

Please find comments on the planning that specifically form the basis of objections based on relevant planning law.

	Planning Objections & Comments	References	Wording of Policy/Strategy
		Devon County Waste Local Plan 2006	
	<p>The applicant claims this development relates to inert waste but it does not according to the definition of inert waste in the Local Plan.</p> <p>The environmental statement admits that the waste brought to site will be classed as a “non-hazardous” product - hence, by definition, this site will be handling “non-hazardous” waste even to the applicant’s own admittance.</p> <p>It should be noted that even this claim is questionable as the European waste protocols lists “bottom ash, slag and boiler dust from co-incineration containing dangerous substances” as a “mirror entry” and hence requires testing in order to ascertain whether or not it is in fact “hazardous” waste which would require landfilling as hazardous waste. If it tests as “non-hazardous”, it will require landfilling as non-hazardous waste.</p> <p>The difference between hazardous, non-hazardous and inert waste is often a matter of degree of how much or how many toxic substances the material contains.</p> <p>MVV are trying to re-write legislation. As much as they have indicated their desire to have this product categorized as inert, clearly this is not the case. The co-incineration at the</p>	2.2.10	<p><i>“The term ‘Inert waste’ now refers only to those wastes which are truly inert, such as concrete, glass, brick, clay and subsoil. Waste previously described as “inert”, such as topsoil, construction and demolition waste, will in future only be classified as inert if it can be demonstrated to the satisfaction of the Agency that it is indeed inert”</i></p>

	<p>waste incinerator does not include comprehensive sorting before incineration and cannot guarantee there will not be dangerous substances. In their home market in Germany this is more likely. In the UK where MVV have not operated before, IBA is a mirror entry.</p>		
	<p>The development does not fulfil objectives of sustainability. It is not a sustainable development. The requirement of this facility is driven by the needs of the incineration process at the proposed Devonport incinerator.</p> <p>It should be noted that the incinerator that creates the waste product to be processed is being built as a power plant that happens to have waste as its fuel. It is credible to believe that there will not be enough locally produced waste by the end of its life and will need to either divert waste from streams of recycled waste or import waste from outside the county or even outside the <i>country</i> in order to continue producing electricity. This is exactly what is happening in MVV's home market of Germany, and in Denmark and in Sweden. The local authorities of the Waste Partnership will face financial penalties if they do not deliver minimum quantities of waste - which categorically produces a disincentive to move up the waste hierarchy. IBA is a product of this process and the solution IS NOT SUSTAINABLE by any sensible definition of the term, and hence it is in direct contravention of WPC1.</p> <p>The development of the quarry also threatens the cohesion, sustainability and health and wellbeing of the local community in Buckfastleigh and contradicts the town's ability to be sustainable and to build a strong and inclusive community. The proposed development would constitute demonstrable harm to the whole community in</p>	<p>POLICY WPC1: SUSTAINABLE WASTE MANAGEMENT</p>	<p><i>Planning applications for waste management facilities will only be permitted where they accord with the Objectives of the Waste Local Plan and form part of an integrated and sustainable waste management strategy for the County. When assessing a planning application for a waste management facility, regard will be had to:</i></p> <ul style="list-style-type: none"> <i>(i) the waste hierarchy;</i> <i>(ii) minimising the transportation of waste;</i> <i>(iii) self-sufficiency; and</i> <i>(iv) whether any potential adverse effects on the environment which cannot be mitigated are outweighed by wider environmental benefits</i>

<p>Buckfastleigh, and also contravenes policy WPC1 in this respect also.</p> <p>The waste hierarchy is being usurped with incineration being promoted up the waste hierarchy unnecessarily. There is no evidence of environmental benefit of this solution - it is a solution driven by short-term political expediency, not long term objective thinking based on the relative merits of the solution. More reasonable and more sustainable solutions have been offered and rejected based on political objectives not scientific evidence or objective reasoning.</p>		
<p>Notwithstanding that the proposals do not accord with other policies, the applicant has failed to demonstrate that their proposals contribute to a sustainable strategy, and hence the Whitecleave Quarry site should not be considered under WPP4.</p> <p>We note the requirement that <i>“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.”</i> This would surely entail a Public Enquiry into the source of the waste product at the proposed Devonport incinerator.</p>	<p>POLICY WPP4: CONSIDERATION OF PROPOSALS AT SITES NOT ALLOCATED IN THE PLAN</p>	<p><i>“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”</i></p>
<p>The proposals would clearly damage the natural beauty of the area, character and special qualities, being clearly visible from within the National Park, and creating a noise and pollutant hazard that would impact the National Park. The route used by HGVs is the boundary of the Park and is heavily used by tourists entering the Park. This damage is clearly unacceptable to the local community and would dissuade tourists from using Buckfastleigh as their gateway to the National Park.</p>	<p>POLICY WPP5: AREAS OF OUTSTANDING NATURAL BEAUTY AND EFFECTS ON NATIONAL PARK</p>	<p><i>“Proposals for waste management facilities within an Area of Outstanding Natural Beauty will not be permitted if they would conflict with the objective to preserve and enhance its natural beauty. No waste development will be permitted outside an Area of Outstanding Natural Beauty or National Park, which would unacceptably damage the designated area’s natural beauty, character and special qualities”</i></p>

	<p>There has been no clear demonstration that the mitigation measures proposed will not harm the wildlife or geological interest of Potter's Wood SSSI and the adjoining Buckfastleigh Caves SSSI, or the South Hams SAC which the site is within the buffer zone of. Mitigation measures are at best approximations of what may be achieved, and in no way respect the precautionary principle that is required and expected, especially in relation to one of the most protected species of bats in the world. The protected Daubenton's bat already seems to be in decline in the few short years the applicant has been on site (according to the surveys provided). This would make sense as the Daubenton's bat forages over the water in the quarry void which has been removed already against guidance from the Environment Agency.</p> <p>The essential cave hydrology of the SSSI is likely to be disturbed by the development, and the applicant has signally failed to alleviate concerns in this regard.</p>	<p>POLICY WPP6: SITES OF SPECIAL SCIENTIFIC INTEREST AND NATIONAL NATURE RESERVE</p>	<p><i>"Proposals for waste management facilities will not be permitted if they are likely to harm, either directly or indirectly, the particular wildlife or geological interest of a Site of Special Scientific Interest, a National Nature Reserve, or a Marine Nature Reserve"</i></p>
	<p>The development threatens the character and special quality of the conservation area of Buckfastleigh through dust disposition and traffic noise and vibration as well as odour and particulates from the traffic. This is especially true not just along Fore Street but at the Millennium Green park which borders directly onto the route of traffic and along Strode Road where the conservation zone is due to be extended. The tranquillity of the bowling green recognised by Dartmoor NPA in their review of the Conservation Area and views onto the site from within the conservation area are threatened.</p>	<p>Policy WPP10 CONSERVATION AREAS</p>	<p><i>"Proposals for waste management facilities which would conflict with the objective to preserve or enhance the character and appearance of Conservation Areas will not be permitted"</i></p>
	<p>Development will have an adverse effect; there is no obvious need for this development which could not be reasonably met otherwise.</p>	<p>WPP13 LOCAL CONSERVATION DESIGNATIONS</p>	<p><i>Proposals for waste management facilities which are likely to have an adverse effect on the following local sites of substantive nature conservation, geological or historic environment importance:</i></p>

	<p>We note that the applicant’s arguments that they do not have access to other sites which <i>are</i> available and could support this function; competition between businesses or the profit motives of the applicant are not planning considerations. Potentially if there is a demonstrable overriding need for this development it would be reasonable for the council to use its powers to compulsory purchase the necessary land that has been identified in the Waste Plan.</p> <p>The mitigations proposed do not offer the level of mitigation required for such an important site.</p>		<ul style="list-style-type: none"> • County Wildlife Sites • County Geological Sites • Local Nature Reserves • Sites listed on the Sites and Monuments Register • Sites listed on the Devon Local Register of Parks and Gardens of Special Historic Interest; or • Sites which following survey are shown to be of equivalent importance to those listed above, but are not designated as such will only be approved if: <ul style="list-style-type: none"> (i) there is a need for the waste management facility which outweighs the need to safeguard the nature conservation, geological or historic value of the site; and (ii) there are no reasonable, less damaging alternative solutions; and (iii) the development incorporates satisfactory provision for the mitigation of its impacts in the form of habitat creation/re-creation, landscaping or planting, conservation of geological or other features, and the recording, excavation and subsequent reporting of any historic or archaeological sites or features to be affected.
	<p>The rock outcrop that, controversially is proposed to be blasted functions as a key bat corridor and the proposed mitigation is a very poor approximation of what this rock outcrop achieves. This policy seeks to “restore and enhance key conservation interests, including landscape features which may provide wildlife corridors and links between habitats”- restore and enhance does not mean remove.</p>	<p>POLICY WPP14: MAINTENANCE AND ENHANCEMENT OF THE COUNTY’S NATURE CONSERVATION RESOURCE</p>	<p>“Proposals for waste management facilities shall include provision to maintain or enhance the extent, diversity and local distinctiveness of the County’s nature conservation resource. Planning conditions and planning obligations will be used to mitigate or compensate for any adverse impacts. Opportunities will be sought to manage, restore and enhance key conservation interests, including landscape features which may provide wildlife corridors and links between habitats”</p>
	<p>It would cause demonstrable harm to landscape and nature conservation. Impacts have not been adequately assessed. There is no clear overriding need. There are reasonable less damaging solutions. The mitigation is inadequate.</p>	<p>POLICY WPP15: AREAS NOT COVERED BY SPECIFIC POLICY DESIGNATION</p>	<p>Regardless of whether an area has been designated by specific environmental policies, proposals for waste management facilities which would cause demonstrable harm to the:</p> <ul style="list-style-type: none"> • landscape • historic character • local nature conservation importance • recreational value • archaeological value <p>will not be permitted unless:</p> <ul style="list-style-type: none"> (i) all the impacts of the proposed development have been adequately

			<p><i>assessed; and</i> <i>(ii) there is an overriding need for the facilities that would outweigh that harm; and</i> <i>(iii) there are no reasonable, less damaging solutions; and</i> <i>(iv) the development incorporates satisfactory provision for:</i></p> <ul style="list-style-type: none"> • <i>the mitigation of its impacts in the form of habitat creation/re-creation, conservation of geological or other features, and any subsequent beneficial management</i> • <i>the recording, excavation and subsequent reporting of any historic or archaeological sites or features to be affected</i>
	<p>The proposals clearly intend to discharge toxic leachate into a Protected water course.</p>	<p>POLICY WPP17: WATER RESOURCES PROTECTION</p>	<p><i>Proposals for waste management facilities will not be permitted which would cause unacceptable harm to water resources and the water environment (either by way of pollution, contamination or derogation)</i></p>
	<p>The waste stream needs to be transported 20 miles from its source by road. It is still a waste product until it is put to final use, and its final use may be in the quarry, so the nominated argument that Buckfastleigh puts this waste closer to areas of its potential end demand seems spurious. A facility in Devonport docks, even on a berthed ship that could subsequently send the product to high demand areas in Europe would far better serve this policy objective.</p> <p>This would support WSPS24: <i>“The Local Authorities will work together with the Environment Agency and the waste management industry to investigate alternative forms of transporting waste both within and outside of the County, taking account of both the environmental and economic factors.”</i></p> <p>It should be noted that this policy states within it that: <i>“7.4.9.5 ... the use of heavy freight vehicles in residential areas, town centres and villages ...is to be avoided.</i> <i>Development which is likely to attract significant amounts</i></p>	<p>POLICY WPP20: TRANSPORTATION OF WASTE</p>	<p><i>Proposals for waste management facilities should seek to minimise the need to transport waste, especially by road. Proposals which would conflict with the objectives of maximising the proportion of materials moved by rail or water will not be permitted. Consideration will be given to the location of waste management facilities adjacent to a railhead or navigable waterway, or to the major road network. Consideration will also be given to the access to, and the availability of, non-road transport facilities, and to all likely costs and benefits</i></p>

<p><i>of freight should be located well away from such areas, and provided with direct access to the major road network</i> <i>...Wherever practicable, waste facilities should be located so as to minimise the distance travelled by waste related vehicles, thus reducing the harmful effects of lorry movements on local amenity and the environment... Where transport by road is unavoidable, then road use should be restricted as far as possible to the Strategic Road Network as identified in the Devon Structure Plan, consisting of the M5 Motorway, the A38 Expressway, National Primary, and County Primary Routes. The length of unsuitable road needed to gain access to the Road Network must be kept to a minimum”</i></p> <p>The development fails to respect these objectives and is one reason why Whitecleave Quarry is NOT an identified waste site.</p>		
<p>The development would cause demonstrable harm to the sustainability and wellbeing of the local community; increases in HGV traffic on this route would create severance in the community with also a massive reduction in the amenity of the town, as recognised in earlier planning decisions. The development is in direct contradiction of this policy. We also note the council’s power as follows: <i>“7.4.9.18 Limitation of the effects of lorry traffic can also be achieved by specifying the hours of working, and the number of vehicle movements to and from a waste management site. Such limitations would be imposed by way of a planning condition on the grant of planning permission.”</i></p> <p>Restrictions were imposed in the ROMP, since when more houses have been built and more people have moved into town, and there is no justification to reverse this decision.</p>	<p>POLICY WPP21: ROAD TRANSPORT</p>	<p><i>Proposals for waste development will not be permitted where the potential generation of heavy goods vehicle movements could not be satisfactorily accommodated on the existing local highway network, and/or these vehicle movements would cause demonstrable harm to interests of acknowledged importance, unless highway improvements can be carried out which do not cause demonstrable harm to interests of acknowledged importance</i></p>

<p>Buckfastleigh is already recognised by Teignbridge Council as a deprived area in terms of health and wellbeing with air quality and noise levels that constitute a demonstrable risk to health and wellbeing in town. This development would further exacerbate these problems and add to polarisation between less deprived areas and Buckfastleigh creating a negative change that waste planning policy specifically seeks to avert.</p> <p>We note the MPA's has the ability to impose conditions such as "requiring landscaping measures to mitigate noise emissions" - this could involve significant landscaping measures not just at the entrance to the site, but where HGV traffic threatens the amenity of other residents of the town. (7.4.10. (d)). Landscaping measures could also include a specific planning restriction on removal of the rock outcrop.</p> <p>We also note that: "7.4.11.2 Air borne emissions from waste management facilities range from particulates such as dust, to fumes or gases. Such emissions can cause a health hazard and a nuisance. The Government has set national air quality objectives, towards which local authorities and other agencies must work. District Councils are responsible for reviewing and assessing the current, and likely future, air quality in their areas and, where one or more of the Government's objectives is unlikely to be met, an air quality management area must be declared and an action plan drawn up."</p>	<p>POLICY WPP22: HEALTH AND AIR QUALITY</p>	<p><i>Proposals for waste development which would have an unacceptable adverse effect on health or air quality will not be permitted.</i></p>
<p>The desire to remove the rock outcrop that has been specifically precluded from removal in earlier planning in order to protect the town and highway infrastructure in terms of both a blast barrier, and a noise and dust barrier (as well as a visual barrier to the National Park) is a reflection of</p>	<p>POLICY WPP24: SITE DESIGN AND APPEARANCE</p>	<p><i>Only planning applications for waste management facilities which have had regard to minimising visual impact by:</i></p> <ul style="list-style-type: none"> • <i>appropriate landscaping, or</i> • <i>utilising existing topography and natural cover, or</i> • <i>grouping structures to prevent sprawl will be permitted.</i> <p><i>Structures should be designed, and colour applied, so as to minimise</i></p>

	<p>very bad design of these proposals and a lack of respect for this aspect of the planning regulations. It is actively destroying existing protective topography.</p> <p>There is also no landscaping proposal that will shield the entrance way to the facility from the residential area thus reducing the amenity value to residents and threatening to the tourist industry.</p> <p>We note that <i>“any proposals for future waste management development must be considered in the context of the local and wider landscape implications”</i> and <i>“Any designs must be sympathetic to the character of the surroundings, and must minimise visual intrusion”</i>.</p>		<p><i>visual impact, to minimise light pollution, and to assist integration into the local landscape</i></p>
	<p>These proposals do not appear to have any plans for aftercare or indeed financial guarantees that aftercare could be assured, such as a restoration bond. There is still the danger that there will be no market for the so-called product, and that after 5 years when the quarry is full of their “stored product” the operators merely walk away and leave it an ugly slag-tip as an eyesore and hazard.</p>	<p>POLICY WPP25: RESTORATION</p>	<p><i>Proposals for a landfill or landraising waste management facility will only be permitted if they are accompanied by a restoration scheme (to include phasing and details of aftercare and monitoring) to ensure that the land is reclaimed at the earliest opportunity to facilitate a beneficial after use of the site.</i></p> <p><i>In considering restoration proposals, priority will be given to an amenity after-use, including nature conservation, or where appropriate, agriculture or forestry. Where historic landscape features such as elements of historic field patterns have been lost, the developer will be expected to take advantage of any opportunities for their reconstruction as components of the landscape</i></p>
	<p>As above, there appears to be no details of the financial guarantee that is required for restoration.</p>	<p>POLICY WPP26: SECURING EFFECTIVE RESTORATION</p>	<p><i>A financial guarantee will be sought from the developer to cover restoration (including aftercare) costs, through a voluntary agreement/planning obligation in the following cases:</i></p> <ul style="list-style-type: none"> <i>(i) where the waste development is of a very long term nature, and where progressive restoration is not practicable; or</i> <i>(ii) where a new technique is to be used with untested outcomes; or</i> <i>(iii) where there is reliable evidence of the likelihood of either financial or technical failure</i>
	<p>The history of monitoring on this site suggests that some</p>	<p>7.4.17 Site</p>	

	<p>legally obligated guarantees in relation to monitoring, compliance and public communication are required as planning conditions.</p> <p>The existing ROMP conditions are deemed (by the community) to have been exploited by the operator in order to move the site towards a previously withdrawn (and now resubmitted) planning application. A fact that the community are still considering legal action on.</p>	Monitoring	
	<p>Although the applicant considers their application relevant to WPP36 (Recycling of Inert Waste) it is not clear which of these policies applies, because this development encompasses what is deemed to be recycling, MRF, inert recycling, landfill, non-Hazardous landfill, and hazardous landfill and waste water.</p> <p>It involves a waste stream derived from an Energy from Waste plant the scale of which would clearly <i>"compromise waste recovery operations higher in the waste hierarchy"</i>. This site is not identified as a waste site in the Waste Local Plan, and it has not been clearly demonstrated that (certainly peak) traffic would not cause congestion on local roads.</p> <p>These policies do note the requirement for mitigation measures (including traffic mitigation). The development does not demonstrate that it part of a coordinated network of facilities which fulfil objectives of the waste strategy. The potential for toxic discharge into local protected water courses does not appear to be able to be mitigated unless NO discharge is requested.</p> <p>The location of this site does not appear to reflect the</p>	POLICIES WPP31-43	

	requirements of the policies to ensure minimisation of waste miles by road.		
	The precautionary principle is absolutely being disregarded in this application with respect to both C&D waste and IBA. C&D waste is not obviously inert, and IBA is certainly not. The arguments put forward by the applicant justifying their product as inert could euphemistically be described as “cutting edge” with no regard for precaution. We note the Environment Agency have erred before in this respect with IBA leading to horrendous environmental damage in the process (e.g. the Byker incident, and Tesco at Gerrards Cross / Amersham). Any attempts to downgrade the danger and toxicity of IBA should be treated with utmost scepticism and caution.	Waste Policy and Objectives 3.3.1	<i>“When assessing any planning application for a waste management facility, account must be taken of the precautionary principle in order to avoid unforeseen damage to the environment. The precautionary principle states that, where there are threats of serious or irreversible damage, lack of full scientific certainty shall not be used as a reason for postponing cost-effective measures to prevent environmental degradation”</i>
	The health effects of this development have not been appropriately assessed or consulted upon. This would only be possible with a Health Impact Assessment.	3.4 Protection of Human Health and the Environment	<i>“By their nature, waste management facilities can have a significant effect on the environment. When considering an application, account should be taken both of the immediate effects of the development, and of any ongoing or future environmental impacts...When considering proposals for waste management facilities, public concerns over health impacts should be discussed with the relevant health authorities and agencies, and appropriate measures incorporated into the site design and planning permission to prevent any adverse effect on human health.”</i>
	The applicant has failed to demonstrate any concept of sustainability. The community regard the plans as antithetical to their aspirations as a sustainable and health community (this would be demonstrated with a full statement of a Local Plan or Development Framework which is currently unavailable for this Dartmoor community).	3.5.5	<i>“When putting forward site-specific proposals for waste management facilities, developers will be required to demonstrate, inter alia, that their proposals are consistent with the sustainable waste management objectives of the Waste Local Plan and the Municipal Waste Management Strategy.”</i>
	The development is being applied for in relation to the proposed incinerator at Devonport Docks. Note it has not been established at this facility that enough is being done in relation to the waste hierarchy. With recycling rates of around 30% in Torbay and Plymouth (failing the Waste Plan’s	OBJECTIVE 5: WASTE HIERARCHY	To ensure that the management of waste is as sustainable as possible in accordance with the following waste hierarchy: 1. Reduction 2. Re-use

<p>minimum targets of 40% by 2009/10) the waste hierarchy is being completely sidestepped as this means a huge portion of the waste that is being incinerated is waste that could be re-used or recycled.</p> <p>It should be noticed that this failure to recycle also increases the toxicity of the IBA - certainly to above those levels of similar Germany plants. The level of waste (IBA) in relation to this development could be dramatically reduced, if the waste hierarchy was respected. The waste product IBA could actually be eliminated entirely if more advanced and sustainable treatments of residual waste were utilised. It is NOT sustainable.</p> <p>It is inconsistent with Waste Strategy Policy Statements WSPS3, 4, 14, & 17 in relation to scale (60,000 tonnes of waste at one site in Buckfastleigh is the equivalent of all the residual household waste in Teignbridge, the South Hams, and West Devon combined), disregarding the proximity principle, failure to achieve recycling targets, and violations of the waste hierarchy.</p>		<ol style="list-style-type: none">3. Recycling and Composting4. Energy Recovery5. Disposal
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