

BRIXTON PARISH COUNCIL
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16th April 2014

Hayley Stokes
Planning, Transport and Environment
Devon County Council
County Hall,
Topsham Road
Exeter
EX2 4QD

Dear Ms Stokes

Recommendation to Devon County Council from Brixton Parish Council to Planning Application no DCC/3638/2014 – Importation of inert waste for the purpose of filling the void as part of the restoration of Steer Point Quarry at Steer Point Quarry, Steer Point Road, Brixton, PL8 2DQ

At a meeting on the 2nd April Brixton Parish Council unanimously objected to planning application number DCC/3638/2014 for the importation of inert waste for the purpose of filling the void as a part of the restoration of Steer Point Quarry and recommends **refusal**. A petition with 200 residents opposing the scheme has been received by Brixton Parish Council. A petition has also been received from the children at St. Mary's School and has been forwarded to Devon County Council. An additional online petition at change.org currently stands at 240 (13/04/14 20.30) with numbers still increasing.

Brixton Parish Council recommends refusal on the following grounds:

1. The Planning Process

Brixton Parish Council considers that the planning process has not been properly conducted. The Localism Act 2011 sets out series of measures which aim to achieve substantial shift in power away from central government to local people. The Localism Act 2011 requires developers to carry out pre application consultation and there is a duty to take into account the responses to the consultation.

In the pre application form signed off in July 2012 there is no mention of consulting with local people, the primary school, Devon & Cornwall Housing or the Parish Council. The consultees are listed as the Environment Agency, Natural England and South Hams District Council.

In a second pre application form for Steer Point Quarry signed off by Hayley Stokes dated 5/4/2014 and Mike Deaton 21/3/13 the consultees are 'In addition to the EA/NE and the District Council - It might be worth contacting any significant local landowner that may be effected by the proposal. It may also be worth talking to the nursery school that will be directly affected by the proposal'. There is no mention consulting with Brixton Parish Council, the Brixton St Mary's Primary School, Devon and Cornwall Housing or any other organisation which would be directly affected by the impact of the proposal including those organisations adjacent to the River Yealm e.g. Newton & Noss Parish Council, Yealm Harbour Authority etc. The Nursery was not consulted. Furthermore there is clearly a discrepancy in the dates on the pre application form signed off dated March 2013 and April 2014.

2. Master plan

There is insufficient information about long terms plans for the whole site including the concrete apron where the factory previously stood. Although this area is out of the scope of the ROMP there should be a cohesive whole site approach taken and it would be short sighted to ignore this, as the benefits of landscaping the site are significantly diminished if the concrete block remains.

The concrete apron area does house one of the site pumps and as such does form part of the application as does the settlement facility to the east of Steer Point Road along with the discharge point. Personnel operating site pumps also live on site and therefore their place of dwelling should also be included in the application together with details of foul sewage disposal facilities.

The application suggests a permissive footpath after ten years or when restoration is complete, **this is of little worth as 'permissive' means just that i.e. at the discretion of applicant.** A full commitment to a public right of way across site as suggested by pre app report is only acceptable form of access.

Whilst the National Cycle Network is not being pursued at present, the currently available route should be preserved as a future option post restoration.

3. Waste Disposal in an AONB

Waste disposal in an AONB is strictly controlled and the Devon Waste Plan (DWP) (currently under consultation) states "**waste management in the AONB will only be permitted if there are no deliverable alternative sites**". This site is not identified by the Devon Waste Planning Authorities as a site for inert waste disposal and, clearly, alternatives are available for the disposal of inert waste in the county.

Indeed, Devon Waste Plan Waste topic paper 3 (Oct 2013) pg.24 "When comparing the need for inert landfill capacity against the amount which is already permitted, it is expected that there will be surplus inert landfill capacity remaining at the end of the

plan period [to 2031]”. The proposed DWP states that there is “**no need to specifically identify additional sites for waste landfill**”. The adopted waste plans for Plymouth and Devon indicate there are already allocated sites for construction and demolition waste. The need for landfill activity at Steer Point, and associated impacts should be considered against these available sites.

Inert waste in itself does not restore the quarry to pasture, the current substrate within the quarry is not suitable to support pasture growth. Restoration to pasture will require topsoil as advised on the site visit. Brixton Parish Council was also advised by Aardvark that only 15cm of topsoil is needed.

Taking this figure the 30 hectare site (1 hectare =10000m²) needs 10000 x 30 x 0.15m = 45,000 m³ of topsoil. This volume ignores the fact that much (at least 30%) of the site is already under topsoil or has topsoil available, so even less could be used-**‘the figure of 140,000m³ in pre app report is not supported by any calculations, and a much lower volume of topsoil (<30,000m³) would be sufficient to restore the site’.**

4. Need

There is no requirement restore the Steer Point Quarry by filling the void with inert waste. The site is subject to ROMP Conditions Application No. 9.07.002.98 which requires reclamation and aftercare of the site but does not call for the importation of inert waste material to infill. **Restoration does not mean landfill.** The site could be left almost as it is and a smaller scale restoration scheme carried out instead. Any approved scheme should, according to condition 3, be fully implemented within two years of written approval, not the ten year time span applied for. From September 2011 two years were given to complete the restoration. The Mineral Planning Authority has allowed extra time to work on the scheme.

Initial preplanning information investigated restoring the site with 120,000m³ of inert material but the planning application is now for 441,000 m³ of material, over 3 times the quantity extending by many years the transport danger, noise and pollution for local residents. This scale of increase in the infill is there not for restoration of the quarry, but as a waste disposal site.

It is clear that the application seeks to fund the restoration requirements by importing waste to such an extent that a long period of income will be generated at the expense of our community. The costs of restoration should have been factored into the income generated from the manufacture of bricks at the time at which the ROMP plan was agreed.

Restoration to its original state was not a requirement of the Planning Permission granted for the extension of Steer Point Quarry by Devon County Council in 2000.

5. Environmental impacts

There can be no guarantee that only inert waste will be deposited on the site and there is a risk of pollution in and from the site in the longer term. This is a site of national and local environmental significance with key site sensitive issues.

- i. The Yealm Estuary is a Special Area of Conservation for marine habitat (under European Regulations). A full impact assessment is required.
- ii. The Yealm Estuary SSSI – Site of Special Scientific Interest - for marine species which covers the intertidal mudflats on the River Yealm. A full impact assessment is required particularly for air and dust pollution.
- iii. The Yealm Estuary is covered under the Water Framework objective which has a non deterioration of water quality clause, without the EA monitoring data from existing discharge consents it is not possible to demonstrate that the application will comply with this requirement. The application with 'no requirement to limit the discharge rate into Cofflete Creek' will by definition increase pollution in Cofflete Creek this is clearly in contravention of Water Framework directive.
- iv. The site is in the Coastal Preservation Area and South Devon Area of Outstanding Natural Beauty (AONB) with particular importance for tranquillity. Noise, vibration and dust will not only affect the local wildlife within and off Steer Point Road and will seriously affect the tranquillity of this AONB designated area over a period of 10 years.

National Planning Policy Framework March 2012 – Paragraph 116 requires that “major developments in protected areas must demonstrate that they are in the public interest through assessment of the need for development including terms of any national consideration and impact of permitting it or refusing it on the local economy; any detrimental effect on the environment, the landscape and recreational opportunities and the extent to which that could be moderated”.

The proposed level of activity and volume of inert waste material will, over the 10 years of operation, have a devastating effect on existing wildlife which will take generations to restore, if ever, when work ceases 10 years later.

- v. Part of the site is recognised as a Regionally Important Geological site (RIGS)
- vi. County Wild Life sites and ancient woodland are found bordering the estuary around the site.

- vii. Additionally there is a shellfish growing and harvesting industry nearby in the River Yealm.
- viii. Have the planning authority followed the correct procedure for the ecological report - e.g. the bat survey - how was this survey conducted have there been a sufficient number of surveys and at the right time of year.

6. Traffic

Heavy vehicle traffic in Steer Point Road will bring associated road safety hazards plus noise, dust and disruption to the village, particularly the main street and the lane for 10 years. The current load on the transport network has already massively increased since 2010 and set to do so further with Canes Orchard, Kitley Place, Saltram Meadow and Sherford developments.

Development Management Policies July 2010; South Hams Local Development Framework Policy DP3 states that **“development should not have an unacceptable impact upon the level of residential amenity generally accepted within the locality including impacts of noise, disturbance, odours and fumes”**. An average of 44 lorry movements a day, 1 every 13 minutes, and 11 on Saturdays will have a significant impact on noise, pollution, dust, disturbance and conflict with local use of particularly Steer Point Road but also the main village street and Red Lion Hill. In particular the residents of Venn Court sheltered housing (many of whom have mobility problems) have no other access to the amenities within the centre of the village without crossing Steer Point Road.

The Parish Plan for Brixton 2012, (following full consultation with residents across the parish) identified the following hazards: - accessing the mini roundabout safely from Steer Point Road, speed, noise and volume of traffic through the village and the dangerousness of the zebra crossing. Brixton Parish Council has set up a Traffic Management Group to specifically address the road safety issues raised by local residents in the Parish Plan. This application increases the level of risk and hazards for all users of Steer Point Road and in the main village street.

The proposed ‘lollipop’ person suggested by the applicant (at the recent consultation event by the applicants, Aardvark) to mitigate the effects of the lorry movements is unrealistic and does not deal with the recognised dangers for the length of the route nor the very varied timing of those accessing facilities on the road at differing times of the day.

The planned traffic volume is routed through a local road network totally unsuited to heavy lorry movement with narrow roads, in places with width for only one vehicle and minimal passing places in Steer Point Road and a weight restriction of 7.5 tonnes on Red Lion Hill for which is proposed half of the lorry traffic will use. Red Lion Hill in the current written proposal (although we have received verbal assurances that this will not be used) is in poor state of repair and unsafe for vehicles above this size. The Road Traffic Order imposed in 2000 was as a result of

previous problems with HGV's. Steer Point Road often has cars parked both sides of road which can prevent 2 cars passing. Double yellow lines are not a viable option as this would increase speed of road and remove availability of parking impacting on School, Nursery and Venn Court visitors. Most houses along the road have no capacity for off road parking and parking is very limited in roads nearby.

The assessment of previous lorry movements in Transport Note from Hydrock are viewed by those who worked within the quarry as inaccurate, and therefore the assessment of reduced movement of HGV's through the village is hugely flawed (previous levels were closer to 12 lorries /day). **The suggested reduction in traffic movements is untrue as work ceased in 2010 and prior to this the brickworks were operating at a much reduced capacity.**

Under Regulation 19 of the EIA Town & Country Planning (Environmental Impact Assessment) Regulations 2011 Brixton Parish Council formally requires up to date transport impact information for Steer Point Road and the quarry.

7. Village and Community impacts

Steer Point Road is linked directly to the A379 in Brixton Village and proceeds through a residential area of 57 houses out to a more rural setting with further residential properties.

Venn Court, a sheltered housing complex run by Devon and Cornwall Housing with 40 elderly residents, is on the corner of Steer Point Road with the A379 - residents with varying degrees of physical and sensory impairment can only access services in the village e.g. Post Office, shop, bus stop etc by crossing Steer Point Road. There is no pedestrian crossing. The only exit and entrance into Venn Court for all car drivers is via Steer Point Road.

Ladybirds Children's Nursery has 44 places taken up each day by children under 5. Steer Point Road is the area parents park to drop their children off in the morning and collect them later in the day. The Nursery has a play area which is immediately alongside Steer Point Road - the noise and fumes from the lorries will be harmful to the health of the under 5's.

St. Mary's School, Brixton (33- 35 currently on the role) is adjacent to the road and a pedestrian entrance to the school in Steer Point Road is the main dropping off point for children by their parents. The noise, dust, pollution and carbon emissions together with the extreme daily disturbance for 10 years will have a serious detrimental effect on the health and well being of children attending the school and nursery and the local residents living adjacent to the road.

The pavement from Elliot's Hill to the A379 has been designated as part of Brixton Play Trail linking all the play facilities in the village by a defined play trail. Children

playing will be at risk from lorries (particularly if fewer larger lorries are used due to the reduced visibility).

Brixton Camping and Caravan site is also accessed via Steer Point Road the combination of heavy lorries meeting campervans and caravan will increase the dangerousness of the road. This residential area currently has a speed limit of 30 mph. The residents of Elliot's Hill and Horn Lane (30 dwellings) also access Steer Point Road as part of the one way system operating in this part of the village

From the end of the speed limit Steer Point Road becomes a Devon lane which is accessed by the residents - former farmhouse and converted barns, 7 cottages and 3 other dwellings. Traffic is mainly local residents, delivery vans, the sheep farmer of the adjacent agricultural land and people accessing the River Yealm for leisure purposes. The traffic statistics provided in the application are incorrect and unacceptable. The brick works reduced manufacturing from 2009, closing in 2010-11. Since that time considerable changes have occurred in the general use of this road and the life style of residents pursuing leisure activities down the lane i.e. walking, cycling and horse riding. Steer Point Road has become a local amenity giving access to the River Yealm and the network of footpaths around Brixton.

8. Steer Point Road

The character of the road is narrow with Devon banks and provides only 6 passing spaces for 2 vehicles along its length. There is a small, bridge which forms part of an historic landscape of a grade I listed Kitley House originally landscaped by Repton in the 18th century. The bridge itself dated 1860. It is Grade II listed in its own right. Whilst this bridge has carried commercial traffic when the brick works were open, it was not designed to carry 242 heavy lorries per week. The bridge in the last 5 years has only carried light traffic i.e. farm and delivery vehicles, plus cars it would appear not to have been maintained in recent years. Brixton Parish Council requires a condition report of its current state and to determine its maximum loading and clarification who is responsible for the bridge and will ensure that during the 10 years it is not damaged. Who will pay for and carry out any necessary repair works to approved conservation standards? The Parish Council also requires a condition report with a maximum loading statement in relation to the railway bridge by Steer Point Cottages. There is no evidence that either of these bridges can sustain the level of traffic over a period of 10 years as outlined in the application.

9. Noise and Airborne Pollution

In addition to the noise and pollution from the increased lorry movements using Steer Point road, there will be noise emissions from the quarry site as vehicles unload and the material is compacted during working hours and on Saturdays. Noise and dust will also adversely affect residents living at South Barton Farm, the cottages and houses immediately opposite the quarry entrance, and prevent peaceful enjoyment of their homes and gardens for 10 years.

Conclusion

Brixton Parish Council's recommendation for this planning application is refusal. An attempt to obtain consent for a waste facility by presenting it as a requirement under a quarry restoration plan is dubious.

The application seeks to promote a concept that Brixton Parish will benefit from this application, we can see no net social economic or environmental benefits, in fact quite the reverse.

Brixton Parish Council has been significantly disenfranchised by the process of this application, our Devon County Council Ward Councillor has been unable to assist us (on advice from county solicitor with no explanation offered) and the application has not been conducted properly.

Applications of this magnitude must be considered in the overall context of plans for the whole parish; Brixton has over 150 new houses since 2007 at Carrolsland with a further 50 currently under construction and outline consent for a further 5,500 plus houses from 2015 at the new town of Sherford. The cumulative pressure on infrastructure and the environment in our parish will be immense; it is in this context that the further pressure from this application is unacceptable. We do not believe that Devon County Council has the resources to enforce any mitigating conditions which could be applied to offer protection from this application.

Finally the very strong feeling shown within the Parish against this application from right across our community must be respected and we ask that the views of the Parish Council and its parishioners will be taken fully into account in the determination of this application.

This letter does constitute the very serious objection to this application from Brixton Parish Council representing the community and we reserve the right to expand/modify these issues as further information comes to light.

Yours sincerely

Mrs E. Hitchins
Chairman