

10<sup>th</sup> June 2011

Sue Penaluna  
Devon County Council  
Topsham Road  
Exeter  
EX2 4QD



Our Ref: 402.0036.00350: R19-21/22

Your Ref: DCC/2975/2010

Dear Mrs Penaluna

**Application Reference DCC/2975/2010**

**Development of the New England Resource Recovery Centre, near Lee Mill, Devon, to include an Energy from Waste facility with a capacity of 275,000 tonnes per annum of residual Municipal Solid Waste (MSW) and Commercial and Industrial Waste (C&I) with bottom ash recycling, a non hazardous landfill; and associated visitor centre, ancillary offices, welfare, parking facilities, weighbridge/wheel wash; also new access road linking into the A38 at Lee Mill with new river crossing over River Yealm and associated aftercare and landscaping improvements across the whole site with associated woodland management plan.**

Further to your previous email and subsequent discussion, please find attached revised submissions in respect of R19.21 (Sterilisation) and R19.22 (Minerals supply).

These replace the information previously submitted in respect of these issues.

Yours sincerely

**For SLR Consulting Limited**



**Will Ryan**

Principal

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Encs.

***The infill of the quarry void as a landfill would sterilise the remaining mineral reserve on the Western side of the River Yealm leading to the loss of several million tonnes.***

***The applicant is required to provide information about the remaining mineral reserve at New England Quarry and clarify what will be sterilised by the development (in tonnes, not ha) and based on the mineral permission area (80ha), not the Mineral Consultation Area (175ha). The actual sterilisation appears to cover 44% of the permitted area and not 35% as stated in the application***

Response

1. The full extent of the 1963 planning permission for extraction, updated under the Environment Act 1995 (ref 9/62/0425/92/3) extends to some 59 hectares. The land to the west of the River Yealm constitutes approximately 26 hectares, with the remainder to the east of the river including Strashleigh Hams and Swainstone Ham. Within the red-line boundary, permission exists to extract a total of some 16 hectares on each side of the river, within the agricultural land and woodland to the east (approximately 7ha.), and based around the worked quarry area to the west (approximately 9ha.).
2. The last survey of the New England mineral reserves was undertaken in 2002, since when there has been no extraction. The recorded permitted reserve at that time was 5.66 million tonnes of dolerite in the permitted land to the west of the river (assuming extraction to 0mAOD). The estimated reserve in the eastern part of the site is approximately 12 million tonnes.
3. In direct response to R19.21, the sterilised area amounts to:
  - 32% of the estimated remaining reserves;
  - 56% of the permitted extraction area; and
  - 15% of the permission area.

***The policy analysis should reflect MPS1 and Policy RE10 of the Draft RSS which refer to the safeguarding of mineral resources. Supplies of minerals essential for construction are likely to become scarce in future years and existing reserves and identified resources should be actively safeguarded as the likely recovery rate for secondary aggregates is small relative to the loss of mineral reserve***

Response

1. The Draft Regional Spatial Strategy has been withdrawn since the submission of the application in January 2010. The issue of safeguarding reserves is therefore considered in the context of the Devon Mineral Local Plan.
2. The Devon Minerals Local Plan (MLP) was adopted in June 2004, and remains part of the development plan for the site. The relevance in the context of this application is the presence of the mothballed New England Quarry identified specifically at Inset Plan 40 of the MLP.
3. In broad terms, the key objectives of the MLP are:
  - (i) to strike a balance between the demand for all mineral resources and the need to protect the environment having regard to the principles of sustainable development;*
  - ii) to maintain a stock of permitted reserves (a landbank) for aggregate minerals in accordance with current Government advice;*
  - iii) to encourage the most appropriate use of all mineral resources and the re-use of waste minerals and secondary aggregates, in order to reduce the requirement for new primary resources to a minimum;*
  - iv) to protect the quality and diversity of the County's earth science and nature conservation interest, historic environment, water environment and landscape character;*
  - v) to identify Mineral Working Areas which will provide for the continued extraction of minerals, having regard to the need to avoid demonstrable harm to interests of acknowledged importance;*
  - vi) to ensure, in consultation with local communities, that mineral sites are progressively restored to a beneficial after-use;*
  - vii) to prevent the unnecessary sterilisation of mineral resources by other forms of development; and*
  - viii) to identify those mineral sites where the County Council will seek to remove the possibility of their re-opening by the service of Prohibition Orders.*
4. With regards to the sterilisation of minerals resources, (vii) above the New England Quarry benefits from an extant permission, and this reserve therefore has the potential to contribute to the County's landbank.

5. Policy MP13 of the Devon MLP states;

*Within the Mineral Consultation Areas contained in Policy MP 14 and identified on the Inset Plans of the Proposals Map, development will not be permitted where it would sterilise mineral resources which are, or may become, of economic importance, would prejudice the future tipping of mineral waste, or would otherwise be incompatible with mineral development.*

6. In terms of the reserves (i.e. the dolerite with planning permission), the proposal will not lead to the sterilisation of any reserves on the eastern side of the River Yealm. The total potential quantity that might be sterilised by development on the western bank of the River Yealm is approximately 5.66 million tonnes. The issue in respect of Policy MP13 is therefore whether the proposed development would “sterilise mineral resources which are, or may become, of economic importance”.
7. As discussed at R19.21, the area to be sterilised constitutes approximately 32% of the total reserves (i.e. dolerite with permission). The significance of the reserve (of the permitted area) lies in the context of the quantity of minerals reserves within Devon as a whole.
8. The most recent evidence of the supply and demand of minerals in Devon lies in the Devon County Minerals Core Strategy: Technical Report (2007) and the Devon County Minerals and Waste Development Framework: Annual Monitoring Report 2008/9 (December 2009).
9. The 2007 report identifies some 192 million tonnes (Mt) of crushed rock reserves in Devon in 2006. Of these, 57 Mt (30%) of the reserves are Igneous Rock (including the dolerite reserves at New England). The total potential sterilisation of reserves at the application site would therefore amount to approximately 10% of igneous reserves and just 3% of total crushed rock reserves.
10. In terms of landbank (i.e. the amount of crushed rock required to maintain an appropriate supply), the Core Strategy Report records figures of 55 years of supply (equated by national standards) and 67 years (local approach). Using either apportionment, the New England reserve to the west of the Yealm represents less than two years of supply.
11. The 2008/9 Annual Monitoring Reports records broadly similar figures: a total reserve of 181Mt and a landbank of crushed rock of 66 years. There is nothing to suggest that the supply of minerals essential for the construction industry will become scarce in the near future.
12. In response to the issue raised in R19.22, the reserve at New England is important in its own right, but the loss of part of it by sterilisation will not have a significant impact on the substantial reserves of construction minerals in Devon.