

# **INVESTIGATING OFFICER'S REPORT**

**Complainant: Mr Neil Smith**

**STAGE 2  
FINAL**

**Investigating Officer  
Roland Pyle  
*Policy Officer, Services for Communities, Devon County Council***

**3 February 2012**

## **1 Complainant's details**

- 1.1 The complainant is Mr Neil Smith (Chairman, Buckfastleigh Community Forum), 15 Plymouth Road, Buckfastleigh, Devon, TQ11 ODB.
- 1.2 This report is part of a formal investigation into a stage 2 (service investigation) complaint made by Mr Smith on 9 January 2012 and it was commissioned by Heather Barnes, Strategic Director (Place).

## **2 The complaint**

- 2.1 Mr Smith wrote to Phil Norrey (Chief Executive, Devon County Council) on 9 January 2012 to register a formal complaint against Devon County Council. Mr Smith's complaint is concerned with the County Council as the mineral planning authority and decisions he alleges that it has made in relation to Whitecleave Quarry at Buckfastleigh.
- 2.3 Phil Norrey wrote to Mr Smith on 9 January 2012 explaining that the Strategic Director (Place), Heather Barnes, will carry out a full investigation into the matters raised and that she would respond within 25 working days in accordance with the Council's complaints procedure. On 17 January 2012 Heather Barnes appointed me as investigating officer asked that I prepare a report.
- 2.3 My reading of Mr Smith's letter of complaint is that the central allegation is that at some point between late 2008 and early 2010, Devon County Council planning officers privately consented to a change of use of the site from quarrying to the disposal and processing of waste and filling in of the quarry. There are inter-related allegations including:
  - ❖ That DCC has withheld information about the outcome of discussions in relation to that private consent.
  - ❖ That there is no documentation which demonstrates how the current status of the site has arisen.
  - ❖ Failure to follow due process.
  - ❖ Ambiguous/inconsistent information from planning officers about whether a written legal opinion had been provided
  - ❖ Failure to respond to advice from the Environment Agency
  - ❖ Failure to act on concerns expressed by Natural England
- 2.4 The focus of my investigation has been to establish whether the County Council as mineral planning authority:
  - i) Assessed whether a material change of use of the site took place
  - ii) Gave any form of consent for such a change of use and if so, whether the appropriate process was followed.
  - iii) Kept and made available the necessary records

## **3 Key staff and individuals in relation to the complaint**

- ❖ Dave Black (Head of Planning, Transportation and Environment).
- ❖ Stewart Redding (County Development Management Officer)

- ❖ Sue Penaluna (Development Management Officer).
- ❖ Mike Deaton (Development Management Officer)
- ❖ David Pressley (County Monitoring Officer)
- ❖ Simon Clarey (County Solicitor's Department)

## 4 Outline of the investigation

- 4.1 The complainant raised many of the concerns described in his 9 January 2012 letter with Mel Stride MP in July 2011. Mr Smith met Dave Black, Stewart Redding and Sue Penaluna on 3 August 2011 and Dave Black responded by letter dated to Mel Stride MP on 9 August 2011.
- 4.2 I conducted interviews with Devon County Council officers:
- ❖ 24 January 2012: interview with Sue Penaluna (notes of interview attached as **appendix 1**).
  - ❖ 26 January 2012 interview with Dave Black and Stewart Redding (notes of interview attached as **appendix 2**).
  - ❖ 27 January 2012 interview with Mike Deaton (notes of interview attached as **appendix 3**).
  - ❖ 2 February 2012 interview with Dave Pressley (notes of interview attached as **appendix 4**).
- 4.3 The written evidence I have examined comprises:
- ❖ Devon Minerals Local Plan
  - ❖ Whitecleaves Quarry Monitoring file supplied by Dave Pressley
  - ❖ Approved plan/document file relating to discharge of conditions supplied by Mike Deaton
  - ❖ Unnamed file which included plans and approved documents relating to the ROMP
  - ❖ Unfiled paper copies of emails, plans and correspondence provided by Mike Deaton
  - ❖ 200 (approx) emails provided by Mike Deaton

## 5 Timeline of events in relation to the complaint

- 5.1 The Devon Minerals Local Plan (adopted in June 2004) includes an inset plan (Inset Plan 36), accompanying background information and two site-specific proposals in relation to Whitecleave Quarry.<sup>1</sup> The background information explains that: "The original planning permission for winning and working of minerals was granted in 1950. Since this time there have been three extensions to the quarry area as well as planning permissions granted for tipping of spoil and for the construction of various parts of the plant area. Production ceased at the site in 1998 and the plant and some of the quarry buildings have been dismantled or demolished."
- 5.2 The two site specific proposals in the MLP are:
- PROPOSAL: INSET 36.1**  
The Minerals Planning Authority will consider appropriate proposed new uses at the Mineral Site.
- PROPOSAL: INSET 36.2**  
The Minerals Planning Authority will seek to minimise the impact on the bat populations in the event of working re-commencing.

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<sup>1</sup> Available at [http://www.devon.gov.uk/amplp-ip36\\_whitecleaves.pdf](http://www.devon.gov.uk/amplp-ip36_whitecleaves.pdf). The quarried material was dolerite which was used mainly in road construction.

- 5.3 The current planning permission for mineral working at Whitecleave Quarry was granted on 5 February 2002. That consent was a “determination in respect of old mineral planning permissions” which, under the Environment Act 1995 and had the effect of bringing the original permissions up to modern standards through the imposition of new conditions governing the operation and restoration of the site. There are 32 conditions attached to that Review of Old Mineral Permissions (ROMP) consent covering the working minerals at the site and its restoration. The consent includes an approved final quarry development plan and a restoration plan. The latter allows the quarry to flood and naturally regenerate, offering nature conservation benefits particularly for the adjacent Site of Special Scientific Interest.
- 5.4 A planning application for “development of a materials recycling facility at the former Whitecleaves Quarry” was received by Devon County Council on 14 April 2008 but withdrawn by the applicant (Gilpin Demolition) on 11 December 2008 prior to its determination.
- 5.5 There is a current planning application for the construction and operation of Materials Recovery Facility for Inert Construction and demolition wastes; Construction and operation of Incinerator Bottom Ash Processing facility; removal of dolerite outcrop and filling quarry with dolerite and inert material to a depth of 60mAOD to facilitate storage of recycled materials with associated site engineering and infrastructure. Sue Penaluna is the Case Officer. Members of the Council’s Development Management carried out a site visit on 29 September 2011 and the application awaits consideration by the Council’s Development Management Committee. The application has attracted significant local opposition including representations from the Buckfastleigh Community Forum.
- 5.6 **Appendix 5** sets out the national and Devon minerals planning policy background of relevance to the complaint.

## **6 Evidence and background to Whitecleave Quarry**

- 6.1 **Appendix 6** sets out a fuller description of email exchanges summarised in paragraphs 6.2 to 6.14 below.
- 6.2 The County Council received complaints about activity at the quarry, including clearance of vegetation and the demolition of buildings, in October 2008. Gilpin Demolition informed Mike Deaton, who inspected the site, that this was remediation works relating to quarry restoration. The following statement was released to the media on 10 October 2008 “A number of complaints have been received relating to noise and removal of vegetation which are being investigated by Devon County Council. However, there is a current valid planning permission at Whitecleaves Quarry for mineral extraction and planning conditions attached to the permission require the owner to undertake remedial work in connection with the restoration of the quarry.”
- 6.3 Devon County Council served a temporary Stop Notice, under the Town and Country Planning Act 1990, on Sam Gilpin Demolition Ltd on 26 November 2008 requiring the cessation of clearance of any trees or other vegetation at Whitecleaves Quarry.

- 6.3 Gilpin Demolition contacted the Council by email on 5 January 2009 seeking written approval for a list of the activities that they intended to undertake in the quarry. Mike Deaton replied on 9 January 2009:

“Further to my email of 5 January please see below my substantive response.

As you are aware Whitecleaves Quarry is located close to the South Hams Special Area of Conservation [SAC] which was designated in 2005. Because of the potential impact of quarry operations on Greater Horseshoe Bats the site is now subject to the requirements of The Conservation (Natural Habitats & c) Regulations 1994.

The requirement under the Regulations is that the existing quarry planning permission is reviewed to assess whether the operations would have a likely significant effect on the SAC. In doing so DCC must make an appropriate assessment of the implications of the renewed quarry working on the conservation objectives of the SAC. At this stage it is not clear whether or not quarrying will have a potential impact on the bat flight lines and thus adversely affect the integrity of the SAC.

As you are aware planning condition 19 (protection of existing trees and vegetation) and condition 21 (submission of management schemes) require submission and approval of schemes before quarry operations can recommence. The schemes should be sufficiently detailed to provide the information relating to bat flight lines necessary for DCC to do the appropriate assessment. Mitigation to remove, reduce or ameliorate any adverse effect on integrity of the SAC should be submitted as part of the schemes.

Also, I should also remind you of the requirements to comply with all of the quarry planning conditions, a number of which require the submission and approval of the schemes before quarry operations can recommence. I have attached a copy of the decision notice and would draw your attention to conditions 2., 6., 7., 12., 16., 19., 20., 21., 25., and 28.

As to the list of operations set out in your email of 5/1/09 these would normally be permitted development by virtue of Part 19 of the General Permitted Development Order. However, the Conservation (Natural Habitats, &c.) Regulations 1994, apply to these permitted development rights. I have forwarded your email to Natural England to ask their opinion as to whether or not the proposed development would be likely to have a significant effect within the meaning of the Regulations.

At this stage you should not proceed with any of the developments set out in your email. In the event that Natural England conclude the the permitted development operations will not have a significant effect on the SAC the permitted development may proceed. However, if Natural England is of the view that the development would be likely to have a significant effect an application would have to be made to DCC under Regulation 62 of the Conservation (Natural Habitats & c.) Regulations 1994.

For your information I have attached copies of Habitat Regulation Guidance Notes 2 and 6 upon which the above advice is based.”

[Email dated 9/1/09 from Mike Deaton to Georgina Gilpin]

- 6.4 On 9 March 2009 Gilpin sought written consent for work that it would like to undertake at the site:

“This email is to confirm and clarify our request for works at Whitecleave Quarry, Buckfastleigh under the permitted development rights within the current planning permission on the site.

I confirm that we have no intention to remove or move any trees other than that which is identified on the attached maps. Any such activity will be notified to Devon Council and will have all parties in agreement before any action is taken.

There are two site plans with the only difference in Option 2 being the removal of one identified tree in area b.

Points 1 to 8 relate to Area A on the map  
Points 9 to 11 relate to Area B on the map  
Point 12 relates to Area C on the map  
Point 13 relates to all areas on the map  
Point 14 will be in Area B on the map  
Point 15 is identified on the site plan as 'green lane'

Works as detailed below:-

1. Drainage and associated pipework on the entrance area and around the weighbridge area.
2. Concrete in areas as above
3. Installation of new weighbridge
4. Installation of wheelwash area
5. New gates on entrance and additional fencing
6. Works to access road up into the quarry area to make a smoother slope
7. Modernisation of current weighbridge building
8. Removal of roof to current weighbridge building and its replacement before May as indicated within the mitigation programme supplied by Andrew Charles
9. Levelling of spoilheaps in area North of quarry entrance
10. Concrete pad in area above to enable us to site our temporary offices.
11. Crushing of concrete blocks in area b as above and use of material to level
12. Continued removal of water in quarry basin with pontoon pump
13. Equipment on site for quarrying purposes
14. Installation of water tanks
15. Making bund of minimum 1metre height from top of site to turning circle, called 'green lane' on site plan, and planting with suitable trees as agreed. This will give a lane width of at least 3metres to allow vehicle access if required for foliage maintenance during the time it takes for the lane to establish.
16. Removal of stockpiled greenery/trees left on site from previous works

I hope this clarifies our position, the responses we have had from yourselves thus far would indicate all of the above is satisfactory. We will await written permission from Devon County Council before any works on site commence.

It is prudent to point out there has been a small landslide on the southern edge towards the mouth of the quarry void which will have to be made safe. It can be identified on the site map between the numbers 62.63 and 65.25. This has not been identified as an important flight line area or potential roost for the bats and the shrubs in the landslide can be moved to the green lane bund. This has been previously notified to Mike Deaton. We have not touched the area but it is our intention to make this safe once on site. I have photographed the area and perhaps during Mike Deatons visit to site on 10 March 2009 with Dave Presley he can report on this?"

[Email dated 9/3/09 from Georgina Gilpin to Mike Deaton]

The two plans attached to the 9 March 2009 email are included as part of **appendix 6**.

- 6.5 The 10 March 2009 monitoring report prepared by Dave Pressley notes that "over the last few months Sam Gilpin Demolition Ltd have pursued the reopening of the quarry under the 2002 ROMP permission and a number of meeting[s] have been undertaken with planning officers investigating how this proposal can be progressed." The report indicates that Gilpin demolition was in breach of nine of the conditions

attached to the 2002 permission and that they needed immediate compliance. Further development of the site involving the commencement of quarrying operations, removal of vegetation or erection of buildings was prohibited until the "Red" comments had been satisfactorily dealt with and all necessary schemes to discharge the planning conditions have been formally submitted and approved.

- 6.6 I was provided with a file titled "Approved plan/document. Reference 98/3304/32/9DCC. Relating to: Discharge of planning conditions". The file includes:
- i) An appropriate assessment management scheme submitted to Devon County Council by Sam Gilpin Ltd on 18 May 2009 and approved by Devon County Council on 10 July 2009.
  - ii) A management scheme in relation to conditions attached to the 2002 ROMP consent submitted to Devon County Council by Sam Gilpin Ltd on 18 May 2009 and approved by Devon County Council on 10 July 2009.
  - iii) A series of plans each stamped "approved plan/document. Reference: 98/3304/32/9DCC" and dated 10 July 2009. Relating to discharge of planning condition". The plans are titled
    - "Overall details plan" (Drawing number: GD-12253-OAD. Dated 21/4/09).
    - "Wheel wash area (detail 1)". (Drawing number: GD-12253-D1. Dated 21/4/09).
    - "Fuel store area (detail 2)". (Drawing number GD-12253-D2. Dated 21/4/09).
    - "New drainage (detail 3)". (Drawing number GD-12253-D3. Dated 21/4/09).
    - "Stabilisation area detail (detail 4)" (Drawing number GD-12253-D4. Dated 21/4/09).
    - "Batter line detail (detail 5)" (Drawing number GD-12253-D5. Dated 21/4/09).
    - "Tree removal area (detail 6)" (Drawing number GD-12253-D6. Dated 21/4/09).
    - "Green lane (detail 7)" (Drawing number GD-12253-D7. Dated 21/4/09).
    - "Storage area (detail 8)" (Drawing number GD-12253-D8. Dated 21/4/09).
    - "New fence protection (detail 9)" (Drawing number GD-12253-D9. Dated 21/4/09).
  - iv) A "Whitecleaves Quarry Mitigation Strategy" prepared by Devon Wildlife Consultants and stamped "approved plan/document".

I was told by Sue Penaluna that this file should have been part of the monitoring file for the quarry and that it was not amongst the documents that had been made available to the complainant when he visited County Hall in early December 2011 to inspect documents relating to the site. The approved "Overall details plan" is included in **appendix 6**.

- 6.7 The 30 March 2010 DCC Monitoring Report notes that the new operators, Sam Gilpin Demolition Ltd, began bringing in material in February 2010 to reopen the quarry. It noted, in relation to condition 21 attached to the 2002 ROMP consent, that a management scheme had been submitted on 18 May 2009 and approved on 10 July 2009 and that a further postponement of the restoration and aftercare schemes had been agreed until July 2014. Condition number 2 attached to the 2002 ROMP consent required that the development be carried out in strict accordance with the approved plans. Whilst not noting any contravention of that condition, the 30 March 2010 Monitoring Report required the operator to reassess the planning permission to ensure that the proposed working will be in accordance with the requirements of the condition and approved plans. The Report found no failures to comply with conditions which needed immediate compliance.
- 6.8 On 30 June 2010 an email from Mike Deaton to a local resident in response to a complaint about Gilpin lorries entering the site stated that "There is no planning permission for waste disposal or processing so waste material shouldn't be going in." The email concluded by stating that "I can confirm that at the present time the only

operations that should be happening at Whitecleaves are those solely relating to quarrying.”

- 6.9 There was an exchange of emails between Mike Deaton and the Environment Officer- South at the Environment Agency on 13 and 17 August 2010. Mike Deaton told the Agency on 13 August 2010 that “I’m getting lots of angry calls about waste material going into Whitecleaves. The only planning permission here is for quarrying and my understanding is that the demolition material going into the site was only to do with site preparation works prior to the resumption of quarrying (for things such as bases for quarry buildings). If the locals are right it seems there has been an awful lot of demolition material going into the site with the accusation of “fly-tipping”. What’s the EA’s take on this?” On 17 August 2010 he clarified that “There’s no specific planning permission allowing the importation of waste material.
- 6.10 On 19 August 2010 Georgina Gilpin sent an email to Mike Deaton with answers to a series of questions following complaints by a local resident.
- 6.11 The 16 February 2011 Monitoring Report notes that “development work to prepare the site for recommencing mineral operations has continued since the last Monitoring Visit (30 March 2010)”. It states that “the operator has used suitable material from the old tipping areas of the western side of the site, together with imported soils, to create a bund along the sides of western access road in order to create a bat flight-line through the site between the Potter’s Field roost and feeding areas to the north of the quarry”. It goes on to observe that “the operator has tipped several metres of fill into the bottom of the main void in order to produce a working area and to restrict the surface water into a smaller and deeper water body. This allows for a more efficient pumping system to be operated.” The photographs in the Report show areas which the operator intends to restore using imported soil.
- 6.12 On 2 August 2011 the site operator informed Devon County Council (email from Georgina Gilpin (Finance Manager), Sam Gilpin Demolition Ltd to Sue Penaluna (Development Management Officer, Devon County Council) that there was a stockpile of approximately 3000 tonnes of crushed concrete/bricks in the quarry void and about 250 tonnes of topsoil. The email was accompanied by a table detailing dates, sources and quantities of waste.
- 6.13 The 20 September 2011 Site Monitoring Report which was prepared following an inspection of the site that Dave Pressley and Sue Penaluna made on 11 September 2011 accompanied by Georgina Gilpin (Finance Manager) as the representative of the site owner notes the current situation as being: “Development work to prepare the site for recommencing mineral operations under the ROMP permission is continuing. This has necessitated the importation of a quantity of construction waste into the bottom of the main void in order to provide a source of suitable materials for the re-profiling of some of the haul routes, and the surfacing and concreting of the haul roads.”
- 6.14 The report includes a series of photographs of different parts of the quarry. Beneath a photo of the quarry void it comments that: “The operator brought in the mobile crusher the day before the Monitoring Visit to crush and screen the concrete and brick construction waste which has been brought into the site to re-grade and resurface the site’s haul roads. It was agreed at the Visit that the material imported into the site will be sufficient for the operator’s needs and that prior notification and approval will be sought from the Waste Planning Authority before any further demolition materials is brought into the site”

## **7 Conclusions**

- 7.1 It is clear that substantial quantities of waste material were brought to the site over the period from late 2008 to mid/late 2011. The site has been regularly monitored and complaints/allegations about possible unauthorised activities have been investigated.
- 7.2 The view of the officers I interviewed was that waste material was legitimately imported to and processed at the site by virtue of the 2002 planning permission and/or permitted development and did not therefore constitute a material change of use. I find no reason to disagree.
- 7.3 There is no evidence that officers had privately consented to a change of use of Whitecleave Quarry for waste disposal or processing and filling in of the quarry.
- 7.4 In early January 2009 Devon County Council required Gilpin Demolition to submit a management scheme and this was approved in July 2009. The use of waste material to fulfil the requirements of that scheme was consented development. The scheme did not however include an assessment of the quantities of material required or indicate where it would come from.
- 7.5 There is a condition (condition 4) attached to the 2002 ROMP consent which states:  
*WASTE IMPORTATION RESTRICTION*  
4. No refuse, waste or other imported material shall be deposited on any part of the Mineral Site unless otherwise agreed in writing with the Mineral Planning Authority. Reason: In the interests of local amenity and to prevent the unnecessary increase in traffic attracted to the site while mineral operations are continuing.  
I could find no evidence that the County Council has agreed in writing to the importation of waste.
- 7.6 I found that the organisation and management of the documentation relating to the management scheme and the monitoring of the site was unsatisfactory. It would appear that the approved management scheme and associated plans may not have been amongst the documents readily available for public inspection.
- 7.7 The officers I interviewed were clear that at no time had the written opinion of the County Solicitor been sought as they felt that the planning issues were clear-cut. Simon Clarey from the County Solicitor's Department confirmed that that was the case.
- 7.8 With regard to the complainant's allegations about environmental breaches, the appropriate assessment was prepared in conjunction with Natural England. There is no evidence that environmental Regulatory requirements have been breached.

## **8 Recommendations**

### **Recommendation 1**

That the Investigating Officer and Sue Penaluna (Development Management Officer) offer to meet the complainant in Buckfastleigh to present him with a copy of this report, apologise that not all of the relevant documentation may have been made available to him and explain the findings in this report that:

- It is the Council's view that no change of use has taken place and that the waste material that has been used at Whitecleave Quarry was consented development

- The activity that has taken place since late 2008 does not prejudice or prejudge the Council's consideration of the current planning application.

**Recommendation 2**

8.2 The Development Management Team by asked to review how the monitoring records of all waste and minerals sites are organised and implement the necessary improvements.

## **Appendix 1**

### **Investigation into complaint by Neil Smith (Chairman of Buckfastleigh Community Forum) in relation to Whitecleave Quarry, Buckfastleigh**

#### **Note of meeting between Roland Pyle (Policy Officer, Services for Communities, Devon County Council) and Sue Penaluna (Development Management Officer, Devon County Council) on 24 January 2012**

Roland Pyle explained his role as investigating officer in relation to Mr Smith's complaint and that he would be meeting the other officers named in Mr Smith's 9/1/12 letter to the Council's Chief Executive.

RP described his understanding that the central issue in complaint is whether at some point between late 2008 and early 2010 planning officers privately consented to a change of use of the site from a quarry to use for the disposal and processing of waste and filling in of the quarry.

SP agreed that the existing consent is for quarrying winning and working of minerals. SP view is that the central question is what the existing mineral consent permits.

Gilpins made a planning application in 2008 for waste processing that was subsequently withdrawn.

The issue is what the existing permission permits. The reason for the material being imported is for hard surfacing required for dust suppression and to create the bat bund in order to discharge the conditions of the ROMP. There is disagreement locally about the owner/operator's intention in carrying out that work.

ROMP governs activity on the site. ROMP permits the winning of working of minerals. The site is not presently being worked. The owner/operator "could" be preparing it in order that it can be used for the purposes described in the current planning application which will be considered by the Development Management Committee in April 2012 but this could also be regarded as compliance with the ROMP conditions.

SP will provide RP with the owner/operator's record of waste imported. David Pressley has written monitoring reports.

SP's view that the processing of waste and filling in of worked out quarry could be covered by the ROMP as ancillary activity. If the owner/operator had asked us we would have given permission for this on basis that intended use of imported waste was for construction bat bund and using imported concrete to make up track ways in order to reduce dust required as part of the ROMP conditions. SP advised the owner/operator not to bring in further waste without prior consent.

No waste material has been imported, processed and then exported or removed as far SP is aware. The one exception being a weighbridge which proved unsuitable/defective after purchase.

Owner/operator asked SP if they could bring some road planings into the site to harden up tracks and SP agreed. Planning authorities have to apply a test of reasonableness given the permitted development rights.

Current application has an area of working not covered by the ROMP

As far as SP knows none of the material which has been imported has left the site. Material taken in is intended to comply with permission. No evidence from objectors that material has left the site.

Sue had spoken to Simon Clarey (County Solicitor's Department) who joined a meeting with the Forum but never felt it necessary to seek a written legal opinion. SP consulted him on the contents of Dave Black's letter dated 5/8/11 to Mel Stride MP prior to its dispatch.

SP commented that planning officers are required to make judgements all the time about what is reasonable and what is permitted development.

Material imported has not been processed for sale but crushed to make it easier to store/stockpile. Different from processing for sale. Not unreasonable to bring in material if it has a purpose associated with the legal use of the site.

With regard to the Environment Agency comments quoted in Mr Smith's letter, no material has been tested. The material is concrete and subsoil.

With regard to the Natural England response, Julian Slater (NE, Planning Liaison) when asked to clarify the comment about impact on bat habitat was that "I only made it on basis of what was in the Environmental Statement". The clearance related to taking down of buildings and removal of machinery. There has been no site clearance since Feb 2011. Nothing has been done that could equate to clearing trees but SP did agree to removal of one or two dangerous trees. SP understands that bats are moving through site. Would expect NE to be clearer if there was any significant risk to bats. SP did not visit site when it was an active quarry.

SP recognises the conditions attached to the ROMP. Would have agreed to importation on basis that they are seeking to comply with conditions attached to planning permission. Subjective

SP not aware of any private meetings. No permission to process waste has been issued.

SP has shown Mr Smith all the available documents. No documentation has been hidden. He has seen all files (working files, ROMP files, planning permission files etc) except older pre-ROMP files which he has been invited to view. Mr Smith has not been able to identify what is missing. However, not everything that planning officers say is put in writing and it would be unreasonable to expect them to.

The road planings were from South West Highways and used in quarry site not from Devon County Council. SP had checked with DCC highways management colleagues.

SP disagrees that processing waste is/has been undertaken. There is no stockpile of road planings. There are stocks of soil and concrete. No exporting of waste has taken place.

Current planning application will be considered by Development Management Committee in April 2012.

## Appendix 2

### **Investigation into complaint by Neil Smith (Chairman of Buckfastleigh Community Forum) in relation to Whitecleave Quarry, Buckfastleigh**

#### **Note of meeting between Roland Pyle (Policy Officer, Services for Communities, Devon County Council) and Dave Black (Head of Planning, Transportation and Environment) and Stewart Redding (County Development Manager) on 26 January 2012**

Roland Pyle explained his role as investigating officer in relation to Mr Smith's complaint and that he would be meeting the other officers named in Mr Smith's 9/1/12 letter to the Council's Chief Executive.

The purpose of the meeting was to gather information to enable Devon County Council to respond to the allegations as it was understood that Dave Black and Stewart Redding had both responded to Mel Stride, MP in August 2011. Both had been involved in the meeting with Neil Smith and another representative of the Buckfastleigh Community Forum on 3rd August 2011. Also, they had both attended the Members' Site Visit and Site Meeting to Buckfastleigh on Thursday 29th September 2011.

SR & DB confirmed that this had been the extent of their involvement.

RP described his understanding that the central issue in complaint is whether at some point between late 2008 and early 2010 planning officers privately consented to a change of use of the site from a quarry to use for the disposal and processing of waste and filling in of the quarry.

SR agreed that the principal activity taking place was in accordance with the ROMP conditions and 'permitted development' within the mineral site.

Gilpins made a planning application in 2008 to carry out recycling operations on the site. This application was withdrawn and re-submitted in August 2011.

Colleagues are clear that recycling at the site would be subject to a new planning application.

The various activities that have been carried out at the site are permitted. Roadways are being built with the materials being imported to site. A bund has been created for bats to provide an alternative route for them and is in accordance with the ROMP.

SR commented that with regard to infill in the bottom of the pit then Dave Pressley or Mike Deaton or Sue Penaluna would need to respond.

ROMP conditions permits the winning of working of minerals, and no quarrying, other than preparatory work, is currently taking place. No blasting should be taking place but there was an alleged occurrence of blasting. Dave Pressley investigated and found no evidence of blasting.

The ROMP submission was approved on 5 February 2002 (and was based on the original planning permissions), with 30 or so conditions including restoration and importing of waste.

The waste imported into the site over the period in question would have been for the improvements to the access tracks and to construct the bat bunds. The waste seen on site but actual details not noted. Sue Penaluna, Dave Pressley and Mike Deaton have seen and satisfied all activities at the site have been in accordance within the ROMP conditions and 'permitted development'. SR 'As far as I am aware no crushed materials have left the site'.

As far as receiving Legal opinions from the County Solicitor, as to whether the activities were classed as 'permitted development', or if a separate planning application would be required, there may have been telephone discussions with Simon Clarey, Legal. Contact would have been made by Sue Penaluna or Mike Deaton. SR was not aware if any written opinions had been requested.

RP advised that a letter dated May 2008 from the EA refers and Mr Smith had quoted details. It is considered that any Environment Agency instructions would have been directed to the persons bringing in questionable materials to a site.

SR Colleagues may be aware of an advisory letter from the Environment Agency. 'I am unable to comment'. Files will need to be checked.

Natural England had responded about clearance of vegetation during 2008-2009 and raised concerns on the impact on the bat habitat. SR 'I'm not in a position to comment'. There has been constant engagement between DCC, the Applicant, DCC's Consultant and Natural England regarding the bat flight path.

Members will consider the current planning application at Development Management Committee, possibly in April 2012. At present there is no approval for a method of blasting in relation to the impact on the bats. General conditions allow blasting, but this cannot take place until the conditions are discharged.

RP It is alleged that documents are missing from the file but unclear what may be missing.

SR A group of residents including Mr Smith had viewed all of the documentation on files held for the site. Sue Penaluna would hold these files; they would cover planning for the site as a whole and all documents should be on file. 'To my knowledge the files are complete' DB endorsed. Mr Smith recognises that DCC are open and transparent and that files are held prior to 2002 and that these could be made available for view.

DB confirmed that he has met with the group and engaged with them and a site meeting took place in September 2011. Sue Penaluna is keeping Neil Smith in the loop on the Health Impact Assessment.

SR Activities in the period 2008 - 2010 involving the importing of waste, demolition waste, soil, sub soil and processing on site have taken place in accordance with the ROMP consent and 'permitted development'. As Development Manager written consents given in accordance with ROMP and Permitted development 'Yes'

SR had been hands-off since 2008. Monitoring Reports prepared and held by Dave Pressley ~~should~~ show the monitoring regime. When bonfires and blast reports were received these had resulted in additional visits by Dave Pressley to the site following such complaints.

DB,SR Both expressed that they wanted to continue to ensure that no unauthorised activities are going on at the quarry.

## Appendix 3

### Investigation into complaint by Neil Smith (Chairman of Buckfastleigh Community Forum) in relation to Whitecleave Quarry, Buckfastleigh

#### Note of meeting between Roland Pyle (Policy Officer, Services for Communities, Devon County Council) and Mike Deaton (Development Management Officer, Devon County Council) on 27 January 2012

Roland Pyle explained his role as investigating officer in relation to Mr Smith's complaint and that he would be meeting the other officers named in Mr Smith's 9/1/12 letter to the Council's Chief Executive.

RP described his understanding that the central issue in complaint is whether at some point between late 2008 and early 2010 planning officers privately consented to a change of use of the site from a quarry to use for the disposal and processing of waste and filling in of the quarry.

MD's first involvement was in relation to the planning application for the waste recycling facility.

Before that was submitted Hansons had stopped working the site.

Gilpin got the contract for removal of metalwork and things which needed removing as part of the restoration of the site. They viewed it as a good site for waste recycling. Asked DCC for a screening assessment in relation to need for an environmental assessment.

Gilpins made clear their intention to resubmit an application at a future date.

DCC made it clear that only permission is for a quarry activity and that only permitted works were for quarrying.

There were complaints about activities in late 2008. DCC made it clear that any works had to be in connection with quarrying operations.

Biggest works were for condition to do with bats: building a bat flight corridor which was created using waste imported to the site. This was required before quarrying operations could recommence. This was condition 21 of the ROMP. Part of strategy agreed with Natural England.

Importation of concrete, soil and sub-soil was agreed for hedgebank and planting tree. Also need for material for concrete areas – loading areas at site – under permitted development.

Permitted development doesn't cover importation of waste but does allow for construction of buildings, roadways and yard areas which could utilise suitable waste material.

There were regular complaints about site. Allegations about the importation of waste, blasting and burning all of which were investigated.

Arranged for residents to visit quarry with operator to show site.

It is a fine balance about what's appropriate for mineral extraction to recommence. Always known that operator was preparing a further application for waste processing and recycling.

It is always a judgement about whether they are working towards that aim. They have always maintained that they would reopen quarry and blend materials.

Clear that only legal works were in connection with quarry.

DCC position is that work is covered by ROMP and/or permitted development.

Written opinion from county solicitor never sought.

MD not involved with site any longer. MD will make emails available to RP.



## Appendix 4

### Investigation into complaint by Neil Smith (Chairman of Buckfastleigh Community Forum) in relation to Whitecleave Quarry, Buckfastleigh

#### Note of meeting between Roland Pyle (Policy Officer, Services for Communities, Devon County Council) and Dave Pressley (County Monitoring Officer, Devon County Council) on 2 February 2012

Roland Pyle explained his role as investigating officer in relation to Mr Smith's complaint and that he would be meeting the other officers named in Mr Smith's 9/1/12 letter to the Council's Chief Executive.

RP described his understanding that the central issue in complaint is whether at some point between late 2008 and early 2010 planning officers privately consented to a change of use of the site from a quarry to use for the disposal and processing of waste and filling in of the quarry.

RP explained that this is a stage 2 complaint and that the complainant had met Dave Black and Stewart Redding and that Dave Black had written to Mel Stride MP.

RP noted that there was an approved management scheme dated July 2009 accompanied by approved plans.

DP confirmed that he is DCC monitoring officer and his task is to check compliance with conditions. Had visited site regularly over the period 2007 to date and produced monitoring reports which are in the file. Site has been subject of complaints from local residents which he had followed up.

Operator has been doing the right things. DP acknowledged that this could be construed as being done for other purposes.

Material has been brought in as part of the reopening of the quarry. DP had seen the July 2009 approved plans. There was a choice between blasting and importing material to implement the approved scheme.

There was not an, assessment as part of the approved management scheme, of where material would come from to implement it.

Site would flood up to lip of void unless pumped. The operator has raised part of the quarry floor by about 2 m (approx) to create a sump in which automatic pumps could be used to control the water in the quarry void. This was shown in the March 2010 and later Monitoring Reports.

DP stated that material had been brought in for regrading of roads, site office, bat corridor as part of development of quarry. DP said he had seen imported material in bottom of site, concrete/brick waste. DP said "There is a condition that it needed approval. I don't believe that that approval in writing has been given but the material came in there for a reason for road making, foundations for offices and stocking yard and controlling water." Crusher used to reduce size of material.

Impacts of blasting would have significant environmental effects on bats, wildlife and residents which would be far more significant than importation.

Only verbal approval given for importing waste to DP's knowledge. No knowledge of written approval having been given in accordance with ROMP condition.

Not a waste disposal operation. Material that went in has been used beneficially.

DP noted comment in Sept 2011 Monitoring Report that no more material was needed and that any more would be classed as waste disposal.

DP happy with what has happened. Least environmental disbenefit.

Accept that DCC could be criticised for not sending letter approving importation of waste material but feels that what DCC has done is in best interests of environment.

## Appendix 5 Minerals Planning Policy Background

### National Minerals Policy Guidance

#### Minerals Planning Guidance Note 7: “Reclamation of Mineral Working”

MPG 7 was published in November 1996 by the then Office of the Deputy Prime Minister but still remains in force. Paragraph 21 states:

*“Some surface mineral workings can provide suitable void space for the landfilling of controlled wastes. At the same time, landfilling can provide opportunities to re-create preworking or acceptable, new landscapes. This interaction is particularly relevant to policy considerations and good practice options for reclamation of such workings.”*

Paragraph 51 amplifies this:

*“Approximately 70% of controlled waste produced in the UK is finally disposed of to landfill sites. The vast majority of this waste is landfilled into current or former mineral voids. In many cases this interaction has been, and may continue to be, beneficial both in finding an acceptable location for the disposal of the waste and to achieve the reclamation of the mineral working. However, the choice to integrate the two activities should be a deliberate and conscious one, which takes account of the joint impact of the extraction and landfill on the site and surrounding area. Successful reclamation of a mineral site does not automatically imply a preference for reinstatement to former original contours and ground levels.”*

### Local Minerals Planning Policy

#### Devon Minerals Local Plan (Adopted June 2004)

Paragraph 12.19.3 of Chapter 12<sup>2</sup> (“Development Control Considerations”) of the Devon Minerals Local Plan adopted in June 2004 explains that: *“The GPDO [Town and Country Planning (General Permitted Development) Order 1995] also allows tipping of waste **generated at a mineral site** [emphasis added], or on ancillary land already used for tipping, subject to restrictions governing the height and area of the deposits. In most cases, waste material tipped at the site is controlled through the working programme as part of a planning permission to ensure that it is disposed of in a manner which minimises its environmental impact.”*

And paragraph 12.19.8 states that: *“When considering if materials should be imported into a Mineral Site the County Council will take into account whether or not there is a close link between the proposal and the existing mineral operations or manufacturing processes. Similarly, the County Council will also consider if there are any particular benefits for the increased use of secondary materials and recycled aggregate when considering proposals for associated development.”*

Policy MP52 covers the importation of materials to mineral sites and is reproduced below

#### **“POLICY MP 52 IMPORTING MATERIALS TO MINERAL SITES**

*Proposals for the importation of materials to a minerals extraction site where minerals processing takes place will be permitted where increased lorry movements to and from the site would not give rise to unacceptable impacts on the environment or on local communities and:*

- (i) importing materials enhances the use that can be made of existing processing and/or manufacturing plant without creating excessive demands on storage capacity within the site; or,*
- (ii) importing materials promotes the use of secondary minerals and of recycled aggregate.*

*Conditions will be imposed to limit the duration of the permission to ensure that continued minerals processing on the site does not interfere with any programme for site restoration.”*

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<sup>2</sup> Available in full at <http://www.devon.gov.uk/amplp-chapter12.pdf>

## **Appendix 6**

### **10 October 2008**

This media statement was agreed between Mike Deaton and the Devon County Council press office in response to complaints about activity at Whitecleave Quarry: "A number of complaints have been received relating to noise and removal of vegetation which are being investigated by Devon County Council. However, there is a current valid planning permission at Whitecleaves Quarry for mineral extraction and planning conditions attached to the permission require the owner to undertake remedial work in connection with the restoration of the quarry."

[Email 10/10/08 from Mike Deaton to DCC Media and Public Relations Officer]

### **14 October 2008**

The Environment Agency received complaints about activity at the site and Mike Deaton confirmed that "There is a planning permission at the site for mineral extraction although there hasn't been any quarrying for some time. I'm told by Gilpin that the works they have been doing at the site are remediation works relating to quarry restoration. I think they can make the case that all of the concrete footings should be removed and in normal circumstances I think this is something we would require. As to the draining of the quarry my comment would be that the restoration of the site lets the quarry flood to natural levels so why would they wish to drain it? I visited the site last Friday and did note that the pipe work for the site has been put in place and there is a floating pump. Having spoken to Gilpin I understand that they are considering working the quarry in accordance with the planning permission and this would require the draining of the lake. At this stage I need to write to the land owner [Mrs Trueman] and try and find out her intentions. This is on the basis that Gilpin are acting on the landowner's instruction in the matter of the quarry restoration."

[Email 14/10/08 from Mike Deaton to Environment Agency]

### **25 October 2008**

Mike Deaton's reply to an email from Natural England's Conservation Officer about the impact of activity on the site on the Greater Horseshoe Bat population was that "I'm aware that there have been a lot of concerns raised that Gilpin has started work on the site without the benefit of planning permission. I did look at the site two weeks ago and it seemed to me that some of the scrub and trees that had naturally regenerated over the years had been cleared. Gilpin was also in the process of demolishing and processing large concrete foundations which had been left over from the last phase of quarrying activity and most of the scrub clearance was in order to facilitate this. From a planning point of view normally the demolition works would be permitted development and consent would not be required for scrub clearance. As you are aware the quarry area still has an extant planning permission and Gilpin claim that the works they are doing are restoration works on behalf of the quarry owner, Mrs Trueman [albeit the areas where works are taking place are the same areas as the planning application]. In terms of the removal of the concrete structures I think this would be encouraged in a restoration scheme."

[Email 25/10/08 from Mike Deaton to Conservation Officer, Natural England]

### **18 November 2008**

In an email to a local resident who had written objecting to the planning application for the recycling facility and activity at the site Mike Deaton explained "I am aware of the ongoing issues on the recent noise disturbance and possible impacts on nature conservation interests. I have written to the land owner, Mrs Trueman, to try and establish the basis on which the works are being carried out. As you may be aware there is still a valid planning permission for quarrying operations. The works which have been carried out involved the demolition [and crushing] of a number of concrete structures and these works do not require planning permission. The vegetation clearance works also do not need planning permission, but, as I say, I have asked the land owner how this works tie in with any planned future quarrying or restoration works. Essentially if the quarry is no longer to be operated then the restoration is essentially to let the area naturally regenerate whilst keeping access tracks clear. The County Ecologist and representative of Natural England visited the site last week and met with Gilpins. The view is that the clearance works had not impacted on the bats as the flight lines remain in

place. There has been no clearance work in the SSSI. There are no further vegetation works planned.”

[Email 03/11/08 from Mike Deaton to occupier of 2 Rangers Close, Buckfastleigh]

### **3 December 2008**

Georgina Gilpin (Finance Manager, Sam Gilpin Demolition Ltd) email to Mike Deaton explaining that “I would like to confirm that we will be pursuing the current planning permission to quarry. I believe that some activities are possible on the site before all the conditions on the permission are fulfilled as long as they are notified to yourself and agreed. Please confirm that this is correct and I will then be able to submit our initial plans for things like getting the pump up and running and placing pipes for surface water drainage.”

[Email 03/12/08 from Finance Manager, Gilpin Ltd to Mike Deaton]

### **5 January 2009**

Email from Georgina Gilpin to Mike Deaton:

“Further to our conversations at the end of last year I write to confirm our intentions for activities at the quarry commencing near the end of this month assuming we will have your written approval.

1. Drainage and associated pipework on the entrance area and around the weighbridge area.
2. Concrete in areas as above
3. Installation of new weighbridge
4. Installation of wheelwash area
5. New gates on entrance and additional fencing
6. Works to access road up into the quarry area to make a smoother slope
7. Modernisation of current weighbridge building
8. Removal of roof and its replacement
9. Levelling of spoilheaps in area North of quarry entrance
10. Concrete pad in area above to enable us to site our temporary offices.
11. Crushing of concrete blocks in area as above and use of material to level
12. Removal of water in quarry basin with pontoon pump
13. Equipment on site for quarrying purposes
14. Installation of water tanks filled by quarry water to provide water source for wheelwash

Whilst this is not an exhaustive list I will ensure that you are kept informed of our activity wherever practicable and will only be working in permitted areas with permitted activity under the current planning permission.”

[Email 05/01/09 from Georgina Gilpin to Mike Deaton]

### **9 January 2009**

Email from Mike Deaton to Georgina Gilpin:

“As you are aware Whitecleaves Quarry is located close to the South Hams Special Area of Conservation [SAC] which was designated in 2005. Because of the potential impact of quarry operations on Greater Horseshoe Bats the site is now subject to the requirements of The Conservation (Natural Habitats & c) Regulations 1994.

The requirement under the Regulations is that the existing quarry planning permission is reviewed to assess whether the operations would have a likely significant effect on the SAC. In doing so DCC must make an appropriate assessment of the implications of the renewed quarry working on the

conservation objectives of the SAC. At this stage it is not clear whether or not quarrying will have a potential impact on the bat flight lines and thus adversely affect the integrity of the SAC.

As you are aware planning condition 19 (protection of existing trees and vegetation) and condition 21 (submission of management schemes) require submission and approval of schemes before quarry operations can recommence. The schemes should be sufficiently detailed to provide the information relating to bat flight lines necessary for DCC to do the appropriate assessment. Mitigation to remove, reduce or ameliorate any adverse effect on integrity of the SAC should be submitted as part of the schemes.

Also, I should also remind you of the requirements to comply with all of the quarry planning conditions, a number of which require the submission and approval of the schemes before quarry operations can recommence. I have attached a copy of the decision notice and would draw your attention to conditions 2., 6., 7., 12., 16., 19., 20., 21., 25., and 28.

As to the list of operations set out in your email of 5/1/09 these would normally be permitted development by virtue of Part 19 of the General Permitted Development Order. However, the Conservation (Natural Habitats, &c.) Regulations 1994, apply to these permitted development rights. I have forwarded your email to Natural England to ask their opinion as to whether or not the proposed development would be likely to have a significant effect within the meaning of the Regulations.

At this stage you should not proceed with any of the developments set out in your email. In the event that Natural England conclude the permitted development operations will not have a significant effect on the SAC the permitted development may proceed. However, if Natural England is of the view that the development would be likely to have a significant effect an application would have to be made to DCC under Regulation 62 of the Conservation (Natural Habitats & c.) Regulations 1994.

For your information I have attached copies of Habitat Regulation Guidance Notes 2 and 6 upon which the above advice is based."

[Email 09/01/09 from Mike Deaton to Georgina Gilpin]

## **24 February 2009**

Email from Georgina Gilpin to Mike Deaton and Conservation Officer, Natural England

"Further to our recent conversations I have attached maps to indicate the level of works we would like to undertake within the current permission to quarry and permitted rights.

There is only one area that we would like to discuss the removal of one tree where we intend to level the spoil heaps and site our temporary offices. I have supplied maps with the option 1 that leaves the tree in its current location or Option 2 that includes its removal. The only reason for its removal is to aid the sight line/engineering on that side of the bank. This was pointed out on our site meeting with Clare, Sarah and myself on Thursday 29<sup>th</sup> January. If this is contentious in any way and may hold up your decision we can work around it. If the tree is removed it could be replanted into the proposed green lane bund.

The green lane is for works under the provision for management of trees and vegetation and serves to increase the levels of native species enhancing the location for species that use the area to forage and giving the bats a private thoroughfare to traverse the site. The lane would be wide enough to allow vehicle access to maintain the undergrowth.

I hope these maps serve the purpose required and we can conclude the working areas as soon as possible and commence works to take advantage of the early growing season for the green lane to establish.

I await your earliest comments."

[Email 24/02/09 from Georgina Gilpin to Mike Deaton and Natural England]

## **9 March 2009**

Email from Georgina Gilpin to Mike Deaton, Conservation Officer Natural England and County Ecologist, Devon County Council

"This email is to confirm and clarify our request for works at Whitecleave Quarry, Buckfastleigh under the permitted development rights within the current planning permission on the site.

I confirm that we have no intention to remove or move any trees other than that which is identified on the attached maps. Any such activity will be notified to Devon Council and will have all parties in agreement before any action is taken.

There are two site plans with the only difference in Option 2 being the removal of one identified tree in area b.

Points 1 to 8 relate to Area A on the map

Points 9 to 11 relate to Area B on the map

Point 12 relates to Area C on the map

Point 13 relates to all areas on the map

Point 14 will be in Area B on the map

Point 15 is identified on the site plan as 'green lane'

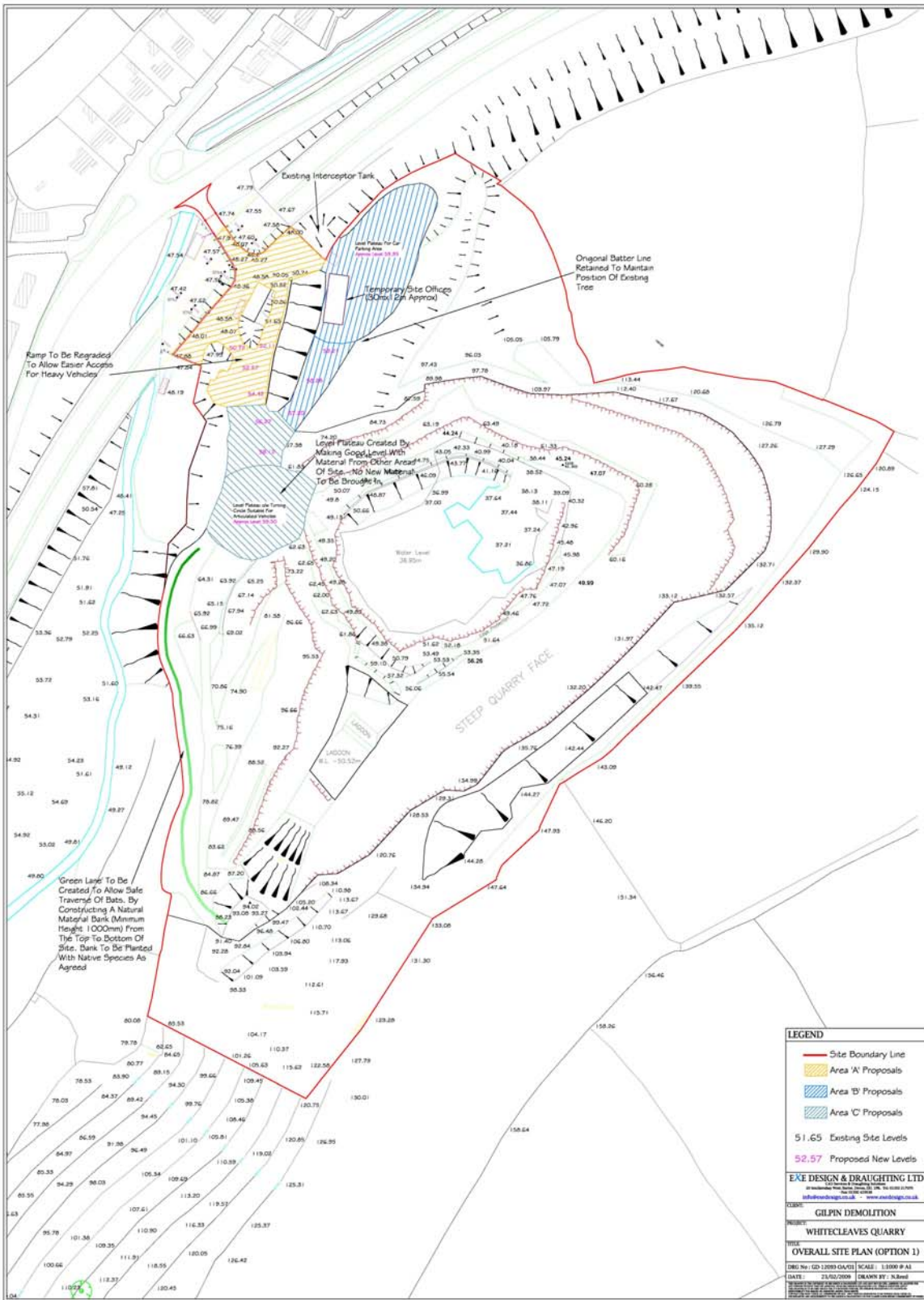
Works as detailed below:-

1. Drainage and associated pipework on the entrance area and around the weighbridge area.
2. Concrete in areas as above
3. Installation of new weighbridge
4. Installation of wheelwash area
5. New gates on entrance and additional fencing
6. Works to access road up into the quarry area to make a smoother slope
7. Modernisation of current weighbridge building
8. Removal of roof to current weighbridge building and its replacement before May as indicated within the mitigation programme supplied by Andrew Charles
9. Levelling of spoilheaps in area North of quarry entrance
10. Concrete pad in area above to enable us to site our temporary offices.
11. Crushing of concrete blocks in area b as above and use of material to level
12. Continued removal of water in quarry basin with pontoon pump
13. Equipment on site for quarrying purposes
14. Installation of water tanks
15. Making bund of minimum 1metre height from top of site to turning circle, called 'green lane' on site plan, and planting with suitable trees as agreed. This will give a lane width of at least 3metres to allow vehicle access if required for foliage maintenance during the time it takes for the lane to establish.
16. Removal of stockpiled greenery/trees left on site from previous works

I hope this clarifies our position, the responses we have had from yourselves thus far would indicate all of the above is satisfactory. We will await written permission from Devon County Council before any works on site commence.

It is prudent to point out there has been a small landslide on the southern edge towards the mouth of the quarry void which will have to be made safe. It can be identified on the site map between the numbers 62.63 and 65.25. This has not been identified as an important flight line area or potential roost for the bats and the shrubs in the landslide can be moved to the green lane bund. This has been previously notified to Mike Deaton. We have not touched the area but it is our intention to make this safe once on site. I have photographed the area and perhaps during Mike Deatons visit to site on 10 March 2009 with Dave Presley he can report on this?

I await your response."



Ramp To Be Regraded To Allow Easier Access For Heavy Vehicles

Existing Interceptor Tank

Temporary Site Office (SQM) BA Approval

Original Batter Line Retained To Maintain Position Of Existing Trees

Green Lane To Be Created To Allow Safe Traversal Of Bats. By Constructing A Natural Material Bank (Minimum Height 1000mm) From The Top To Bottom Of Site. Bank To Be Planted With Native Species As Agreed

STEEP QUARRY FACE

LAGOON

**LEGEND**

- Site Boundary Line
- Area 'A' Proposals
- Area 'B' Proposals
- Area 'C' Proposals

51.65 Existing Site Levels  
52.57 Proposed New Levels

**EKE DESIGN & DRAUGHTING LTD**  
 49 Woodhouse Way, Northampton, NN2 7JL, UK. Tel: 01603 217475  
 info@ekedesign.co.uk www.ekedesign.co.uk

**CLIENT:**  
GILPIN DEMOLITION

**PROJECT:**  
WHITECLEAVES QUARRY

**TITLE:**  
OVERALL SITE PLAN (OPTION 1)

**DRG No:** 12D-12059-04(01) **SCALE:** 1:1000 @ A1

**DATE:** 25/02/2009 **DRAWN BY:** N.Barnard

Not to be used for any other purpose without the written consent of EKE Design & Draughting Ltd.





**10 July 2009**

Georgi,

Please find attached the DCC comments on your submission regarding the discharge of the planning conditions.

For convenience I've added the DCC comments on your spreadsheet. I'll stamp and sign it as an approved document for your records and post it on to you.

I can confirm that the quarry operations at Whitecleave may now re-commence.

Thank you for your notification of the installation of the water tank and I can confirm this is acceptable.

I will also contact you shortly re the question of Appropriate Assessment when I've clarified it with Sarah.

Mike

[Email 10/7/09 from Mike Deaton to Georgina Gilpin]

**30 June 2010**

Thank you for your email.

I'll check with Gilpins to try and ascertain what is going on at the site. There is no planning permission for waste disposal or precessing so waste material shouldn't be going in. I'll also ask the Environment Agency to see if there are any waste licence issues here [if waste is being deposited at the site a permit would be required from them also]. As to the dust I'll check the planning conditions to see what can be done. I'll also check with colleagues in highways to see if the dust constitutes a highway hazard and check with Colin Bignall to see if it's a statutory nuisance.

For your information I've attached a copy of the Environmental Impact Assessment screening opinion recently issued by DCC in relation to a proposed recycling facility. This means that should Gilpin wish to make a planning application for a recycling facility they would have to carry out an Environmental Impact Assessment and submit an environmental statement with the planning application.

So, I can confirm that at the present time the only operations that should be happening at Whitecleaves are those solely relating to quarrying.

Mike

[Email 30/06/10 from Mike Deaton to a local resident in response to a complaint about Gilpin lorries entering the site]

**17 August 2010**

---

**From:** Mike Deaton [mailto:mike.deaton@devon.gov.uk]

**Sent:** 17 August 2010 13:04

**To:**

**Subject:** RE: Whitecleaves Quarry

There's no specific planning permission allowing the importation of waste material. A quarry operator has certain permitted development rights but it is unusual for a quarry operator to bring in waste material, they tend to use stone from the quarry. The permitted development rights are:-

A. The carrying out of operations for the erection, extension, rearrangement, replacement, repair or other alteration of any-

- (a) plant or machinery,
- (b) buildings,
- (c) private ways or private railways or sidings, or
- (d) sewers, mains, pipes, cables or other similar apparatus,

on land used as a mine.

I think that Gilpins could use waste for foundations for the buildings and formation of new tracks but little else.

I'd be interested to know what exemptions have been granted.

Mike

-----Original Message-----

**From:** @environment-agency.gov.uk]

**Sent:** 16 August 2010 12:46

**To:** Mike Deaton

**Subject:** RE: Whitecleaves Quarry

Dear Mike

Thanks for the information - I plan to make a visit to the site in the near future concerning the issues mentioned below, and will update you following the visit. What volume / type of material does the planning permission allow the site to import?

Kind regards

Pete

---

**From:** Mike Deaton [mailto:mike.deaton@devon.gov.uk]

**Sent:** 13 August 2010 16:09

**To:**

**Subject:** RE: Whitecleaves Quarry

Click [here](#) to report this email as spam.

I'm getting lots of angry call about waste material going into Whitecleaves.

The only planning permission here is for quarrying and my understanding is that the demolition material going into the site was only to do with site preparation works prior to the resumption of quarrying [for things such as bases for quarry buildings]. If the locals are right it seems that there has been an awful lot of demolition material going into the site with the accusation of 'fly-tipping'. What's the EA's take on this?

Mike

-----Original Message-----

**From:** I@environment-agency.gov.uk]

**Sent:** 20 July 2010 18:15

**To:** Mike Deaton

**Subject:** FW: Whitecleaves Quarry

Hi Mike

Sorry - forgot to add you on my list!

Please see below for info.

Regards

[Email exchange 17/8/10 between Mike Deaton and Environment Officer – South, Environment Agency]

**19 August 2010**

Further to our recent conversation and your email below I write to confirm details as follows:-

1. What quantities of waste material have been brought into the site?

To date we have imported 4,971 tonnes of material

2. What types of waste materials have been brought into the site?

Soil, concrete, bricks

3. What are the waste materials being used for?

Making concrete for base, haul road and construction of green lane bund

4. Has any waste material been burned on the site?

At our construction phase with the quarry offices and latterly green waste produced on site

5. Why are lights being left on at the office buildings?

Human error

6. Are the office operations wholly connected to the quarry operations, or are they used for other purposes?

Quarry related operations only

7. What dust control measures are in place at the site?

Sprinklers set up on main haul road

8. What is the likely timescale for the commencement of quarry operations?

Hard to say as have to implement geotechnical survey, preparation on ES and Planning Application. I would like to say that all of these things are imminent in the next few months. After all of these things in place I will be able to submit our schedule of planned works/extraction

[Email 19/8/10 from Georgina Gilpin to Mike Deaton]