

10. WASTE AND MINERALS

Introduction

10.1 A major pressure on the environment arises from the wastes produced as a by-product of industrial and domestic activities. As a result of Local Government Review (April 1998) Torbay Council inherited responsibilities as the Waste Planning Authority (WPA) in addition to its existing role as the Waste Collection Authority (WCA). It also became the Mineral Planning Authority (MPA). These responsibilities need to balance the conservation of the environment and resources with human health and best value.

10.2 This chapter contains policies which have regard to the land-use issues arising from the production, collection, reprocessing and disposal of waste and the winning and working of minerals. Both waste and mineral developments can have a wider than local significance. It is therefore particularly important that these detailed policies should stem from and be in conformity with the strategic policy framework. This is contained in Regional Planning Guidance for the South West (RPG10 - September 2001), the Adopted Devon Structure Plan First Review (1999) and the Devon Structure Plan 2001-2016 (expected to be adopted in Summer/Autumn 2004) and is informed by the work of the Regional Technical Advisory Body. In addition, the local plan framework of neighbouring authorities will be relevant, particularly the Adopted Devon Minerals Local Plan (2004).

WASTE

Waste issues

10.3 Guidance in relation to waste matters comes from international, European, national and regional sources. The EC Framework Directive on Waste places obligations on plan making authorities to have regard to certain objectives such as encouraging the prevention or reduction of waste production. A key objective of Article 3 is the minimisation of waste and where possible the encouragement of materials recycling and energy recovery, as follows:-

- (a) to encourage the prevention or reduction in waste production and its harmfulness by:-
 - (1) development of clean technologies, sparing in their use of natural resources; and
 - (2) technical development and marketing of products designed to have no or minimal impact by the nature of their manufacture or their disposal; and

- (b) to encourage:-

- (1) the recovery of waste by recycling, reuse, reclamation or other process extracting a secondary raw material; and
- (2) the use of waste as a source of energy.

10.4 Article 4 sets out the following objective: "To ensure that waste is recovered or disposed of without endangering human health and without using processes or methods which could harm the environment and in particular without:-

1. risk to water, air, soil, plants or animals; or causing nuisance through noise or odours; or
2. adversely affecting the countryside or places of special interest."

10.5 Article 5 identifies the following objectives in relation to the disposal of waste:-

1. establishing an integrated and adequate network of waste disposal installations, taking account of the best available technology, not involving excessive costs;
2. ensuring that the network enables the European Community as a whole and Member States individually to move towards self sufficiency given geographical circumstances and the need for specialised installations; and
3. requiring waste to be disposed of in one of the nearest appropriate installations, by the most appropriate method and technology to ensure a high level of protection for the environment and public health.

10.6 These basic objectives have been embraced by the Government and are outlined in the National Waste Strategy 2000, giving advice to which Local Plans should have regard. To help achieve sustainable objectives, different waste management options are ranked into a hierarchy. This hierarchy is shown below:-

- Reduction - Reducing the production of waste
- Re-use - Using items more than once
- Recovery - Recycling: putting materials back into use (e.g. glass from bottles)
- Composting: processing organic waste with recovery of energy or collection of methane from landfill sites

- Energy: incineration of waste with recovery of energy or collection of methane from landfill sites
- Disposal - Involving no further benefit from the material

10.7 This hierarchy seeks to conserve resources, reduce waste output and increase recycling and recovery of materials.

10.8 In addition to these aims, the Government has set a goal of recovering 45% of municipal waste by 2010 and of recycling or composting 30% of household waste by the same date. In order to achieve these goals, it will be important to meet the existing targets of 40% recovery and 25% recycling or composting as soon as possible. The Government aims to achieve this by 2005. Beyond 2010 we will need to make further progress and, by 2015 the Government expects that we will need to recover value from two thirds of our household waste, and that at least half of that will need to be through recycling or composting. The targets for waste recycling are reflected at a regional level in RPG10 (September 2001).

10.9 Changes in other European Directives also have implications for new facilities. The Landfill Directive for example seeks to reduce the amount of industrial and commercial waste landfilled to 85% of 1998 levels. In particular it has set targets to reduce biodegradable municipal waste. A reduction in the use of landfill will consequently generate a need for alternative waste management processes. Such waste disposal / management development options should reflect the 'best practicable environmental option' (BPEO). This approach was defined by the Royal Commission on Environmental Pollution as follows: "A BPEO is the outcome of a systematic consultative and decision making procedure which emphasises the protection and conservation of the environment across land, air and water. The BPEO procedure establishes, for a given set of objectives, the option that provides the most benefit or least damage to the environment as a whole, at acceptable cost, in the long term as well as in the short term."

General waste principles

10.10 In order to achieve such targets, a planning framework needs to be in place. PPG23 'Planning and Pollution Control' (1997) and PPG10 'Planning and Waste Management' (1999) set out the Government's planning guidance for such issues. Apart from the waste hierarchy, these Guidance notes advocate a reduction in the overall environmental impact of such

development (BPEO) and the application of the 'proximity principle' under which waste should be disposed (or otherwise managed) close to the point at which it is generated (aiming to achieve 'self sufficiency' at a regional/or sub-regional level). Where this is not possible, priority should be given to transportation by rail or water. In summary the EC Directives and Government objectives advocate a sustainable approach to waste management. Planning policies should therefore encourage methods of waste management that have the least overall environmental impact, taking into account the potential for energy and materials recovery. The Government also recognises that the appropriate management option will vary according to the waste stream and local considerations.

The Development Plan framework

10.11 Torbay produced approximately 62,504 tonnes of controlled waste in 2003/4. Of this 12,934 tonnes were recycled by the Torbay Materials Recycling Facility and 49,570 tonnes were disposed of at landfill sites. This represented a recycling rate (including civic amenity materials) of over 26%, compared to 20% in 1999. In order to achieve a further reduction in waste, facilities such as the 'Scrap Store' in Paignton will be encouraged. Scrap stores aim to reuse clean, non-toxic materials which are then made available for use as play craft materials. Such facilities provide services at the top of the Waste Hierarchy but their operation may require a waste management licence or an exception certificate from the Environment Agency.

10.12 The Local Plan sets out the land use implications of waste management / disposal development which encourages an increase in the proportion of waste which is managed by options towards the top of the hierarchy, subject to the BPEO. Reduction and re-use are, however, activities which do not have such a direct relation to development or use of land. As such, there is an emphasis towards policies that are related more closely to options for recovery and disposal. This general waste management strategy is set out in Policies C18 - C21 of the Adopted Devon Structure Plan First Review (1999) and Policies WM1 - WM4 of the Devon Structure Plan 2001-2016 (expected to be adopted Summer/Autumn 2004). In addition the Council is preparing a Waste Management Strategy, which is scheduled for adoption in 2005. This will complement the Local Plan and address a wider range of waste management and recycling issues than simply relate to land use.

10.13 The plan led system means that decisions on planning applications will be made in accordance with

the provisions of the development plan unless material considerations indicate otherwise. **Policy WS** of the Local Plan sets out a waste management strategy, as this relates to land use. **Policy W1** supports an appropriate range of waste management facilities in urban areas. This includes a wide range of services, from large waste disposal sites to recycling centres or Scrap Stores. **Policy W2** supports further development at the Yalberton Civic Amenity Site serving Torbay. **Policy W3** protects waste management sites and their surroundings from development that would prejudice the use of the site for waste management. **Policy W6** seeks to minimise the creation of waste through development. **Policy W7** requires the provision of appropriate recycling and disposal facilities for new development.

Waste water treatment

10.14 Until recently, Torbay's sewage was discharged, untreated, into the sea. There is now a wide recognition, from all sections of the community, that this practice is unacceptable. To improve the quality of Torbay's beaches, sea bathing and the sea itself, a new waste water treatment works was commissioned in 2002 as part of South West Water's 'Operation Clean Sweep'. This was necessary for environmental, health and economic reasons.

10.15 As part of the preparation of the Local Plan, a wide range of potential waste water treatment works sites were initially considered, short-listed and after a rigorous process of analysis based on several criteria, the former quarry site at Brokenbury, Churston, was selected as the most appropriate site. **Policy W4** covers the proposal for the Brokenbury Quarry site and sets out a number of criteria required to be addressed in order for development proposals to be acceptable to the Council. **Policy W5** covers any other potential waste water and sludge treatment developments.

MINERALS

Meeting the need for minerals

10.16 The Town and Country Planning Act 1990 requires the relevant planning authorities to produce local plans containing policies in respect of development consisting of the winning and working of minerals. As with waste issues, these policies should take in to account the strategic policy framework.

10.17 Guidance in relation to non-renewable resources supplied by the World Commission on the Environment and Development notes that the depletion of such resources (including minerals)

reduces the stock available for future generations. The rate of depletion should therefore take account of the criticality of that resource, the availability of technologies for minimising depletion and the likelihood of substitutes being available. This process should emphasise recycling and economy such that the resource does not run out before an acceptable substitute is available. In accordance with Government Guidance (Minerals Policy Guidance Note 1 'General Considerations and the Development Plan System' (1996)), the Council will consider all the costs and benefits of mineral development, including the environmental cost and benefits. In particular, the objectives for sustainable development for minerals are:-

- to conserve minerals as far as possible, whilst ensuring adequate supply to meet needs;
- to ensure that the environmental impact caused by mineral operations and the transport of minerals are kept, as far as possible to an acceptable minimum;
- to minimise production of waste and to encourage efficient use of materials including appropriate use of high quality materials and recycling of wastes;
- to encourage sensitive working, restoration and aftercare practices so as to preserve or enhance the overall quality of the environment;
- to protect areas of designated landscape or nature conservation value from development, other than in exceptional circumstances and where it has been demonstrated that development is in the public interest; and
- to prevent the unnecessary sterilisation of mineral resources.

10.18 PPG12 'Development Plans' (1999) and MPG6 'Guidance for Aggregates Provision in England' (1994) also set out guidance for mineral policies identifying the need to reserve the highest grade mineral for the most appropriate use. They also note the balance between provision of minerals and the protection of our natural and built environment. Mineral policies in development plans should also accord with Regional Planning Guidance for the South West (RPG10 - September 2001). RPG10 seeks to maximise the contribution to be made to aggregate supply by secondary and recycled material; to reduce the overall extraction of primary aggregates in the region and to conserve primary aggregates for optimum use. This is set out in Policy RE4. Policy RE3 promotes environmentally acceptable means of extraction, transportation and reclamation. MPG6 advises that

development plans should identify sites or areas of search for appropriate minerals extraction and set a local apportionment of regional aggregate supply. For the South West this totals 105 million tonnes (mt) of sand and gravel and 610 million tonnes of crushed rock during the period 1992-2006. RPG10 gives a sub-regional apportionment of 25mt and 95.2mt respectively for the same period in Devon, with the caveat that this should be updated in the light of an expected review of MPG6.

10.19 The Structure Plan policies on Minerals are set out in Policies E14 - E19 of the Adopted Devon Structure Plan First Review (1999), and Policies MN1 - MN6 of the Devon Structure Plan 2001-2016 (expected to be adopted Summer/Autumn 2004). The Adopted Devon Minerals Local Plan (2004) sets out a County-wide policy framework. Whilst Devon as a whole provides an important source of supply of aggregate mineral for construction materials, demand and production has fallen by over half over the last decade, and Torbay is unlikely to make any significant contribution to this supply during the Plan period. However, Local Plan policies set out a sustainable mineral development strategy and provide guidance for any proposals which may arise.

10.20 Torbay is served by a number of quarries in the surrounding area, which have long-term reserves and potential mineral resources. Since the closure of Lummaton Quarry in 1989, Torbay has had only one operational limestone quarry which is located at Yalberton, Paignton. This operation is subject to 'The Review of Old Mineral Permissions' procedure. It is unlikely that any of the disused, dormant quarries in Torbay will be revived for mineral extraction. There is, therefore, no specific need or scope for mineral excavation within or adjacent to the urban area. Torbay Council will seek to revoke any outstanding, dormant planning permissions.

10.21 A sustainable mineral development strategy for Torbay is set out in Strategy **Policy MS** of the Torbay Local Plan. **Policy M1** deals with the recycling of mineral waste and **Policy M2** addresses proposals for new mineral working.

WASTE AND MINERALS POLICIES AND PROPOSALS

WS Waste management and disposal strategy

Waste management and disposal proposals should adopt the sustainable principles of the 'Best Practicable Environmental Option', regional self-sufficiency, the proximity principle and the waste

hierarchy. The granting of planning permission for waste management proposals will be subject to satisfactory resolution of any transport issues and protection of public amenity, and the need to protect the landscape character, nature conservation, historic environment and surface and groundwater of those areas. Where appropriate, provision should be made for the restoration of the site for a beneficial after-use.

Explanation:

10.22 The Council will support the provision of local waste management facilities which reflect consideration of the Best Practicable Environment Option for each waste stream, regional self sufficiency, the proximity principle and the waste hierarchy, outlined in paragraphs 6 - 7 of PPG10 'Planning and Waste Management' (1999). This approach aims to ensure that waste can be disposed of or otherwise managed close to the point at which it is generated. This should create a more responsible and hence sustainable approach to the generation of wastes. It should also limit pollution from transport and the number of vehicle miles travelled. This policy does not preclude movement of waste into or out of Torbay, but directs waste to local waste management facilities or sustainable methods of waste transport to facilities outside the area where this is appropriate. Proposals will also be considered in the context of the 'Best Practicable Environmental Option' (BPEO) in the basis of the methods to be used and waste materials produced. The Environment Agency is consulted on all such facilities and is currently developing a method of research called 'life cycle analysis'. Policies for waste management are also outlined in Policies C18 to C21 of the Devon Structure Plan First Review.

10.23 The Local Plan Waste Strategy aims to provide a sustainable planning framework for waste management for all development proposals. This will draw initially on the minimisation, reuse and recycling of materials as a result of development, including the construction process. **Policies W6** and **W7** are relevant. Waste management facilities may vary greatly in size, characteristics and potential environmental impacts. They should therefore be based on a balance between adopting the best practice operating principles whilst addressing the need to resolve any transport, traffic and access issues, protect public amenity and conserve Torbay's environmental quality.

10.24 It should be noted that other environmental objectives and constraints, such as protecting areas of archaeological importance, nature conservation, agricultural or landscape value, are matters which

need to be taken into account and can override considerations such as the proximity principle. Such development should in any case minimise any possible impact on adjoining land-uses and the effect on those living and working in the vicinity. Such issues would be particularly relevant to the management of special waste. Environmental Protection **Policies EPS, EP3, EP4, EP5, EP6, EP7, EP8 and EP9** are also relevant.

W1 Waste management facilities

Waste management proposals will be permitted provided that:-

- (1) the development is operated on the basis of the sustainable development principles of the 'Best Practicable Environmental Option', regional self-sufficiency, the proximity principle and the waste hierarchy;**
- (2) schemes are located on brownfield sites close to where waste arises or located with similar waste management facilities. Outside the main urban areas, including greenfield sites, development may be permitted where it can be shown that brownfield sites are unsuitable or unavailable, and that there will be no unacceptable environmental impacts;**
- (3) transport, traffic and accessibility are acceptable to the scale and use of the proposal;**
- (4) the development should not be in conflict with users of land and buildings in the surrounding area;**
- (5) relevant details of the waste to be managed and a method and programme of site operation including hours of operation is provided;**
- (6) all environmental impacts are assessed and reduced to an acceptable level, including impacts of noise, odour, litter, dust, vermin and birds, and other disturbances on users and occupiers of adjacent sites; and**
- (7) where appropriate, the proposal includes design and landscaping measures to ensure that the development is not visually intrusive.**

Explanation:

10.25 As previously noted in **Policy WS**, waste management facilities vary greatly in size, characteristics, potential environmental impacts and the length of time these facilities will operate and any environmental effects that may be experienced. PPG10 'Planning and Waste Management' (1999) Annex A lists the sort of proposals to which this policy relates. It is appropriate to provide a range of waste management

facilities accessible to the urban areas. The provision of facilities will, however, accord with the principles set out in **Policy WS**. Increased recycling of waste will be supported (especially commercial / industrial waste e.g. construction materials) at appropriate facilities. The recycling of household materials needs to be close to or within urban areas, within easy reach of the majority of the population. However, the environment should be protected and schemes which have an unacceptably detrimental effect on their surroundings will not be permitted. In many cases a waste management licence may be required from the Environment Agency (section 36(2) of the Environmental Protection Act 1990 refers) who are likely to be consulted on all such development. It is therefore essential that full details of the type of waste to be managed and site operations are submitted to the Council.

10.26 The use of brownfield sites within employment land or built up areas for waste management facilities will be supported in principle. Facilities which are used locally by the public (such as scrap stores, recycling centres etc) should be located so that they are accessible by a choice of means of transport. It is accepted that this is not always appropriate and may depend upon the size and scale of development, the character of the area, its surroundings and the range of waste management facilities involved. The impact of a recycling collection point on residential amenity would differ, for example, from that of a Materials Recycling Facility (MRF).

10.27 The operation will have to minimise any environmental or amenity conflict with the existing locality, or possible impacts on transport, by using rail or waste transport instead of road vehicles as far as possible, and by making use of the major road network where transport by other modes is not practicable.

10.28 Waste management facilities are likely to have planning considerations which relate to pollution or contamination. The need to consider land instability or the protection of surface and ground water for example is referred to in the Environmental Protection Chapter. **Policies EPS, EP3, EP4, EP5, EP6, EP7, EP8 and EP9** are particularly relevant.

W2 Civic amenity sites

A civic amenity use is proposed at Yalberton Waste Transfer Station, Paignton.

Explanation:

10.29 The civic amenity site serving Torbay (located at Yalberton in Paignton) is considered suitable for further

expansion within the Plan period. The site has an existing recycling plant and the operator is seeking to carry out improvements for a more comprehensive recycling facility in the longer term.

10.30 The Council has also resolved, following the closure of Rea Barn Depot site as a civic amenity facility, to continue to seek an alternative permanent site for a facility in Brixham.

W3 Protection of waste management sites and surroundings

Proposals for development within, or in proximity to, existing or allocated sites for waste treatment facilities (including recycling, storage, processing or transfer) will not be permitted where the proposed development would prevent or prejudice the use of the site for these purposes.

Explanation:

10.31 The success of Torbay's recycling strategy may be harmed if alternative sites for waste management are not made available. It is therefore essential that suitable sites for waste management facilities (whether proposed or existing) are safeguarded from any development proposals in close proximity to them which may prevent or prejudice their operation.

W4 Waste water treatment works

A combined waste water treatment works to serve Torbay is proposed at the former Brokenbury Quarry and adjacent land, subject to the following impacts being acceptable:-

- (1) public amenity, including smell, noise, visual impact, lighting and traffic generation;**
- (2) landscape;**
- (3) biodiversity and the natural environment;**
- (4) heritage; and**
- (5) the highway network.**

The Proposals Map indicates the former quarry area, together with extensions to the south-eastern boundary, as the location for all of the built development (W5.1). The peripheral areas to the north-west (W5.2) and to the south-east (W5.3) are designated solely as landscape and wildlife areas, including for the satisfactory creation of a habitat for the cirl bunting.

Explanation:

10.32 Although some waste water generated in the Torbay area is dealt with by cess pits and septic tanks, the vast majority is handled and treated by South West Water Plc. Whilst some of this material receives preliminary treatment (coarse filtering) most of it has been discharged into the sea, a situation which will continue until the waste water treatment works was brought online. The only exception is the Scotts Bridge/Barton development in northern Torquay, which discharges to the Buckland waste water treatment works on the River Teign estuary, and the Galmpton area, which is served by a small waste water treatment works in the former Galmpton Quarry.

10.33 The European Community Urban Waste Water Treatment Directive (91/271/EEC) requires that from December 1998 sewage sludge disposal at sea should cease. In order to comply with the EC Urban Waste Water Directive, South West Water (SWW) are planning to ensure that sewage flows are screened for all of Torbay, followed by primary treatment for Paignton and Brixham flows, with the aim of having all of Torbay's flows treated by March 2003.

10.34 Following an extensive survey of a wide range of sites, Brokenbury Quarry was the only one to pass all the site analysis criteria, provided that appropriate mitigation measures in relation to Cirl Bunting habitat were implemented. The former quarry sits in a low plateau running between Brixham and Churston. It is secluded and enjoys good access to the main sewer and main road network. It is also situated in a 'window' free of environmental constraints - indeed the only site to do so out of all the site options considered.

10.35 A waste water treatment works to serve Torbay was therefore proposed at Brokenbury Quarry. This was commissioned in 2002 and is a phased development, initially screening all Paignton and Brixham sewage flows. Later phases will lead to tertiary and UV treatment of all Torbay's sewage flows before being released into the sea at Sharkham Point. The works are contained within the modified quarry area identified on the Proposals Map. The need to safeguard the amenities of the surrounding area is fully recognised and adjoining land is allocated for landscaping and wildlife protection purposes. There is a clear need to protect local amenity and to ensure the minimisation of environmental impact from the operation of this plant. Close consultation between the developer, operator and the Council is therefore required.

10.36 In order to comply with the strict environmental requirements listed in the proposal, the

developer has been required to enter into appropriate legal agreements and planning conditions to ensure that the situation will be monitored, especially in relation to smell, noise, lighting, traffic generation and nature conservation impacts, to the satisfaction of the Council. Although the waste water treatment works has now been commissioned, Policy W4 remains relevant to provide guidance on completion of the scheme, particularly in relation to landscape and nature conservation measures.

W5 Waste water and sewage sludge treatment

Development for the handling, treatment, processing and disposal of waste water (including sewage and sewage sludge) on sites not allocated in the Local Plan will be permitted provided that:-

- (1) the development would be operated on the basis of the sustainable principles set out in Policy WS;
- (2) all environmental impacts are assessed and reduced to an acceptable level, including impacts of noise, odour and other disturbance on users and occupiers of adjacent sites;
- (3) relevant details of the waste to be managed and a method and programme of working is provided;
- (4) the proposal includes landscaping measures to ensure that the development is not visually intrusive; and
- (5) the development would not have unacceptable traffic impacts.

Explanation:

10.37 It is important when planning for waste water and sewage sludge treatment and disposal facilities to achieve a balance between meeting future needs of the wider community on the one hand and minimising any unacceptable impact on the environment on the other. An Environmental Statement will be required for proposals which have or are likely to have significant effects on the environment.

W6 New development and the minimisation of waste

New developments and land uses which are likely to generate significant volumes of waste through the development process itself will require a waste audit to be submitted as part of the planning application, including the following details:-

- (1) the type and volume of waste that the development will generate;

- (2) the steps that will be taken by the developer to minimise the amount of waste arising from the development by reusing and recycling or incorporating materials within the site; and
- (3) the steps that will be taken to manage the waste that cannot be reused on site, including the disposal locations.

Waste generated by such developments will form a material consideration. Those developments which conflict with the objectives set out in Policy W1 will not be permitted.

Explanation:

10.38 The development process itself can generate large volumes of inert construction and excavation waste which is often disposed of via landfill. The re-use of inert materials in-situ will reduce the need for disposal and the unnecessary movement of waste. MPG6 also advocates the re-use of waste materials arising from construction, demolition and redevelopment, including recycling of raw waste materials for use as aggregates.

10.39 Development schemes likely to create significant volumes of waste will be required to submit a waste audit. This should identify estimated volumes of waste, the amount to be utilised within the development itself, the management of the waste to be removed from the site and disposal sites to be used. This process will clearly identify waste arising as a result of the development process and aims to support the Government’s waste hierarchy.

10.40 The policy recognises that it is not always appropriate to recover all wastes. However it does support the use of waste arising in the design and implementation of schemes (such as spoil used in landscaping schemes, for example). Where proposals involve redevelopment of sites, the waste audit should specify how materials are likely to be recovered and where appropriate, indicate the steps to be taken to produce recycled aggregates from the waste material generated. The audit should also identify other materials which arise (wood, glass and plastics etc) and indicate how these are to be treated or disposed of.

10.41 The waste audit will form a material consideration in the determination of proposals.

W7 Development and waste recycling facilities

New developments and land uses will require the provision of appropriate and necessary facilities for the recycling, storage, treatment and removal of

waste likely to be generated. All environmental impacts of these facilities will need to be assessed and reduced to an acceptable level, including impacts of noise, odour and other disturbance on users and occupiers of adjacent sites. Where appropriate, developers will be required to enter into Agreements under Section 106 of the Town and Country Planning Act 1990 for any necessary works.

Explanation:

10.42 The provision of adequate waste facilities for new development and land will support the waste recycling strategy by ensuring that a positive recycling framework is established. This policy will apply not only to industrial or commercial uses but also to waste arising from residential, agricultural and mineral activities. Provision should be made for both individual needs (e.g. accommodation of wheelie bins within the curtilage of a property) and, where appropriate, for communal facilities (e.g. community composting areas or recycling facility areas).

MS Mineral development strategy

All proposals for minerals development should accord with the principles of sustainability. Development should not conflict with policies relating to landscape, nature conservation, agricultural land, geology and the level and quality of surface and groundwater. The granting of planning permission will be subject to the satisfactory resolution of any adverse impact of the proposal in respect of public amenity, the built environment, transport and, where appropriate, accessibility, reclamation of the site and after-use.

Explanation:

10.43 Mineral development can involve the winning and working of minerals, tipping and ancillary operations such as the use of processing plants. It therefore encompasses the full range of mineral activities including the recycling, crushing and reprocessing of aggregates, bulk storage or mineral exploration.

10.44 The Council will seek to promote a sustainable approach to mineral development by following the principles set out in MPG1 (paragraph 35) and the objectives highlighted in paragraph 10.17. The aim is to balance the conservation of minerals and supply with the minimisation of environmental impacts during and after working, and the reduction of waste by efficient use and recycling. The Council will also encourage sensitive working and restoration, and the

protection of designated landscape and nature conservation sites. The unnecessary sterilisation of mineral sites should be avoided.

10.45 Other issues that particularly relate to mineral development are the protection of ground water and flooding as well as the impact such development can have on the amenities of neighbours through the transportation of materials and the generation of mud, noise, dust, smoke and fumes. The restoration of mineral sites for beneficial after use will always be sought.

10.46 Major proposals are likely to have a significant effect on the environment and will therefore be subject to environmental impact assessment (see **Policy EPS Environmental Protection Strategy**). Applications for outline permission for minerals development will generally be unacceptable but can be made for certain ancillary mining development. Therefore the applicant will need to submit details of intended methods and program of working sufficient to determine an application.

M1 Recycling, storage and processing of minerals

Proposals involving the storage and recycling of mineral waste will be permitted provided that they do not unacceptably extend the life of a site and they do not create unacceptable environmental harm.

Explanation:

10.47 In order to maintain stocks of resources of aggregate minerals, Government Guidance emphasises the need to increase the supply of recycled and secondary aggregates as a replacement for land-won (i.e. newly excavated) aggregates.

10.48 MPG6 'Guidance for Aggregates Provision in England' (1994) emphasises the preference for recycled materials, where it is technically, economically and environmentally acceptable, as substitutes for primary materials. Whilst the Council will encourage the use of recycled materials, this will be weighed against adverse environmental and amenity effects of such development on and adjacent to the site of any operation.

10.49 The recycling of aggregate within mineral sites can have a number of advantages, since existing operations are likely to have similar heavy machinery and can share lorry routing. However, many of the adverse environmental effects resulting from primary extraction apply to the bulk handling, sorting,

processing or recycling minerals and aggregates. If the overall harmful effect on the amenity of the surrounding area or the life of the development is increased beyond what is considered acceptable, proposals will not be permitted. It will therefore be necessary to ensure that the adverse impact on the environment does not outweigh the benefits of producing alternatives to primary aggregates. To control the associated development (including buildings and machinery) that would normally be part of such mineral operations, permitted development rights are likely to be removed.

M2 New mineral working

Proposals for the development of new or extension of existing mineral workings and for ancillary development will be permitted where:-

- (1) any adverse environmental effects can be reduced to an acceptable level;**
- (2) it will not result in an unacceptable impact on traffic or public amenity; and**
- (3) adequate restoration and aftercare proposals are provided where appropriate.**

Explanation:

10.50 The development of new or expanded mineral workings within Torbay is unlikely within the Plan period. The region's supply of aggregates is noted in paragraph 10.19 of the introduction to this chapter. However, any proposals to carry out new mineral excavation which do take place will be carefully considered in the context of need for a particular material, environmental impacts of mineral working and the need to adequately restore sites when mineral operations and tipping of mineral waste have ceased. Unlike extraction activities, all proposals for mineral tipping will have to be located in appropriate areas and the development would need to demonstrate that all environmental impacts can be reduced to an acceptable level. Environmental impacts incorporate a wide range of issues such as noise and water resources, including the contamination of groundwater or the increased risk of flooding.

10.51 Whilst MPG1 advises that policies should not normally require applicants to provide supporting evidence of need for the mineral or discuss the merits of alternative sites, it does allow for such issues to be considered where an environmental impact assessment is required. There may also be occasions when material planning objections are not outweighed

by planning benefits. For example, proposals affecting SSSIs would be subject to the most rigorous examination. Under such circumstances an overriding need will clearly have to be demonstrated by the developer.

