issued - July 2005.
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### Devon County Council Response

- 2.9 Proposed Pre-Inquiry Change PIC020 substitutes paragraph 2.9.2 and the subsequent two paragraphs with text that has been updated to reflect new published guidance. Further updating at the end of paragraph 2.9.2 is put forward as a “green change” in the 6 February Schedule of Proposed Changes for the Close of the Inquiry.
- 2.10 In addition, in C001 the County Council proposes that extracts from the Municipal Waste Management Strategy be relocated to this part of the plan from section 3.10<sup>1</sup>. This appears as a “red change” in the 6 February Schedule of Proposed Changes for the Close of the Inquiry.

### Inspector's Reasoning and Conclusions

- 2.11 The Proposed Pre-Inquiry Change and the “green change” are suitable updating of the position on DEFRA Guidance on Municipal Waste Management and on the Municipal Waste Management Strategy for Devon.
- 2.12 The final sentence of revised paragraph 2.9.4 refers to Policy Statements from the Municipal Waste Management Strategy for Devon being in Section 3.10 of the Waste Local Plan. This does not reflect the County Council's current proposal that part of Section 3.10 be brought into Chapter 2. I agree that the policies are out of place in Chapter 3 but consider that readers of the Waste Local Plan could be confused by the appearance of policies from another document within the main body of the local plan document. I consider that it would be more appropriate if they were included within an appendix, with reference to such an appendix in paragraph 2.9.4.

### DECISION

- D5 That the changes set out in PIC020 and the addition to new paragraph 2.92 (set out as a “green change”) be made but that the final words of paragraph 2.9.4 “in Chapter 3, Section 3.10” be replaced with “in Appendix \*\*”.<sup>2</sup>
- D6 That significant policy statements from the Municipal Waste Management Strategy for Devon be included in a suitably numbered appendix.

\* \* \*

### Sections 2.10, 2.11 and 2.12

#### Objections to Re-Deposit Version

Objection Ref	Respondent	Summary of Representation
2086	Teignbridge District Council	Current status of Teignbridge Local Plan is factually incorrect/unclear. Should refer to adopted Local Plan 1989 - 2001 that is "saved" and thereby retains its statutory development plan status.

<sup>1</sup> This change is linked by the County Council to the general objection made (ref 2316) by Government Office for the South West to use of italics within the text.

<sup>2</sup> Where \*\* is a suitable number for the appendix.

2175	Viridor Waste Management	Amend title 02.10. Delete "current" and replace with "the" and add "in July 2005" after "position". Title should then read "The Position in July 2005 regarding Waste Local Plans in Adjacent Authorities". Amend first sentence in paragraph 2.12.1: delete "current" and add "in July 2005".
2176		

### Devon County Council Response

- 2.13 Proposed Pre-Inquiry Changes PIC021 and PIC022 accepted Viridor's objections in relation to Section 2.10 and paragraph 2.12.1 and updated these sections to 31 October 2005. Other Proposed Pre-Inquiry Changes (PIC023 to PIC026) updated Section 2.12, taking account of the Teignbridge objection.
- 2.14 Proposed Pre-Inquiry Changes PIC021 and PIC022 have however been superseded by further and more comprehensive updating of the position in relation to Waste Local Plans and Local Development Frameworks in adjacent authorities and District Council's Recycling Plans (Section 2.11) and Local Plans (Section 2.12), all to a date of 1 January 2006. These are shown as "green changes" in the 6 February Schedule of Proposed Changes for the Close of the Inquiry.

### Inspector's Reasoning and Conclusions

- 2.15 The changes contained in the 6 February Schedule of Proposed Changes for the Close of the Inquiry are an adequate and appropriate statement of the position on related plans updated to a base date of 1 January 2006.

### DECISION

- D7 That Sections 2.10, 2.11 and 2.12 be amended in the manner shown by the "green changes" in the 6 February Schedule of Proposed Changes and by including Proposed Pre-Inquiry Changes PIC023, PIC024, PIC025 and PIC026.

\* \* \*

### Paragraph 2.15.3

#### Objection to Re-Deposit Version

Objection Ref	Respondent	Summary of Representation
2177	Viridor Waste Management	Amend paragraph reference from PPG10 to PPS10.

### Devon County Council Response

- 2.16 Proposed Pre-Inquiry Change PIC027 corrects this point to reflect publication of PPS10 and emphasises the separate character of Environment Agency controls and planning controls.

### Inspector's Reasoning and Conclusions

- 2.17 These changes should be made to reflect the publication of PPS10 and its content.

### DECISION

- D8 That the changes set out in PIC027 be made.

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## Chapter 3: Objectives and Strategy

### General Point in relation to Chapter

#### Objection to Re-Deposit Version

Objection Ref	Respondent	Summary of Representation
2043	North Devon District Council	Whilst broadly supporting the Objectives, it should be made clear that they may provide conflicting guidance. Seeks clarification in reasoned justification or Supplementary Planning Guidance as to relative priorities.

#### Devon County Council Response

- 3.1 A “red change” in the 6 February Schedule of Proposed Changes for the Close of the Inquiry responds to this objection with the introduction of a new paragraph 3.5.6. This is explained in C077.

#### Inspector's Reasoning and Conclusions

- 3.2 The proposed new paragraph is an adequate response to this objection and provides the clarification sought.

#### DECISION

- D9 That new paragraph 3.5.6 set out as a “red change” in the 6 February Schedule of Proposed Changes for the Close of the Inquiry be included in the Plan.

\* \* \*

### Paragraph 3.1.1

#### Objections to Re-Deposit Version

Objection Ref	Respondent	Summary of Representation
2178	Viridor Waste Management	Amend paragraph: delete bullet point "the importance of establishing the BPEO"; include bullet point "the need to protect human health and the environment"
2294	Government Office for the South West	Paragraph needs updating in order to reflect PPS10.

#### Devon County Council Response

- 3.3 Proposed Pre-Inquiry Change PIC028 makes the changes sought by the objectors. This is confirmed in C040, the Council's response to Viridor's written representation.

#### Inspector's Reasoning and Conclusions

- 3.4 In the main the Proposed Pre-Inquiry Change meets the objections from Viridor and GOSW in a satisfactory manner. Only a very minor point is in dispute and that is the cross reference to an earlier point in the plan. With effect given to D1 (Proposed Pre-Inquiry Change PIC015) the correct cross-referencing to objectives and principles in Chapter 2 is to paragraphs 2.3.5 and 2.3.6.

**DECISION**

- D10 That the changes set out in PIC028 be made but with the cross-reference altered from “paragraphs 2.3.6 to 2.3.8 of the Plan” to “paragraphs 2.3.5 and 2.3.6 of the Plan”.

\* \* \*

**Paragraph 3.2.1 and Objective 1****Objections to Re-Deposit Version**

Objection Ref	Respondent	Summary of Representation
2179	Viridor Waste Management	Amend paragraph: after Planning Policy, delete "guidance note" and replace with "statement" so it reads PPS10.
2295	Government Office for the South West	Paragraph 3.2.1 needs updating in order to reflect PPS10.
2396 2397	Upottery Parish Council	Public responsibility will follow not just awareness but the power and facilities in communities to arrange for their own recycling. Should offer adequate arrangements for the disposal of bulky household waste without the penalty of cost.

**Devon County Council Response**

- 3.5 Proposed Pre-Inquiry Change PIC029 meets the points made by the Government Office for the South West and Viridor.

**Inspector's Reasoning and Conclusions**

- 3.6 The Proposed Pre-Inquiry Change meets the objections from Viridor and GOSW in an acceptable manner.

**DECISION**

- D11 That the change set out in PIC029 be made

\* \* \*

**Paragraph 3.3.1 and Objective 2****Objections to Re-Deposit Version**

Objection Ref	Respondent	Summary of Representation
2079	Stokenham Parish Council	Wording unclear. Objective 2 appears to indicate that "lack of full scientific certainty" would not be considered above cost implication of works.
2398 2399	Upottery Parish Council	Agree with the objective but the corollary must also be observed: minor aspects of scientific certainty should not be used to shore up otherwise vacuous and costly "we must be seen to be doing something" aspirations. Contemporary understanding at the outset of a waste management policy must be based on good science but cannot be "clairvoyant".

**Devon County Council Response**

- 3.7 C071 responds to the two Parish Councils but proposes no change to the Plan.

### Inspector's Reasoning and Conclusions

- 3.8 The inclusion of the Precautionary Principle as an "Objective" of the Waste Local Plan is unusual, difficult to follow and, to me, surprising. The phrase is increasingly widely used but it is readily misunderstood and frequently used inappropriately. I do not regard the Precautionary Principle as being an objective but as a principle underlying an approach to take in the assessment of proposals for action or development. It is of particular relevance where there is scientific uncertainty about the consequences of a particular course of action but where it is recognised that consequences would be far-ranging and potentially irreversible.
- 3.9 I note that within PPS10 the only reference to the Precautionary Principle is in Annex B where it is mentioned within a box titled "Using Sound Science Responsibly". My view is that Objective 2 should reflect use of sound science within the development of policy. The Objective titled "Use of Sound Science" would then read:

To ensure that development and implementation of policy is based on strong scientific evidence while taking into account scientific uncertainty (through the application of the precautionary principle).

### DECISION

- D12 That Objective 2 be titled "Use of Sound Science" and expressed as: To ensure that development and implementation of policy is based on strong scientific evidence while taking into account scientific uncertainty (through the application of the precautionary principle).

\* \* \*

### Paragraph 3.4.1 and Objective 3

#### Objections to Re-Deposit Version

Objection Ref	Respondent	Summary of Representation
2158 2180 2181	Viridor Waste Management	Add "Human Health" before "Environmental Protection" in title, and insert "human health and" after "any adverse effects on". Amend paragraph 03.04: in heading include "Human Health and" before "Environmental Protection"; include "human health" in first sentence in para. Amend Objective 3 to include "human health and" in first sentence.

#### Devon County Council Response

- 3.10 Proposed Pre-Inquiry Changes PIC030 and PIC032 take these points on board. Proposed Pre-Inquiry Change PIC031 is a new paragraph reflecting advice in PPS10 on health related issues.

### Inspector's Reasoning and Conclusions

- 3.11 Viridor's schedule dated 30 November 2006 records that the above objections are withdrawn conditional upon the related Pre-Inquiry Changes being incorporated into the Waste Local Plan. I regard the Proposed Pre-Inquiry Changes as satisfactory.

**DECISION**

- D13 That the changes set out in PIC030 and PIC032 be made and the new paragraph 3.4.2 introduced by PIC031 be included.

\* \* \*

**Paragraph 3.5.1****Objections to Re-Deposit Version**

Objection Ref	Respondent	Summary of Representation
2296	Government Office for the South West	Amendment needed in order to reflect PPS10.
2182	Viridor Waste Management	Amend paragraph. Include "Prior to July 2005" at start of paragraph. Delete and replace final sentence with suggested text explaining the move from BPEO to SA/SEA.

**Devon County Council Response**

- 3.12 Proposed Pre-Inquiry Change PIC033 updates the Plan to take account of the July 2005 revision to Waste Strategy 2000 which omits reference of BPEO. It also deletes reference to PPS10 from this paragraph.

**Inspector's Reasoning and Conclusions**

- 3.13 The Proposed Pre-Inquiry Changes meet the objections made in relation to this paragraph in a satisfactory manner.

**DECISION**

- D14 That the changes set out in PIC033 be made.

\* \* \*

**Paragraphs 3.5.2-6 & 8 and Objective 4****Objections to Re-Deposit Version**

Objection Ref	Respondent	Summary of Representation
2159 2183 2184 2185	Viridor Waste Management	Delete "reflects the Best Practicable Environmental Option as" from Objective 4 and replace with "is compatible with the proposals and policies". Amend paragraph 3.5.6: Delete "the BPEO" and replace with "sustainable waste management proposals". Bullet 3 - delete "regional". Amend paragraph 3.5.8. Delete "form part of...BPEO" and replace with "are compatible with proposals and policies". Delete "represents the BPEO" and replace with "is compatible with the proposals and policies".
2297-9 2314	Government Office for the South West	Amendments needed to paragraphs 3.5.2, 6 & 8 in order to reflect PPS10. It is no longer appropriate for local plan/DPD policies to require a BPEO assessment.
2399	Upton Parish Council	Contemporary understanding at the outset of a waste management policy must be based on good science but cannot be "clairvoyant". (linked to objective 2)

### Devon County Council Response

- 3.14 Proposed Pre-Inquiry Changes PIC034, PIC035 and PIC036 result in a complete deletion of paragraphs 3.5.2 to 6, new replacement paragraphs 3.5.2 and 3.5.4 and revision of paragraphs 3.5.7 (re-numbered 3.5.3) and 3.5.8 (re-numbered 3.5.5<sup>1</sup>).
- 3.15 Proposed Pre-Inquiry Change PIC037 deletes references to BPEO and the Municipal Waste Management Strategy from Objective 4 and includes reference to complying with the Plan's policies.
- 3.16 The text alterations introduce a description of the sustainability appraisal to which the Plan has been subject.

### Inspector's Reasoning and Conclusions

- 3.17 The changes to paragraphs 3.5.2 to 8 introduced by PIC034, PIC035 and PIC036 reflect alterations in central government guidance and report actions taken by the County Council in relation to sustainability appraisal which have brought the Plan into line with current approaches to plan making.
- 3.18 In relation to the proposed revised wording of Objective 4, I accept that reference to BPEO should be deleted to achieve consistency with PPS10 but consider that the additional wording put forward would distract attention from the objective of achieving waste management facilities in as sustainable a manner as possible. With the Proposed Pre-Inquiry Change, the test of sustainability is compliance with the policies and proposals of the plan and that pre-supposes that the Plan's policies and proposals will of themselves achieve the sustainability that is sought. That may be the case but the objective is made more plain with all words after "in as sustainable a manner as possible" omitted.

### DECISION

- D15 That the changes set out in PIC034, PIC035 and PIC036 be made together with the renumbering of paragraph 3.5.8 as paragraph 3.5.5.
- D16 That Objective 4 be amended by deleting all the words after "in as sustainable a manner as possible".

\* \* \*

## Paragraph 3.6.1

### Objections to Re-Deposit Version

Objection Ref	Respondent	Summary of Representation
2186	Viridor Waste Management	Delete "ranking" and replace with "selecting a". Delete "as part of the BPEO assessment". Also delete "as separate assessments will need to be carried out.. ..the BPEO ..different waste management facilities".

<sup>1</sup> This renumbering is shown as a "red change" in DC016, the Re-Deposit Version with all additional changes proposed by the County Council but was not included in the 6 February Schedule of Proposed Changes for the Close of the Inquiry.

**Devon County Council Response**

- 3.19 Proposed Pre-Inquiry Change PIC038 responds to these objections and comes up with revised wording.

**Inspector's Reasoning and Conclusions**

- 3.20 Viridor's schedule dated 30 November 2006 records that the above objection is withdrawn conditional upon the related Pre-Inquiry Change being incorporated into the Waste Local Plan. I regard PIC038 as a satisfactory rewording.

**DECISION**

- D17 That the changes set out in PIC038 be made.

\* \* \*

**Paragraphs 3.6.3-4****Objections to Re-Deposit Version**

Objection Ref	Respondent	Summary of Representation
2188 2189	Viridor Waste Management	Delete "although" in paragraph 3.6.3 and replace with "as confirmed in the July 2005 amendments to". After "waste strategy 2000" delete the rest of the sentence and "hence", the first word of the following sentence. Amend paragraph 3.6.4 so it reads "future decisions should be guided by the principles of SA and SEA" rather than referring to BPEO.

**Devon County Council Response**

- 3.21 Proposed Pre-Inquiry Changes PIC039 and PIC040 delete the whole of paragraph 3.6.3 and the reference to BPEO from paragraph 3.6.4.

**Inspector's Reasoning and Conclusions**

- 3.22 The Proposed Pre-Inquiry Changes meet the objections made by Viridor in relation to these paragraphs in a satisfactory manner.

**DECISION**

- D18 That the changes set out in PIC039 and PIC040 be made.

\* \* \*

**Paragraphs 3.6.8 & 13 and Objective 5****Objections to Re-Deposit Version**

Objection Ref	Respondent	Summary of Representation
2160 2190	Viridor Waste Management	Delete "in accordance with" from Objective 5 and replace with "by moving waste management up". Alter point 3 from "Composting and material recycling" to "Recycling and Composting". Delete "Final" before "Disposal" in point 5.

**Devon County Council Response**

- 3.23 Proposed Pre-Inquiry Change PIC043 make the changes sought in Objective 5 and Proposed Pre-Inquiry Changes PIC041 and PIC042 carry the changes through to the related headings in the preceding text.

**Inspector's Reasoning and Conclusions**

- 3.24 The Proposed Pre-Inquiry Changes meet the objections made by Viridor in relation to the Waste Hierarchy and are satisfactorily expressed.

**DECISION**

- D19 That the changes set out in PIC041, PIC042 and PIC043 be made.

\* \* \*

**Section 3.7 and Objective 6****Objections to Re-Deposit Version**

Objection Ref	Respondent	Summary of Representation
2161 2191 2192 2193	Viridor Waste Management	Delete "to" and replace with "managing waste at the nearest appropriate installation by", and alter "encourage" to read "encouraging". In paragraph 3.7.1 delete "where appropriate". Replace "disposed of as close as practicable to the point at which it is generated" with "managed at the nearest appropriate installation". In paragraph 3.7.2 delete references to BPEO - delete "the BPEO" and replace with "providing nearby sustainable waste management". Delete "the BPEO for". In Objective 6 delete "To" replace with "Managing waste management at the nearest appropriate installation by" and alter "encourage" to "encouraging".
2300 & 02 2312	Government Office for the South West	Amendment needed in order to reflect PPS10. Objective 6 should be rephrased to give priority to locating WM development at or near urban areas.
2388	Torbay Council	Supports the protection of transport infrastructure and benefits of using alternative means of transport. Suggests that, where possible, HGV movements should be minimised

**Devon County Council Response**

- 3.25 Proposed Pre-Inquiry Changes PIC044, PIC045, PIC046, PIC047 and PIC048 respond to these objections and result in the objective being expressed as minimising transportation of waste.

**Inspector's Reasoning and Conclusions**

- 3.26 The Proposed Pre-Inquiry Changes meet the objections made by GOSW and Viridor in relation to this paragraph and Objective 6 in a satisfactory manner. The change sought by Torbay is also achieved.

**DECISION**

D20 That the changes in PIC044, PIC045, PIC046, PIC047 and PIC048 be made.

\* \* \*

**Section 3.8 and Objective 7****Objections to Re-Deposit Version**

Objection Ref	Respondent	Summary of Representation
2162 2194 2195 2196 2197	Viridor Waste Management	Delete "Regional" from title. Replace " South West Region" with "plan area", and insert "and by the actions of" after "in consultation with". Delete "Regional" so title reads "Self Sufficiency". Change reference to PPG10 to PPS10. Delete "of within the region" and replace with "by the community". Change "region" to "waste palnning authority" July review of WS2000 & publication of PPS10 DECIS that local communities take greater ownership of the waste that they produce. Change heading from "regional self sufficiency" to "self sufficiency". Change reference to the "South West Region" to "plan area". Add "and by the actions of" before "other Waste Planning Authorities".
2282 2301 & 03	Government Office for the South West	References to PPG10 should be removed as they are no longer appropriate. Amendment needed in order to reflect PPS10.

**Devon County Council Response**

3.27 Proposed Pre-Inquiry Changes PIC049, PIC050, PIC051 and PIC052 respond to these objections which all relate to achieving consistency with PPS10.

**Inspector's Reasoning and Conclusions**

3.28 Taken together the Proposed Pre-Inquiry Changes to this section and Objective 7 respond satisfactorily to the objections. They make an important change in identifying self sufficiency at a County level as one of the plan's objectives. This is to be part of a strategy for ensuring that communities take responsibility for their own waste and reflects guidance in PPS10 as well as being particularly appropriate given the size of the County of Devon and its westerly position within the South West peninsular.

**DECISION**

D21 That the changes set out in PIC049, PIC050, PIC051 and PIC052 be made.

\* \* \*

**New Paragraph 3.9.2 Resource Recovery Parks****Objections to Re-Deposit Version**

Objection Ref	Respondent	Summary of Representation
2270	WBB Minerals Ltd	There may be a need for additional strategically located "waste parks" which could attract waste management facilities from within urban areas to more suitable locations outside the main urban area.

2271	WBB Minerals Ltd	<p>Would help remove "bad neighbour" developments from urban settings.</p> <p>Supports principle of Resource Recovery Parks to combine a number of waste management facilities. Should not be limited to MRFs and waste transfer stations but include eg scrap yards particularly where it removes operations from within urban areas.</p>
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### Devon County Council Response

3.29 Proof C006 responds to WBB Minerals and puts forward a new paragraph 3.9.2 addressed to Resource Recovery Parks as well as an addition to paragraph 6.5.2 of the Plan. This new paragraph is set out below and appears as a "red change" in the 6 February Schedule of Proposed Changes for the Close of the Inquiry.

3.9.2 In addition, it is intended to give further consideration to the allocation of Resource Recovery Parks in subsequent Waste Development Frameworks. For example, it may also be appropriate to include consideration of Resource Recovery Parks in the Bovey Basin Area Action Plan due to commence during 2006. In so doing, then the search will include a broad range of locations [including the Strategic Waste Management Sites identified in Policy WPP1], together with industrial sites throughout the County. This should enable the exploitation of the potential opportunities to co-locate facilities together and with complementary activities.

### Inspector's Reasoning and Conclusions

3.30 At this stage in the Plan's development it is too late to initiate a search for and identification of a site or sites for a Resource Recovery Park. In these circumstances I consider that the proposed additional paragraph which recognises the value of the concept of such Recovery Parks is the best that can be achieved.

### DECISION

D22 That new paragraph 3.9.2 set out as a "red change" in the 6 February Schedule of Proposed Changes be included.

\* \* \*

### Paragraphs 3.10.1, 3.10.2 & 3.10.3

#### Objections to Re-Deposit Version

Objection Ref	Respondent	Summary of Representation
2316	Government Office for the South West	Targets should be part of upper case policies /objectives, to ensure they are taken into account in decisions, where they are material. Current presentation in italics appears ambiguous in that respect.

### Devon County Council Response

3.31 A "red change" in the 6 February Schedule of Proposed Changes for the Close of the Inquiry relocates extracts from the Municipal Waste Strategy to Chapter 2 and revises the wording of 3.10.1. The background to this and the next change is given in C001.

- 3.32 A second “red change” in the 6 February Schedule makes minor changes to the wording of paragraph 3.10.2. A further change, deletion of Management from the phrase Regional Waste Management Strategy is included as part of a “green change” in the Schedule.
- 3.33 A third “red change” and another “green change” in the 6 February Schedule make minor changes to the wording of paragraph 3.10.3.

### Inspector's Reasoning and Conclusions

- 3.34 The proposed rewording of paragraphs 3.10.1, 3.10.2 and 3.10.3 makes the Plan's intent clearer, in particular reference to “strategic locations” rather than “strategic sites” improves consistency with the Plan's overall approach. I consider that including extracts from the Waste Strategy Policy Statement in the main body of the Waste Local Plan could be confusing to users of the document. I support their deletion from this section of the Plan but my position is that they should be in an appendix to the Plan.

### DECISION

- D23 That paragraphs 3.10.1, 3.10.2 and 3.10.3 be altered in accordance with the “red changes” and the “green changes” in the 6 February Schedule of Proposed Changes.

\* \* \*

### New Paragraph 3.10.2A

#### Objections to Re-Deposit Version

Objection Ref	Respondent	Summary of Representation
2019	Kingsteignton Residents' Environmental Awareness Group	The Plan recognises that a facility near Ivybridge could manage waste arising in Plymouth if a Plymouth site was not forthcoming. As it is unlikely that Plymouth will be self supporting, the Plan should clearly identify any cross WPA co-operation by openly disclosing the type, quantity and source of any waste to be imported for management in Devon.
2148	Plymouth City Council	Object to references in para 4.6.3 to Plymouth's ability to manage all of its own waste, and to alternative short term locations in Cornwall.
2365	South Hams District Council	Plan should consider Plymouth in more detail - on closure of Chelson Meadow, DCC agree that South Hams may use Plympton transfer station. This site has considerable capacity and could be used to transport waste to facilities in Devon.
2385	Torbay Council	Wishes to ensure that waste policies and allocations provide adequate Strategic Waste Management Facilities to cater for waste arisings of Torbay, during Plan period.

#### Devon County Council Response

- 3.35 Arising from Plymouth's objection, there was discussion at the Inquiry of the approach to be taken towards waste management facilities for urban unitary authorities close to Devon. The County Council brought forward a new paragraph to be included following paragraph 3.10.2. This is set out in full below and appears as a “green change” in the 6 February Schedule of Proposed Changes for the Close of the Inquiry.

**“3.10.2A** In order to achieve consistency with the sequential approach of Policy P10.1 of the **Regional Waste Strategy** (see paragraph 2.4.6) and with the development priority of Policy ST5 of the **Devon Structure Plan**, it is considered that waste management facilities that are likely to cater to a significant degree for waste originating from within the Principal Urban Areas of Plymouth and Torbay should be located within those settlements, unless it can be demonstrated that, for the Plan period,:

- no existing or permitted sites for the particular type of facility are available within the Principal Urban Area;
- no suitable potential sites are available within the Principal Urban Area; or,
- a more sustainable option is available outside of the Principal Urban Area.

It is therefore expected that Plymouth City Council and Torbay Council will, in the preparation of their Local Development Frameworks, undertake a thorough appraisal of the availability of potential sites for the full range of waste management facilities that will be necessary for the management of the waste that will be generated in their individual areas. It is acknowledged that Plymouth City Council has already undertaken a thorough assessment of potential sites for waste management facilities within its boundary for the purposes of its Local Development Framework, and that this has demonstrated that there is little or no potential for landfill or landraise capacity within the City after the closure of Chelson Meadow in 2007.”

### **Inspector's Reasoning and Conclusions**

- 3.36 While this inquiry was only indirectly addressed to issues surrounding waste management in Plymouth and Torbay, I was provided with information, particularly on the former subject, to show that potential movement of waste from the principal urban areas for handling within the County cannot be ignored. I consider that this paragraph adequately addresses this issue.
- 3.37 I note that the County Council has also come forward with proposals to make reference to this issue elsewhere in the Plan. For example a “green change” is included in the 6 February Schedule of Proposed Changes putting forward an extra paragraph 7.2.2.2 before Policy WPP1. I do not consider this to be necessary.

### **DECISION**

- D24 That new paragraph 3.10.2A as expressed above be included in the Plan.

\* \* \*

## Chapter 4: Waste Arisings in Devon

### General Point

#### Objections to Re-Deposit Version

Objection Ref	Respondent	Summary of Representation
2147	Plymouth City Council	Object to lack of inclusion of the landfill element (current and future municipal and commercial) of Plymouth's waste arisings in the assessment of future waste needs in western part of County, and the lack of reference to a need for sub-regional partners to work together to identify sustainable waste management solutions.

#### Devon County Council Response

- 4.1 A response to this objection is given within proof of evidence C0001 which deals with a number of objections concerned with prediction of waste arisings and overall Plan strategy. The proof identifies issues, including the extent to which the Plan should have regard to the waste arisings from adjacent authorities with responsibility for waste planning (in particular Plymouth and Torbay) in the Plan's assessment of likely arisings and the extent to which the Plan should make provision for handling some or all of that waste.
- 4.2 There are no changes put forward to Chapter 4 in response to this objection but additions and alterations in paragraphs 5.2.2.2 to 5 are set out as "green changes" in the 6 February Schedule of Proposed Changes for the Close of the Inquiry. These clarify the position being taken on the location of facilities for the management of waste from adjacent authorities with responsibility for waste planning.

#### Inspector's Reasoning and Conclusions

- 4.3 This is an important issue but one that is difficult to resolve in advance of any formal apportionment to individual authorities with responsibility for waste planning. I accept that the County Council has taken an appropriate pragmatic approach.

#### DECISION

- D25 That no change is required in Chapter 4 in response to this objection.

\* \* \*

### Paragraph 4.1.4

#### Objections to Re-Deposit Version

Objection Ref	Respondent	Summary of Representation
2198	Viridor Waste Management	Amend paragraph from "of the BPEO" to read "using the BPEO technique".

#### Devon County Council Response

- 4.4 Proposed Pre-Inquiry Change PIC053 takes this point on board.

### Inspector's Reasoning and Conclusions

- 4.5 The Proposed Pre-Inquiry Change is a suitable response to the objection and has satisfied the objector.

#### DECISION

- D26 That the changes set out in PIC053 be made.

\* \* \*

### Paragraph 4.2.1

#### Objections to Re-Deposit Version

Objection Ref	Respondent	Summary of Representation
2199	Viridor Waste Management	Amend paragraphs as suggested to reflect changes with WS2000 and the replacing of PPS10 with PPS10 and consequently the withdrawal of BPEO technique.

#### Devon County Council Response

- 4.6 Proposed Pre-Inquiry Change PIC054 takes these points on board.

### Inspector's Reasoning and Conclusions

- 4.7 The Proposed Pre-Inquiry Change is a suitable response to the objection and has satisfied the objector.

#### DECISION

- D27 That the changes set out in PIC054 be made.

\* \* \*

### Paragraphs 4.2.2 & 3

#### Objections to Re-Deposit Version

Objection Ref	Respondent	Summary of Representation
2015	Kingsteignton Residents' Environmental Awareness Group	The Local Plan fails to identify the number of sites required, or the locations of the Preferred Sites, only identifying 10 sites with potential, of which a range of between 2 and 6 sites will be finally chosen. The Plan also reveals that the centralised approach advocated in the First Deposit Version would only have required one or two sites, and neither Version states the number of sites/facilities that will actually be required. In addition to the 500,000 tonnes of waste per annum currently authorised for disposal at Kingsteignton, the Plan identifies a further 450,000 tonnes to be treated in the Newton Abbot area. This capacity would be for the benefit of an area extending outside the County of Devon, and would give rise to a significant rise in heavy vehicles, endangering other road users, and causing congestion and pollution.
2016		Although the First Deposit Plan identified the Newton Abbot site as being at Kingsteignton, the Re-Deposit version is not specific.
2017		Pyrolysis, Biological Mechanical Treatment and Refuse Derived Fuel are largely experimental, and DEFRA regard the science of these technologies as "less certain" and in need of further work.
2018		

### Devon County Council Response

- 4.8 C001 responds to broad strategic criticisms from the Kingsteignton Residents' Environmental Awareness Group and others. Paragraphs 4.2.2 and 4.2.3 should be read in context as a summary of a Consultants's report on BPEO that is not in itself part of the Plan's proposals.
- 4.9 Proposed Pre-Inquiry Change PIC055 amends the summary of the BPEO report in paragraph 4.2.3. The earlier version reflected a draft version of the study.

### Inspector's Reasoning and Conclusions

- 4.10 The Kingsteignton Residents' Environmental Awareness Group made a valuable contribution at the inquiry and have raised some important issues of which the County Council must continue to be aware. There is a danger that the non-prescriptive policies in the Plan may lead to unintended consequences. This does not have direct consequences for paragraphs 4.2.2 and 4.2.3.
- 4.11 The Proposed Pre-Inquiry Change does not arise directly from Kingsteignton Residents' Environmental Awareness Group's objection, but seeks to ensure that the Plan summary is an accurate reflection of the study to which reference is being made. Apart from a minor correction to the final sub-paragraph referring to "waste transfer capacity", I regard this as sensible updating and correcting of the Plan.

### DECISION

- D28 That the changes set out in PIC055 be made with the exception that there should be no brackets around "Mid Devon, East Devon and West Devon" in the last sentence of the final sub-paragraph.

\* \* \*

### Paragraphs 4.4.1

#### Objections to Re-Deposit Version

Objection Ref	Respondent	Summary of Representation
2200	Viridor Waste Management	Change "recognises" to "recognised" in light of PPG10 being replaced with PPS10.
2282	Government Office for the South West	References to PPG10 should be removed as they are no longer appropriate.

### Devon County Council Response

- 4.12 Proposed Pre-Inquiry Change PIC056 takes these points on board.

### Objectors' Responses to Proposed Pre-Inquiry Changes

- 4.13 Viridor's schedule dated 30 November 2006 records that the above objection is withdrawn conditional upon the related Pre-Inquiry Changes being incorporated into the Waste Local Plan.
- 4.14 Government Office for the South West's memo of 15 December 2005 records that the Proposed Pre-Inquiry Changes meet objections to replacement of PPG10 by PPS10.

**Inspector's Reasoning and Conclusions**

- 4.15 The Proposed Pre-Inquiry Changes respond appropriately to the objections and reflect publication of PPS10 and the revision of Waste Strategy 2000.

**DECISION**

- D30 That the changes in PIC056 be made.

\* \* \*

**Paragraph 4.5.4****Objections to Re-Deposit Version**

Objection Ref	Respondent	Summary of Representation
2201	Viridor Waste Management	Remove reference to use of BPEO technique and replace with "in order to achieve the sustainable management of waste in the plan area"

**Devon County Council Response**

- 4.16 Proposed Pre-Inquiry Change PIC057 takes this point on board.

**Inspector's Reasoning and Conclusions**

- 4.17 The Proposed Pre-Inquiry Changes accepts the objector's proposed change. However, the resultant wording is clumsy suggesting a direct linkage between sustainable management and flexibility in the provision of facilities. The sentence reads better if all the words before the comma following "Devon's waste," are deleted and I consider that the main aim of the objection are still adequately met.

**DECISION**

- D31 That the clause "Although ...Devon's waste," be deleted.

\* \* \*

**Paragraph 4.6.1****Objections to Re-Deposit Version**

Objection Ref	Respondent	Summary of Representation
2203	Viridor Waste Management	Change reference to BPEO from "of the type required to achieve the BPEO" to "of the type that were identified in the BPEO studies". Add "and to provide for the sustainable management of waste" to the end of the last sentence.

**Devon County Council Response**

- 4.18 Proposed Pre-Inquiry Change PIC058 takes these points on board.

**Inspector's Reasoning and Conclusions**

- 4.19 The Proposed Pre-Inquiry Change responds appropriately to the objection and reflects publication of PPS10 and the revision of Waste Strategy 2000. The change has satisfied the objector and should be made.

**DECISION**

D32 That the changes in PIC058 be made.

\* \* \*

**Paragraph 4.6.2****Objections to Re-Deposit Version**

Objection Ref	Respondent	Summary of Representation
2204	Viridor Waste Management	Should refer to "large sub-county catchment area" rather than "large catchment area" in order to emphasise plan strategy of multi-sites not a single large site.

**Devon County Council Response**

4.20 Proposed Pre-Inquiry Change PIC059 takes this point on board.

**Objector's Response to Proposed Pre-Inquiry Change**

4.21 Viridor's schedule dated 30 November 2006 records that the above objection is withdrawn conditional upon the related Pre-Inquiry Change being incorporated into the Waste Local Plan.

**Inspector's Reasoning and Conclusions**

4.22 The Proposed Pre-Inquiry Change underlines the Plan's decentralised approach, it responds appropriately to the objection and has satisfied the objector.

**DECISION**

D33 That the change in PIC059 be made.

\* \* \*

**Paragraph 4.6.7****Objections to Re-Deposit Version**

Objection Ref	Respondent	Summary of Representation
2203	Viridor Waste Management	Change reference to BPEO from "of the type required to achieve the BPEO" to "of the type that were identified in the BPEO studies". Add "and to provide for the sustainable management of waste" to the end of the last sentence.

**Devon County Council Response**

4.23 Proposed Pre-Inquiry Change PIC060 makes the changes sought.

**Inspector's Reasoning and Conclusion**

4.24 The Proposed Pre-Inquiry Change is a suitable and appropriate response to the objection and has satisfied the objector.

**DECISION**

D34 That the change in PIC060 be made.

## Chapter 5: Provision of Waste Management Facilities

### Paragraph 5.1.2

#### Objections to Re-Deposit Version

Objection Ref	Respondent	Summary of Representation
2207	Viridor Waste Management	Include "To ensure waste is managed in a sustainable manner in accordance with the principle set out in PPS10 and WS2000 (July 2005 amendment)" at the end of the paragraph.

#### Devon County Council Response

- 5.1 Proposed Pre-Inquiry Change PIC062 responds to the objection but with different words. The addition expresses the relationship of Chapter 4 with the Plan's Objectives and Strategy.

#### Inspector's Reasoning and Conclusions

- 5.2 The objector is satisfied with the change which places this chapter in its wider context. This is a suitable and appropriate response to the objection.

#### DECISION

- D35 That the addition in PIC062 be included.

\* \* \*

### Paragraph 5.1.3

#### Devon County Council Proposed Pre-Inquiry Changes

- 5.3 Proposed Pre-Inquiry Change PIC063 is put forward to reflect changes made elsewhere in the plan, most particularly in Policies WPP1 to WPP3.

#### Inspector's Reasoning and Conclusions

- 5.4 The change from use of the word "preferred" is a significant one which is in line with policy in paragraph 17 of PPS10 advising identification in Local Plans of sites for waste management facilities. It is however important that this part of the Plan be consistent with alterations flowing from changes made elsewhere in the Plan, in this case Policies WPP1, WPP2 and WPP3 and for reasons given in my decisions on those policies I do not favour use of the word "proposed".

#### DECISION

- D36 That the changes in PIC063 be made but with the word "proposed" omitted.

\* \* \*

### Paragraph 5.2.1.1-3 & 5

#### Objections to Re-Deposit Version

Objection Ref	Respondent	Summary of Representation
2208	Viridor Waste Management	Update paragraphs 5.2.1.1 - 3 to refer to PPS10.
2282	Government Office for the South West	References to PPG10 should be removed as they are no longer appropriate.

#### Devon County Council Response

- 5.5 Proposed Pre-Inquiry Changes PIC064, PIC065 and PIC066 take these objections on board and ensure consistency with PPS10. Proposed Pre-Inquiry Change PIC067 achieves consistency in relation to the principle of locating facilities at or close to urban areas in line with the Regional Waste Strategy.

#### Inspector's Reasoning and Conclusions

- 5.6 The Proposed Pre-Inquiry Changes PIC064, PIC065 and PIC066 reflect changes arising from PPS10. The change to paragraph 5.2.1.5 is not a direct response to these objections but is of benefit in clarifying the sequential approach being taken to the location of waste management facilities for larger urban centres. This change improves the internal consistency of the Plan. Both objectors have confirmed that the changes meet their objections.

#### DECISION

- D37 That the changes in PIC064, PIC065, PIC066 and PIC067 be made.

\* \* \*

### Paragraphs 5.2.2.2-4

#### Objections to Re-Deposit Version

Objection Ref	Respondent	Summary of Representation
2118	Teignbridge District Council	Objects to paragraph. Proposal conflicts with strategic settlement hierarchy and settlement functions in Devon Structure Plan 2001-16. Torbay has Principle Urban Area Status and is higher in the settlement hierarchy than Newton Abbot.
2019	Kingsteignton Residents' Environmental Awareness Group	The Plan recognises that a facility near Ivybridge could manage waste arising in Plymouth if a Plymouth site was not forthcoming. As it is unlikely that Plymouth will be self supporting, the Plan should clearly identify any cross WPA co-operation by openly disclosing the type, quantity and source of any waste to be imported for management in Devon.

#### Devon County Council Response

- 5.7 Proof C0001 covers these and other related objections. A series of "green changes" in the 6 February Schedule of Proposed Changes for the Close of the Inquiry have been put forward at this point of the Plan which, together with new paragraph 3.10.2A, explain the Plan's approach to the location of facilities for the management of waste from adjacent local authorities with responsibility for waste planning. These respond

to various objections including Plymouth City Council's (objection 2148) to references in paragraph 4.6.3 to Plymouth's ability to manage all of its own waste.

### **Inspector's Reasoning and Conclusions**

- 5.8 It is important that the Plan should explain what approach is being taken to adjacent local authorities with responsibility for waste planning. Plymouth City Council was at the Inquiry and found the changes proposed for these paragraphs acceptable. My view is that this is a suitable part of the Plan to explain the County Council's approach and that these "green changes", in association with the proposed new paragraph 3.10.2A, are an appropriate way of doing so.

### **DECISION**

- D38 That the "green changes" to paragraphs 5.2.2.2-4 in the 6 February Schedule be included in the Plan.

\* \* \*

## **Paragraphs 5.2.3.1 & 4**

### **Devon County Council Proposed Pre-Inquiry Changes**

- 5.9 Proposed Pre-Inquiry Changes PIC068 and PIC069 are put forward to reflect changes made elsewhere in the plan, most particularly the changes put forward to Objective 6.

### **Inspector's Reasoning and Conclusions**

- 5.10 This part of the Plan should be consistent with alterations flowing from changes made elsewhere in the Plan, in this case Objective 6. The Proposed Pre-Inquiry Changes achieve this consistency.

### **DECISION**

- D39 That the changes in PIC068 and PIC069 be made.

\* \* \*

## **Paragraphs 5.3.1 and Titles of 5.3 & Figure 13**

### **Objections to Re-Deposit Version**

Objection Ref	Respondent	Summary of Representation
2274 2272	WBB Minerals Ltd	Request that site adjacent to John Acres Lane - B3193, is included as a potential resource recovery site and added to Figure 14. Sites which meet development control criteria not included in Figure 13 may be acceptable. Policy should be amended to take account of this.
2015	Kingsteignton Residents' Environmental Awareness Group	The Local Plan fails to identify the number of sites required, or the locations of the Preferred Sites, only identifying 10 sites with potential, of which a range of between 2 and 6 sites will be finally chosen.

2119	Teignbridge District Council	Figure lacks clarity and certainty in terms of how it is implemented through policy WPP1, and should be amended to make clear which sites are proposed and how these sites will be prioritised.
2124		Object to lack of reference to a Preferred Site centred on the proposed new community in East Devon. New community likely to generate significant waste. New community will be served by Exeter to Waterloo line - could offer potential for a rail head
2403	Kingsteignton Parish Council	Plan is vague as to long term proposals for sites within Devon. Exact provision for Plymouth needs to be identified.

### Devon County Council Response

- 5.11 Proposed Pre-Inquiry Changes PIC070, PIC071 and PIC072 are put forward to reflect changes made elsewhere in the plan, most particularly changes to Policy WPP1 which refer to proposed sites.
- 5.12 Proofs C001 and C003 address the issue of whether the Plan has taken an appropriate approach to the identification of proposed sites. The criticism that the Plan should contain greater certainty as to what particular facilities will be developed in identified locations is resisted. The County Council argues that there is uncertainty about the number of sites and the range of facilities and that avoiding a “tight fit” of land allocations with waste management capacity is in line with advice in the “living draft” of the companion guide to PPS10.
- 5.13 A “red change” in the 6 February Schedule of Proposed Changes responds to the WBB Minerals objection (2274) as explained by proof C005B proposing a reference to metal recovery. Proof C006 addresses objection 2272 putting forward a paragraph on resource recovery parks for Section 3.9 and a new paragraph 7.2.1.2 which was overtaken by the County Council’s proposal for a new Policy WPP4.

### Inspector’s Reasoning and Conclusions

- 5.14 The change from use of the word “preferred” is a significant one which is in line with policy in paragraph 17 of PPS10 advising identification in Local Plans of sites for waste management facilities. It is however important that this part of the Plan be consistent with alterations flowing from changes made elsewhere in the Plan, in this case Policy WPP1 and for reasons given in my decision on that policy I do not favour use of the word “proposed”.
- 5.15 While I can see the desirability of having greater clarity in the Plan through a firmer identification of facilities to be developed at particular sites, I recognise that that is not an achievable solution within the timescale remaining for the adoption of this Plan. The choice then is between a Plan that provides guidance to the waste industry as to sites on which an indicative range of facilities might be brought forward or no plan at all. I regard the former as preferable.
- 5.16 The footnote (red change) acknowledging that a metals recovery facility might be an element at Heathfield would be in line with policy promoting extension of recycling and is a useful addition to the Plan.

### DECISION

- D40 That the changes in PIC071 be made
- D41 That the word “preferred” be deleted from the title of Section 5.3 and Figure 13
- D42 That the red change related to Figure 13 be made.

## Title of Section 5.4, Paragraphs 5.4.1-2 and Title of Figure 14

### Devon County Council Proposed Pre-Inquiry Changes

- 5.17 Proposed Pre-Inquiry Changes Change PIC073, PIC074, PIC075 and PIC076 are put forward to reflect changes made elsewhere in the plan, most particularly the changes put forward to Policy WPP2.

### Inspector's Reasoning and Conclusions

- 5.18 This part of the Plan should be consistent with alterations flowing from changes made elsewhere in the Plan, in this case Policy WPP2. I explain in my comments on that policy why the word "proposed" should not appear in the title of the policy or Figure 14 as suggested in PIC073 and PIC076. These are sites that are identified in the Plan. In relation to PIC074 the words "as Preferred Sites" should be deleted from the third line and the word "Preferred" should be deleted from the last sentence. PIC075 needs to be changed in a comparable manner for consistency.

### DECISION

- D43 That the title of Section 5.4 and Figure 14 be "Sites for Other Significant Waste Management Facilities".
- D44 That the changes to the first and second lines of paragraph 5.4.1 be made as set out in PIC074, that the words "as Preferred Sites" be deleted from the third line and the word "Preferred" be deleted from the final sentence.
- D45 That the word "Preferred" be deleted from paragraph 5.4.2 and the words "in Policy WPP2" be included before "in Chapter 7".

\* \* \*

## Figure 14

### Objections to Re-Deposit Version

Objection Ref	Respondent	Summary of Representation
1509	B T Jenkins Ltd	The Plan should recognise that the Trood Lane site (TE23) is well related to Exeter, and lies in an enclosed valley with little property in the vicinity. It therefore has potential for significant extension and has long term potential for greenwaste composting and a waste to energy plant.
1511 & 1512	Coles Contractors	Holmacott (ND21) is the largest landfill site in North Devon, and should be identified as a site with potential for facilities including composting, a MRF and a Waste to Energy facility.
2274	WBB Minerals Ltd	Request that site adjacent to John Acres Lane - B3193, is included as a potential resource recovery site and added to Figure 14.

### Devon County Council Response

- 5.19 Objections to the Deposit Version from B T Jenkins Ltd and Coles Contractors were agreed in part by the County Council. Further changes to the Re-Deposit Version were put forward in the Schedule of Omission Sites, 29 November 2005, and backed up by Proof C029. Both Trood Lane (OM12) and Holmacott (OM5) are now

identified with Hill Barton Business Park as “red changes” to the Re-Deposit Version in a column headed “Thermal Treatment”.

- 5.20 Proof C005B is a response to the WBB Minerals Ltd objection in and is dealt with by a change to Figure 13.
- 5.21 A “green change” updating the position in relation to Hill Barton is included in the 6 February Schedule of Proposed Changes for the Close of the Inquiry

### Inspector's Reasoning and Conclusions

- 5.22 The possibility of energy from waste or MBT/BMT facilities being accommodated in the type of sites listed in Figure 14 is mentioned within the text of paragraph 5.4.1 but the proposal to identify three of these sites in a column headed “Thermal Treatment” only emerged in the Schedule of Omission Sites issued on 29 November 2005. Indeed the Hill Barton Business Park though mentioned in the County Council's proof is not explicitly referred to in the 6 February schedule. Despite the limited opportunity given for public consultation, objections have been made.<sup>1</sup>
- 5.23 Given that the text in the Re-Deposit Version of the Plan provides scope for energy from waste proposals to be brought forward at sites such as these, the issue before me is how far the Plan should go in explicitly linking this to these particular sites. They were not considered in any detail at the inquiry but I made an unaccompanied visit to the Trood site which is near to Exeter and within an Area of Great Landscape Value.
- 5.24 The County Council's proofs do not present a strong case for altering the Re-Deposit Version in a manner that specifically identifies these three sites in a column marked “Thermal Treatment”. I note that text accompanying the Schedule indicates that County Council support relates to *small scale* energy from waste utilising residual waste from operations already permitted for the sites, however this qualification would not be reflected in any explicit text in the Plan. In all the circumstances, I consider that the detailed content of Figure 14 of the Re-Deposit Version should not be changed and therefore do not endorse the “red change” of Figure 14 in the 6 February Schedule.
- 5.25 The “green change” in the 6 February Schedule of Proposed Changes for the Close of the Inquiry is a minor updating of the situation which reflects the status of a lapsed permission at 1<sup>st</sup> January 2006. I regard this as a useful clarification of a minor point.

### DECISION

- D46 That the “green change” in the 6 February Schedule of Proposed Changes for the Close of the Inquiry be made.

<sup>1</sup> The following are relevant objections to the Schedule of Omission Sites

Objection Ref	Respondent	Summary of Representation
3001 & 3003	Mrs M Cox	Object to incineration (both sites) due to emissions
3011	Highways Agency	Object to proximity of site (OM12) to the trunk road network
3028	Environment Agency	The Agency will wish to comment at a later stage on any detailed proposals for a new waste to energy facility (OM5)

## Title of Section 5.5, Paragraphs 5.5.1 and Title of Figure 15

### Devon County Council Proposed Pre-Inquiry Changes

- 5.26 Proposed Pre-Inquiry Changes Change PIC077, PIC078 and PIC079 are put forward to reflect changes made elsewhere in the plan, most particularly the changes put forward to Policy WPP3.

### Inspector's Reasoning and Conclusions

- 5.27 This part of the Plan should be consistent with alterations flowing from changes made elsewhere in the Plan, in this case Policy WPP3. I explain in my comments on that policy why the word "proposed" should not appear in the title of the policy or Figure 15 as suggested in PIC077 and PIC079. These are sites that are identified in the Plan. I consider that PIC078 is an unsuitable change but that deletion of the word "Preferred" from the third line of paragraph 5.5.1 is appropriate and the inclusion of a cross reference to Policy WPP3 is helpful.

### DECISION

- D48 That the title of Section 5.5 and of Figure 15 be "Sites for Minor Waste Management Facilities".
- D49 That the word "Preferred" be deleted from paragraph 5.5.1 and the words "in Policy WPP3" be included in the last sentence after "found".

\* \* \*

## Figures 15 & 16

### Objections to Re-Deposit Version

Objection Ref	Respondent	Summary of Representation
2073	B & S Hill	Marlands should be identified as a site with potential for a waste transfer station. It is well located to serve Totnes (currently lacking such provision). Parts of site are well screened so as to minimise environmental impact.
2074	C & A Down	The statement that there is potential for energy recovery from the wood burning incinerator (Ruby Farm) should be restored. The incinerator is well used, and is to be upgraded to meet modern emission and monitoring standards.
2131	Dawlish Skip Hire Ltd	Objects to Shutterton Lane site being placed in Figure 16 under category of "existing sites without potential for additional facilities". Feels that site (together with adjacent land) has potential for additional waste management facilities.
2026	Kingsteignton Residents' Environmental Awareness Group	Further waste management activity at Bickley Ball could have an impact on traffic conditions locally and the Plan should include further information on the capacity and transport implications of the operation and identify the operator.

### Devon County Council Response

- 5.28 Proof C036 responds to the Objection from B & S Hill (ref 2073). The site would be suitable for waste transfer use and should be so shown in Figure 15.
- 5.29 Proof C037 responds to the Objection from C & A Down. Energy recovery would have no effect on the local environment and the footnote should be expanded.

- 5.30 Proof C039 responds to the Objection from Dawlish Skip Hire Ltd (ref 2131). The site is included as OM3 within the Schedule of Omission Sites, 29 November 2005. A revised site area for Inset Plan TE12 is shown on DC18 and the site should be added to Figure 15 and removed from Figure 16.
- 5.31 These are all shown as “red changes” in the 6 February Schedule of Proposed Changes for the Close of the Inquiry.
- 5.32 Proposed Pre-Inquiry Change PIC080 is an update of Figure 16 to reflect recent planning permissions in relation to 5 named sites where planning permission for various waste handling facilities has been granted.
- 5.33 A “green change” in the 6 February Schedule of Proposed Changes was put forward following discussion at the inquiry with additional wording to describe the current position over glass recycling and skip maintenance activities at Bickley Ball, Kingsteignton.

### **Inspector's Reasoning and Conclusions**

- 5.34 The first two changes are suitable responses to the objections raised and would reflect movement of waste handling up the waste hierarchy.
- 5.35 I made an unaccompanied site visit to the Shutterton Lane site (TE12) which is within an industrial area on the edge of Dawlish. Enlargement of the site as suggested on DC18 would provide the potential for developing additional waste handling facilities. I note that there has been no objection recorded to the advertisement of this site as an Omission Site and consider that its inclusion as one of the sites listed in Figure 15 would be in line with policies in the Plan and the approach in PPS10.
- 5.36 PIC080 is a useful updating of the Plan but I do not consider that much is to be achieved by adding information relating to Bickley Ball about future action by the operator which may or may not transpire. Elsewhere the Plan has been brought up to date to reflect conditions at 1 January 2006. My understanding is that the reference to a greenwaste shredder at Bickley Ball is an accurate reflection of waste operations that have planning permission at that date and I therefore do not support the “green change” in the 6 February Schedule of Proposed Changes.

### **DECISION**

- D50 That the “red changes” to Figure 15 in the 6 February Schedule of Proposed Changes be made.
- D51 That Site TE12 be deleted from Figure 16 and that the sites listed in PIC080 be added with an indication that the Caddsdwn, Bideford site, was unimplemented at 1<sup>st</sup> January 2006.

\* \* \*

### **Proposed Change to Paragraph 5.7.6**

#### **Devon County Council Proposed Change**

- 5.37 Proposed Pre-Inquiry Change PIC081 is put forward to reflect the grant of planning permission for the Caddsdwn, Bideford, Recycling Centre.

**Inspector's Reasoning and Conclusions**

5.38 This is a useful updating of the Plan.

**DECISION**

D52 That the changes in PIC081 be made.

\* \* \*

**Paragraph 5.7.7****Objections to Re-Deposit Version**

Objection Ref	Respondent	Summary of Representation
2366	South Hams District Council	Given capacity issue with the Ivybridge Recycling Centre, the Plan should have considered identifying potential sites for a new Recycling Centre within the western end of district.

**Devon County Council Response**

5.39 Proof C0061 responds to this objection as part of comments about Wrangaton (Inset Plan SH52). No change is required.

**Inspector's Reasoning and Conclusions**

5.40 With time constraints affecting the programme for adoption of the Plan, there is no scope to do further work on this matter at this time.

**DECISION**

D53 That no change be made.

\* \* \*

**Proposed Change to Paragraph 5.10.1****Devon County Council Proposed Change**

5.41 A "red change" in the 6 February Schedule of Proposed Changes for the Close of the Inquiry changes the reference to the Asset Management Plan period from AMP3 to AMP4.

**Inspector's Reasoning and Conclusions**

5.42 This updates the reference to the Asset Management Plan period.

**DECISION**

D54 That the reference to AMP3 be replaced by AMP4 and the time period changed from 2000 – 2005 to 2005 – 2010.

\* \* \*

## Chapter 6: Waste Local Plan Core Policies

### Paragraphs 6.1.2 and 6.1.4

#### Objections to Re-Deposit Version

Objection Ref	Respondent	Summary of Representation
2304	Government Office for the South West	Amendment needed in order to reflect PPS10.
2210	Viridor Waste Management	Replace "adopted" with "used" when referring to concept of BPEO.

#### Devon County Council Response

- 6.1 Proposed Pre-Inquiry Change PIC083 changes the text of paragraph 6.1.4 to reflect the publication of PPS10 and revision of Waste Strategy 2000. BPEO is now described as a technique used to assist in developing objectives and strategy of the Local Plan. Proposed Pre-Inquiry Change PIC082 replaces “preferred” with “proposed” to reflect changes made to Policies WPP1-3 in Chapter 7.

#### Inspector's Reasoning and Conclusions

- 6.2 PIC082 is intended to achieve consistency with the wording employed in Chapter 7 but for reasons given elsewhere I do not agree that use of the term “proposed” is appropriate. The wording I have put adopted is consistent with that adopted for Policies WPP1, WPP2 and WPP3.
- 6.3 The change in PIC083 is an appropriate reflection of the revised national policy context, in relation to BPEO.

#### DECISION

- D55 That the second sentence of paragraph 6.1.2 be as follows:  
The Plan identifies certain sites, both existing and new as sites for waste management facilities.
- D56 That the changes in PIC083 be made to paragraph 6.1.4.

\* \* \*

### Paragraphs 6.2.1, 6.2.3, 6.2.4 & 6.2.5

#### Objections to Re-Deposit Version

Objection Ref	Respondent	Summary of Representation
2414	CPRE Devon	The 2004 Planning Act states that all developments must be "sustainable". Proper use of waste should be within the definition of that adjective, and would contribute to the Renewable Targets set for energy production.
2305	Government Office for the South West	Amendment needed in order to reflect PPS10.

2211, 2212 & 2213	Viridor Waste Management	Remove reference to BPEO from paragraph 6.2.1 and replace with "Sustainable Waste Management". Update text as suggested to take account of updating of WS200 and replacement of PPG10 by PPS10. Remove reference to PPG10 and include "in deciding the contents of the Plan" at the end of the last sentence in the paragraph 6.2.3. Delete "assessing" from paragraph 6.2.4 and add suggested text so it reads "when the BPEO technique was used to provide a sustainable waste management solution for the Plan area".
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### Devon County Council Response

- 6.4 Proposed Pre-Inquiry Changes PIC084 to 087 make various minor changes to the text of these paragraphs to reflect the publication of PPS10 and revision of Waste Strategy 2000.

### Inspector's Reasoning and Conclusions

- 6.5 The changes in PIC084 to PIC087 are an appropriate reflection of the revised national policy context.
- 6.6 The point raised by CPRE is of the nature of a general comment and does not require any change to the Plan.

### DECISION

- D57 That the changes in PIC084, PIC085, PIC086 and PIC087 be made.

\* \* \*

## Policy WPC1 Sustainable Waste Management

### Objections to Re-Deposit Version

Objection Ref	Respondent	Summary of Representation
2214	Viridor Waste Management	Replace reference to BPEO with "Sustainable Waste Management".
1229, 1230 & 2044	North Devon District Council	Should be made clear, either in policy or SPD, what weight is attached to each of the four criteria, and how any contradiction between these principles will be resolved.
2306 & 2317	Government Office for the South West	Policy should be amended in light of PPS10, including by deleting reference to BPEO and replacing with broad criteria for waste management development.

### Devon County Council Response

- 6.7 Proposed Pre-Inquiry Change PIC088 accedes to the points about BPEO made by Government Office for the South West and Viridor. The following policy changes are proposed:

Delete "aims of the Best Practicable Environmental Option (BPEO)" and replace with "Objectives of the Waste Local Plan"

In criterion (ii), delete "the proximity principle" and replace with "minimising the transportation of waste".

In criterion (iii), delete "regional"

- 6.8 Proof C077 responds to North Devon District Council and puts forward an addition to paragraph 6.2.7. This is included as a “red change” in the 6 February Schedule of Proposed Changes for the Close of the Inquiry.

### Inspector's Reasoning and Conclusions

- 6.9 The changes in PIC088 are important in bringing this policy into line with PPS10 and the Waste Strategy. They also improve internal consistency within the Plan.
- 6.10 The proposed addition to paragraph 6.2.7 is an adequate response to North Devon's objection, providing the clarification sought.

### DECISION

- D58 That Policy WPC1 be amended as set out in PIC088.
- D59 That text be added to paragraph 6.2.7 as set out in the “red change” in the 6 February Schedule of Proposed Changes.

\* \* \*

## Section 6.3 and Policy WPC2 Need

### Objections to Re-Deposit Version

Objection Ref	Respondent	Summary of Representation
2318	Government Office for the South West	Questions the term "material planning objections". Policy need not refer to "harm" as this will be picked up by WPC3 and later environmental policies, but should recognise the need for/benefits of WM development in light of BPEO.
2215 & 2216	Viridor Waste Management	Delete reference to draft PPS10 from paragraph 6.3.1 and include text "when they accord with the development plan" at end of first sentence. At end of the same paragraph add "To assist the assessment of proposals not identified in the plan or those that are where the detail gives rise to material planning objections" In Policy WPC2, after "Where the application is" insert "for development not envisaged in the Plan or where it is but".
2441	Highways Agency	Supports policy stating that planning permission will only be granted where there is a "clear established need". Broadly concur as we consider that this should reduce the potential for unnecessary developments and minimise possible associated traffic upon the Trunk Road network

### Devon County Council Response

- 6.11 Proof C002 addresses the issues raised in relation to Policies WPC2 and WPC3. A set of “red changes” in the 6 February Schedule of Proposed Changes for the Close of the Inquiry involves a substantial rewriting of Policy WPC2 and the supporting text for it. This proposed amendment supersedes PIC090 which put forward a relatively minor change to paragraph 6.3.4. PIC089 is a minor correction to paragraph 6.3.3 which is still put forward.
- 6.12 The set of red changes seeks to clarify the Plan's response to the issue of need. It is held to be consistent with paragraph 22 of PPS10 and with advice in the Companion Guide to PPS10 on requiring applicants to demonstrate that a proposed facility will not prejudice movement up the waste hierarchy.

### Inspector's Reasoning and Conclusions

6.13 The issue of "need" is a complex one. The most directly relevant paragraph of PPS10 states that:

"When proposals are consistent with an up-to-date development plan, waste planning authorities should not require applicants for new or enhanced waste management facilities to demonstrate a quantitative or market need for their proposal."

and the advice in the 'living draft' of the Companion Guide to PPS10 is that:

"in the case of waste disposal facilities, applicants should be able to demonstrate that the envisaged facility will not undermine the waste planning strategy through prejudicing movement up the waste hierarchy."

6.14 The overall thrust of national policy is to promote more facilities for waste handling in order that there should be a progressive movement up the waste hierarchy. A corollary of this is that provided that a proposed waste management facility would make a contribution to moving waste handling up the hierarchy, the question of need for that facility is unlikely to require investigation. On the other hand where a new facility is making such a contribution, the fact that the proposal would be meeting a need would be a factor weighing in favour of the proposal. That last sentiment is one that is reflected in Part 3 of the Re-Deposit Version of Policy WPC3.

6.15 From what I have read of the County Council's case in relation to the issue of need, I do not see that there is an intention that this Local Plan should diverge from national policy. I certainly have not seen any evidence that there are particular local circumstances that would warrant a different approach being taken. Indeed the relative geographical isolation of the County of Devon within the South West peninsula is a factor reducing pressure for the import of waste from surrounding areas.

6.16 My conclusion is that this policy and the proposed supporting text do not add value to the Plan. Insofar as there is potential for material in the policy and supporting text to give rise to debate about how national policy on need is to be applied in the Devon context, I consider that the proposed text and policy could be positively counter-productive. I have therefore come to the view that the whole of Policy WPC2 and section 6.3 should be deleted.

6.17 There is overlap between objections to Policy WPC2 and points raised in relation to Policy WPC3. GOSW objected that there was an element of duplication. Proof C002 eliminates the duplication by a proposed "red change" in the 6 February Schedule of Proposed Changes. I return to this in my section on Policy WPC3 in the light of my decision on Policy WPC2.

### DECISION

D60 That Section 6.3 and Policy WPC2 be deleted.

\* \* \*

### Paragraphs 6.4.2 and 6.4.5

#### Objections to Re-Deposit Version

Objection Ref	Respondent	Summary of Representation
2217	Viridor Waste Management	Change PPG10 to PPS10 and refer to Annex E not A.

2282	Government Office for the South West	References to PPG10 should be removed as they are no longer appropriate.
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### Devon County Council Response

- 6.18 Proposed Pre-Inquiry Change PIC091 accedes to these objections. A further Proposed Pre-Inquiry Change (PIC092) is put forward to secure consistency with the rest of the Plan.

### Inspector's Reasoning and Conclusions

- 6.19 I support these Proposed Pre-Inquiry Changes as minor changes to update the Plan and secure consistency within it.

### DECISION

- D61 That the changes in PIC091 and PIC092 be made.

\* \* \*

## Policy WPC3 Development Control Considerations

### Objections to Re-Deposit Version

Objection Ref	Respondent	Summary of Representation
Not numbered	Government Office for the South West	General intention of Policy WPC3 supported but reservations about economic benefits being taken into account, duplication with other policies and over expression in terms of "need"
2092	Teignbridge District Council	Questions whether the use of recycled aggregates and other materials, the use of energy-efficient plant and equipment, and the use of refuse derived compost for landscaping, could be used as criteria for judging proposals.
2218	Viridor Waste Management	Bullet 1.f - add "and their health" after " the amenities of nearby residents".
2473	Torbay Council	Supports the protection of transport infrastructure and benefits of using alternative means of transport. Suggests the minimisation of HGV movements and encouragement of use of highway network outside of peak hours where possible.

### Devon County Council Response

- 6.20 Proposed Pre-Inquiry Change PIC093 accepts Viridor's point that there should be a reference to health in 1f of the policy.
- 6.21 The Government Office for the South West's objections to Policies WPC2 and WPC3 are taken together in Proof C003. A "red change" in the 6 February Schedule of Proposed Changes deletes the whole of the third part of the policy in order to avoid duplication of Policies WPC2 and WPC3. The reference to economic benefits is retained.
- 6.22 Proof C048 responds to Teignbridge District Council's suggestion for additional criteria but does not put forward any change.

### Inspector's Reasoning and Conclusions

- 6.23 The County Council's proposed deletion of Part 3 needs to be viewed in the context of my decision to delete Policy WPC2. That deletion removes the issue of duplication and the question now is whether Part 3 should be retained. In my view this element of

the policy should be maintained in the form shown in the Re-Deposit Version. I therefore do not support the “red change” in the 6 February Schedule of Proposed Changes.

- 6.24 I agree that the reference to health and amenity is in line with PPS10. I see no benefit from the addition suggested by Teignbridge District Council and do not consider that the reference to economic benefits should be deleted.

### DECISION

- D62 That the change in PIC093 be made.

\* \* \*

## Paragraphs 6.5.1, 6.5.2 & 6.5.3

### Objections to Re-Deposit Version

Objection Ref	Respondent	Summary of Representation
2271	WBB Minerals Ltd	Supports principle of Resource Recovery Parks to combine a number of waste management facilities. Should not be limited to MRFs and waste transfer stations but include eg scrap yards particularly where it removes operations from within urban areas.

### Devon County Council Response

- 6.25 Proof C006 responds to this objection, acknowledging that the range of facilities mentioned in paragraph 6.5.2 could be extended as suggested. This forms a “red change” in the 6 February Schedule of Proposed Changes.
- 6.26 In addition minor changes are made in paragraphs 6.5.1 and 6.5.3 as Pre-Inquiry Changes PIC094 and 95 to achieve consistency with changes to Policies WPP1-3.

### Inspector's Reasoning and Conclusions

- 6.27 These are minor changes that are intended to be consistent with other parts of the Plan. I support the aim of consistency but for the reasons given in paragraph 7.8 of my report I do not favour use of “proposed”.

### DECISION

- D63 That PIC094 be made to paragraph 6.5.1 but with “identifies” retained and “proposes” omitted, that the word “preferred” be deleted from paragraph 6.5.3 and that the “red change” to paragraph 6.5.2 in the 6 February Schedule of Proposed Changes be made.

\* \* \*

## Policy WPC4 Integrated Waste Management Facilities

### Objections to Re-Deposit Version

Objection Ref	Respondent	Summary of Representation
2093	Teignbridge District Council	Policy lacks clarity and certainty in terms of development proposals for integrated waste management facilities at preferred sites set out in Figures 13 & 14, and acceptable sites should be proposed in Policy WPC4.

### Devon County Council Response

- 6.28 Proposed Pre-Inquiry Change PIC096 changes the references within this policy from Figures 13 and 14 to Policies WPP1-3. This is a consequence of changes to those policies which are the subject of Proof C003.
- 6.29 Additionally at the Inquiry a “green change” was included in the 6 February Schedule of Proposed Changes to reflect advice on cumulative effects in PPS10.

### Inspector's Reasoning and Conclusions

- 6.30 The changes in PIC096 and the “green change” in the 6 February Schedule of Proposed Changes are not a substantial change. I consider that they are a useful tidying up of the policy rather than anything more.

### DECISION

- D64 That the changes in PIC096 and the “green change” in the 6 February Schedule of Proposed Changes be made.

\* \* \*

## Policy WPC5 Waste Audit

### Objections to Re-Deposit Version

Objection Ref	Respondent	Summary of Representation
2046, 2047 & 2048	North Devon District Council	Supports replacement of "should" by "shall" in first paragraph. The principle of thresholds is supported, but clarification needed of thresholds on previously developed land, whether floorspaces are net or gross, and whether threshold of 5 new residential units from a conversion scheme is net or gross. Need guidance (in Plan or SPD) on completion of a Waste Audit Statement, and the level of detail required. If requirements are very detailed, this will be onerous on small developments, and thresholds should be higher - say 30 - 50 dwellings. Plan should state whether there are targets for re-use /recovery of materials, either on or off site and how these will be monitored/enforced. Policy should refer to "re-use, recycling or recovery". Need to state how Audit Statement will be assessed. "Conversion or refurbishment of .." should be replaced by "Conversion or extension of.." (refurbishment is unlikely to generate additional units/floorspace). Threshold for demolition should exclude small buildings with a capacity of less than 100 cu m.
2374 2375 2376	South Hams District Council	Concerned by resource implications of policy on Development Control and Waste Management teams. Plan is unclear of how County Council will assist in consideration of such statements. Although policy covers most aspects including the storage of waste, it does not consider the provision of access to the material. Suitable infrastructure must be provided to allow access by collection vehicles. Should be a requirement that developers supply containers for segregation of waste.
2384	Torbay Council	Supports the requirements for the provision of Waste Audits and the provision of infrastructure outlined in WPC5 and WPC6.

**Devon County Council Response**

- 6.31 Proofs C063 and C080 respond to the objections from South Hams and North Devon District Councils with changes to the supporting text plus an additional paragraph set out within the Proposed Pre-Inquiry Changes. PIC097 makes changes to clarify the intent of paragraph 6.6.1.7. PIC099 is a minor change to include reference to recovery within the policy.
- 6.32 PIC098 suggests a new paragraph 6.6.1.8 as set out in the box below. This refers to the production of a Supplementary Planning Document.

**Proposed Pre-Inquiry Change PIC098:**

6.6.1.8 Following adoption of this Plan, the County Council intends to prepare a Supplementary Planning Document within its Waste Development Framework which will, in consultation with District Councils, developers and the waste management industry, review the thresholds suggested in 6.6.1.7 and provide guidance on the scope and content of Waste Audit Statements.

**Inspector's Reasoning and Conclusions**

- 6.33 While I acknowledge that there is support for Waste Audits from District Councils, I am not satisfied that all of those who are potentially most affected by this proposed policy will have been aware that such a proposal was being brought forward within a Waste Local Plan. I also note that North Devon District Council warns of the potentially onerous nature of requiring production of a Waste Audit Statement.
- 6.34 In my view the size of development above which the formal production of such an Audit Statement is to become a requirement is of great importance. The supporting text recognises that "it would be unrealistic to require the submission of a Waste Audit Statement for all forms of development". However, the policy itself does not contain any threshold levels or other words that would restrict the operation to larger schemes. This is a serious defect of the policy wording.
- 6.35 Advice within the Companion Guide to PPS10 is that requiring a waste audit with a planning application should apply to proposals that are "likely to generate significant volumes of waste through the development or operational phases"<sup>1</sup>. I recognise that this form of words involves making judgements, including over the level of waste that would be "significant". However it is less demanding than the wording within the Re-Deposit Version and, together with additional supporting text, would form a suitable approach to apply within this Plan. I set out a form of words for the policy in the box below.
- 6.36 In light of my changes to the policy wording, the thresholds proposed in paragraph 6.6.17 are unsuitably low. I note that the County Council's current position as reflected in PIC098 is that they are only "suggested" thresholds and that more guidance is to be prepared. I am not in a position to put forward revised thresholds and therefore have come to the view that all the words after the first sentence of this paragraph should be deleted. The new paragraph constituting PIC098 would still make a useful statement of intent. It should however be amended to delete cross reference to the thresholds appearing in paragraph 6.6.1.7. My wording is set out below:

<sup>1</sup> Within box on page 67 of the Companion Guide to PPS10.

Inspector's Wording for paragraphs 6.6.1.7 & 6.6.1.8 and Policy WPC5	
<b>6.6.1.7</b>	It would be unrealistic to require the submission of a Waste Audit Statement for all forms of development as many minor works result in the generation of insignificant quantities of waste materials.
<b>6.6.1.8</b>	Following adoption of this Plan, the County Council intends to prepare a Supplementary Planning Document within its Waste Development Framework which will, in consultation with District Councils, developers and the waste management industry, provide guidance on the scope and content of Waste Audit Statements.
<b>POLICY</b>	<b>WPC5 WASTE AUDIT</b>
	Proposals that are likely to generate significant volumes of waste through the development or operational phases will be required to include a Waste Audit Statement as part of the application. This statement should identify:
	(i) <i>as in Re-Deposit Version</i>
	(ii) <i>as in Re-Deposit Version with PIC099</i>
	(iii) <i>as in Re-Deposit Version</i>

## DECISION

D65 That Policy WPC5 and paragraph 6.6.1.7 be altered as above and that my version of new paragraph 6.6.1.8 be added.

\* \* \*

## Section 6.6.2 and Policy WPC6 Provision of Waste Management Facilities for Major New Developments

### Objections to Re-Deposit Version

Objection Ref	Respondent	Summary of Representation
2080	Stokenham Parish Council	Questions whether this policy has been implemented in relation to the proposed development at Sherford.
2049 2050	North Devon District Council	Thresholds need clarification. In particular: whether 1,000 sq m is net or gross, whether 10 dwellings is net or gross, and what thresholds apply when converting an existing industrial/office use to residential. Whilst supporting clarification of when financial contributions are required, it is still unclear what level of contributions is required - this should be clarified in a Supplementary Planning Document .
2095	Teignbridge District Council	Need to clarify an appropriate threshold where the provision of facilities will be sought. Policy should also clarify whether it is seeking facilities to be provided on or off site, and justification should make it clear who would manage the facility,

### Devon County Council Response

6.37 No change is proposed to the policy but Proposed Pre-Inquiry Changes PIC100 and PIC101 respond to the objections from North Devon and Teignbridge District Councils with changes to the supporting text. PIC100 makes minor changes to clarify

the intent of paragraph 6.6.2.6. PIC101 suggests additional text relating to the Supplementary Planning Document proposed in paragraph 6.6.1.8 to form a new paragraph 6.6.2.7.

- 6.38 Proof C0049 responds to the objection from Stokenham Parish Council and rejects the need for any change to the Plan. Proof C0080 lists objections 2049, 2050 & 2095 as ones which have been met by Proposed Pre-Inquiry Change PIC101.

### **Inspector's Reasoning and Conclusions**

- 6.39 The meaning of the thresholds in paragraph 6.6.2.6 is clear enough without PIC100. The threshold figures have not themselves been challenged but that could well be because those who are potentially most affected will not have been aware that such a proposal, with an impact on all but small scale development proposals, has been brought forward within a Waste Local Plan.
- 6.40 PIC101 is designed to explain the intended scope of more detailed guidance which is to come forward in a Supplementary Planning Document. The change does not in itself help to clarify the scope of the policy. It refers to review of the thresholds in the policy. In most circumstances I would not support such an approach because it might undermine what the preceding paragraph has said about thresholds. However, in this instance my view is that the thresholds set out in the earlier paragraph should be more closely tested and in particular should be more widely canvassed and consulted upon with potentially affected parties. I therefore support inclusion of the new paragraph as set out in PIC101.

### **DECISION**

- D66 That no change be made to Policy WPC6 or paragraph 6.6.2.6.  
D67 That a new paragraph 6.6.2.7 be included as set out in PIC101.

\* \* \*

## Chapter 7: Detailed Policies

### Paragraphs 7.2.2.1, 7.2.3.1 and 7.2.4.1

#### Objections to Re-Deposit Version

Objection Ref	Respondent	Summary of Representation
2219	Viridor Waste Management	At end of last sentence in paragraph, delete reference to BPEO, and replace with "Plan and there was a justified need for the facility that did not undermine the primacy of the Plan".

#### Devon County Council Response

- 7.1 The objection on a detailed point within this paragraph 7.2.2.1 (and on similar points covered in paragraphs 7.2.3.1 and 7.2.4.1) has been overtaken by a wider discussion of development on unallocated sites. Proof C006 put forward an additional paragraph 7.2.1.2 (in place of the final sentence of paragraphs 7.2.2.1, 7.2.3.1 and 7.2.4.1) but this was rescinded later at the inquiry when a new section 7.2.5 and a new policy was put forward as WPP4. The County Council still propose deletion of the final sentence of paragraphs 7.2.2.1, 7.2.3.1 and 7.2.4.1. These appear as “red changes” in the 6 February Schedule of Proposed Changes.

#### Inspector's Reasoning and Conclusions

- 7.2 The new section 7.2.5 and new policy on unallocated sites are considered below. However the last sentence of paragraphs 7.2.2.1, 7.2.3.1 and 7.2.4.1 is now redundant in each instance and should be deleted.

#### DECISION

- D67 That the final sentence in each of paragraphs 7.2.2.1, 7.2.3.1 and 7.2.4.1 be deleted.

\* \* \*

### Policy WPP1: Sites for Strategic Waste Management Facilities

#### Objections to Re-Deposit Version

Objection Ref	Respondent	Summary of Representation
2034	Mr P Morris	Additional facilities, particularly incineration, should not be considered at Deep Moor as the site is not near a major road, railway or waterway. Hence further development would contravene WPP22.
2039	Mr B Haggas	Objects to inclusion of Deep Moor as a preferred site, citing Policies WPP22 and 23, together with visual and environmental damage, and disturbance
2088	Teignbridge District Council	Object to inclusion of TE51 Heathfield Industrial Estate in list of preferred sites for Strategic Waste Management Facilities. Site affects land currently allocated for employment development in Teignbridge Local Plan. Also affects a County Wildlife Site.
2120		

2125	Teignbridge District Council (continued)	Policy lacks clarity and certainty, and should be amended to make clear which sites are proposed and how these sites will be prioritised Objects to the lack of reference to a Preferred Site centred on the proposed new community in East Devon. New community likely to generate significant waste. New community will be served by Exeter to Waterloo line – could offer potential for a rail head Where it is known that Materials Reclamation Facilities for Household and Commercial Wastes, Energy from Waste Incineration or other waste to energy options, recycling centres or waste transfer facilities would be acceptable in planning terms and a need exists these should be proposed in amended policy WPP1. Where it is known that new sites or extensions to existing landfill sites for non-hazardous or inert waste would be acceptable in planning terms, and a need exists these should be proposed in amended policy WPP1.
2450, 2453, 2456 2459 2461	&	
2462 2463 2464	&	
2151	Plymouth City Council	Object to WPP1 and proposals map for non-allocation of a site or a small focused area of search for provision of a strategic waste management site at Langage Industrial Estate in association with power station, but excludes landfill/raise.
2319 & 2320	Government Office for the South West	Focus of policy is wrong - should read "are proposed" rather than "will be permitted". Expresses concern regarding reliance on landfill in terms of meeting our own targets as well as those in national and regional policies, including RE5 in the Regional Spatial Strategy.
2378	South Hams District Council	Preferred sites in policy do not meet criteria for locating facilities near major centres of population, especially in relation to needs of the western end of South Hams, specifically Ivybridge.
2385	Torbay Council	Supports and wishes to ensure that waste policies and allocations provide adequate Strategic Waste Management Facilities to cater for waste arisings of Torbay, during Plan period.
2443	Highways Agency	Objects to policy until further decisions have been made as to which sites will be used. Note that even after the final selection of sites has been identified we may continue to object to them. Objection will continue until the impact on the Trunk Road

### Devon County Council Response

- 7.3 Proposed Pre-Inquiry Change PIC104 accedes to the point raised by Government Office for the South West about the use of Proposed over Preferred. The same change is made in two other places in this section of the plan through PIC102 and PIC103. A similar change to the Policy is included as a “green change” in the 6 February Schedule of Proposed Changes<sup>1</sup>. In light of the change in PIC104, GOSW reported that their objection was satisfied.
- 7.4 Proof C003 responds to Teignbridge’s objections which are seeking greater clarity and certainty in this policy and in Policies WPP2 and WPP3 as well. The County Council have deliberately not been more specific and prescriptive in these three policies. The policies, taken with supporting information in Figures 13 to 15, identify the range of facilities that could be accommodated on individual sites. This flexibility is supported by paragraph 18 of PPS10.

<sup>1</sup> This is said to have been omitted from the Proposed Pre-Inquiry Changes “in error” and I note that similar changes appear as Proposed Pre-Inquiry Changes to Policies WPC2 and WPC3.

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## Inspector's Reasoning and Conclusions

- 7.5 At this point I am considering the overall structure of the policy and the County Council's broad approach to identification of sites for strategic waste management facilities. I recognise the criticism that the approach is short on specifics but at this stage of the Plan's evolution there is no alternative between a plan providing signposts to where development of waste management facilities might be considered favourably and having no plan and no practical guidance at all.
- 7.6 The point was made forcibly at the inquiry by Kingsteignton Residents' Environmental Awareness Group that an absence of more specific guidance in the Plan might lead to an over-concentration of waste handling facilities at individual locations (notably Heathfield). There are policies within the Plan operating against this and the fact that as many as ten sites are listed in Policy WPP1 is an indication that the County Council are seeking decentralisation of waste handling. I also note that the companion guide to PPS10 advocates avoiding a close fit of land allocations with waste management capacity. My conclusion is that the overall structure of the policy and the County Council's broad approach to identification of sites for strategic waste management facilities are acceptable and that no great alteration to the wording of Policy WPP1 is required.
- 7.7 However there are some important adjustments to the wording that I consider would produce a more intelligible and effective policy. This is the stance from which I have viewed the Proposed Pre-Inquiry Changes to this part of the Plan and to the following sections including Policies WPP2 and WPP3. Much of the argument that follows applies in a similar manner to these succeeding sections.
- 7.8 I support the deletion of the word "Preferred" from the title of this section and in the title of the policy. However replacing it with the word "Proposed" is unnecessary and potentially unhelpful. The sites identified in the Plan are not proposed sites. They are locations (or sites) at which strategic waste management facilities are proposed. This wording would be more consistent with the approach set by PPS10. Knock on changes are required to the headings of Sections and Figures in Chapter 5 to reflect this revised policy title.
- 7.9 I have considered the "green change" in the 6 February Schedule of Proposed Changes for the Close of the Inquiry. This seeks to address what the County Council regards as an "error of omission". The first part of the change is directly in line with wording put forward by Government Office for the South West but the second part would be made clearer by replacing the word "they" with "the particular proposals put forward".<sup>2</sup>
- 7.10 Many of the objectors have made site specific objections to Policy WPP1, these I shall deal with in relation to the Figures and Inset Plans to which the same objections apply. I have considered my conclusions on individual sites in relation to the wording of this policy but see no need for change to the policy itself.

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<sup>2</sup> This is a suitable point to record that in considering New Paragraph 3.10.2A within Chapter 3, I came to the view that the further addition of a new paragraph 7.2.2.2, recorded as a "green change" in the 6 February Schedule of Proposed Changes, would not be necessary.

- 7.11 As a result of issues raised in relation to the Broadpath site, which I address in relation to Inset Plan MD05, I have come to the conclusion that Broadpath should be removed from the list of sites in Policy WPP1.

### DECISION

- D68 That the word “preferred” be deleted from the title of Section 7.2.2 and Policy WPP1.  
 D69 That the wording of Policy WPP1 be changed as set out in the first part of the “green change” in the 6 February Schedule of Proposed Changes but that “the proposals” be amended to “the particular proposals put forward”.  
 D70 That MD05 Broadpath be omitted from the sites listed under Policy WPP1.

\* \* \*

## Policy WPP2: Sites for other Significant Waste Management Facilities

### Objections to Re-Deposit Version

Objection Ref	Respondent	Summary of Representation
2002	South Devon AONB Unit	Whilst not objecting to proposals for MRF, greenwaste shredding and composting at Torr Quarry, expresses concern at the adverse impacts of the existing waste uses.
2007  2008 & 2009	Mr R Hall	In view of the Council's adopted policy to relocate the existing recycling centre at Ivybridge from its cramped location, Challonsleigh would provide the ideal substitute. The site is an established waste disposal/processing area with identified potential for composting, has excellent access by road, and is close to the centre of population at Ivybridge. The site could go a long way in meeting objectives of Policy WPC4 There is longer term potential to link Challonsleigh to the adjoining New England site, proposed in the plan for strategic waste management facilities, and could provide the required improved access link from that site to the A38 Challonsleigh has potential for mixed waste composting which, together with the other uses, could provide a truly integrated waste management facility
2042	Mrs M Trueman	Objects to omission of Whitecleaves Quarry from list of new sites with potential for inert landfill and recycling. Mineral extraction is to cease leaving 1M cu m voidspace. Site would have a wide catchment area, has easy access off A38, and is well
2091, 2451, 2454 2457 2465	Teignbridge District Council	Objects to the inclusion of TE23 Trood Lane in list of preferred sites as this could result in a risk of additional buildings within the AGLV. Where it is known that recycling centres, Materials Reclamation Facilities for Household and Commercial Wastes, waste transfer facilities or inert landfill would be acceptable in planning terms and a need exists these should be proposed in amended policy WPP2.
2379	South Hams District Council	Preferred sites in policy do not meet criteria for locating facilities near major centres of population, especially in relation to needs of the western end of South Hams, specifically Ivybridge.
2444	Highways Agency	Objects to policy until further decisions have been made as to which sites will be used. Note that even after the final selection of sites has been identified we may continue to object to them. Objection will continue until the impact on the Trunk Road

### Devon County Council Response

- 7.12 Proposed Pre-Inquiry Change PIC106 and PIC107 brings the text of paragraph 7.2.3.1 and the wording of Policy WPP2 into line with Government Office for the South West's comments as adopted elsewhere in the Plan. PIC105 and PIC107 also modify the title of the section and of the policy to clarify the policy intent. No other changes are proposed.
- 7.13 Proof C003 addresses the Teignbridge District Council objections along with Policies WPP1 and WPP3 as described above.

### Inspector's Reasoning and Conclusions

- 7.14 This policy raises the same considerations as Policy WPP1 and my conclusions are the same. I do not repeat the arguments already given.
- 7.15 The word "proposed" should not be used in PIC105 and PIC106 or in the title of Policy WPP2. The second part of the proposed change to the text of the policy (PIC107) would be made clearer by replacing the word "they" with "the particular proposals put forward".
- 7.16 Many of the objectors have made site specific objections to Policy WPP2, these I shall deal with in relation to the Figures and Inset Plans to which the same objections apply. I have considered my conclusions on individual sites in relation to the wording of this policy but see no need for change to the policy itself.
- 7.17 As a result of issues raised in relation to the Broadpath site, which I address in relation to Inset Plan MD05, and having come to the conclusion that Broadpath should be removed from the list of sites in Policy WPP1, I have decided that Broadpath should be included in the list of sites under Policy WPP2.

### DECISION

- D71 That the change in PIC105 be made but without the word "proposed"
- D72 That the word "proposed" be deleted from the 6<sup>th</sup> line of paragraph 7.2.3.1 and the word "sites" be lower case and without inverted commas around it.
- D73 That the first part of the wording of Policy WPP2 be changed as set out in PIC107 but without the word "proposed" in the title and with "the proposals" amended to "the particular proposals put forward".
- D74 That MD05 Broadpath be included in the sites listed under this policy.

\* \* \*

### Policy WPP3: Sites for Minor Waste Management Facilities

#### Objections to Re-Deposit Version

Objection Ref	Respondent	Summary of Representation
2276	WBB Minerals Ltd	In addition to WPP3, there needs to be general policy which relates to other sites which may be suitable for minor waste management facilities (through development control criteria) and do not conflict with the constraints policies,
2380	South Hams District Council	Preferred sites in policy do not meet criteria for locating facilities near major centres of population,

		especially in relation to needs of the western end of South Hams, specifically Ivybridge.
2452 2455 2458 2466	& Teignbridge District Council	Where it is known that recycling centres, Materials Reclamation Facilities for Household and Commercial Wastes, waste transfer facilities or inert landfill would be acceptable in planning terms and a need exists these should be proposed in amended policy WPP2

- 7.18 Proposed Pre-Inquiry Changes PIC108 and PIC109 bring the text of paragraph 7.2.4.1 and the wording of Policy WPP3 into line with Government Office for the South West's comments as adopted elsewhere in the Plan. PIC108 and PIC110 also modify the title of the section and of the policy to clarify the policy intent. No other changes are proposed.
- 7.19 Proof C003 addresses the Teignbridge District Council objections along with Policies WPP1 and WPP2 as described above.

### **Inspector's Reasoning and Conclusions**

- 7.20 This policy raises the same considerations as Policy WPP1 and my conclusions are the same. I do not repeat the arguments already given.
- 7.21 The word "proposed" should not be used in PIC108 and PIC109 or in the title of Policy WPP3. The second part of the proposed change to the text of the policy (PIC107) would be made clearer by replacing the word "they" with "the particular proposals put forward".
- 7.22 Some objectors have made site specific objections to Policy WPP3, these I shall deal with in relation to the Figures and Inset Plans to which the same objections apply. I have considered my conclusions on individual sites in relation to the wording of this policy but see no need for change to the policy itself apart from the "red change" in the 6 February Schedule of Proposed Changes relating to Shutterton Industrial Estate, Dawlish (TE12). I cover the site at Shutterton Industrial Estate under OM3 in Chapter 10: Omission Sites.

### **DECISION**

- D75 That the change in PIC108 be made but without the word "proposed".
- D76 That the word "proposed" be deleted from the 4<sup>th</sup> line of paragraph 7.2.4.1 and the word "sites" be lower case and without inverted commas around it.
- D77 That the first part of the wording of Policy WPP3 be changed as set out in PIC107 but without the word "proposed" and that "the proposals" be amended to "the particular proposals put forward".
- D78 That Shutterton Industrial Estate, Dawlish (TE12) be listed in Policy WPP3.

\* \* \*

## **Section 7.2.5 and Policy WPP4**

### **Devon County Council's Proposed Change**

- 7.23 Proposed Pre-Inquiry Changes PIC111 and PIC112 delete this whole section of the Re-Deposit Version and Policy WPP4.

### Inspector's Reasoning and Conclusions

- 7.24 This updates the Plan and reflects the recent granting of planning permission for a recycling facility at Caddsdawn.

### DECISION

- D79 That the deletions in PIC111 and PIC112 be made.

\* \* \*

### New Policy WPP4 for Unallocated Sites

#### Objections to Re-Deposit Version

Objection Ref	Respondent	Summary of Representation
2272, 2273	WBB Minerals Ltd	Sites which meet development control criteria not included in Figures 13 & 14 may be acceptable. Policy should be amended to take account of this. In addition to WPP3, there needs to be general policy which relates to other sites which may be suitable for minor waste management facilities (through development control criteria) and do not conflict with the constraints policies, but are not identified as specific sites within the Plan.
2276		

#### Devon County Council Response

- 7.25 Proof C006 responds to this set of objections but was superseded by discussion at the inquiry.
- 7.26 At the Inquiry, the County Council put forward a new policy for unallocated sites with supporting text.

New paragraph proposed by the County Council:

#### **7.2.5 Consideration of Proposals at Sites Not Allocated in the Plan**

**7.2.5.1** The locations shown on the Inset Plans for the proposed sites [listed in Policies WPP1, WPP2 and WPP3], do not preclude the approval of applications for waste management facilities elsewhere in the County. In the event of such applications being submitted at unallocated sites, then PPS10 advises that they should be considered favourably when consistent with its development suitability criteria. Furthermore, a detailed and systematic examination would be necessary to establish whether such applications accord with the sustainable waste management objectives of the Plan, and whether they are consistent with the policies contained in the Plan.

New Policy after new paragraph 7.2.5.1 proposed by the County Council:

#### **WPP4 Consideration of Proposals at Sites Not Allocated in the Plan**

Proposals for waste management facilities at locations not contained within the sites proposed in Policies WPP1, WPP2, and WPP3 will not be permitted unless it can be demonstrated that they would contribute to the achievement of an integrated and sustainable waste management strategy for the County, and where they would accord with all relevant policies in the Plan.

### Inspector's Reasoning and Conclusions

- 7.27 The proposed additional text accords with the approach to determining planning applications on unallocated sites set out in PPS10. I conclude that with some minor changes (eg deletion of the word "proposed" to achieve consistency) it should be included. The proposed new policy provides a context for considering such proposals within the terms of the Waste Local Plan and this is welcome. The detailed wording "will not be permitted unless" however is negative in tone and would be better expressed in a positive manner.

### DECISION

- D80 That a new section 7.2.5 and a new paragraph 7.2.5.1 as set out in the box below be included in the Plan:

#### 7.2.5 Consideration of Proposals at Sites Not Allocated in the Plan

**7.2.5.1** The listing of locations in Policies WPP1, WPP2 and WPP3 does not preclude approval of applications for waste management facilities elsewhere in the County. In the event of such applications being submitted at unallocated sites, PPS10 advises that they should be considered favourably when consistent with its development suitability criteria. Detailed and systematic examination would be necessary to establish whether such applications accord with the sustainable waste management objectives of the Plan and whether they are consistent with the policies contained in the Plan.

- D81 That a new Policy WPP4 titled Consideration of Proposals at Sites Not Allocated in the Plan be included, worded as in the box below:

Proposals for waste management facilities at locations not listed in Policies WPP1, WPP2, and WPP3 will be permitted where they would accord with all relevant policies in the Plan and where it can be demonstrated that they would contribute to the achievement of an integrated and sustainable waste management strategy for the County.

\* \* \*

## Part 7.3 - Environmental Policies, covering Policies WPP5 to WPP17

### Objections to Re-Deposit Version

Objection Ref	Respondent	Summary of Representation
2051 2058	North Devon District Council	Policy WPP6 should refer to UNESCO Biosphere Reserve. Similar restrictions to Structure Plan Policy CO5 should be included in WPP14 to permit only minor developments which could not be reasonably accommodated elsewhere.
2220 2221	Viridor Waste Management	Paragraph appears to misrepresent what is said in REG37 of The Habitats Regulations 1994 and should be re-worded accordingly. WPP5 should be deleted in accordance with government policy set out in paragraph 15 of PPS9. Policy WPP6 should be deleted - contrary to government policy set out in paragraph 6 of PPS9.

2222		First paragraph of WPP7 should be amended to accord with PPS9 paragraph 22. Second paragraph should be deleted - no government policy support for its stance.
2223		WPP8 should be amended to reflect government policy set out in paragraph 6 of PPS9. Include wording "normally" before "be permitted". Change wording to "they are likely to have an adverse effect on"
2224-7		WPP10,11 & 12 should have caveat deleted from first deposit reinstated ("unless there is an overriding need for the facilities that would outweigh the harm") Without it, the Plan will not deliver the flexibility it requires.
2228		Should delete policy WPP13 and text as they conflict with policy set out in PPS7 para 24 and 25. Should include comment that particular care should be given to impact of proposals within rural landscape, should be made elsewhere in the Plan.
2377 & 2423	South Hams District Council	Policies WPP10 & 12 should not restrict type of containers that could be put in place by collection authorities for the management of waste.
2132 - 3 & 2467-70	Environment Agency	PPG9 Nature Conservation has been replaced by PPS9 Biodiversity and Geological Conservation. Text needs updating. Update text to reflect changes in status from cSACs to SACs within the county.
2278	WBB Minerals Ltd	Wording should be amended to have a more positive approach to consideration of non site specific proposals for waste management facilities which may become apparent through Plan period.

### Devon County Council Response

- 7.28 A series of Proposed Pre-Inquiry Changes (PIC113 to PIC128) have been made to reflect advice in PPS9, the requirements of the Habitat Regulations and other changes, including confirmation of the County's designated sites. Other changes have been made to achieve a more logical structure and restrict coverage of section 7.3.7 to biodiversity issues.
- 7.29 Proof C04 responds to the WBB Minerals objection, C064 responds to South Hams' objections and C072 responds to North Devon's objection.

### Inspector's Reasoning and Conclusions

- 7.30 The text has been brought into line with current expressions of policy at national level (PPS9) and with other legal requirements including the Habitat Regulations. It has also been brought up to date in other respects. I support the Proposed Pre-Inquiry Changes but do not consider that further changes need be made.

### DECISION

- D82 That the changes in PIC113 to PIC128 all be made.

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## Part 7.4 - Other Development Control Policies, covering Policies WPP18 to WPP29

### Objections to Re-Deposit Version

Objection Ref	Respondent	Summary of Representation
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2030	Halwell & Moreleigh Parish Council	Policy WPP22 should state that waste should be transported in full vehicles to the nearest site.
2060 2062	North Devon District Council	Whilst Policy WPP22 is generally supported, the policy should indicate how this approach should be interpreted against the Proximity Principle. Whilst supported in principle, Policy WPP27 should be amended to include a requirement for measures to prevent pollution of groundwater, surface water and air quality.
2076 2077 2078	Transport 2000 (Devon)	Strongly supports WPP22, but policy should positively encourage the movement of materials by rail or water, rather than not permitting proposals that conflict with this aim. Developers should be encouraged to use alternative means of transport, rather than "encouraged to consider the use of" Text is too negative. It is inappropriate to over-state the cost of rail use, as companies can now work with more basic loading/unloading facilities, and grants are available from several sources.
2102 2104 2105 2108 2109 & 2499	Teignbridge District Council	Further consideration should be given to Policy WPP18. Agricultural land can be valuable and problems of leachate and run off can have huge environmental implications. Environmental implications of building waste management facilities on floodplains are enormous, and in event of a flood would be very detrimental to surrounding environment. Policy WPP20 should be strengthened by deleting the words following "unless". Notes failure to define term "overriding need" in Policy WPP21 Policy WPP24 fails to provide clarity over what is meant by "unacceptable adverse effect on air quality". Policy WPP 28 - Given that landfill takes decades to stabilise, 5 years is too short a time scale to ensure "satisfactory standards" of aftercare.
2229 2230 2231	Viridor Waste Management	Second sentence of WPP22 should be deleted as it places too much weight on an aspiration that cannot be readily delivered in an economically sustainable manner. Should include "human health" in heading and text of Policy WPP24. Policy WPP28 should be deleted as duration of an operation is not in itself justification for a financial guarantee that should only be sought in exceptional circumstances.
2279	WBB Minerals Ltd	Temporary use of sites within Mineral Consultation Areas should not be discounted.

### Devon County Council Response

- 7.31 Proposed Pre-Inquiry Changes PIC129 to PIC132 are relevant to this part of the Plan. PIC131 extends Policy WPP24 to include health and PIC129 is a revised form of expression for Policy WPP21.
- 7.32 Further changes were brought forward in proofs presented at the inquiry. Proofs C05A, C065, C066, C068 and C069 respond to individual objections. Lengthy additions to section 7.4.11 in response to Teignbridge District Council's objection (2108) are put forward in proof C015. The full set of changes which include green changes and red changes are set out in the 6 February Schedule of Proposed Changes.

### Inspector's Reasoning and Conclusions

- 7.33 The changes put forward in relation to part 4 of Chapter 7 are nearly all to do with the supporting text. Making these textual changes would not have any great effect on the way the policies in the Waste Local Plan operate. They would however provide a wider and fuller context for the operation of those policies.
- 7.34 PIC129, the first of two Proposed Pre-Inquiry Changes affecting the wording of policy, would achieve a shorter and clearer policy wording. PIC131 as modified by a

“green change” in the 6 February Schedule of Proposed Changes is in line with advice on health issues in PPS10.

## DECISION

D83 That the changes to part 4 of Chapter 7 set out in the 6 February Schedule of Proposed Changes for the Close of the Inquiry should be made.

\* \* \*

## Part 7.5 - Policies for Specific Types of Waste Management Facility, covering Policies WPP30 to WPP45

### Objections to Re-Deposit Version

Objection Ref	Respondent	Summary of Representation
2005	Northam Town Council	Objects to the inclusion of incineration (Policy WPP38) citing pollution risk from dioxins and other carcinogens. Resources should be diverted to public education in schools and businesses to reduce waste and increase recycling.
2035	Mr P Morris	Implementation of mass burn incineration as proposed in Policy WPP38 would lead to a reduction in use of methods higher up in the hierarchy, as operators would seek to increase the volumes of waste they treated. If pyrolysis/gasification proved reliable and non toxic, this should be the only type of incineration allowed, and then only as small plants for local waste. In particular, plants exceeding 50,000 tonnes/yr would be contrary to Objectives 5 and 6 of the Plan.
2064	North Devon District Council	Whilst Policy WPP34 is generally supported, "on site or" should be inserted before "as near as possible" so as to minimise the need for its removal from site
2110 -7 2460	Teignbridge District Council	The inclusion of Criterion (i) in these policies does not form the basis for good decision making since planning permission could not be refused because a site failed to be identified as a preferred site. In Policies WPP40 and 41 criterion (ii) may be ultra vires. Given the impact on the health of local residents is unclear, incineration (Policy WPP38) in any form cannot be supported.
2153	Mrs B Howle	Objects to Policy WPP38 due to health implications of energy from waste incineration emissions which may be deposited within the Plume Grounding Zone as documented by Dick van Steenis..
2238 – 53 2232 – 7	Viridor Waste Management	Consideration should be given to stripping out criteria covered in issue specific policies, e.g. transport, flooding, health and or ensuring a more consistent approach in the policies by e.g. greater use of WPP41 (ix) in other policies as the issues appear relevant to most, if not all types of specific waste management facilities. Delete references to BPEO from text and policies and make reference to “sustainable management of waste”
2280	WBB Minerals Ltd	May be appropriate to relocate scrap yards away from urban settings to more appropriate centralised waste facilities to accord with other policies in the Plan.
2307 - 11	Government Office for the South West	Amendment of Policies WPP35-7 & 43-4 is needed in order to reflect PPS10.
2381	South Hams District Council	Preference should be given in WPP32 for transfer stations that segregate and sort material prior to onward transfer.

2389	Torbay Council	Seek clarification of paragraph 7.5.10.9: should second sentence "to be regarded as viable, and recycling or composting operation" actually read "any waste incineration operation"?
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### Devon County Council Response

- 7.35 The County Council has put forward a set of recurring changes to the policies in this part of the Plan. Proposed Pre-Inquiry Changes PIC133 to PIC135 and PIC137 to PIC153 are put forward to reflect the publication of PPS10, revision of Waste Strategy 2000 and amendments to Policies WPP1-3 and to make various other minor corrections, including reference to the introduction of the Hazardous Waste Regulations (England and Wales 2005). The relevant recurring changes, which do not occur in each and every policy, are:
- (i) Substitution of "Preferred" by "Proposed"
  - (ii) Substitution of references to BPEO with reference to "sustainable waste management" or similar wording adapted to the context.
  - (iii) Deletion of references to "the proximity principle". In some cases this is replaced by "the objective of minimising the transportation of waste".
- 7.36 In addition a series of "red changes" in the 6 February Schedule of Proposed Changes amends and extends the policy criterion relating to controls on pollution in response to objections from Viridor. This is another recurring change.
- 7.37 PIC136 takes up the change to Policy WPP34 suggested by North Devon District Council and C080 states that this is how that objection has been addressed.
- 7.38 C05C puts forward additional text for scrapyards in paragraph 7.5.5.1 and additional wording in Policy WPP33 in response to WBB's objection. C017 responds to Mr Morris's objection to Policy WPP38, accepting that smaller scale energy from waste incinerators can now be viable. Additional text to reflect this is put forward as a "red change" and a revised policy criterion that the scale of the proposal would not compromise operations *higher in the waste hierarchy* is put forward as a "green change" in the 6 February Schedule. C021 responds to objections to the principle of incineration, including various objections made at deposit stage. The position of energy from waste within the waste hierarchy is defended and no changes are proposed.
- 7.39 A further addition to the text relating to incineration has been brought forward by the County Council in the context of objections raised by Plymouth City Council under Policy WPP1 and the non-inclusion of a site at Langage as a strategic waste management site. The suggested text of a new paragraph 7.5.10.1A, a "red change" in the 6 February Schedule, is set out in C022 and refers to the potential suitability of sites adjacent to existing or proposed power stations as locations for energy from waste plant.
- 7.40 C062 responds to the comment relating to Policy WPP32 made by South Hams District Council but proposes that no change be made. C088 responds to Teignbridge District Council and C045 to Torbay Council, proposing that no change be made.
- 7.41 Addition of the words "by South West Water" in paragraph 7.5.17.8 is put forward as a "red change" in the 6 February Schedule of Proposed Changes. This is in response to a matter raised by Government Office for the South West on the deposit version of the Plan. The GOSW e-mail (DC1) indicates that this meets their concern.

- 7.42 Two “red changes” to paragraphs 7.5.12.3 and 7.5.12.4, on the subject of landfill capacity, are included in the 6 February Schedule of Proposed Changes. These are designed to clarify the approach taken in the Plan to new landfill provision.

### **Inspector’s Reasoning and Conclusions**

- 7.43 There is much repetition within this set of policies: this is inherently undesirable and suggests that the policies might be formulated better if structured differently. However, while it would be possible to restructure the policies to set out criteria to apply to all and any waste management facility, such a task would be a major one and would take more time than is available to me if this plan is to be adopted under the transitional procedures. I have therefore stayed with the approach of policies addressed to different types of facility.
- 7.44 The recurring changes proposed would in most respects produce better structured and more suitably expressed policies relating to specific types of facility, however, as argued in earlier sections of this report, while accepting deletion of “preferred”, I do not support inclusion of “proposed”. I do not accept that the criticisms made of these policies by Teignbridge District Council and South Hams District Council are of such significance as to require any change. I support the small change introduced to Policy WPP34 by PIC135. I also support the addition to Policy WPP33 and its supporting text extending the range of locations potentially suitable for scrapyards.
- 7.45 Turning to incineration and Policy WPP38, I recognise that there are strongly held views on the subject and concern over possible adverse health impacts but that at the same time there are also strong pressures in favour of incineration as a means for reducing landfill and promoting recovery of energy from waste. I do not consider that the objections related to the principle of incineration require any amendment to the text of the Plan which is sufficiently in tune with guidance in PPS10.
- 7.46 Proposed changes on incineration include additional text and an additional criterion for Policy WPP38. I support the text put forward as an addition to paragraph 7.5.10.10 on the basis that this is a fuller and somewhat clearer exposition of the County Council’s intentions in relation to energy from waste<sup>3</sup>. The policy sets energy from waste within the context of a “co-ordinated network of waste disposal facilities” and I also support the proposed revision of criterion (iii) since it is made explicit that incineration is not to compromise recycling and composting. With the text of paragraph 7.5.10.10 expanded, I do not regard new paragraph 7.5.11.8, put forward as a “green change” in the 6 February Schedule, to be a necessary addition.
- 7.47 The relationship between incineration and recycling and composting is also addressed in paragraph 7.5.10.9, one sentence of which is the subject of an objection from Torbay Council. I share Torbay’s confusion over the meaning of the sentence starting “To be regarded as viable ...” and consider that the overall meaning of the paragraph is more readily comprehended without that particular sentence, which I am consequently deleting.
- 7.48 The additional text in new paragraph 7.5.10.1A is not linked into the text of Policy WPP38 and does not in my view assist with the application of the policy in practice. I consider that including it would not add value to the Plan.

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<sup>3</sup> My support is tempered by recognition of the typographical error that has the word “recognises” rather than “recognised” before the comment about emerging types of energy from waste technology.

- 7.49 The “red change” put forward to paragraph 7.5.12.3 is a cross reference to the Plan’s earlier discussion of waste arisings and landfill capacity which I consider will be helpful to readers of the Plan. The “red change” addition to paragraph 7.5.12.4 is amplification of and provides backing to criterion (iv) of Policy WPP40.
- 7.50 Including a reference to South West Water in paragraph 7.5.17.8 indicates that Figure 23 relates to the Company’s proposals. As a result there is no particular endorsement within the Plan for the list of sites contained in Figure 23. In some cases this would be a major defect of the Plan but in paragraph 7.5.17.7 it is explained that the land use implications have been taken into account through the wording of the Policy. I note that Government Office’s initial concerns over this policy have been assuaged by the proposed change to the text which I endorse.

### **DECISION**

- D84 That the changes in PIC133 to PIC153 and the recurring “red” change to the “pollution” policy criterion all be made except that, while “Preferred” is to be deleted from policy criterion (i), it should not be replaced by “Proposed”.
- D85 That additional text on scrapyards be added to paragraph 7.5.5.1 and additional wording be included in Policy WPP33 as set out in the “red change” in the 6 February Schedule
- D86 That the sentence starting “To be regarded as viable” be deleted from paragraph 7.5.10.9 and text on energy from waste be added to paragraph 7.5.10.10 as set out in the “red change” in the 6 February Schedule with the typographical error corrected.
- D86a That the “red changes” to paragraphs 7.5.12.3 and 7.5.12.4 in the 6 February Schedule be made.
- D87 That the words “by South West Water” be included in Paragraph 7.5.17.8.

## Chapter 8: Implementation, Monitoring and Review

### Section 8.2 Monitoring

#### Objections to Re-Deposit Version

Objection Ref	Respondent	Summary of Representation
2334	English Heritage	An indicator on the impact on historic assets should be included in Figure 26 to test if Objective 3 is being met. Suggest - number of schemes that incur loss and number of schemes that involve mitigation of historic assets.

#### Devon County Council Response

8.1 C043 responds but proposes no change.

#### Inspector's Reasoning and Conclusions

8.2 The indicators within figure 26 are restricted to waste related measures and not intended to be of wider effect. The suggested extension would not fit in with this approach and would not make sense in isolation from other interests.

#### DECISION

D89 That no change be made.

\* \* \*

### Paragraph 8.3.2

#### Objections to Re-Deposit Version

Objection Ref	Respondent	Summary of Representation
2254	Viridor Waste Management	Proposes addition of the text "Identified by work on the annual monitoring report or necessitated by the award of waste management contracts" so that the paragraph refers to specific circumstances triggering an early review of the Plan.

#### Devon County Council Response

8.3 Proposed Pre-Inquiry Change PIC154 puts forward additional text.

#### Inspector's Reasoning and Conclusions

8.4 The Proposed Pre-Inquiry Change has satisfied the objector and clarifies the arrangements for monitoring and review.

**DECISION**

D90 That the change in PIC154 be made.

\* \* \*

## Chapter 9: Inset Plans & Proposals Map

### Proposed Changes relating to All Inset Plans

#### County Council's Proposed Changes

- 9.1 As Proposed Pre-Inquiry Change PIC169, the County Council seeks to alter the term used in the Key of each and every Inset Plan from "Preferred Site" to "Proposed Site".
- 9.2 Secondly a "green change" appears immediately after PIC169 in the 6 February Schedule of Proposed Changes under which Flood Zones 2 and 3 are to be updated in line with the latest material available from the Environment Agency at 1 January 2006 and the boundaries of County Wildlife Sites are to be similarly updated.

#### Inspector's Reasoning and Conclusions

- 9.3 While I have no problem with the above "green" changes which update the Plan and provide background information, PIC169 for reasons given earlier is not the most suitable wording to adopt. The Inset Plans relate to locations that are listed in Policies WPP1, WPP2 and WPP3 and they propose identifiable site boundaries to accompany the names of the locations given in the related policies. The key should reflect this.
- 9.4 In place of "Preferred Site", the key should identify the red rectangle as "Boundary of Site Listed in Policy WPP\*" where the asterisk then is replaced with 1, 2 or 3 as appropriate depending on which policy applies to that site. The merit of this approach is that it is clear to the reader of the Plan which is the primary policy applying to that particular Inset Plan.

#### DECISION

- D91 That the red rectangle in the key for each Inset Plan be identified as "Boundary of Site Listed in Policy WPP\*"; where the asterisk is 1, 2 or 3 depending on which policy applies to that Inset Plan.
- D92 That the "green change" following PIC169 in the 6 February Schedule be made on all of the Inset Plans to which it is relevant.

\* \* \*

### Sites for Strategic Waste Management Facilities (Listed in Policy WPP1)<sup>1</sup>

#### Inset Plan ED51: Heathpark Industrial Estate, Honiton

##### Objections to Re-Deposit Version

Objection Ref	Respondent	Summary of Representation
2135	Environment Agency	ED51 Heathpark Industrial Park - given archaeological features at the site, "other considerations" should include the need for a thorough assesment of potential impacts before any development occurs.

<sup>1</sup> The word "Preferred" is to be removed from this title to reflect my wording of Policy WPP1.

**Devon County Council Response**

- 9.5 Proposed Pre-Inquiry Change PIC170 makes the addition suggested.

**Inspector's Reasoning and Conclusions**

- 9.6 The addition points up the need for an archaeological examination at this site.

**DECISION**

- D93 That the change in PIC170 be made.

\* \* \*

**Inset Plan EX04: Exeter Transfer Station****County Council's Proposed Change**

- 9.7 A "green change" in the 6 February Schedule of Proposed Changes corrects an error in the description contained under "Policy Constraints".

**Inspector's Reasoning and Conclusions**

- 9.8 I support this minor correction that the County Council seeks to make. The original text suggests that the Nature Conservation designation might be more extensive than in fact it is.

**DECISION**

- D93 That the word "includes" be substituted for "is".

\* \* \*

**Inset Plan MD05: Broadpath****Objections to Re-Deposit Version**

Objection Ref	Respondent	Summary of Representation
2262 2422	Viridor Waste Management	Under heading "potential uses" insert "or from waste utilising incineration or alternative techniques. Note: as per fig. 13" at the end of first sentence. Text accompanying MD05 should be amended as indicated so potential uses are consistent with those identified in fig.13. Preferred area should be expanded to the mineral working area plus connecting land (as shown) in order to maximise the delivery of the proposals in the Plan.
2354 2355 2356 2357	Uffculme Parish Council	Questions why DCC seem to have already decided that Broadpath and Hillhead are to become "the waste capitals of the south west", and why this community should continually pay the price for inadequate DCC planning without any tangible benefits in exchange. Questions why the Plan fails to take the Proximity Principle more seriously? Questions why imports to Broadpath from Somerset and further afield are permitted. Asks what is meant by "longer term" in relation to the possibility for landfill extension, and whether DCC would oppose any extension before 2016. Whilst the Plan states that "there are isolated dwellings within 1km of the site", there are well over 200 properties within 1km of the site.

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**Sequence of Events from Re-Deposit to Close of the Inquiry**

9.9 Broadpath was identified in the Re-Deposit Version as one of ten proposed sites to accommodate Strategic Waste Management Facilities, with the potential additional uses being indicated as:

- inert waste recycling;
- materials reclamation facilities;
- energy from waste;
- landfill gas collection;
- extension to landfill site.

The extent of the proposed site area in the Re-Deposit Version of the Plan was 38.2 hectares (including the land bounded by Clay Lane and Broadpath together with the existing landfill site to the east of Broadpath).

9.10 Objecting to the Re-Deposit Version, Viridor Waste Management, the operator of the site, sought an additional area, which included not only a substantial area to the west of Clay Lane, but also a significant area to the south east of the existing operational landfill site (including the area which is currently used for silt deposition in association with the sand and gravel workings, the Uffculme blockworks site, and the agricultural fields between). The extent of this area, which was shown on a plan that subsequently became known as Plan OM1, was 100.3 hectares.

9.11 There was no response from Mid Devon District Council to the consultation on the Re-Deposit Version.

9.12 Following advice given by me at the Pre-Inquiry Meeting on 31 October, 2005, the County Council publicised its initial response to all "Omission Sites" put forward by objectors.<sup>2</sup> Viridor's proposals for Broadpath together with all other Omission Sites were widely publicised and a copy of Plan OM1 was sent, inter alia, to Uffculme Parish Council for its comments on 10 November 2005.

9.13 On 29 November 2005, the County Council set out its initial views in response to Viridor's objection and the proposal to extend the site put forward on Plan OM1. The extension proposed by Viridor was opposed. This was on the basis that the area shown on Inset Plan MD05 in the Re-Deposit Version would be adequate for the range of facilities identified in the Plan, including the anticipated landfill capacity required for the Plan period. The County Council's position with regard to the role of Broadpath as a site to accommodate Strategic Waste Management Facilities had not changed. In the introduction to that initial response the County Council reserved its right to present further evidence to the Inquiry. The County Council's position opposing the proposal shown in Plan OM1 was communicated to Mid Devon District Council and Uffculme Parish Council among others<sup>3</sup>.

9.14 A substantial number of responses were raised in relation to the proposal shown on OM1 in the second half of December. These accounted for the great majority of the representations made in relation to the County Council's circulation of material relating to "Omission Sites". They included representations from individuals who had not been previously involved as objectors to the Plan, forty-eight of whom used a

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<sup>2</sup> It is not a statutory requirement for Planning Authorities to publicise their initial response to Omission Sites. I had requested that this be done because under the transitional plan-making system there is no modifications stage following the receipt of the binding Inspector's Report.

<sup>3</sup> A letter from Mid Devon District Council dated 1 February 2006 states that the County Council's "change of position was not conveyed" to the District Council.

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standard objection letter, and fifteen other objections, including a restatement of Uffculme Parish Council's position. Further objection letters and e-mails to the Programme Officer were sent during the course of the inquiry.

- 9.15 There were letters in support of Viridor's proposals from Aggregate Industries, the mineral operators at Broadpath, and from the Kingsteignton Residents' Environmental Awareness Group.
- 9.16 It became apparent from Viridor's proof of evidence, submitted on 2 December, that the case to be presented to the inquiry would be a modification of the position set out in their formal objection to the Re-Deposit Version. The proofs of evidence were arguing for inclusion of an area to the west of Clay Lane but not for an extension to the east of Broadpath.
- 9.17 Prior to the inquiry, the County Council too had modified their position. Accepting that part of the land identified on the Inset Plan of the Re-Deposit Version of the Plan would not be suitable to accommodate built waste management facilities, mainly due to ground stability issues, the County Council's position set out in the proof dated 20 December 2005 was that an area to the west of Clay Lane, comprising part of the additional land proposed by Viridor, should be included on the Inset Plan.<sup>4</sup>
- 9.18 The extent of the proposed site area put forward to the Inquiry by the County Council is 58.2 hectares. The extended area would be to the west of Clay Lane and would be for the accommodation of waste management facilities but not for landraising or landfilling activities.
- 9.19 Uffculme Parish Council responded with creditable speed to what they perceived as a change in position by the County Council. The bones of the Parish Council's case to be presented at the inquiry were set out in an e-mail to the Programme Officer sent on 23 December. This included the following 5 points:
- \* The Sustainability Appraisal does not give a true picture of the impact of the proposed landfill site
  - \* The landfill will come very close to the village and primary school
  - \* The site is remote from major settlements and therefore it is not a sustainable location for depositing East Devon's waste
  - \* The case has not been made for allocating the site during the plan period
  - \* the site has been allocated as an opportunist "soft option"; there are other sites that can be used before there is any need to create additional space at Broadpath.
- 9.20 Viridor's objections in relation to the Broadpath site were discussed at the Local Plan Inquiry on 11 January 2006. The nub of the case presented was that as a willing partner in the campaign to drive waste up the waste hierarchy and help deliver sustainable management of waste in Devon, Viridor need a Waste Local Plan with the necessary certainty and flexibility to deliver the identified necessary infrastructure. Changes to the text of the Plan related to Broadpath and to the allocation on the Inset Plan are necessary to improve the deliverability of the necessary infrastructure.
- 9.21 At the inquiry session the County Council broadly supported the position taken by Viridor, although they did not support the allocation of as much additional land to the west of Clay Lane.

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<sup>4</sup> This revised position was put to the Strategic Planning and Regional Affairs Committee on 15 December and included in the County Council's Proof of Evidence, dated 20 December 2005

- 9.22 The inquiry session was attended by representatives from Uffculme Parish Council for whom Consultants, Foxley Tagg Planning Ltd, produced a proof of evidence and opposed Viridor's proposals.
- 9.23 A letter from Mid Devon District Council was sent to my Programme Officer on 1 February 2006. This indicates that at the time of the inquiry discussion the District Council's understanding was that the County Council would be opposing Viridor's proposed extension of the Broadpath site. The letter sets out four reasons for opposing that proposal related to conflict with the Regional waste Strategy, concerns over the robustness of the sustainability appraisal and conflict with the proximity principle, landfill capacity issues and adverse impact, through smell and pollution.
- 9.24 I made an accompanied site inspection on the morning of 9 February 2006, the day after the formal closing of the inquiry. District and Parish Councillors were in attendance at the site visit as well as representatives from Viridor and the County Council.

### **Devon County Council Response to Objections**

- 9.25 Proposed Pre-Inquiry Change PIC171 amends the area shown as "Planning Permission Area" to include the permission granted for in-vessel composting.
- 9.26 A red change in the 6 February Schedule of Proposed Changes is explained in C007 and reflects the County Council's acceptance of a modified form of Viridor's proposals for the site. This includes revision of the site area to 58.2 hectares, an indication of the form of development and landscaping anticipated west of Clay Lane and a reference to ground stability issues. In addition under potential uses "MRF or MBT/BMT facility" becomes "MRF and/or MBT/BMT facility".
- 9.27 A "green change" in the 6 February Schedule of Proposed Changes reflects the partial acceptance of Viridor's proposals for development west of Clay Lane and represents the County Council's position as put forward at the inquiry.
- 9.28 The response to Uffculme Parish Council's objections is given in C084.

### **Inspector's Reasoning and Conclusions**

- 9.29 The proposals associated with this site have provoked more responses than any others within this Local Plan. In part this has been the result of what has been seen by local people as a "last minute" change in the County Council's position.
- 9.30 The County Council's change in position has been in respect of the area of land to be identified in the Inset Plan and the changes to the text are consequential to that change of area. The County Council has maintained a consistent position in relation to the principle of identifying the site in Policy WPP1 as one for strategic waste facilities. The initial focus of my assessment is therefore on whether the case has been made for altering the boundary of the Broadpath site as shown on Inset Plan MD05.
- 9.31 There are 2 motive forces for altering the boundary. The first is that ground stability issues on land that has been infilled mean that much of the area identified on Inset Plan MD05 has serious shortcomings as a site for the provision of waste processing facilities. The second is that Viridor sees scope for developing such facilities on the "Houndaller" area west of Clay Lane which is currently being worked for minerals. Mineral extraction without landfilling would provide a sound base for foundations while taking advantage of land excavation as the first stage of landscape remodelling to conceal the structures required for waste handling.

- 9.32 The arguments against seeking to put waste management facilities within the area that has been and is in process of being landfilled are strong. The arguments apply primarily to the land east of Broadpath which is the active landfill site, including areas of silt lagoon associated with the working of minerals. The arguments about problems arising from land stability would seem to have been borne out by the experience of deep piling required for the in vessel composting facility that I saw under construction. I accept that there is a strong case against placing waste management facilities within the areas that have been and are in process of being landfilled.
- 9.33 However, this does not mean that a strong case has as yet been established for shifting the land allocation westward to the "Houndaller" area. The Houndaller area is more prominent within the wider landscape than the middle section of the Inset Plan allocation and there are occupied dwellings on Clay Lane immediately adjacent.
- 9.34 A westward shifting of the land allocation might make sense if there were a strong strategic argument in favour of the Broadpath location. However, I share the position put forward by Uffculme Parish Council that this strategic case has not been adequately substantiated. Broadpath is in a rural setting and is not particularly close to any major source of waste arisings. It is therefore not surprising that within the Sustainability Appraisal, it does not score well against the criterion of minimising overall distance travelled by vehicles.
- 9.35 The preliminary conclusion that I come to is that while a case against identifying all the land shown on Inset Plan MD05 as a site for strategic waste facilities has been shown to exist, the case for allocating an adjacent area of land for such uses has not been substantiated. It may be that despite its evident defects, the Houndaller area can be shown to be less bad than other realistic alternatives. However, I do not accept that within the very short period during which this revised proposal has been brought forward that has been adequately demonstrated. I further consider that while local people and the relevant District Council have only been given a very restricted opportunity to put their views, they have raised a range of important considerations that are worthy of further investigation and evaluation before a commitment to the Houndaller site is made within the statutory Local Plan.
- 9.36 The conclusion to which I come is that the area east of Broadpath should be deleted from Inset Plan MD05 but that it would be unduly precipitate of me to accept that the Houndaller area should be included as a replacement allocation. I further conclude that as a consequence of the serious doubts that have been raised over the capacity of the site as shown on this reduced area to contain a range of strategic waste facilities, the Broadpath site should be demoted from the list of sites within Policy WPP1 into the lower level of facilities contained within Policy WPP2. I have taken this conclusion across to the section of my report (Chapter 7) dealing with those two policies.
- 9.37 The accompanying text will need modification to fit in with these decisions as set out in the box below. In addition the site area of the remaining red lined area on altered Inset Plan MD05 (that is the area bounded by Broadpath and Clay Lane) should be calculated and entered in the appropriate place.
- 9.38 The above changes do not affect the suitability of making Proposed Pre-Inquiry Change PIC171 and extending the Planning Permission Area on Inset Plan MD05 to include the land to which the permission for in-vessel composting relates.

<b>SITE:</b>	<b>Broadpath</b>	<b>INSET PLAN NO:</b>	<b>MD05</b>
<b>DISTRICT:</b>	Mid Devon	<b>PARISH:</b>	Uffculme
<b>GRID REFERENCE:</b>	3069 1139		
<b>SITE AREA:</b>	*** hectares [ <i>site area of red lined area bounded by Broadpath and Clay Lane to be calculated and entered here</i> ]		
<b>SITE LOCATION</b>	Broadpath Landfill Site Broadpath, Uffculme		
<b>SITE DESCRIPTION:</b>	Broadpath is located north of Uffculme, on land between the village and the A38 Tiverton to Wellington road, about 2 Km east of Junction 27 of the M5 Motorway. The site is contained in old sand and gravel workings and is adjacent to Hillhead Quarry, an active site for the winning and working of sand and gravel.		
<b>POLICY CONSTRAINTS:</b>	The site lies within a Mineral Consultation Area, and within an area classified by the Environment Agency as a major aquifer. All groundwater sources, including a borehole supplying properties in Uffculme, should be safeguarded. The nearby Hillhead Farm is a listed building. There is a Conservation Area in the vicinity, together with some archaeological sites, and there may be a need to assess the archaeological interest as part of any future proposal. The area lies within an Aerodrome Safeguard Zone.		
<b>EXISTING USES:</b>	Landfill site for inert and household waste, adjacent to active quarry for the winning and working of sand and gravel. An in-vessel composting facility is under construction.		
<b>PLANNING HISTORY:</b>	Permission was granted on 2 <sup>nd</sup> July, 1997, and the site became operational in September 1998. The current landfill permission will expire in July 2023. The capacity granted was 2.45 million tonnes, and the estimated life of the site runs to about 2016.		
<b>OTHER CONSIDERATIONS</b>	Ground stability issues on the existing landfill area are a significant factor affecting the location of built waste management facilities. In the event of proposals for additional waste management facilities being submitted, then regard will be had, inter alia, to the cumulative effects of such proposals.		
<b>POTENTIAL USES:</b>	There may be some potential for extension to the landfill site and it may be possible to install equipment to recover energy from landfill gas. Other waste management facilities which could be provided in addition to in-vessel composting, include inert waste recycling.		
<b>CONSTRAINTS:</b>			
Ramsar Site	Coastal Protection Area		Risk of Flooding
World Heritage Site	A.G.L.V.		Groundwater Protection ●
Candidate S.A.C./S.A.C.	Conservation Area	○	Aquifer Protection ●
S.P.A.	County Wildlife Site		Risk of Birdstrike ●
National Park	County Geological Site		Public Right of Way ●
A.O.N.B.	Local Nature Reserve		
S.S.S.I.	Heritage Coast		Other Constraints
National Nature Reserve	Ancient Woodland		Mineral Consultation ●
Sched. Ancient Monument	Historic Park/Garden	○	Area
Listed Building	Sites & Monuments Reg.	○	Aerodrome Safeguarding ●
	Known Protected Species		

**KEY:** ● Constraint refers to actual site area ○ Constraint adjacent to site or nearby

### DECISION

- D94 That Broadpath be deleted from the list of sites included under Policy WPP1: Sites for Strategic Waste Management Facilities and included within the list of sites under Policy WPP2: Other Significant Existing Sites with Potential for Additional Waste Management Facilities.
- D95 That Inset Plan MD05 remain as shown on the Re-Deposit Version but with the red line deleted from the area east of Broadpath and the extent of the Planning Permission Area amended in line with PIC171.
- D96 That the text accompanying Inset Plan MD05 be as set out in the box above, with the correct site area included.

\* \* \*

## Inset Plan ND23: Seven Brethren, Barnstaple

### Objections to Re-Deposit Version

Objection Ref	Respondent	Summary of Representation
2068	North Devon District Council	The proximity of the Tarka Tennis Centre, outside tennis courts and proposed football pitches should be mentioned in the text.

### Devon County Council Response

- 9.39 Proposed Pre-Inquiry Change PIC172 makes the change sought by North Devon District Council as explained in C057.
- 9.40 A “green change” in the 6 February Schedule of Proposed Changes provides a link to the glossary to explain what is meant by a Radar Safeguard Zone.

### Inspector's Reasoning and Conclusions

- 9.41 The change in PIC172 and the “green change” that follows are both minor ones and acceptable additions.

### DECISION

- D97 That the change in PIC172 and the “green change” that follows be made.

\* \* \*

## Inset Plan SH17: New England Quarry

### Objections to Re-Deposit Version

Objection Ref	Respondent	Summary of Representation
2362	South Hams District Council	Consider South Hams municipal waste arisings are insufficient to warrant establishment of an EfWpg or EfWI within its district. Insufficient feedstock within district to warrant establishment of EfW plant based on anaerobic digestion.

2367	South Hams District Council	Plan identifies two preferred sites for Strategic Waste Management Facilities. In reference to SH17 New England Quarry the council feels there are enough facilities in district and region to accommodate proposed activities - so can not support initiative.
2431	Highways Agency	Objects to site in order to protect the Trunk Road Network from adverse effects of traffic they may generate.

### Devon County Council Response

- 9.42 C001 considers the issue of cross boundary movements of waste. C044 responds to South Hams District Council arguing that a non-hazardous landfill facility at New England Quarry would meet a pressing need for landfill capacity to serve Plymouth and south-west Devon and that no change should be made.
- 9.43 C075 responds to the Highways Agency objection on a collective basis. It is accepted that the Agency's views on Trunk Road impact would be taken into account if and when a planning application had been made, but making no change to the Plan.
- 9.44 Proposed Pre-Inquiry Change PIC173 deletes "preferred" and substitutes "proposed".

### Inspector's Reasoning and Conclusions

- 9.45 I note that there is support from Plymouth City Council under reference 2150 for the New England Quarry site allocation. I also note that the City Council's conclusion that there are no suitable locations for new landfill capacity within the City's limits is based on an appraisal of potential sites and that the County Council accepts the conclusion that there is a pressing need for landfill capacity to serve Plymouth and south west Devon. The New England Quarry site is suitably located in relation to the location of waste arisings.
- 9.46 When I made an unaccompanied site visit, I was not impressed by the standard of local vehicular access to this site. This is however already reflected in the text accompanying the Inset Plan.
- 9.47 I support PIC173 in relation to deletion of "preferred" but not its substitution with "proposed". I conclude that no other changes need be made

### DECISION

- D98 That "preferred" be deleted from the sentence on Policy Constraints.

\* \* \*

### Inset Plan SH52: Wrangaton

#### Objections to Re-Deposit Version

Objection Ref	Respondent	Summary of Representation
2364	South Hams District Council	Considers South Hams municipal waste arisings are insufficient to warrant establishment of an EfWpg or EfWI within its district. Insufficient feedstock within district to warrant establishment of EfW plant based on anaerobic digestion.
2368		Plan identifies two preferred sites for Strategic Waste Management Facilities. In reference to SH52 - some support for initiative.

2369	South Hams District Council	Serious concerns expressed re highway infrastructure serving site and the pressure that more vehicle movements may have on nearby towns & villages. Also, there is no perceived need for EfW at the site.
2439	Highways Agency	Objects to site in order to protect the Trunk Road Network from adverse effects of traffic they may generate.

### Devon County Council Response

- 9.48 C001 considers the issue of cross boundary movements of waste. C061 responds to South Hams District Council noting that the District Council's concern is particularly related to highways infrastructure. The site, a former MOD victualling depot, has planning permission for change of use from B8 to B1 and B2 uses.
- 9.49 C075 responds to the Highways Agency objection on a collective basis. It is accepted that the Agency's views on Trunk Road impact would be taken into account if and when a planning application had been made, but making no change to the Plan.
- 9.50 There is a typographical error (the figure 9 in place of an opening bracket) that has been picked up as a "green change" in the 6 February Schedule of Proposed Changes.

### Inspector's Reasoning and Conclusions

- 9.51 The 4.7 hectare Wrangaton site is one that provides some scope for accommodating strategic waste facilities. No change to the Re-Deposit Version of the Plan is needed apart from correction of the typographical error.

### DECISION

- D99 That the typographical error picked up in the "green change" in the 6 February Schedule of Proposed Changes be made.

\* \* \*

## Inset Plan TE13: Heathfield Landfill Site

### Objections to Re-Deposit Version

Objection Ref	Respondent	Summary of Representation
2021		Fosterville Ltd still operate the recycling facility on the site identified as Site B in the First Deposit Version. The Plan should state whether this is to be relocated and, if so, to where. If it is not to be relocated, the Plan should continue to identify the site.
2022		Questions whether the inclusion of the adjoining piggery and former mortar plant predetermines any planning application for a waste management facility on that land, and whether the Inset Plan should identify it as a proposed site and identify its use and operator.
2023	Kingsteignton Residents' Environmental Awareness Group	The First Deposit Version of the Plan identifies the potential for a waste wood incinerator - questions why this is omitted from the Re-Deposit version, and asks whether it is still a potential use and, if so, queries its location, operator and capacity.
2024		The respondent understands that Teignbridge will become an importer of waste for re-processing. However, there does not appear to be enough space at Heathfield for the infrastructure required, nor has a site been identified for the potential rail link. The Plan should state where these facilities will be located, what and how much materials will be imported, and

2025		by whom. Not enough effort has been made to ensure that the emissions from both the composting operation and the landfill/landraising site are at acceptable levels. The Plan should contain sufficient detail to enable the community to assess the potential risks and advantages of specific proposals, given the uncertainty of the size of the planned waste operation, of the science of the technology to be used and of the location of facilities and rail sidings.
2036	Mr D Townsend	Requests more information on current and future area of site, and heights of waste "mountains". Also questions new alignment of B3193 which appears to terminate at Strap Lane, in view of increased heavy transport between this point and Eagle Farm.
2089	Teignbridge District Council	Objects to inclusion of potential for energy from waste at TE13 Heathfield Landfill Site in the list of preferred sites. Site is close to existing residential areas and potential area for major growth. Development of the site may result in the importation of waste from outside the District, potentially conflicting with the Proximity Principle. Incineration should be a last resort, and other initiatives should be promoted. Part of the site is a County Wildlife Site.
2152	Mrs B Howle	Development of TE13 – Heathfield Landfield Site – to include Energy from Waste Incineration Facilities would result in surrounding communities falling in the Plume Grounding Zone. Emissions would stay within the Bovey Basin Area which will make it
2263 2264	Viridor Waste Management	Under heading "Other Considerations", in second sentence delete "extended" and insert "existing". Under heading "Potential Uses", delete "proposed facilities" and replace with "further infrastructure similar to that".
2274 – 5 2277	WBB Minerals Ltd	Request that sites adjacent to John Acres Lane, B3193, are included as potential resource recovery sites and for waste recycling use (e.g. scrapyard) and added to Figure 14.
2405  2406	Kingsteignton Parish Council	Heathfield Landfill Site has planning consent to extend operation by another 3 million cubic metres. The hole has nearly been filled and so will soon best be described as landraise thus having a far greater impact on local topography and area at edge of the Teign flood plain. To accord with the proximity principle, site should take waste from Newton Abbot area and treat green waste for the local area. Although Torbay lies within 10 mile guideline, the site provides facilities for whole of South Devon and the proposals will only increase traffic.
2433	Highways Agency	Objects to site in order to protect the Trunk Road Network from adverse effects of traffic they may generate.

### Devon County Council Response

- 9.52 Proposed Pre-Inquiry Change PIC174 puts forward additional text on archaeological evaluation and updates the position in relation to facilities recently permitted.
- 9.53 C05B is a response to WBB Minerals and proposes that TE13 be extended as requested by 7.35 ha to take in land either side of John Acres Lane and that the text be amended to include reference to metals recovery.
- 9.54 C09A is the response to Kingsteignton Residents' Environmental Awareness Group's objections. It is not possible for the Plan to go into more detail as to the types of waste management facility proposed. A "green change" in the 6 February Schedule of Proposed Changes sets out additions to the site description and an additional consideration of "cumulative impact".
- 9.55 Additional text is put forward and this is included within a "red change" in the 6 February Schedule of Proposed Changes. This contains text relating to "Flood Zone 2", potential for a metals recovery facility and amendment of the boundary of TE13.

9.56 C075 responds to the Highways Agency objection on a collective basis. It is accepted that the Agency's views on Trunk Road impact would be taken into account if and when a planning application had been made, but making no change to the Plan. C016 responds to various matters (1536-9) raised by Mr & Mrs Irwin in relation to the Deposit Version of the Waste Local Plan but proposes that no change be made.

### **Inspector's Reasoning and Conclusions**

9.57 The Heathfield Landfill Site is a major focus of waste management activity. In addition to traditional direct disposal of "landfill" (which in point of fact takes the form of land raising), the locality accommodates a new composting facility, in part within a purpose designed building, and the well established Fosterville recycling operation. The site area as identified in the Re-Deposit Version is 87.4 hectares and the location is one that is appropriately listed under Policy WPP1. The listing within Policy WPP1 refers to this site as the Heathfield Landfill Site and this should be changed in the heading for the text accompanying Inset Plan TE13 both for consistency and to make clear the distinction from TE51 the Heathfield Industrial Estate.

9.58 The proposition put forward as a "red change" in the 6 February Schedule of Proposed Changes is that the site should be extended south westwards and that it would encompass a total of 96.1 hectares. A plan showing the revised area was put before me as Plan No: TE13[A]. This includes land both north and south of the western end of John Acres Lane.

9.59 My view is that extension of the site area up to the line of John Acres Lane, an identifiable boundary, is a sensible and appropriate action but that crossing the line of the road is a different matter. Once the line of the road has been crossed, the site might be extended further and further on an incremental basis.

9.60 The fact that there is a proposal to realign the western end of John Acres Lane is a complicating factor. The re-aligned road would be north-east of the existing road and my view is that the tighter line of the re-alignment is the line to follow. Adoption of this boundary means that the area of the site as defined will have to be recalculated.

9.61 The additional text put forward in PIC174 and the "red" changes in the 6 February Schedule of Proposed Changes is compatible with this site boundary and would address some of the objections raised. The "green" change to the Site Description in the 6 February Schedule would however not be consistent with the boundary I have adopted. I am also not convinced that the "green" change to "Other Considerations" improves the text to any significant degree and therefore am not adding it in.

9.62 I have had regard to all the objections raised, including the representations made by Mr & Mrs Irwin on the Deposit Version and their further representations made in the context of the inquiry. The matters that they and other objectors raise do not lead me to the view that the Heathfield Landfill Site should be removed from the list of sites under Policy WPP1 or to make any other change to the Plan in relation to this site.

### **DECISION**

D100 That the southern boundary of the site listed in Policy WPP1 shown on Inset Plan TE13, the Heathfield Landfill Site, follow the line of John Acres Lane, including the proposed re-alignment at its western end.

D101 That the heading for the text accompanying Inset Plan TE13 be expressed as "Heathfield Landfill Site".

- D102 That the extent of the site be recalculated and the recalculated figure be included in place of the figure “87.4 hectares” given in the Re-Deposit Version.
- D103 That PIC174 be added to the text accompanying Inset Plan TE13.
- D104 That the “red” changes related to the text associated with the Inset Plan for the Heathfield Landfill Site be made as set out in the 6 February Schedule.

\* \* \*

## **Inset Plan TE51: Heathfield Industrial Estate**

### **Objections to Re-Deposit Version**

Objection Ref	Respondent	Summary of Representation
2087	Teignbridge District Council	Objects to inclusion of TE51 Heathfield Industrial Estate in list of preferred sites for Strategic Waste Management Facilities. Affects land currently allocated for employment development in Teignbridge Local Plan, and affects a County Wildlife Site. Site also situated close to existing residential properties. Site may result in the importing of waste from elsewhere outside the District, potentially conflicting with proximity principle. Also uncertainty as to how a rail facility could be funded.
2155	Mrs B Howle	Development of TE51 - Heathfield Landfill Site - to include Energy from Waste Incineration Facilities would result in surrounding communities falling in the Plume Grounding Zone. Emissions would stay within the Bovey Basin Area which will make it difficult to predict the Plume Grounding Zone.
2434	Highways Agency	Objects to site in order to protect the Trunk Road Network from adverse effects of traffic they may generate.

### **Devon County Council Response**

- 9.63 Proposed Pre-Inquiry Change PIC175 picks up on an objection from English Heritage that is not site specific and puts forward additional text relating to the archaeological value of much of the site and provision for evaluation.
- 9.64 C018 responds to Teignbridge District Council’s objections. Additional text relating to the wildlife interest of the site and assessment of access and traffic generation is put forward and appears as a “red change” in the 6 February Schedule of Proposed Changes. A further “green change” also appears in the 6 February Schedule, making reference to a nearby fuel storage facility and not precluding potential for open access to a railhead facility.
- 9.65 C067 responds to Mrs Howle. “Plume grounding” would be for control under IPPC. Generic points on incineration are dealt with elsewhere.

### **Inspector’s Reasoning and Conclusions**

- 9.66 The prospects of this site being brought forward as a location for waste management facilities must be affected by the prospect that some other form of redevelopment might prove more attractive in terms of financial return. However I do not consider that this question of “availability” is one that I have to come to a judgement upon. I have rather looked at the site’s “suitability” as a Site for Strategic Waste Management Facilities.

9.67 My view is that the site would in general terms be suitable for such uses, including potentially ones involving incineration, and therefore that it is appropriately listed within Policy WPP1. I support the inclusion of the additional text proposed within the 6 February Schedule. This helps to qualify certain aspects of the site, including the nature conservation interest of the site. Preservation of that nature conservation interest is dependent on appropriate site management and that I am confident that that could be achieved within the context of development and operation of a waste management facility.

## DECISION

D105 That the additional text in PIC175 and in the “red” and “green” changes in the 6 February Schedule of Proposed Changes be included in the text accompanying Inset Plan TE51.

\* \* \*

## Inset Plan TO06: Deep Moor

### Objections to Re-Deposit Version

Objection Ref	Respondent	Summary of Representation
2034	Mr P Morris	Objects to inclusion in WPP1. Additional facilities, particularly incineration, should not be considered at Deep Moor as the site is not near a major road, railway or waterway. Hence further development would contravene WPP22.
2037	Mr B Haggas	Objects to granting of any further facilities at Deep Moor as against WPP22 and 23, and regards raising of the height by 8m and disturbance of capped landfill as visually and environmentally intolerable. Also cites failure to fulfil planning requirements
2038		Objects to identification of Deep Moor as a preferred site for an incinerator.
2039		Objects to inclusion of Deep Moor as a preferred site, in Policy WPP1 citing Policies WPP22 and 23, together with visual and environmental damage, and disturbance
2083	Mr P Collier	Objects to any further extension/development at Deep Moor due to inadequacy of local road network, in particular B3232 - roads are narrow and dangerous and need improvement.
2329	English Heritage	Objects to site proposal due to a Schedule Ancient Monument lying under the site boundary and partly into the site. The Inset Plan should be revised to exclude this nationally important site and an appropriate setting buffer.
2391	Mr Ian Snow	Objects to proposal to build a mass burn incinerator at Deep Moor. Concerned about smell and environmental implications.
2392		Road access is not suitable for waste vehicles currently using Deep Moor site.
2390		Object to proposals to extend life of Deep Moor and to increase its present height by 8 metres.

### Devon County Council Response

9.68 C060 responds to English Heritage. Proposed Pre-Inquiry Change PIC176 is additional text including reference to the presence of archaeological features and the need for archaeological assessment and an entry of a symbol against Scheduled Ancient Monument in the Constraints Table.

- 9.69 There was discussion of the Deep Moor site at the inquiry in the context of objections raised by Mr Morris. C008 is the County Council proof of evidence. Discussion at the inquiry led the County Council to put forward additional text related to highway access, the Scheduled Ancient Monument and the nearby airstrip, and to cumulative impact. This is a “green change” in the 6 February Schedule of Proposed Changes.
- 9.70 C030 puts forward additional text describing the anticipated extent of permitted landfill capacity (end of 2006) which is set out as a “red change” in the 6 February Schedule of Proposed Changes. This relates to a matter that was raised by Viridor in the Deposit Version of the Plan and the County Council accept should be changed. The change was overlooked in the Re-Deposit Version.
- 9.71 C089 responds to Mr Haggas in relation to inclusion of Deep Moor on the list of sites in Policy WPP1 and C059 responds to Messrs Collier, Haggas and Snow. No changes are proposed.

### **Inspector's Reasoning and Conclusions**

- 9.72 The site is in a rural setting and within a generally open landscape. However I do not consider that the objectors have made a strong case for deleting the site from Policy WPP1. I note that apart from the Seven Brethren site within Barnstaple there is a marked absence of proposals for alternative locations to accommodate strategic waste management facilities to serve Torridge and north-west Devon and I consequently recognise the significance of Deep Moor as a part of a decentralised pattern of waste management facilities.
- 9.73 Extracts of the relevant Entry under the Schedule of Ancient Monuments (DC6) were sent to me. The additional text in PIC176 related to archaeology and the inclusion of a symbol against Scheduled Ancient Monument in the Constraints Table together with the additional text put forward as a “green change” in the 6 February Schedule of Proposed Changes are adequate and sufficient references to archaeology.
- 9.74 PIC176 also includes an updating of the planning history of the site and seeks to have “preferred” replaced by “proposed”. The former is an acceptable addition but as elsewhere I support deletion of “preferred” without any replacement.
- 9.75 The “red change” in the 6 February Schedule of Proposed Changes is a helpful addition indicating the limited capacity remaining under the pre-1974 permission. The first two sentences of the “green change” in the 6 February Schedule are also useful information and in this instance because of the open rural setting of the site, I consider that the reference to cumulative impacts is warranted.

### **DECISION**

- D106 That the changes in PIC176 be made, except that the word “proposed” should not be included.
- D107 That the additions to the text and Constraints Schedule accompanying Inset Plan TO06 shown as a “red Change and as a “green change” in the 6 February Schedule of Proposed Changes for the Close of the Inquiry be made.

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## Inset Plan WD07: Crowndale, Tavistock

### Objections to Re-Deposit Version

Objection Ref	Respondent	Summary of Representation
2331	English Heritage	The Tavistock Canal is part of the Cornish and West Devon Mining Landscape Candidate World Heritage Site, not the railway line.

### Devon County Council Response

9.76 Proposed Pre-Inquiry Change PIC177 makes the requested addition and updates the Planning History.

### Inspector's Reasoning and Conclusions

9.77 The objection has been accommodated by the Proposed Pre-Inquiry Change which also puts forward an acceptable updating of the Planning History.

### DECISION

D108 That the additions in PIC177 be made.

\* \* \*

## Sites for Other Significant Waste Management Facilities (Listed in Policy WPP2)<sup>5</sup>

### Inset Plan ED06: Greendale Barton

#### Objections to Re-Deposit Version

Objection Ref	Respondent	Summary of Representation
2129	Woodbury Parish Council	Questions the potential for inert landfill, as the Plan states that the Greendale Bsrton landfill site is closed. Asks why the development across the road from the site is not shown.
2130		Questions why is it no longer considered that existing uses at Greendale would preclude the operation of a composting facility. Access to the site is only good off Sidmouth Road; traffic to site using other routes causes a problem.
2139	FWS Carter & Sons Ltd	Entry for Greendale Barton should show inert landfill as an existing facility. Planning permission for tipping of inert spoil granted in 1991 has not expired, and the Inset Plan text and map should be amended to reflect this. Extent of flood plain is incorrect. A detailed Plan of correct extent of flood plain will be submitted in the near future.
2140		Preferred area for additional waste management facilities is insufficient and extends further north than the operator would wish to cover. An area to east on which there is a current application for processing of inert waste should be included.
2141		Preferred Area to south of Honey Lane should be extended to include the buildings adjacent to Mill Park Industrial Estate.
2142		There is no listed building at Greendale. Reference to this should be deleted.
2143		There is no public right of way in the immediate vicinity of the site. Text has been altered accordingly, but not the table at the bottom of the page.
2144		
2145		

<sup>5</sup> The word "Preferred" is to be removed from this title to reflect my wording of Policy WPP2.

2332	English Heritage	Greendale Barton is already an industrial estate with waste transfer facilities. Also, the Listed barn is actually to the south of the position shown on the Inset Plan.
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### Devon County Council Response

- 9.78 The site was included as OM4 in the list of Omission Sites advertised in November 2005. This showed site extensions sought by the site operator.
- 9.79 A revised Inset Plan ED06 was presented at the closing session of the inquiry (DC17). This amends the Re-Deposit Version in relation to the areas within the Floodplain, the boundary of the site and the site of the listed building. It takes account of some of the changes set out in the 6 February Schedule of Proposed Changes, including that in PIC179 which involves deletes reference to public right of way as a constraint. A “green change” in the 6 February Schedule of Proposed Changes puts forward an addition to the Planning History.

### Inspector's Reasoning and Conclusions

- 9.80 Greendale Barton is an unusual assemblage of commercial buildings, including waste handling facilities, that has developed in an open rural location. It would appear that these have developed from large buildings formerly associated with intensive animal husbandry and other large scale agricultural enterprises. Consideration to the expansion of waste management facilities beyond the scope of the area shown in the Inset Plan would be possible within the context of the new policy (Policy WPP4) relating to unallocated sites but I do not favour allocation of a larger area than is shown on the revised Inset Plan (DC17).
- 9.81 Revisions made to the Inset Plan and shown on DC17, the change to the constraints table and additional text on Planning History in the “green change” in the 6 February Schedule of Proposed Changes address the objections from Carter's in a suitable manner. It is however unfortunate that the Plan has not included a more definitive statement of the status of inert waste landraising on the site. The description on the key of DC7 of the area bounded by the solid red line should be made consistent with that on other keys.

### DECISION

- D109 That Inset Plan ED06 be replaced by the revised plan DC17 with the area bounded by the solid red line described as “Boundary of Site Listed in Policy WPP2”.
- D110 That the symbol associated with “public right of way” be deleted from the Constraints table as set out in PIC179.
- D111 That the “green change” in the 6 February Schedule of Proposed Changes be made under the heading Planning History.

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### Inset Plan ED10: Hill Barton Business Park

#### Objections to Re-Deposit Version

Objection Ref	Respondent	Summary of Representation
2333	English Heritage	Most sites identified as having archaeological

		potential can be appropriately managed by site evaluation or by planning Conditions. Some sites may have reduced potential due to existing activity. Details of site evaluation and condition should be included in the site profiles and inset plans and, where appropriate, referred to in the Sustainability Appraisal.
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### Devon County Council Response

- 9.82 Proposed Pre-Inquiry Change PIC180 is put forward in response to English Heritage's representations and a recent planning permission.
- 9.83 A "green change" in the 6 February Schedule of Proposed Changes puts forward further text under the headings Planning History and Potential Uses.

### Inspector's Reasoning and Conclusions

- 9.84 The changes in the 6 February Schedule of Proposed Changes update the site history and expand on Policy Constraints in an acceptable manner.

### DECISION

- D112 That the changes in PIC180 and the "green change" in the 6 February Schedule of Proposed Changes be made

\* \* \*

## Inset Plan ND21: Holmacott (Omission Site OM5)

### Objections to Deposit Version

Objection Ref	Respondent	Summary of Representation
1511 1512	Coles Contractors	This is the largest landfill site in Devon and should be included as having potential for Composting, MRF and waste to energy

### Devon County Council Response

- 9.85 Proposed Pre-Inquiry Change PIC181 updates the Planning History for this site.
- 9.86 C029 responds to Coles Contractors. The Re-Deposit Version moved this site into the list of Policy WPP2 as a site with significant existing site with additional potential. And identifying green waste composting. The site was included in the List of Omission Sites under reference OM5.
- 9.87 The County Council now considers that there is scope for a MRF and a waste to energy plant subject to this avoiding a significant increase in traffic to the site. A "red change" to this effect is included in the 6 February Schedule of Proposed Changes.

### Inspector's Reasoning and Conclusions

- 9.88 This site was not discussed at the inquiry and the significance attaching to its inclusion in the list of Omission Sites may have been lost on many persons potentially affected. Its inclusion as an "Omission Site" was in my view a cause of potential confusion since the site was identified within the sites listed under Policy WPP2. The omission related to the range of uses envisaged as having potential at the site.
- 9.89 Inclusion of the site under Policy WPP2 is a recognition of the importance of this site in relation to the siting of waste management facilities. There are no recorded

objections to its inclusion within Policy WPP2. In my view this change has substantially addressed the objections made to the First Deposit Version of the Plan in which this site was listed as an existing site without further potential. I note that no representations were made by Coles Contractors in relation to the Re-Deposit Version.

- 9.90 At a very late stage in the proceedings the County Council has come forward with a “red change” which would identify the site as one with potential for a MRF and as a “small thermal treatment plant”. I do not know how widely this has been canvassed but am aware that there would have been very little time for news of this change to spread and for responses to be made.
- 9.91 My conclusion is that while the site is suitably listed under Policy WPP2 and the Proposed Pre-Inquiry Change PIC181 is a suitable updating of its Planning History, the Re-Deposit Version should not be further changed to explicitly identify specific additional potential uses. This conclusion is consistent with that I have come to in relation to Figure 14 in Chapter 5.

### DECISION

D113 That the change in PIC181 be made.

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### Inset Plan SH01: Challonsleigh (Omission Site OM2)

#### Objections to Re-Deposit Version

Objection Ref	Respondent	Summary of Representation
2007	Mr R Hall	In view of the Council's adopted policy to relocate the existing recycling centre at Ivybridge from its cramped location, Challonsleigh would provide the ideal substitute. The site is an established waste disposal/processing area with identified potential for composting, has excellent access by road, and is close to the centre of population at Ivybridge. The site could go a long way in meeting objectives of Policy WPC4
2008		There is longer term potential to link Challonsleigh to the adjoining New England site, proposed in the plan for strategic waste management facilities, and could provide the required improved access link from that site to the A38
2009		Challonsleigh has potential for mixed waste composting which, together with the other uses, could provide a truly integrated waste management facility
2370	South Hams District Council	Proposals for SH01 and SH23 should be consolidated at SH01. Should also be proviso that a strict limit on the operational footprint. Additional traffic generation from site, and effect on adjacent populated areas, should also be considered. There is evidence that local properties and its inhabitants are suffering from increase in use of public highways. Do not wish to see further deterioration of situation without solutions being put in place.
2430	Highways Agency	Objects to site in order to protect the Trunk Road Network from adverse effects of traffic they may generate.

#### Devon County Council Response

- 9.92 C034 responds to the objections from Mr Hall and South Hams District Council.

- 9.93 Challonsleigh was included as OM2 within the list of “Omission Sites” advertised by the County Council in November 2005<sup>6</sup>. A large extension was put forward in further comments from Mr Hall. In addition a response received at that stage from Sid Knowles Waste Ltd (3014) put forward a smaller extension. C034 says that the County Council would not oppose amendment of Inset Plan SH01 to include that smaller area. Amendment of the Inset Plan is put forward as a “red change” in the 6 February Schedule of Proposed Changes and a “green change” in the 6 February Schedule refers to shredding and composting of greenwaste “in close proximity to the Proposed Site”.
- 9.94 C075 responds to the Highways Agency objection on a collective basis. It is accepted that the Agency’s views on Trunk Road impact would be taken into account if and when a planning application had been made, but making no change to the Plan.

### Inspector’s Reasoning and Conclusions

- 9.95 The site operator seeks extension of facilities at Challonsleigh together with extension of the site area. I am not convinced that there is a strong case for extending the area shown on the Inset Plan as suggested by the red change in the 6 February Schedule of Proposed Changes. The case for an even greater site extension as proposed by Mr Hall has not been made out.
- 9.96 The green change in the 6 February Schedule suggests that a site “in close proximity” to the site shown on the Inset Plan might accommodate a greenwaste compost facility. Such wording is liable to confuse readers of the Plan. Such a proposal might be brought forward under new Policy WPP4 but the purpose of the site boundary on the Inset Plan is to identify the area to which Policy WPP2 applies.

### DECISION

- D114 That no change is made to the Re-Deposit Version in relation to Inst Plan SH01.

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## Inset Plan SH23: Strashleigh Hams

### Objections to Re-Deposit Version

Objection Ref	Respondent	Summary of Representation
2370	South Hams District Council	Proposals for SH01 and SH23 should be consolidated at SH01.
2432	Highways Agency	Objects to site in order to protect the Trunk Road Network from adverse effects of traffic they may generate.

### Devon County Council Response

- 9.97 C034 responds to South Hams District Council’s remarks about Challonsleigh (SH01) but makes no further comment about Strashleigh Hams.
- 9.98 C075 responds to the Highways Agency objection on a collective basis. It is accepted that the Agency’s views on Trunk Road impact would be taken into account if and when a planning application had been made, but making no change to the Plan.

<sup>6</sup> The County Council made it clear that inclusion of a site within the advertised Omission Sites was not to be construed as implying that the County Council supported the proposals put forward.

### Inspector's Reasoning and Conclusions

- 9.99 The level of opposition voiced does not lead me to conclude that there is any need to change the Plan's proposals in relation to this site which has a history of processing and recycling of secondary aggregates and inert wastes.

### DECISION

- D115 That no change be made.

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### Inset Plan SH24: Torr Quarry

#### Objections to Re-Deposit Version

Objection Ref	Respondent	Summary of Representation
2002	South Devon AONB Unit	Whilst not objecting to proposals for MRF, greenwaste shredding and composting at Torr Quarry, expresses concern at the adverse impacts of the existing waste uses. Hence, "Other Considerations" should be strengthened to require the extension of uses to be linked to a comprehensive programme of landscape and environmental management for the site as a whole.
2029	Halwell & Moreleigh Parish Council	Objects to any further development without major improvements to the local road network, particularly the A381.
2081	Stokenham Parish Council	Objects to additional uses at Torr Quarry which would increase the problem of dust already experienced by nearby industrial units, and to the lack of consultation in relation to the visual impact of this facility.
2371 2372	South Hams District Council	SH24 has three additional activities identified at site. A MRF - we assume is sorting of builders/construction material. This is already undertaken by existing operators on site during normal course of business. Hence should not be a new operation? If it is not perceived as building/construction waste then council would not support this given locality of site. Composting of green and mixed waste is questionable - at least one company close to site is already undertaking this activity.

#### Devon County Council Response

- 9.100 C055 responds to the objection relating to impact on the AONB. Additional text is put forward for the "Other Considerations" section to refer to cumulative impact and an aim of securing a comprehensive programme of landscape and environment management of the site as a whole. This is a "red change" in the 6 February Schedule.
- 9.101 C087 responds to the objections from South Hams District Council and the two Parish Councils but proposes no further change.
- 9.102 Proposed Pre-Inquiry Change PIC182 updates the Planning History to include reference to a July 2005 approval and amends the Inset Plan to reflect this permission.

### Inspector's Reasoning and Conclusions

- 9.103 The objections raised do not lead me to question the sites inclusion within the list of sites identified under Policy WPP2. The suggested additions to the text would make some contribution to meeting the points raised by objectors, although they are a statement of aspirations rather than of particular measures that will be secured.

9.104 PIC182 is a suitable updating of the Plan.

### DECISION

D116 That PIC182 be made.

D117 That the text set out as a “red change” in the 6 February Schedule be included under “Other Considerations”.

\* \* \*

## Inset Plan TE23: Trood Lane – (Omission Site OM12)

### Objections to First Deposit Version

Objection Ref	Respondent	Summary of Representation
1509 1510	B T Jennings	Include potential for greenwaste composting. Include potential for a waste to energy plant

### Objections to Re-Deposit Version

Objection Ref	Respondent	Summary of Representation
2137	Exminster Parish Council	Concern regarding site TE23 Trood Lane where additional waste processes are proposed due to access, particularly in regard to large vehicles using the facilities.
2090 &1 2123	Teignbridge District Council	Objects to the inclusion of TE23 Trood Lane in list of preferred sites as this could result in a risk of additional buildings within the AGLV. Concern regarding impact on the county wildlife site and archaeological features. Is also proximate to the floodplain.
2436	Highways Agency	Objects to site in order to protect the Trunk Road Network from adverse effects of traffic they may generate.

### Devon County Council Response

- 9.105 Proposed Pre-Inquiry Change PIC183 picks up on a point on archaeology (made by Teignbridge District Council) and puts forward an additional sentence under the Policy Constraints heading.
- 9.106 C028 responds to the other objections. The concerns raised by Teignbridge District Council are not accepted. The Re-Deposit Version took on board the reference to potential for greenwaste composting. The suggestion for a waste to energy plant was included in the November 2005 list of Omission Sites. A “red change” in the 6 February Schedule of Proposed Changes is now put forward to make reference to “a small thermal treatment plant” under potential uses. It is envisaged that this would be for the disposal of non-recyclable materials arising within the materials already being handled at the site.
- 9.107 C075 responds to the Highways Agency objection on a collective basis. It is accepted that the Agency’s views on Trunk Road impact would be taken into account if and when a planning application had been made, but making no change to the Plan.

### Inspector’s Reasoning and Conclusions

- 9.108 PIC183 is a minor change that draws attention to the need for archaeological examination in an acceptable manner.

- 9.109 The “red change” to include a specific reference to a “small thermal treatment plant” as a potential use on this site has emerged at a very late stage in the plan-making process and relates to a highly controversial subject. For the reasons given in paragraphs 5.22 to 5.24 of Chapter 5, I am not in favour of making this late stage change to the Re-Deposit Version of the Plan. The site’s location in an Area of Great Landscape Value is an added reason for not explicitly referring to a thermal treatment plant at this location.

### DECISION

- D118 That the change in PIC183 be made.

\* \* \*

## Sites for Minor Waste Management Facilities (Listed in Policy WPP3)<sup>7</sup>

### Inset Plan ED33: Withyhayes

#### Objections to Re-Deposit Version

Objection Ref	Respondent	Summary of Representation
2333	English Heritage	Details of site evaluation and condition should be included in the site profiles and inset plans and, where appropriate, referred to in the Sustainability Appraisal.

#### Devon County Council Response

- 9.110 Proposed Pre-Inquiry Change PIC185 picks up on a general point on archaeology (made by English Heritage) and puts forward an additional sentence under the Policy Constraints heading.

#### Inspector’s Reasoning and Conclusions

- 9.111 PIC185 is a minor change that draws attention to the need for archaeological examination in an acceptable manner.

### DECISION

- D119 That the addition in PIC185 be made

\* \* \*

### Inset Plan MD14: Punchbowl - (Omission Site OM10)

#### Objections to Re-Deposit Version

Objection Ref	Respondent	Summary of Representation
2012 - 4	Mr C Haydon	In view of the need for mixed waste composting, the distance from Broadpath/Heathfield, and the central location of site in Devon, proposes that Punchbowl be

<sup>7</sup> The word “Preferred” is to be removed from this title to reflect my wording of Policy WPP3.

		identified as a potential site for mixed waste composting.
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### Devon County Council Response

- 9.112 CD035 responds to the objection which seeks inclusion of a reference to mixed waste composting in addition to the green waste that has been identified.
- 9.113 The site was advertised as one of the Omission Sites. However no change is proposed because other sites in the Plan have been identified for mixed waste composting that give an appropriate pattern of provision.

### Inspector's Reasoning and Conclusions

- 9.114 The Re-Deposit Version of the Plan envisages that facilities for mixed waste composting will be brought forward for and accommodated at a large number of the sites identified under Policies WPP1 and WPP2. In light of this pattern of provision, I do not consider that this site should also be identified within the Plan as one for mixed waste composting.

### DECISION

- D120 That no change be made.

\* \* \*

## Inset Plan SH10: Laphthorne Cross – (Omission Site OM8)

### Objections to Re-Deposit Version

Objection Ref	Respondent	Summary of Representation
2028	Halwell & Moreleigh Parish Council	Objects to any further development without major improvements to the local road network.
2373	South Hams District Council	Site has access issues so do not consider it a viable option.

### Devon County Council Response

- 9.115 C026 responds to these representations and to a matter raised on the Deposit Version. The County Council does not regard this small and remote inert landfill site as one for an energy from waste facility. No change to the Re-Deposit Version is proposed.

### Inspector's Reasoning and Conclusions

- 9.116 I find it surprising that this site was included in the "Omission Sites" with an indication that an objector was suggesting a small waste to energy plant at the site. I have looked at the representations from South Hams District Council made at the Deposit stage and do not view the attached comment (1181) relating to this matter as an objection. In any case it is not carried through to or consistent with the representation made by the District Council on the Re-Deposit Version.
- 9.117 I concur with both the County Council's view expressed in C026 that inclusion of a small energy from waste facility at this site would be inappropriate and with the reasons given for that judgement. I also agree that no change should be made to the Re-Deposit Version in relation to this site.

**DECISION**

D121 That no change be made.

\* \* \*

**Inset Plan SH12: Marlands – (Omission Site OM9)****Objections to Re-Deposit Version**

Objection Ref	Respondent	Summary of Representation
2073	B & S Hill	Marlands should be identified as a site with potential for a waste transfer station. It is well located to serve Totnes (currently lacking such provision). Parts of site are well screened so as to minimise environmental impact. There is no intention to offer public transport.

**Devon County Council Response**

9.118 C036 responds to this objection, accepting that the well-established site close to Totnes and with convenient access off the A381 has potential for a waste transfer station. This is included as a “red change” in the 6 February Schedule of Proposed Changes.

**Inspector's Reasoning and Conclusions**

9.119 I consider that extending the range of potential uses at this location close to Totnes to include waste transfer would be consistent with the aims and objectives of the Plan and I support the County Council's proposal that this be included in the list of potential uses at Marlands. My conclusion to support the change is reinforced by but not based on the absence of objections to the proposal during the limited period that “Omission Sites” were advertised.

**DECISION**

D122 That “waste transfer” be added to the potential uses at this site.

\* \* \*

**Inset Plan TE16 Kenbury Wood****Objections to Re-Deposit Version**

Objection Ref	Respondent	Summary of Representation
2121	Teignbridge District Council	Concern regarding the impact of new development on the Area of Great Landscape Value, archaeological features, groundwater, listed building and public right of way that are in the local area.
2138	Exminster Parish Council	Concern expressed regarding proposals for additional waste processes at site TE16 Kenbury Wood, Kenford, due to access, particularly with regard to large vehicles using the facilities.
2330	English Heritage	The late prehistoric/Romano-British settlement enclosure within the site could be formally excluded from the proposal area.
2435	Highways Agency	Objects to site in order to protect the Trunk Road Network from adverse effects of traffic they may generate.

**Devon County Council Response**

- 9.120 C038 responds to these objections and sets out the background to Proposed Pre-Inquiry Change PIC186 which makes the need for protective fencing explicit under the Policy Constraints heading. No other changes are proposed.
- 9.121 C075 responds to the Highways Agency objection on a collective basis. It is accepted that the Agency's views on Trunk Road impact would be taken into account if and when a planning application had been made, but making no change to the Plan.

**Inspector's Reasoning and Conclusions**

- 9.122 PIC186 is an acceptable means of drawing attention to the need to protect the archaeological interest of the locality. I accept that no other change is necessary in relation to these objections.

**DECISION**

- D123 That the addition in PIC186 be made

\* \* \*

**Inset Plan WD10: Exeter Road, Okehampton****Objections to Re-Deposit Version**

Objection Ref	Respondent	Summary of Representation
2437	Highways Agency	Objects to site in order to protect the Trunk Road Network from adverse effects of traffic they may generate.

**Devon County Council Response**

- 9.123 C075 responds to the Highways Agency objection on a collective basis. It is accepted that the Agency's views on Trunk Road impact would be taken into account if and when a planning application had been made, but making no change to the Plan.

**Inspector's Reasoning and Conclusions**

- 9.124 The matter raised does not require any change to the Re-Deposit Version.

**DECISION**

- D124 That no change be made.

\* \* \*

**Inset Plan TE19: Ruby Farm – (Omission Site OM11)****Objections to Re-Deposit Version**

Objection Ref	Respondent	Summary of Representation
2074	C & A Down	The statement that there is potential for energy recovery from the wood burning incinerator should be

		restored. The incinerator is well used, and is to be upgraded to meet modern emission and monitoring standards. Whilst it is unlikely that this plant would be viable to produce electricity for the grid, it has the potential to produce heat for horticultural purposes, or energy for domestic/farm use.
2122	Teignbridge District Council	Concern regarding impact of new development on the watercourses to the south of site, the county wildlife site, and archaeological features in the surrounding area. The approval of a waste wood incinerator in 1994 is noted.

### Devon County Council Response

- 9.125 C037 responds to the objections and proposes that reference to recovery of energy from the existing wood incinerator be made. This is included as a “red change” in the 6 February Schedule. Proposed Pre-Inquiry Change PIC187 sought to update the Planning History.
- 9.126 Subsequently, but before the close of the inquiry, Proposed Pre-Inquiry Change PIC187 and a “red change” presented in C037 have been replaced in the 6 February Schedule of Proposed Changes by a “green change”.

### Inspector's Reasoning and Conclusions

- 9.127 The additions made by the “green change” in the 6 February Schedule of Proposed Changes update the current situation and refer to the potential for energy recovery from an existing wood burner. I regard these as suitable and appropriate minor additions to the Plan.

### DECISION

- D125 That the “green change” in the 6 February Schedule of Proposed Changes be made.

\* \* \*

## Inset Plan TE25: Yannon Lane

### Objections to Re-Deposit Version

Objection Ref	Respondent	Summary of Representation
2333	English Heritage	Details of site evaluation and condition should be included in the site profiles and inset plans and, where appropriate, referred to in the Sustainability Appraisal.

### Devon County Council Response

- 9.128 Proposed Pre-Inquiry Change PIC188 picks up on a general point on archaeology (made by English Heritage) and puts forward an additional sentence under the Policy Constraints heading. In addition a symbol is to be included in the constraints table for Scheduled Ancient Monument.

### Inspector's Reasoning and Conclusions

- 9.129 The Proposed Pre-Inquiry Changes are minor but draw attention to the Scheduled Ancient Monument and the need for archaeological examination in an acceptable manner.

**DECISION**

D126 That the additions in PIC188 be made.

\* \* \*

**Site identified under Policy WPP4 of the Re-Deposit Version****Inset Plan TO51: Caddstown****Objections to Re-Deposit Version**

Objection Ref	Respondent	Summary of Representation
2075	Mr H Glover	Objects to the siting of recycling centre at Caddstown for the following reasons: greenfield site with outstanding visual/environmental characteristics; outside development area identified in Local Plan; poor access; better sites available elsewhere;
2085	Mr and Mrs D Thorne	Objects to defined site for a recycling area as it would be detrimental to the environment, landscape character and amenities of rural dwellings in the vicinity. The site is too far from Bideford and also on a greenfield site.

**Devon County Council Response**

- 9.130 Policy WPP4 is deleted as a result of a Proposed Pre-Inquiry Change (PIC112). That is because planning permission has been granted for the facility at Caddstown. Proposed Pre-Inquiry Change PIC190 deletes the inset plan and the entire text associated with it.
- 9.131 C080 responds to these objections and makes reference to PIC190.

**Inspector's Reasoning and Conclusions**

- 9.132 I have supported deletion of Policy WPP4 in line with PIC112 and consequently support the deletion of this Inset Plan as proposed in PIC190.

**DECISION**

D127 That Inset Plan TO51 and the accompanying text be deleted as proposed in PIC190.

\* \* \*

**Proposals Map****Devon County Council's Position**

- 9.133 Proposed Pre-Inquiry Change PIC191 pus forward various changes to the Proposals Map to make the map and its key consistent with the following changes: deletion of Inset Plan TO51, revised wording of Policies WPP1, WPP2 and WPP3 and the change from "Preferred Sites" to "Proposed Sites".
- 9.134 A "green change" in the 6 February Schedule of Proposed Changes includes TE12 Shutterton Industrial Estate and makes some other minor changes to the key.

**Inspector's Reasoning and Conclusions**

- 9.135 I agree that the Proposals Map should be consistent with other changes made. In this connection I support the “green change” in the 6 February Schedule with inclusion of TE12 Shutterton Industrial Estate and the other minor changes to the key. I also support deletion of references to the Caddsdow Recycling Centre.
- 9.136 Further changes are needed to achieve consistency with my decisions on the Plan, namely: the colour of Inset Plan MD05 on the Map should be changed to reflect its repositioning as a Policy WPP2 site and while the word “Preferred” should be deleted it should not be replaced by “Proposed”. In the Key the red box should be “Boundary of Site Listed in Policy WPP1, Policy WPP2 or Policy WPP3”.

**DECISION**

- D128 That the “green change” in the 6 February Schedule of Proposed Changes be made.
- D129 That PIC191 be made except that the word “Proposed” should not be inserted where “Preferred” is deleted.
- D130 That the colour shown for MD05 on the Proposals Map be changed to that appropriate to a site listed in Policy WPP2.

\* \* \*

## Chapter 10: Omission Sites

### Inspector's Note

- 10.1 In this chapter I only deal with locations and sites that are not covered elsewhere. The majority of the locations which are included within the County Council's list of 15 Omission Sites are in fact already included within Policies WPP1, WPP2 or WPP3 of the Re-Deposit Version and as named Inset Plans. The County Council classified such sites as "Omission Sites" where objectors sought to extend the site area or the range of activities envisaged at the location. I have dealt with those sites in Chapter 9.

### OM3: Shutterton Industrial Estate, Dawlish

#### Objections to Re-Deposit Version

Objection Ref	Respondent	Summary of Representation
2131	Dawlish Skip Hire Ltd	Objects to Shutterton Lane site being placed under category of "existing sites without potential for additional facilities". Feels that site (together with adjacent land) has potential for additional waste management facilities.

#### Devon County Council Response

- 10.2 C039 responds to this objection. The scope for extending the site is now recognised and Inset Plan TE12 (DC18, produced on the closing day of the inquiry) has been prepared, together with supporting text for the Inset Plan<sup>1</sup>. The site as shown on DC18 has potential for additional waste management facilities and should be included in the list of sites in Policy WPP3.

#### Inspector's Reasoning and Conclusions

- 10.3 The site is within an industrial area at the edge of Dawlish urban area and there would appear to be physical scope for expansion to better meet the needs of the local area for facilities associated with waste management. On the face of it there is a strong case for including the site shown on DC18 as one of the Proposal Map's Inset Plans and for including Shutterton Industrial Estate, Dawlish as one of the sites listed in Policy WPP3.
- 10.4 There has been limited opportunity for obtaining local views about the inclusion of this site within the Waste Local Plan but there was no recorded opposition when it was advertised as a "significant existing site with potential for additional waste management facilities" as an Omission Site.
- 10.5 I conclude that Shutterton Industrial Estate, Dawlish should be included as one of the sites listed in Policy WPP3, that Inset Plan TE12 should be included in the Plan and on the Proposals Map, together with the text supporting the Inset Plan provided to me and set out below:

<sup>1</sup> This text was given to me on the closing day of the inquiry, attached to a letter to the Programme Officer from the County Council's Minerals and Waste Policy Officer.

<b>SITE:</b>	<b>Shutterton Industrial Estate, Dawlish</b>	<b>INSET PLAN NO:</b>	<b>TE12</b>
<b>DISTRICT:</b>	Teignbridge	<b>PARISH:</b>	Dawlish
<b>GRID REFERENCE:</b>	2967 0785		
<b>SITE AREA:</b>	0.3 hectare		
<b>SITE LOCATION</b>	Shutterton Industrial Estate Dawlish		
<b>SITE DESCRIPTION:</b>	The site lies on the northern edge of Dawlish within an established industrial estate, and comprises an existing waste transfer and skip hire operation together with adjoining land.		
<b>POLICY CONSTRAINTS:</b>	The site is close an Area of Great Landscape Value, a Coastal Preservation Area and a County Wildlife Site, and adjacent to a floodplain.		
<b>EXISTING USES:</b>	Waste transfer station and skip hire business		
<b>PLANNING HISTORY:</b>	Planning permission for the transfer station was granted in 1996.		
<b>OTHER CONSIDERATIONS</b>	The Teignbridge Local Plan First Review Initial Deposit Version identifies land to the north of the Proposed Site as an 'employment commitment', with a smaller area to the north west proposed for employment development.		
<b>POTENTIAL USES:</b>	The site has potential for the introduction of inert waste recycling and a MRF in association with the existing transfer station if the additional land within the Proposed Site is used.		
<b>CONSTRAINTS:</b>			
Ramsar Site	Coastal Protection Area	○	Risk of Flooding
World Heritage Site	A.G.L.V.	○	Groundwater Protection
Candidate S.A.C./S.A.C.	Conservation Area		Aquifer Protection
S.P.A.	County Wildlife Site	○	Risk of Birdstrike
National Park	County Geological Site		Public Right of Way
A.O.N.B.	Local Nature Reserve		
S.S.S.I.	Heritage Coast		Other Constraints
National Nature Reserve	Ancient Woodland		
Sched Ancient Monument	Historic Park/Garden		
Listed Building	Sites & Monuments Reg.		
	Known Protected Species		
<b>KEY:</b>	● Constraint refers to actual site area    ○ Constraint adjacent to site or nearby		

**DECISION**

- D131 That TE12: Shutterton Industrial Estate, Dawlish be included in the list of sites in Policy WPP3.
- D132 That DC18 be included as Inset Plan TE12: Shutterton Industrial Estate, Dawlish with the area bounded by the solid red line described as “Boundary of Site Listed in Policy WPP3”
- D133 That the Proposals Map be altered to include a box for this Inset Plan
- D134 That text to support Inset Plan TE12, as set out in the box above, be included.

\* \* \*

**OM7: Langage Industrial Estate, Plympton****Objections to Re-Deposit Version**

Objection Ref	Respondent	Summary of Representation
2151	Plymouth City Council	Site (or a small focused area of search) for provision of a strategic waste management site at Langage Industrial Estate in association with power station should be identified and included under Policy WPP1. This would not include landfill/raise.

**Devon County Council Response**

- 10.6 C022 responds to this objection and covers the response to the advertisement of Langage as OM7 in the list of Omission Sites. The shortage of sites to accommodate strategic waste management facilities in Plymouth is recognised and is addressed within the Plan. Sites have been identified at New England Quarry (Inset Plan SH17) and Wrangaton (SH52) in addition a new section 7.2.5 and a new policy (Policy WPP4) are proposed relating to proposals for waste management facilities at unallocated sites. Further new paragraphs are proposed referring to location of energy from waste plant adjacent to existing or proposed power stations (7.5.10.1A) and expressing commitment to Resource Recovery parks (3.9.2).
- 10.7 Allocation of Langage as a site for strategic waste management facilities is opposed by South Hams District Council on the basis that this could conflict with the Structure Plan as it is an employment site of regional significance. Langage is not one of the sites put forward in the Waste Local Plan for a Strategic Waste Management Facility.

**Inspector's Reasoning and Conclusions**

- 10.8 The County Council's response to this objection brings out the significance of a number of related changes in the Plan. My decisions related to those other changes are given elsewhere but I repeat them here to provide the context for my consideration of this particular objection.
- 10.9 I support the new section 7.2.5 and new Policy WPP4 relating to waste management facilities on unallocated sites and also new paragraph 3.9.2, Resource Recovery Parks. While I have rejected new paragraph 7.5.10.1A, the Waste Local Plan does provide a policy context within which a proposal for a major waste facility on an unallocated site could be brought forward.

- 10.10 Langage is not identified as a site for strategic waste management facilities in the Plan and I attach considerable weight to the reported opposition to its inclusion from the District Council within which the site is located. I consider that the case for including the site as a site to which Policy WPP1 would apply at this late stage in the plan-making process has not been established, I therefore support the County Council's position that it should not be included.

### DECISION

- D135 That no change be made.

\* \* \*

## OM13: Whitecleaves, Buckfastleigh

### Objections to First Deposit Version (Site also not in Re-Deposit Version)

Objection Ref	Respondent	Summary of Representation
1655 & 2042	Mrs M Trueman	Objects to omission of Whitecleaves Quarry from list of new sites with potential for inert landfill and recycling. Mineral extraction is to cease leaving 1M cu m voidspace. Site would have a wide catchment area, has easy access off A38, and is well screened from Buckfastleigh. Recycling would be main activity, with inert landfill to assist in the reclamation of the site.
1715	Hanson Aggregates	Objects to omission of Whitecleaves Quarry from list of new sites with potential for inert landfill and recycling on the cessation of mineral extraction.

### Devon County Council Response

- 10.11 C032 responds to this objection and rejects the inclusion of this site on the basis that adequate sites have been identified.

### Inspector's Reasoning and Conclusions

- 10.12 The scale of extraction that has taken place at Whitecleaves Quarry has resulted in the creation of a void which has the potential to hold a large quantity landfill. It is screened by retained landforms and sited close to the main road network. However in the current policy context the requirements of the Plan are to achieve more than that. I do not consider that this site is particularly well located to meet the Plan's overall aims and objectives and therefore support the County Council's arguments for not allocating it.

### DECISION

- D136 That no change be made.

\* \* \*

**OM14: Wilminstone Quarry, Tavistock****Objections to First Deposit Version (Site also not in Re-Deposit Version)**

Objection Ref	Respondent	Summary of Representation
1653		Identify as a new site with potential for inert/biodegradable landfill

**Devon County Council Response**

- 10.13 C031 responds to this objection made to the Deposit Version of the Plan. The response refers to a representation from Devon Waste Management opposing the proposal when advertised as an “Omission Site”. That opposition is on the basis that the Plan makes adequate provision for non-hazardous landfill and this proposal would result in oversupply.
- 10.14 The County Council continue to oppose the proposal on the basis that it would conflict with the Plan’s objective of moving waste management up the waste hierarchy and that the site is not well located in relation to major sources of waste.

**Inspector’s Reasoning and Conclusions**

- 10.15 The County Council’s reasons for rejecting the objection are sound and I conclude that this site should not be identified as a new site for landfill.

**DECISION**

- D137 That no change be made.

\* \* \*