

Dartmoor National Park Authority

Extension to Linhay Hill Quarry, Ashburton

Additional information requirements for Environmental Impact Assessment
and planning



22 December 2016

Amec Foster Wheeler Environment
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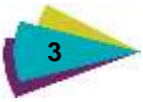
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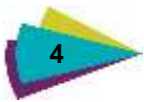
Executive summary

Purpose of this report

This report has been prepared by Amec Foster Wheeler on behalf of Dartmoor National Park Authority (DNPA) to present the results of a review of the planning application and Environmental Statement prepared for the Linhay Hill Quarry development, Ashburton, Devon.

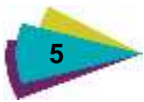
The planning application and Environmental Statement were submitted to DNPA in June 2016 for a 32 hectare extension to the existing quarry to extract and process stone.

The review has identified a number of areas where further information is required from the applicant under Regulation 22 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (as amended).



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1. Introduction

A planning application was submitted to Dartmoor National Park Authority in June 2016 for an extension to Linhay Hill Quarry, Ashburton, Devon. The application was accompanied by an Environmental Statement prepared by Atkins Ltd. on behalf of EJW Glendinning Ltd. (“the applicant”)

The proposals for which the applicant is seeking permission comprise:

- ▶ A 32 hectare extension outside the existing quarry comprising 21ha of new extraction area and an increase in depth on the existing quarry together with 11ha of permanent bunds formed from overburden;
- ▶ Removal of Alston Lane and construction of a replacement public highway from Ashburton to Waye, a replacement private access to Alston Farm and replacement public footpath;
- ▶ Backfilling of overburden from the extension area into the base of the quarry and alterations to the existing settling pond in the main part of the quarry;
- ▶ Restoration to water and habitat for recreational use alongside land for employment uses on the existing workshop area and part of the existing Settling Pond which will be capped, part of which will also be used as a public amenity area; and
- ▶ To consolidate all current planning permissions for ongoing operations at the existing quarry.

This report provides the outcome of a review undertaken by Amec Foster Wheeler on behalf of DNPA to:

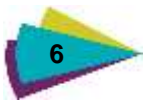
- ▶ Complete a review of the Environmental Statement using the Institute of Environmental Management and Assessment (IEMA) Environmental Statement Review Criteria; and
- ▶ Identify further information that should be subject to a Regulation 22 request from the applicant.

This is to ensure that the ES meets the requirements of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (as amended) (“The Regulations”).

This EIA review does not consider the technical detail included within the individual assessments in terms of its accuracy, appropriateness or compliance with standard assessment methodologies. The applicant has, however, already agreed to carry out some additional studies as a result of further discussion with consultees following submission of the application. The need for these studies is therefore addressed in the Regulation 22 requests, but it is acknowledged that they may therefore already be underway.

The review also includes reference to comments made on the application received from consultees, where these also require additional information to be presented. This report is therefore structured as follows:

- ▶ Section 2 of this document comprises matters requiring the provision of “further information” under Regulation 22. (A summary of the Regulation 22 requests is included in Section 2.12).
- ▶ Section 3 of this document comprises further points of clarification on the ES to which the applicant is asked to respond.
- ▶ Section 4 of this document comprises details surrounding the alternative highways scheme at Caton Lane;
- ▶ Section 5 of this document contains requests for further information and enquiries relating to the planning application proposals as a whole.



2. Regulation 22 request

2.1 The requirements of Regulation 22

Regulation 22 (1) of the EIA Regulations provides that a relevant planning authority dealing with an application or appeal in relation to which the applicant or appellant has submitted an environmental statement, if of the opinion that the statement should contain additional information in order to be an environmental statement, shall notify the applicant or appellant in writing accordingly, and the applicant or appellant shall provide that additional information; and such information provided by the applicant or appellant is referred to in these Regulations as “further information”.

All information provided must be publicised, and consulted on by DNPA. Requests for further information should be limited to the “main” or “significant” environmental effects to which a development is likely to give rise and must be on relevant matters set out in Schedule 4 of the Regulations. The local planning authority, the Secretary of State or an Inspector may also require an applicant or appellant to produce evidence to verify and/or clarify any information in the Environmental Statement.

Additional information of a substantive nature submitted voluntarily by an applicant must be treated in the same way as information required by the local planning authority (see the definition of “any other information” in Regulation 2(1)).

DNPA as the relevant planning authority responsible for determining this planning application is of the opinion that the Environmental Statement should contain additional and further information in order to be an Environmental Statement. Sections 2.2 – 2.12 set out the additional information required. For ease of reference, these are structured according to the layout of the Linhay Hill Quarry extension ES.

2.2 Project description

Paragraphs 3.21- 3.145 of the ES provide a description of the proposed development including site area, phasing and an outline of a restoration strategy. This includes:

- ▶ Extension of the quarry;
- ▶ Deepening the existing quarry;
- ▶ Closure and removal of a section of Alston Lane and junction onto the A38 with associated traffic management measures;
- ▶ Provision of a new road as a replacement for Alston Lane and new accesses to Alston Farm and Lower Way;
- ▶ Widening of Balland Lane and alterations to the coach turning circle at South Dartmoor Community College;
- ▶ Diversion of Ashburton footpath 16;
- ▶ Utilities diversions;
- ▶ Flood mitigation works;
- ▶ Progressive restoration and landscaping of the existing and extended quarry with provision for nature conservation, biodiversity and geology and final restoration to a combination of: amenity, informal recreation, and nature conservation and employment;
- ▶ Introduction of a Traffic Regulation Order at Hook’s Cross to minimise additional traffic using Caton Lane once Alston Lane is closed;
- ▶ Provision of public access and footpaths, with amenity area in walled garden;
- ▶ Provision of quarry viewpoint with information facilities and parking as appropriate.

Although all of these elements form part of the scheme, the EIA mainly focuses on potential effects arising from the extraction, new road and creation/retention of overburden mounds with little recognition of the restoration elements. Furthermore, the additional depth of the quarry equally has not been given much consideration in the ES.

The ES includes a description of the physical characteristics of the whole development and the land-use requirements during the construction and operational phases. However, in some places, such as traffic and land stability, the baseline is stated to be incomplete. The land stability assessment identifies further research which needs to be undertaken to fully understand the baseline and the traffic assessment notes that there is no traffic data provided for Balland Lane.

Section 1.16 explains that the quarry extension will not result in any increase in the rate of rock extraction, but will ensure that the quarry can continue to meet local demand. However, there is less explanation of what assumptions are therefore made in the ES about production from the quarry during operation and what information has therefore been used in the completion of the assessment – for example, in predicting the levels of traffic that the operation of the scheme will likely generate.

The ES includes an estimate, by type and quantity, of expected residues and emissions (water, air and soil pollution, noise, vibration, light, heat, radiation, etc.) resulting from the operation of the proposed development.

Further information required under Regulation 22:

- ▶ Ensure the potential effects of deepening the quarry and the restoration phase are addressed through all topic chapters, even if it is to scope out potential effects;
- ▶ Provide missing information / data to complete the baseline for land stability and transport and then amend the assessments to address the additional information where necessary; and
- ▶ Provide further details on what assumptions have been used to establish the potential operational effects of the development – such as (but not limited to) traffic movements that could be generated.

2.3 Alternatives

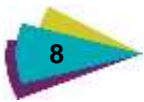
The ES includes an outline of the main alternatives to the scheme including operation at other sites or cessation of working. An economic case is made for the continued working at Linhay. There is no reference to alternatives including the do nothing option in the following assessments: flood risk and the effect on water resources, dust and air quality, heritage, agricultural land, land stability, or recreation. Where alternatives and the do nothing had been scoped out please indicate and provide justification.

Alternatives, including alternative sites and alternative design options, are set out and reasons for the choice of the preferred option of extending Linhay Hill Quarry are discussed. However, the influence of environmental effects in selecting the preferred options are not explained consistently.

Further information required under Regulation 22:

- ▶ Provide environmental reasons for the choice or rejection of alternatives.
- ▶ Describe the process of how environmental reasons were taken into account in the review of alternative sites;
- ▶ In each case, describe any environmental reasons that were therefore considered in rejecting certain sites;

The reasons for this Regulation 22 request are that it is not clear how environmental reasons have influenced the decisions made for choice or rejection of alternative sites. For example, desk based studies are described in section 6.6 for the main alternative sites but it is not clear how the information was used to influence the decision taken. Table 6.1 contains some information on environmental reasons for rejection of



certain sites (but not all), but it is not clear what process was followed to obtain that information or how it was taken into account;

2.4 Approach to the consideration of impacts and effects

It is not clear from the ES in all cases whether issues raised in the Scoping Opinions from DNPA (January 2016) have been addressed. For example, some chapters contain specific headed sections on scoping, others do not.

Due consideration needs to be given to the future environmental baseline, i.e. changes to the baseline which would occur if the development did not take place. This is particularly relevant in terms of climate which is predicted to change and will effect temperature and precipitation. This is especially pertinent to this application given the potential impacts around flood risk and ground water. Traffic movements will change (growth factors are included within the traffic assessment) and socio-economic conditions are likely to change within the locality in terms of demographics, population growth, changes in other employment sectors. These factors should all be included within the environmental baseline, specifically for transport and flood risk.

There is no clear definition in most chapters of what effects are 'significant' or 'not significant' and how an evaluation of significance has been reached. In some cases the lack of explanation therefore means that it becomes very difficult to justify the assessment of significance.

Chapter 7 of the ES (Approach to the consideration of impacts and effects) sets out a general approach to the assessment of significance, defining key terms in a general manner. It would be helpful if technical chapters clearly set out the assessment of significance using the criteria provided in paragraph 7.18, as these are clearly defined and provide a useful base for assessment. Chapter 7 does not, however, make a general statement as to which levels of effect described in the ES should be considered significant or not significant. This is an acceptable approach, provided it is clear in the individual topic chapters how significance has been derived, but the topic chapters in most cases do not set this out.

For example, Chapter 9, Social and Economic Effects describes in paragraph 9.46 the terms that the chapter will use to describe levels of effects. Paragraph 9.48 then explains that 'moderate' and 'major' effects (whether adverse or beneficial) are considered significant.

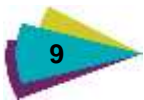
Other chapters use different terms to describe effects. However, with the exception of chapter 9, the topic chapters do not go on to describe which effects are considered significant or not. As such, it is not clear whether (for example) a 'slight dis-benefit' or an effect of 'negligible significance' should be considered 'significant'.

The land stability chapter (Chapter 17) is presented as a risk assessment and contains no description of effects or significance criteria.

Further information required under Regulation 22:

- ▶ Ensure that all of the recommendations set out in the scoping opinions have been addressed in the impact assessment, or reasons given for any points that have not been considered further in the ES.
- ▶ Include consideration of the future baseline in the assessments in all topic chapters;
- ▶ Provide an assessment of effects for land stability;
- ▶ Confirm which effects are considered to be significant and not significant and explain why for all chapters with the exception of Chapter 9;

This could be done through an addendum which clarifies all of the receptors considered in the ES, the sensitivity of (in the terms described in paragraph 7.15 of the ES) and the significance of the scheme on them, as defined in paragraph 7.18.



2.5 Landscape and visual effects

The LVIA does not consider a large enough study area for the assessment of landscape or visual effects on the National Park. Additional assessment is therefore recommended. It is considered that a 2.5km detailed study area should be used and a 12km general study area added to enable consideration of the effects on nationally significant receptors and long distance views. Figure production should include the whole 2.5km study area; and the 12km study area where applicable.

The LVIA states the levels of effect, but it does not explain which levels of effect are then considered significant or not significant.

Tabulating the receptors to be assessed would aid clarity in this ES. It is unclear in the landscape assessment which elements outlined in four different landscape character assessments in the baseline section are to be taken forward for assessment, for example.

The historic environment chapter states that it will assess effects on historic landscape, but the assessment appears to be missing. Likely effects on historic landscape therefore need to be assessed in either the landscape or heritage chapters. They should nevertheless also refer to one another

Further information required under Regulation 22:

- ▶ A 2.5km detailed study area and a 12km general study area should be used for both landscape and visual assessments unless otherwise agreed with the DNPA Landscape officer;
- ▶ Provide details on how significant environmental effects have been evaluated, including a description of how receptor sensitivity has been defined ;
- ▶ Review your assessment of the valuation of receptors and your judgement of likely significance of all affected receptors;
- ▶ Provide an assessment of the completed development on the landscape;
- ▶ Give appropriate coverage and weight to the Devon County Council's Landscape Character Assessment and the DNPA Landscape Character Assessment and review your judgements having regard to these documents;
- ▶ Provide an assessment of the visual and landscape effects associated with the permanence of the bunds;
- ▶ Consider the impact of tree loss on the character of the landscape;
- ▶ Review the judgement that the landscape within the site is of 'moderate' sensitivity to change; and
- ▶ Provide an assessment of the effects on Balland Lane

2.6 Ecology

This section considers issues relating to ecology including further evidence and mitigation required.

Further information required under Regulation 22

- ▶ Provide additional ecological and hydrological assessment on subterranean water bodies and associated ecology;
- ▶ Provide the delivery mechanism for the mitigation and restoration proposals;
- ▶ Provide results of the survey for buckthorn along the hedgerow bordering Waye Lane;
- ▶ Provide results for a reptile survey for the area alongside Alston Lane and also the area bordering Waye Lane;

- ▶ Little Barton UWS:
 - ▶ Provide results of bat surveys of adits local to the site (within Little Barton Fields Unconfirmed County Wildlife Site (UWS)) and to confirm any additional likely significant effects as a result of the Linhay Hill Quarry development;
 - ▶ Carry out a condition assessment survey of the site, to assess if it is of CWS standard, and what management measures might be required to get it into good condition;
 - ▶ Include proposals for improved management of this UWS into the overall mitigation works with the aim of achieving a CWS designation as a result;
 - ▶ Please describe in more detail what is meant by 'drainage works'; and
- ▶ Provide an updated assessment of the likely effects on South Hams SAC and Dartmoor Woods and Dartmoor Special Areas of Conservation (SACs) to assess the effects and consequences of the above additional work, of the further assessment of hydrogeological, land stability and surface water referred to in Section 2.8 of this document, proposed changes to the Caton junction and any other relevant changes in baseline and assessment.

2.7 Effects on traffic and access

Further information required under Regulation 22:

There is no traffic data provided for Balland Lane. An evaluation should be provided to demonstrate whether the effects of the proposed widening works to Balland Lane on traffic on this area are likely to be significant and depending on its findings, traffic data and assessment should be provided where appropriate. School traffic should be taken into account for any such assessment. Any consequential changes to traffic forecasts should also be made.

2.8 Flood risk and effects on water resources

This section considers geology, hydrogeology, groundwater, surface water features and drainage and flood risk. A number of specific issues have been identified relating to controlled waters.

Further information required under Regulation 22:

- ▶ Assess the hydrogeological effects of deepening the quarry including groundwater flow and local hydrogeological conditions and the potential need for increased dewatering;
- ▶ Provide further investigation to confirm the existing groundwater regime as well as to allow future monitoring of groundwater levels as quarrying in the extension proceeds;
- ▶ Provide details of the water pollution measures that are proposed as mitigation for likely ecological effects;
- ▶ Provide an analysis of the hydrological effects of climate change;
- ▶ Consider the future baseline, taking into account changes in water levels resulting from climate change or restoration of the currently permitted scheme;

The applicant proposes to address the above points as part of further studies being carried out in accordance with a scope of work, the details of which are to be provided by the applicant and approved by DNPA.

The DNPA and relevant regulatory authorities and stakeholders will be kept informed of progress and the detailed information will be submitted to DNPA.

This planned additional work has been triggered by the requirements set out in consultation responses from the Environment Agency, Devon County Council, Highways England and DNPA as well as the issues raised by other parties responding to the consultation on the application.

The applicant will address the above points as part of further studies being carried out in accordance with a scope of work, the details of which are to be provided by the applicant and approved by the Planning Authority.

The results of the further studies will be submitted to DNPA and relevant regulatory authorities and stakeholders.

The results of this study will form part of the applicant's Regulation 22 response.

This process may also lead on to further Regulation 22 requests.

2.9 Heritage assessment

As described in section 2.5, the heritage assessment chapter states that it will assess effects on historic landscape, but it does not appear to consider this in the choice of a 1km study area which is considered too restricted. The chapter also does not then appear to contain the assessment, nor does it seem to be covered explicitly in the Landscape and visual effects chapter. In addition to needing to provide the historic landscape assessment, due to the potential for overlap, these two chapters should therefore refer to one another.

The chapter also does not refer to comments made by the DNPA's Archaeologist. These points are also requested below, therefore.

Although the HEA sets out the levels of environmental effects, it does not explain which levels are considered significant or not significant so the overall conclusions of the assessment are difficult to appreciate.

Further information required under Regulation 22:

- ▶ Provide an assessment of the effects on the historic landscape (this may be in conjunction with the amendments to the LVIA). This should include revising the current study area. . A study area in line with the recommendations for the landscape assessment should be used for the historic environment, to allow a range of scales of impact to be assessed.
- ▶ Provide details on how significant environmental effects have been evaluated, including a description of how receptor sensitivity has been defined in relation to heritage;
- ▶ Provide a re-worked assessment of the valuation of receptors and judgement of likely significance for all affected receptors; and
- ▶ Provide an assessment of potential effects and mitigation measures for all aspects of the scheme description, with reference to comments and mitigation measures contained within the DNPA's archaeologist's comments dated 26/07/16.

2.10 Agriculture

This section includes information requested by Natural England.

Further information required under Regulation 22:

- ▶ Clarify how the grading of agricultural land as 3b has been applied in accordance with published MAFF Technical Guidance (1988) Natural England (Soils, land quality and reclamation) and update the assessment to address any changes.

2.11 Land stability

This chapter comprises a risk assessment but it is also necessary to include an assessment of the significance of the potential environmental effects.

The land stability section outlines “a programme of further investigation to be carried out during Stage 0” including:

- ▶ Cored and open hole boreholes in areas of greatest concern; and
- ▶ Installation of standpipes to confirm the existing groundwater regime and allow future monitoring of groundwater levels as quarrying in the extension proceeds” (paragraph 17.47).

Further information required under Regulation 22:

- ▶ Provide the results of the further land investigations and the resulting assessment of effects;
- ▶ Explain the process for determining significance of effects for land stability including describing receptor value and sensitivity so that they are consistent with the approaches taken in Chapter 7 of the ES. Review; and revise the chapter to fully demonstrate which effects are considered significant and not significant.

The applicant will address the above points as part of further studies being carried in accordance with a scope of work, the details of which are to be provided by the applicant and approved by the Planning Authority.

The results of the further studies will be submitted to DNPA and relevant regulatory authorities and stakeholders.

The results of this study will form part of the applicant’s Regulation 22 response.

2.12 Other impacts

Provide an assessment of climatic factors and climate change to confirm likely climatic effects from the development, with regard to effects on ground water, stability and flood risk In relation to other topics please refer to these potential effects, assess whether applicable and if so include in your assessment; or state whether and why this issue is not applicable and has been scoped out..

Table 2.1 sets out a summary of the Regulation 22 requests presented in Sections 2.5 – 2.12

Table 2.1: Regulation 22 requests

Number	Regulation 22 request
Project description	
1	Ensure the potential effects of deepening the quarry and the restoration phase are addressed through all topic chapters, even if it is to scope out potential effects
2	Provide missing information / data to complete the baseline for land stability and transport. Amend the assessments to address the additional information where necessary
3	Provide further details on what assumptions have been used to establish the potential operational effects of the development – such as (but not limited to) traffic movements that could be generated
Alternatives	
4	Provide environmental reasons for the choice or rejection of alternatives: <ul style="list-style-type: none"> ▶ Describe the process of how environmental reasons were taken into account in the review of alternative sites;

Number	Regulation 22 request
	<ul style="list-style-type: none"> ▶ In each case, describe any environmental reasons that were therefore considered in rejecting certain sites
Approach to assessment of impacts and effects	
5	Ensure that all of the recommendations set out in the scoping opinions have been addressed in the impact assessment, or reasons given for any points that have not been considered further in the ES
6	Include consideration of the future baseline in the assessments in all topic chapters
7	Provide an assessment of effects for land stability
8	Confirm which effects are considered to be significant and not significant and explain why for all chapters with the exception of Chapter 9
Landscape and visual effects	
9	It is considered that a 2.5km detailed study area and a 12km general study area should be used for both landscape and visual assessments
10	Provide details on how significant environmental effects have been evaluated, including a description of how receptor sensitivity has been defined
11	Review your assessment of the valuation of receptors and your judgement of likely significance of all affected receptors
12	Provide an assessment of the completed development on the landscape
13	Give appropriate coverage and weight to the Devon County Council Landscape Character Assessment and DNPA's Landscape Character Assessment and review your judgements having regard to these documents
14	Provide an assessment of the visual and landscape effects associated with the permanence of the bunds
15	Consider the impact of tree loss on the character of the landscape
16	Review the judgement that the landscape within the site is of 'moderate' sensitivity to change'
17	Provide an assessment of the effects on Balland Lane
Ecology	
18	Provide additional ecological and hydrological assessment on subterranean water bodies and associated ecology
19	Provide the delivery mechanism for the mitigation and restoration proposals.
20	Provide results of the survey for buckthorn along the hedgerow bordering Waye Lane
21	Please provide results of a reptile survey for the area alongside Alston Lane and also the area bordering Waye Lane
22	<p>Little Barton UWS: Provide results of bat surveys of adits local to the site (within Little Barton Fields Unconfirmed County Wildlife Site (UWS)) and to confirm any additional likely significant effects as a result of the Linhay Hill Quarry development Carry out a condition assessment survey of the site, to assess if it is of CWS standard, and what management measures might be required to get it into good condition. Include proposals for improved management of this UWS into the overall mitigation works with the aim of achieving a CWS designation as a result. Please describe in more detail what is meant by 'drainage works'</p>
23	Provide an updated assessment of the likely effects on South Hams SAC and Dartmoor Woods and Dartmoor Special Areas of Conservation (SACs) to assess the effects and consequences of the above additional work, of the further assessment of hydrogeological, land stability and surface water referred to in paragraph 2.6 of this

Number	Regulation 22 request
	document, proposed changes to the Caton junction (see Section 4 of this report) and any other relevant changes in baseline and assessment.
Traffic and access	
24	An evaluation should be provided to demonstrate whether the effects of the proposed widening works to Balland Lane on traffic on this area are likely to be significant and depending on its findings, traffic data and assessment should be provided where appropriate. School traffic should be taken into account for any such assessment. Any consequential changes to traffic forecasts should also be made.
Flood risk and effects on water resources	
25	Assess the hydrogeological effects of deepening the quarry including groundwater flow and local hydrogeological conditions and the potential need for increased dewatering
26	Provide further investigation to confirm the existing groundwater regime as well as to allow future monitoring of groundwater levels as quarrying in the extension proceeds
27	Provide details of the water pollution measures within the CEMP that are proposed as mitigation for likely ecological effects
28	Provide an analysis of the hydrological effects of climate change
29	Consider the future baseline, taking into account changes in water levels resulting from climate change or restoration of the currently permitted scheme
Heritage assessment	
30	Provide an assessment of the effects on the historic landscape (this may be in conjunction with the amendments to the LVIA). This should include revising the current study area. It is considered that a 2.5km detailed study area and a 12km general study area should be used for the historic environment in line with the recommendations for the landscape assessment, to allow a range of scales of impact to be assessed.
31	Provide details on how significant environmental effects have been evaluated, including a description of how receptor sensitivity has been defined in relation to heritage
32	Provide a re-worked assessment of the valuation of receptors and judgement of likely significance for all affected receptors
33	Provide an assessment of potential effects and mitigation measures for all aspects of the scheme description, with reference to comments and mitigation measures from the DNPA's archaeologist's comments dated 26/07/16
Effects on agricultural land	
34	Clarify how the grading of agricultural land as 3b has been applied in accordance with published MAFF Technical Guidance (1988) Natural England (Soils, land quality and reclamation) and update the assessment to address any changes
Land stability	
35	Provide the results of the further land investigations and the resulting assessment of effects
36	Explain the process for determining significance of effects for land stability including describing receptor value and sensitivity so that they are consistent with the approaches taken in Chapter 7 of the ES. Review and revise the chapter to fully demonstrate which effects are considered significant and not significant
Other impacts	
37	Provide an assessment of climatic factors and climate change to confirm likely climatic effects from the development, with regard to effects on ground water, stability and flood risk In relation to other topics please refer to these potential effects, assess whether applicable and if so include in your assessment; or state whether and why this issue is not applicable and has been scoped out.

3. Clarifications

The following points were noted in the review of the ES and the applicant is asked to clarify these points and provide a response.

Drawings

In the text of the main chapters, please provide where relevant signposting references to relevant plans including those plans that are in the Appendices.

LVIA

The following points of clarification may also trigger additional Regulation 22 responses requests and so the applicant is asked to:

- ▶ Clarify the approach taken to the LVIA and the judgement that construction effects will be temporary, although they will result in permanent landscape changes
- ▶ Clarify the judgement of 'major beneficial' effect on the landscape during the restoration phase
- ▶ Clarify the judgements made on the effects of the development on the National Park

There is some replication of viewpoints (i.e. viewpoints 28 and 29) which may add unnecessary length to the assessment;

- ▶ • Cross referencing between viewpoint location numbers and receptors included in the visual assessment would be useful;
- ▶ • It would be helpful to have the photographic viewpoints illustrated in Plans A.3.1 and A.3.2 overlain on the ZTV. The ZTVs are difficult to interpret and navigate in the absence of OS base mapping;

Sensitivity of visual receptors is generally considered appropriate with residential receptors consistently assessed as being of high sensitivity to visual change. However, the sensitivity of recreational receptors using open access land within the DNP is assessed as medium. Under GLVIA3 this should be high as their primary purpose is visiting and appreciating a nationally designated landscape;

In some instances the introduction of screening mounds or 'bunds' appears to have led to an assessment that the view would not be adversely affected or that adverse effects would be minimised which is not necessarily the case. These can often be large-scale features in their own right, foreshortening existing views. Review the approach to the assessment.

Include details of camera, lens focal length, date, time, weather, viewpoint's height above ground level, viewing instructions etc. in the photomontages in line with *LI Advice Note 01/011*.

Provide single hand held photographs for photomontages.

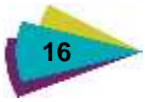
Clarify the impact on the group of trees (G20) protected by a Tree Preservation Order.

Clarify the plans for hedgerow translocation over the entire life of the development.

Ecology

The following points of clarification may also trigger additional Regulation 22 requests and so the applicant is asked to:

- ▶ Provide clarification on whether increasing the value of species rich hedgerows from 'district' to 'county' value will affect the outcome of the assessment made on this receptor. Provide additional assessment if so;



- ▶ Provide details of the water pollution control measures to be adopted during construction sufficient to verify the extent to which they will off-set any adverse ecological effects.

Dust

Paragraph 14.49 provides a detailed definition of medium and high sensitivity receptors drawn from the IAQM Guidance on the assessment of dust from demolition and construction 2014. It then goes on to classify almost all receptors as of low sensitivity without defining how this differs from medium. The applicant is asked to explain this approach. A further Regulation 22 request may therefore arise from this clarification.

4. Alternative highways scheme for Caton Lane

Discussions have taken place between DNPA, Highways England and the applicant, regarding potential alternative options to the traffic order proposed by the applicant. This is in response to Highways England's recommendation that "further consideration is given to an engineering solution to resolve these issues, for example the closure of the A38 left turn into Caton Lane, as we are of the view that positive engineering control of vehicular usage of Caton Lane will be needed in order to ensure the safe operation of the strategic road network. It is anticipated that the new engineering options will require consultation with the residents of Caton, Devon County Council Highways Department and Highways England."

The applicant is now proposing an alternative scheme which is to modify the Caton Lane / A38 junction by widening the existing west bound slip road to create a second parallel deceleration lane serving Caton Lane. The land required for these alterations is highway land and also falls outside the red line application boundary for the current application. The proposals therefore need to be the subject of a separate planning application. The applicant has advised that this application is currently in preparation. The application site also falls just outside the Dartmoor National Park boundary so the application will need to be submitted to and determined by Teignbridge District Council.

These new proposals are likely to require some consequential changes to the current Linhay Hill Quarry extension planning application and supporting documents (including the Environmental Statement). Consideration should be given to the need for EIA for the new proposals. A formal screening request should be submitted to Teignbridge District Council. Consideration should also be given to the effect on the Linhay Hill Quarry application and associated Environmental Statement. Any changes to the current planning application and supporting documents will need to be coordinated and cross-referenced with the planning and environmental information to be provided with the new application. We request that the applicant provides a schedule of the amendments proposed for agreement by DNPA. The new application and the proposed changes to the existing submission will be consulted upon and this may give rise to further Regulation 22 requests.

5. Planning questions and clarifications

In addition to the required additional information presented within Sections 2 and 3 of this report in order to fully evaluate the Environmental Statement, the applicant is also asked to provide clarification and further information on a number of other elements of the proposal. These do not form part of the formal Regulation 22 request.

A Quarry Products

- ▶ Review all the different outputs from Linhay Hill Quarry (and from other Glendinning units where these are reliant on Linhay Hill Quarry) and identify which ones:
 - ▶ Are not currently produced in Devon by anyone else;
 - ▶ Are unlikely to be produced in the future in Devon by anyone else if production ceased at Glendinning;
- ▶ More information about Glendinning's satellite sites/operations and their links with Linhay including Pigston Quarry, Construction arm, new cement importation facility; and why these elements of the business could not continue if Linhay Hill Quarry ceased to operate;
- ▶ Is there any information produced about what contribution Linhay (and Glendinning as a whole) makes to the Devon based production of the different *products* you make including Readymix Concrete, Asphalt, concrete products (slabs, blocks etc.)?
- ▶ Does the limestone quarried at Linhay Hill Quarry have particular characteristics or value that differentiates this material in terms of quality, versatility and other relevant factors?
- ▶ Jobs and skills – is there a breakdown of staff by skills category?
- ▶ Manufacturing and added value – are there any functions or jobs that fall into the category of manufacturing?
- ▶ Which products do Glendinning produce that no-one else supplies? E.g. Chercombe limestone?
- ▶ Chercombe limestone – evidence of recent projects where Chercombe Limestone specified and why?
- ▶ Any production of monumental stone?
- ▶ Any more information on horizontal and vertical integration of the business?
- ▶ Are there any local, national or international alternative sources of supply for the limestone that is supplied from LHQ to the tile works?
- ▶ Are there any suitable alternative products or sources for the agricultural lime produced at Linhay?
- ▶ Please provide distribution of employees by distance bands.

B What would be the consequence of the loss of Linhay to the company Glendinning?

How might this affect your investment profile for the years leading to closure of Linhay?

- ▶ Could you continue to operate economically in the same market areas but simply source aggregates from other suppliers or concentrate in certain products?
- ▶ Would you put resources into seeking planning approval for your alternative site?

- ▶ Would not the period of 10-15 years before closure give the company a chance for legacy planning and adjustment?

C Competitor Response

How do you believe your competitors would respond to the winding down and closure of Linhay Hill Quarry?

Is there a surplus or a shortfall in productive capacity for crushed rock and for the various products in Devon e.g. readymix, asphalt?

What kinds of investment do you think competitors would need to make to fill the gap in the market and how likely in your view are they to make that investment? How might this investment affect product prices compared to Linhay Hill continuing?

D The cost of developing elsewhere outside the designated area

Please provide indicative illustrative comparative costs for enabling works and operating cost for the proposed extension at Linhay Hill Quarry and the company's Greenawell Park Farm. These can be presented as ranges, orders of magnitude / percentages. Confidential information can be redacted. Please indicate whether and how this would affect your competitiveness.

Are you aware of any published statistics in the UK for permissions granted for new quarries versus extensions? Are there any other comparative studies or case studies you are aware of?

Do you have any more evidence to support your contention that the mineral in the proposed extension would never be worked if it is not worked now as an extension?

How would the market respond to the loss of production of agricultural lime at Linhay Hill Quarry?

E Further evidence base and development of case around 'competition'

- ▶ How is LHQ able to compete with the larger multinationals?
- ▶ Any more information on the ways in which Linhay Hill Quarry would contribute to an adequate and steady supply of minerals and sustainable minerals production?
- ▶ Any impacts that lack of competition has had, or has been assessed as being likely to have, on factors such as price, availability of adequate and steady supply both in Glendinning's own experience; and in cases they are aware of, or which they have researched;
- ▶ Any other forms of redress for lack of competition e.g. divesting of assets;
- ▶ Any other examples of:
 - ▶ planning applications where the lack of competition or the risk of monopoly or market dominance has been a material consideration in planning decisions (and which may also have cited the relevant NPPF sub-paragraph);
 - ▶ the actual situation across other counties and regions where there is market dominance (some further comparative information and data would assist) and why Devon is different;
- ▶ Your view on the potential for intervention by the Competitions Commission if / when Linhay Hill ceased to operate to require divestiture of assets, and what form might that take?
- ▶ The OFT studies we have seen used the following parameters for judging there to be no concerns about local market dominance: 33% or 40% (depending on product) of the market within a 30 mile radius. Do you have any comments on whether and how these might relate to the current circumstances in Devon?
- ▶ Can more information be supplied on how the loss of LHQ production might affect production, movement and accessibility to aggregate minerals and quarry products in Devon.

F Spending in the local economy

Can you describe the mechanism by which more of the earnings, turnover and spend by Glendinning 'stays in the local economy' by comparison with larger multi-nationals?

G Glendinning

Any further evidence around Glendinning's intentions and plans and commitments to remain an independent business and barriers to selling to Aggregate Industries. Confidential information can be redacted.

Given the existing market position of Aggregate Industries in Devon, how much difference does LHQ make to such key parameters as availability of crushed rock and other product, suitability and price competitiveness?

Can you provide an outline of the other Devon based and external players providing the same product range as Linhay / Glendinning?

H Substitution

Please provide further details of your current recycled aggregates operation at Linhay including sources, processing and the how this material is added to and utilised in your product range.

What is your company's strategy for recycled and secondary aggregates? What is your view and experience of the constraints and opportunities in Devon for achieving increased substitution of secondary and recycled aggregates for limestone primary aggregates?

Could you provide more details on the potential for substitution of the products you make by alternative types of material and / or products? Are you aware of any trends in building regulations and building technology that might influence demand for your products?

I Restoration and future management

Please provide further details of the governance and funding arrangements for the progressive restoration, aftercare and future management of the restored site and afteruses including the proposed lake; an evidence base to confirm the adequacy of the funding base to meet the different capex (capital expenditure) and opex (operational expenditure) costs and liabilities; and a suitable mechanism to guarantee that sufficient, timely and appropriate funds are made available.

J Total jobs

Does the total number of jobs quoted include some jobs outside Devon e.g. Pigston Quarry in Cornwall?

K Landbank and adequate and steady supply

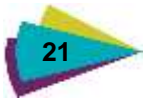
In light of evidence in the LAA on future development, could you devise and test any credible alternative scenarios on the volume of sales in Devon going forward and the impact this might have on the landbank and adequate and steady supply?.

L Rail and sea imports

What are the constraints limiting the opportunities to invest in the existing Exeter railhead or other rail sites and the constraints on increased rail imports or imports by sea?

M Socio-economic well-being

Any further information on the different ways in which Glendinning contributes to the local economy (avoiding double-counting)?



N Proposed bunds

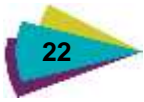
Could the proposed Caton bund be pulled back to further away from the edge of the hamlet particularly where high and steep bunds are shown as being close to properties? This would reduce the capacity of the bund. Could the material be stored or transferred to the existing quarry tip instead? How might this affect landscape character and the landscape impacts of the proposal?

Has the impact of the bund on the nearest Caton residents been assessed in general planning amenity terms?

Would the proposed new deceleration lane influence the position, dimensions and design of the bunds?

O Closing remarks

The authority reserves the right to issue further Regulation 22 and clarification requests.



6. Consultee and Third Party responses and representations

The applicant's attention is drawn to the responses received from consultees and third parties. These are on the Dartmoor National Park website.

<http://planning.dartmoor.gov.uk/publisher/mvc/listDocuments?identifier=Planning&casenumber=0322/16>

The applicant is requested to submit a response to the issues raised by respondents particularly those objecting to the proposals and raising individual concerns.

Further changes and additions to the documents on this web page are likely and the applicant is advised to check regularly for new correspondence etc.

