

EXECUTIVE

LEADER: Cllr Jeremy Christophers

PORTFOLIO HOLDER: Cllr Clemens & Cllr Lake

DATE: 4 December 2018

REPORT OF: Ros Eastman: Business Manager Strategic Place

SUBJECT: Notice of Motion regarding re-opening of Heathfield Farm Landfill site

PART I

RECOMMENDATION

The Executive is recommended to

Consider the report explaining the reasons for the decision made by Devon County Council as Waste Planning Authority

1. PURPOSE

1.1 At its meeting of 15 October 2018, Council considered the following Notice of Motion:

“The recent decision of Devon County Council to reopen the Heathfield Farm landfill site is a backward step for the local environment and reflects the failure of policy over the recent past. It is a blow to local residents to again face the environmental damage this will inevitably cause. We were told this site was to be closed permanently, residents have been badly let down.

Despite assurances to the contrary, litter will increase; muddy roads will return as will rats (both the land based and aerial variety). Seasonal smells will be noted but perhaps even more significant will be the environmental damage caused as materials that should be recycled are buried.

Teignbridge Council consequently unites to criticise this decision of Devon County Council and will convey that view to the County Council urging a more proactive approach to waste reduction.”

1.2 It was resolved that:

“The Notice of Motion stand adjourned and be referred to the Executive to consider a report to explain in detail the reasons behind Devon County Council decision to reopen the Heathfield Farm landfill”

1.3 This Report is provided in response.

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2. BACKGROUND

2.1 Planning Application reference DCC/4041/2018 was received by Devon County Council in its role as Minerals and Waste Planning Authority in January 2018.

2.2 The application was reported to Devon County Council's 19 September 2018 Development Management Committee. A copy of the Report considered by that Committee is included as Appendix 1 to this Report. In summary it notes:

"1.1 This application is for the variation of conditions 3 and 5 of planning permission 05/3070/04 to allow for a further 5 years to utilise the permitted landfill capacity at the site and consequential variation of the phasing and restoration plans.

1.2 It is considered that the main material planning consideration in the determination of this planning application are the consideration against waste planning policy; nature conservation and habitats; local highway network; the amenity of local residents; and landscape."

2.3 The recommendation was:

"subject to the signing of a legal agreement containing a requirement that the heathland areas on land within the planning permission boundary are appropriately managed for a period of ten years, planning permission to vary conditions 3 and 5 of planning permission 05/3070/04 is granted subject to the conditions set out in Appendix 1 to this report (with any subsequent non-material changes to the wording of the conditions and being agreed in consultation with the Chair and local member)."

2.4 Subject to some minor changes to condition wording, the recommendation was carried.

2.5 As the Council responsible for the area within which the site is located, Teignbridge's Development Management team was consulted on the application. The Consultation request was received in early February and included on the relevant "weekly list" of all applications received. No comment was received from any party and a response of "no objection" was sent to Devon County Council by the Development Management team in late February 2018. Environmental Health also provided comment – but no objection to the application.

2.6 The conclusion of the DCC Committee report sets out that:

7.2 In conclusion it is considered that the extension of time to allow for further tipping to utilise the remaining capacity is acceptable and that any potential impacts can be adequately mitigated and controlled through planning conditions, a legal agreement and through the site monitoring process. Taking the material considerations into account, it is considered appropriate to grant temporary planning permission in accordance with the recommendation to this report.

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7.3 The alternative option would be to refuse this application and require the operator to continue with restoration of the site under the provisions on the original consent. This option would risk Devon having insufficient landfill capacity to meet its anticipated needs”

2.7 There is a clear need at the County level to ensure adequate provision for waste disposal is made County wide and, in the County Planning Authority’s view, this proposal represents the most sensible option for achieving that provision.

2.8 It is understood that the facility is not likely to be used for any significant quantity of the Devon Districts’ residual waste but it could offer the County Council (as Waste Disposal Authority) some local contingency to cover any periods where the Energy from Waste facilities in Exeter and Plymouth (which are contracted long term to deal with Teignbridge’s residual waste) become unavailable.

2.9 A decision is expected to be issued on the application by the end of November / Early December.

**Cllrs Clemens & Lake
Portfolio Holders for
Housing & Planning and Environment
Services**

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| Wards affected | All / Kingsteignton West |
| Contact for any more information | Ros Eastman EXT 5745 |
| Background Papers (For Part I reports only) | N/A |
| Key Decision | N |
| In Forward Plan | Y |
| In O&S Work Programme | N/A |
| Community Impact Assessment attached: | N |
| Appendices attached: | 1: Report to DCC Development Management Committee |