

Rebuttal to Devon County Council's 1st March Minerals and Waste Planning Response Residential led Development of up to 400 dwellings, land south of White Rock, Paignton (P/2017/1133)

This rebuttal has been prepared by WYG on behalf on Abacus Projects Limited/ Deeley Freed Limited in response to Devon County Council's letter, dated 1st March 2018, which sets out its objection to the proposed Development, in regards to minerals, is maintained.

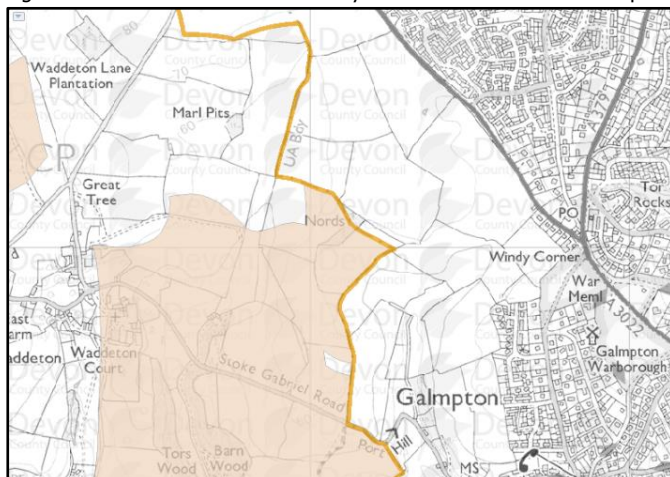
Site Design

There is no built development proposed in the south west of the application site and, as can be inferred from the Site Masterplan (Figure 1) and the Devon County Council (DCC) Minerals Policies Map (Figure 2), at the closest point there is an approximate 100m gap between the area of the built development and the Minerals Safeguarding Area (MSA).

Figure 1 – Site Masterplan



Figure 2 – Extract from Devon County Council Minerals Policies Map

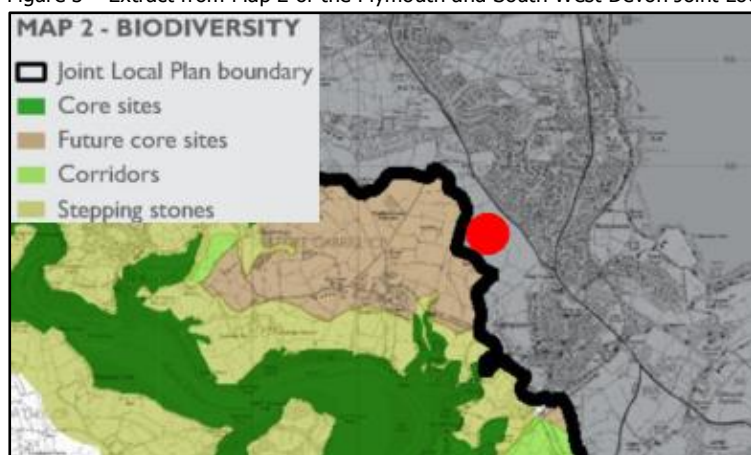


Nords Wood and Biodiversity

Nords Wood is located on the south west facing boundary of the application site, which borders DCCs MSA.

The Devon MSA that borders the application site, is identified on Map 2 of the Plymouth and South West Devon Joint Local Plan: Submission Document (Figure 3) as a 'Biodiversity Future Core Site'. The Plymouth & South West Devon Joint Local Plan 2014 – 2034 Submission Document defines these core biodiversity sites as '*areas identified where future measures are planned to create high value areas... in South Hams these include Cirl Bunting Enhancement Zones and Greater Horseshoe Bat sustenance zones.*' Natural England's response to the outline application indicates that the site lies within the sustenance zone/ areas of the Berry Head Special Area of Conservation (SAC) for greater horseshoe bats.

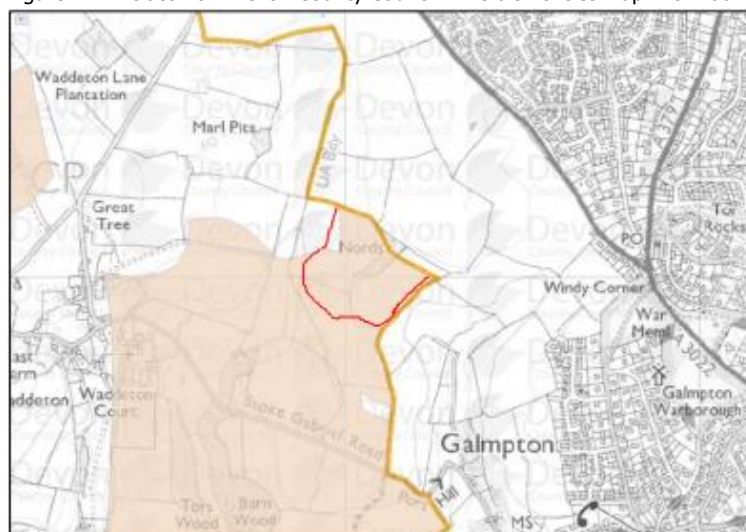
Figure 3 – Extract from Map 2 of the Plymouth and South West Devon Joint Local Plan: Submission Document



It is therefore considered that a buffer zone would be required around Nords Wood and future mineral extraction would not be appropriate in this part of the MSA.

Figure 4 shows a 100m buffer zone from Nords Wood. If this buffer zone was applied, there would be approximately 320m between the proposed built development and a workable area of the MSA.

Figure 4 – Extract from Devon County Council Minerals Policies Map with 100m buffer zone from Nords Wood





It is also noted that the site masterplan (Figure 1) shows that the application proposes additional planting across the development, including a large area in the south west of the site, which would enhance foraging opportunities for Greater Horseshoe and other bat species.

Area of Outstanding Natural Beauty and other Constraints

MSAs are based on British Geological Survey (BGS) mapping and do not dictate that the area is necessarily suitable for mineral extraction in planning terms. The proposed application boundary is approximately 550m from the South Devon Area of Outstanding Natural Beauty (AONB). The MSA is located within the AONB itself as well as the area between the site and the AONB.

DCC stated in their 1st March response: *'I accept the conclusion that extraction of the limestone resource within the application site is unlikely to be viable due to the presence of sensitive receptors nearby and the need to retain a buffer between these and any future mineral working. However, development of the application site for housing would, in turn, impose increased constraint on potential mineral extraction in the adjoining Mineral Safeguarding Area within Devon to the south west of the site'*

The Mineral Safeguarding and Constraints Plan that was appended to the Minerals Safeguarding Assessment, submitted to Torbay Council in February 2018, has been enclosed with this rebuttal. DCC are in the agreement with the need to retain a buffer zone. The plan shows the buffer zones extend from properties in Waddeton and Galampton and would constrain any future minerals extraction in the area to the south west, as well as the application site itself.

Need

The DCC response dated 1st March states;

'...One point made in the applicant's assessment that I take issue with is the suggestion in paragraph 5.0.8 that "there is no apparent need for the limestone reserves". While the assessment is correct in indicating that Devon has a landbank equivalent to 38.5 years of supply, the safeguarding of mineral resources is intended to provide long term protection of resources to ensure that minerals such as limestone remain available for future generations once existing quarries are worked out. The availability of existing permitted reserves is not in itself a reason for allowing other potential resources to be sterilised or constrained and thereby reducing the options for new quarries to be developed in the future...'

DCCs Mineral Safeguarding: Supplementary Planning Document (SPD) (January 2018) states a Mineral Resource Assessment should include an *'...evaluation of the extent of current extraction in Devon or the wider area of the mineral resource underlying the site and its continued supply in the foreseeable future...'*

WYG are of the view that a landbank is a material consideration when potential mineral works are being evaluated. DCCs response stated: *'The availability of existing permitted reserves is not in itself a reason for allowing other potential resources to be sterilised...'* In the Minerals Safeguarding Assessment, submitted in February 2018, WYG set out several other reasons, including the proximity to existing sensitive receptors and the potential impact of the AONB.



The NPPF is explicit in requiring Local Planning Authorities to identify a sufficient supply of deliverable housing sites for the next five years to meet objectively assessed needs for market and affordable housing.

The proposed development provides up to 400 houses, of which 30% will be affordable in line with planning policy. The site was previously recognised, via the Local Plan process (and then acknowledged by the Inspector in his assessment of soundness, subject to addressing ecology and landscape matters) as having the potential to meet strategic needs in a co-ordinated fashion and able to provide a significant contribution to strategic infrastructure needs, including highways improvements, education and open space. Since the submission of the application, the Council have identified that their housing land supply is less than 5 years and whilst this scheme is not predicated solely on this point, it does have the potential to make a significant contribution to the shortfall.

Devon Minerals Plan (DMP) Policy M2 is flexible and does effectively allow for sterilisation where '*...there is an overriding strategic need for the non-mineral development...*'

The NPPF seeks the maintenance of landbanks of land-won aggregates of at least 10 years of crushed rock. There is a landbank of 48.2 of crushed rock in Devon and 38.5 years of limestone alone. As Torbay Council do not have a 5 year supply of housing, WYG therefore maintain the view that there is greater need for housing than the limestone resource.

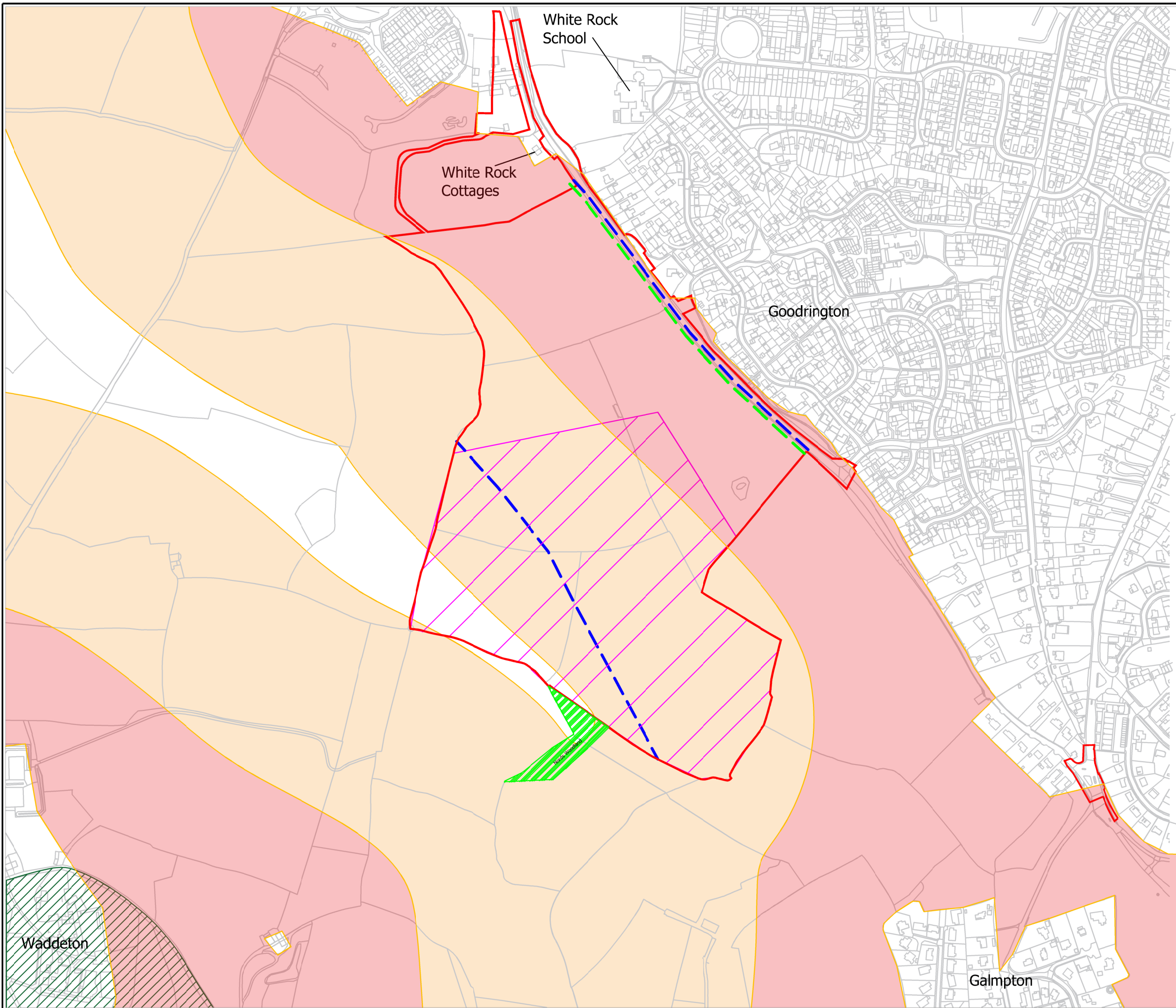
Summary

Devon County Council's concerns relate to the potential constraints to future mineral extraction from the MSA to the south west of the site. It is considered that mineral extraction around Nord's Wood would not be suitable due to the biodiversity implications set out in this rebuttal.

When buffer zones are applied from Nord's Wood and from the existing housing in Waddeton and Galmpton the workable area of the land to the south west would be further constrained and may not be of sufficient size to warrant a full mineral extraction. The potential impact on the AONB is also an important consideration.

The NPPF seeks the maintenance of landbanks of land-won aggregates of at least 10 years of crushed rock. There is a landbank of 48.2 of crushed rock in Devon and 38.5 years of limestone alone. As Torbay Council do not have a 5 year supply of housing, WYG consider the need for housing outweighs the need for limestone resource.

This application would not sterilise the mineral resource in the Devon MSA and no built development is proposed in the south west of the site. If a 100m buffer zone was applied around Nord's Wood there would be approximately 320m between the application site and the workable area of any future mineral extraction site. If there was commercial interest and/ or a need for the limestone reserves in the future, it would still be possible to recover these reserves subject to other planning considerations.



DO NOT SCALE: CONTRACTOR TO CHECK ALL DIMENSIONS AND REPORT ANY OMISSIONS OR ERRORS

Key

- Application Boundary
- Gas Pipeline
- Transmission Line
- Minerals Safeguarding Area Within Site Boundary
- 200m (red) and 500m (orange) Buffer Zone from Sensitive Receptors
- Nords Woodland
- Area of Outstanding Natural Beauty

REV	DESCRIPTION	BY	CHK	APP	DATE
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Project:
Paignton
 Minerals Safeguarding
 Assessment

Drawing Title:
**Mineral Safeguarding
 and Constraints
 Plan**

Scale @	A3	Drawn	Date	Checked	Date	Approved	Date
1:5000		AE	1.2.18	CM	1.2.18		
Project No.	Office	Type	Drawing No.		Revision		
A107327	8146	W&MR	A107327-MSA-01				