

## Update to Dartmoor National Park Minerals Local Plan (see pages 151-158)

The Dartmoor National Park Minerals Local Plan already looks forward to 2011 and did not form part of the Local Plan review. However, some matters referred to in the Minerals Local Plan have changed however since the Plan was adopted in December 1995. Those changes are set out below.

### 1) Table 7: Mineral Operations Currently Active in the Dartmoor National Park

Merrivale, near Princetown and the Prison Quarry, Princetown are now inactive sites.

### 2) Paragraph 4.4.1

The current Structure Plan is the *Devon Structure Plan First Review, 1995-2011 Adopted version*.

### 3) Paragraph 4.4.2

Mineral Planning Guidance Note No.1 was revised in June 1996.

The reference to minerals development in National Parks reads:

“Planning Policy Guidance Note 7, *The Countryside and the Rural Economy* (PPG7), sets out Government planning policies for all forms of development in National Parks, the Broads and AONBs. Planning policies for minerals developments are set out in MPG 6.” (MPG1, paragraph 47)

### 4) Paragraph 4.4.4

Devon Structure Plan First Review 1995-2011 policy E16 states: “Proposals for mineral development within National Parks and Areas of Outstanding Natural Beauty will be subject to the most rigorous examination, and will only be approved where development can be demonstrated to be in the public interest and where there is an overriding national need for development which cannot reasonably be met in some other way.”

### 5) Paragraph 4.5.2

The position with regard to china clay working in the National Park has changed.

After considering the detail of the environmental information to be submitted in connection with the review of their permissions under the terms of the *Environment Act 1995*, the operators announced that they intend to voluntarily relinquish their rights to work minerals and tip quarry wastes on three separate areas (known as Areas X, Y and Z) that remain within the Dartmoor National Park boundary. It is intended that the unconditional revocation will be formalised as part of the review decision-making process.

### 6) Paragraph 4.6.1

The Devon Structure Plan no longer refers to Mineral Consultation Areas.

### 7) Paragraph 4.7.1

Devon Structure Plan policy E17 is the current policy that relates to Mineral Working Areas.

### 8) Paragraph 4.8.4

Through the review of old minerals permissions process, the Authority agreed a new set of working conditions with the owners of Blackingstone (now called Blackenstone) Quarry, so that the quarry can operate to provide stone for the local area.

### 9) Paragraph 4.9.1

The mineral permission at Pitts Cleave Quarry near Tavistock has now been relinquished as a result of its development as an industrial site.

### 10) Paragraph 4.10.1

The Devon Structure Plan no longer refers to exploratory drilling in National Parks.

### Minerals Local Plan

#### Introduction

##### 4.1.1

The 1991 *Planning and Compensation Act* requires National Park Authorities to prepare a Minerals Local Plan, which may form part of the National Park Local Plan or be published separately. There are clear advantages in presenting the full range of local policies in the one document, so that approach has been adopted.

##### 4.1.2

The minerals industry, by its nature, has to plan long term, and to do so requires long term certainty in Local Plan policies. For that reason, the minerals policies in this Plan have a time horizon of 2011, which coincides with the time horizon in the County Council Minerals Local Plan.

##### 4.1.3

The intention is to review the National Park Minerals Local Plan at regular intervals, and given that the china clay industry straddles the boundary of the National Park there would be merit in synchronising reviews of the two Minerals Plans.

#### The Minerals Resource

##### 4.2.1

The varied nature and distribution of Dartmoor's mineral wealth is directly related to its geology. The granite core, characterised by its hardness, is difficult to work but a valuable weather resistant building material. Where kaolinisation occurred during the cooling of the igneous magma, china clay has been formed, found principally on the south-west fringes at Lee Moor.

##### 4.2.2

In the metamorphic aureole – the band of rocks around the granite core which were subjected to heat and pressure and thereby changed – useful rocks include marble, amber, slate, hornfels and chert, the latter two providing a hard aggregate of use as rail ballast and roadstone.

##### 4.2.3

Throughout the granite and metamorphosed surround there are intrusions of metal ores and other minerals, including tin, copper, lead, zinc, silver, arsenic, wolfram, haematite (iron) and barytes. All have been worked at various times in the past right across the moor but with concentrations of workings in the Teign Valley, Upper Dart and on the Mary Tavy to Horrabridge axis. Dolerite, in the form of igneous dykes, provides a very hard stone.

##### 4.2.4

Off the granite, unchanged limestones provide a valuable aggregate; overlaying shales may have a use in brick-making; lime too has an agricultural use value.

##### 4.2.5

A 'mineral' product of Dartmoor not directly related to the geology is peat which provides fuel and if compressed/distilled can produce other fuel products such as naphtha, oil tar and petrol, as well as acetic acid. Peat is widespread and has been worked in a number of places, but the thickest deposits are found on the northern plateau.

#### Past and Present Activity

##### 4.3.1

All of the minerals mentioned above have been worked at one time or another, and from medieval times through to the 19<sup>th</sup> century large areas of the National Park were in effect industrial landscapes based upon mineral extraction. Even into the 20<sup>th</sup> century a large number of currently inactive sites were in operation, some into the 1940s when planning controls began to apply. The remaining evidence of this past activity is now of considerable interest as industrial archaeology.

##### 4.3.2

The mineral operations which are currently active within the National Park are listed in Table 7 with additional information where this is relevant and available.

Table 7: Mineral Operations Currently Active in the Dartmoor National Park

Site	Mineral	Main Planning Permissions	Scale of Operation	Notes
Meldon Nr Okehampton	Hornfels	1994	Major	Long-established quarry. Permission given in February 1994 for the consolidation of current permissions for mineral working and ancillary plant and buildings. Comprehensive conditions and S106 Agreement attached.
Linhay Hill Ashburton	Limestone Shale	1988	Major	Long-established quarry. Recent permission with comprehensive conditions and S106 Agreement including phased working drawings.
Lee Moor	China Clay	1972	Major	Area straddles National Park boundary. Main permission given after Public Inquiry, on basis of overriding national need. Section 52 Agreement gives the NPA control over detail.
Merrivale Nr Princetown	Granite	1950	Medium	Long established quarry producing and machining building and ornamental stone. Old permission with inadequate conditions.
Prison Quarry Princetown	Granite	-	Small	Current operation confined to processing imported stone.
Yennadon Nr Dousland	Metamorphic	1990	Small	Long established quarry. Building, walling and ornamental stone. Comprehensive conditions.
Higher Longford Nr Tavistock	Metamorphic	-	Small	Long established operation. Building, walling and ornamental stone. Inadequate conditions.

General Policies

4.4.1

Policies are put forward under a number of headings. Government advice of particular relevance is quoted, and Devon County Council Structure Plan Policies are referred to where relevant. The latter are taken from the Approved County Structure Plan, Third Alteration 1989-2001. Local Plan policies are then set out to detail or qualify the strategic policies as necessary.

The Principle

4.4.2

Minerals Planning Guidance Note No.1 (General Considerations and the Development Plan System) includes the following paragraph:

‘National Parks are designated under the *National Parks and Access to the Countryside Act 1949* for the purpose

of preserving and enhancing their natural beauty and promoting their enjoyment by the public. However, they often contain valuable mineral deposits, and applications for development must be considered on their own merits.

But because of the serious impact mineral working may have on the natural beauty of the Parks, mineral applications in these areas ‘must be subject to the most rigorous examination’. Extraction should be demonstrated to be in the public interest, and consideration of such applications should therefore normally include an assessment of:

- (i) the need for the development, including the extraction of the mineral, in terms of the national considerations and the impact of permitting or refusing it upon the local economy;

- (ii) the availability and cost of alternative sources of supply;
- (iii) any detrimental effects on the environment and the landscape and the extent to which that could and should be moderated;
- (iv) whether in the light of this assessment the proposed development would be justified in the public interest (*Hansard*, House of Commons 9 April 187, cols 393, 394).'

#### 4.4.3

MPG No. 6 (Guidelines for Aggregates Provision in England and Wales. April 1994) sets out a similar test, but also requires an assessment of 'in the case of extensions to existing quarries, the extent to which the proposal would achieve an enhancement to the local landscape and the scope for meeting the need in some other way'.

#### 4.4.4

MPG1 also advises that the Development Plan 'shall indicate in appropriate detail those areas within which there will normally be a presumption for or against mineral working. Policies which rule out all forms of mineral workings within an area will not normally be appropriate'.

The Third Alteration County Structure Plan Policy PRW8 states:

'Applications for mineral working, tipping and associated activities and extension to existing quarries within or affecting National Parks, Areas of Outstanding Natural Beauty, designated or potential Ramsar Sites, Special Protection Areas or Special Areas of Conservation, National Nature Reserves, Sites of Special Scientific Interest and nationally important archaeological remains and their settings will be subject to the most rigorous examination. Development proposals which are likely to have a significant adverse effect on designated or potential Ramsar Sites, Special Protection Areas and Special Areas of Conservation will be determined in accordance with Policy CDE9.

Elsewhere, proposals will only be approved where there is an overriding national or regional need which is greater than the need to conserve the environment, landscape, character, natural beauty, nature conservation and archaeological interest in these areas.'

#### 4.4.5

The national advice and the county strategic policy are clear, and accord with Dartmoor National Park Plan Objectives. The key Minerals Local Plan Policy is as follows:

#### Policy M1

**Planning permission will not be granted for new mineral workings, extension of existing workings, or mineral waste tipping proposals which would be damaging to the natural beauty, cultural heritage or quiet enjoyment of the National Park unless, after rigorous examination, it can be demonstrated that there is a national need which cannot reasonably be met in any other way, and which is sufficient to override the potential damage to the environment of the National Park.**

#### 4.4.6

The NPA will give every encouragement to the collection of data on national mineral needs, and the availability of sources outside the National Park, and will require analysis of these factors in environmental assessment of major proposals, but unless the evidence of an overriding need is absolutely clear and incontrovertible it will be necessary for the NPA to refuse the application.

#### 4.4.7

Damaging proposals will be considered against policy M1. Some proposals may however not involve any damage to National Park interests, and indeed may be beneficial in terms of bringing about a situation which is preferable to that currently existing on the ground, or that which could exist by virtue of current planning permissions. In these circumstances there is no need to apply the test of overriding need.

**Policy M2**

**Planning permission will be granted for proposals which, after rigorous examination, would effectively reduce the adverse environmental effects of existing workings, mineral waste tipping operations, or approved but unimplemented minerals development.**

**4.4.8**

There may also be circumstances in which very small-scale quarrying operations will be entirely acceptable in terms of producing building materials necessary for the achievement of conservation objectives.

**Policy M3**

**Planning permission will be granted for small scale quarrying of traditional building stone in locations where this would not be damaging to the landscape, archaeological or ecological interests, or to the interests of neighbours and where the traffic generated by the development is acceptable on the local road network.**

**Criteria for Assessment****4.4.9**

In judging any proposal it will be necessary to establish its likely impact on the environment. This is then an input into the decision as to which of policies M1, M2 and M3 might be applicable and whether or not the proposal might be permitted under the terms of the relevant policy.

To establish environmental impact it is first necessary to set up criteria against which the proposal will be judged. If the proposal is acceptable in principle the criteria will provide the framework for negotiation of what is acceptable in detail, and for the imposition of conditions or the negotiation of a Section 106 Agreement to ensure acceptability.

**4.4.10**

MPG1 advises that 'Plans should provide the necessary framework for development control within their area.

Authorities can achieve this by specifying the criteria against which individual applications for planning permission will be determined in particular areas. Development control policies may take the form of a check list of considerations which will be relevant in assessing applications and which will often be reflected in conditions attached to planning permissions'.

**Conditions and Restrictions****4.4.11**

If a proposal is permitted, it is essential that all potential adverse effects are effectively controlled. This applies to any new developments, but should also wherever possible, apply to the whole of a site if an application relates to only part of it. Submission of a consolidating application for the whole operation will be sought where appropriate.

**Policy M4**

**Applications for new minerals workings; extension of existing workings; mineral waste tipping, recycling or re-use; and ancillary development, will be rigorously examined and determined having regard in particular to the following factors:**

- (i) **evidence of the presence of the mineral;**
- (ii) **the loss of agricultural land;**
- (iii) **the effects on the local environment, including the generation and routing of heavy lorry traffic, potential nuisance by noise, dust or vibration, and interference with, or pollution of, water supplies;**
- (iv) **the effect on landscape and on land with recognised conservation interest, including sites of nature conservation importance, and on Ancient Monuments and other archaeological remains and their settings;**
- (v) **the local, regional or national economic benefits of extracting the mineral;**

- (vi) the local, regional or national need for the particular mineral, and alternative ways of meeting that need;
- (vii) the proposals by the applicant for the method of working, and for restoration to agriculture, forestry or other appropriate use (to include details for the aftercare necessary to ensure proper establishment to a condition suitable for that use);
- (viii) the effects of the proposal on flood risk;
- (ix) the effects of the proposal on the amenities of local residents;
- (x) the effects of the proposal on recreational use in the locality;
- (xi) the potential for mitigating adverse effects through the use of planning obligations.

If, in the light of these factors, a planning permission is granted under the terms of Policy M1, M2, M3 or M5 then conditions will be imposed, and legal obligations may be sought, to remove or reduce to an acceptable level any potential adverse effects which the examination of the proposal has identified in relation to the factors listed.

A condition removing permitted development rights will be imposed where there are compelling reasons to do so because of potential environmental damage in terms of the factors listed.

### [Recycling](#)

#### 4.4.12

MPG6 indicates that it is in the national interest that aggregates should be recycled wherever possible. It is also important that where they are technically, economically and environmentally acceptable as substitutes for primary materials, mineral and construction wastes should be used. The recycling and use of primary aggregates can reduce the need for damaging quarrying operations, and where the re-used waste comes from a mineral site, can improve the appearance of that site.

However, whilst the principle is a good one to follow, the advantages have in each case to be weighed against potential effects of re-working waste deposits in terms of traffic generation, disturbance and noise, pollution and other factors.

### Policy M5

Proposals to recycle and re-use mineral waste will be permitted if, after rigorous examination, it is concluded that they are not damaging to the natural beauty, cultural heritage or quiet enjoyment of the National Park or to the interests of its resident community.

### [China Clay](#)

#### 4.5.1

China clay extraction has a far greater impact on the environment than any other mineral operation in or close to the National Park and justifies a special policy in the County Structure Plan. Policy PRW5 seeks to 'minimise the environmental impact of the extensive areas of china clay waste tips and ball clay workings, and to secure acceptable after-uses for the clay pits as they become worked out, together with the dams of mica residue.'

#### 4.5.2

The china clay planning permissions straddle the National Park boundary. Major planning permissions were granted on the basis of overriding national need after a public inquiry in the 1970s, but approval of detail was reserved under various headings, and the MPA can thus influence siting, design and landscaping. This is particularly important in relation to agreed tipping proposals. However, the scale and nature of the operation is such that it cannot be hidden. Existing working, despite the best efforts of the MPAs and the operators, is highly intrusive in the landscape, and permitted extensions to both pits and tips will significantly increase this adverse impact. Recent research sponsored by the DoE has identified best practice on restoration and after-use of tips and mica lagoons, and will be helpful in achieving the best possible situation on the ground.

The NPA will work closely with the adjoining mineral planning authority and with the operators to minimise the adverse environmental effects of china clay working.

### [Mineral Consultation Areas](#)

#### 4.6.1

It is important that development which is not compatible with a mineral operation is not permitted close to it and that a mineral reserve which might be worked at some time in the future is not sterilised by other development. For these reasons the County Structure Plan identifies Mineral Consultation Areas and states in policy PRW2 that 'normally, within Mineral Consultation Areas, there will be a presumption against non-mineral development of a type which could lead to the sterilisation of mineral deposits, or which by virtue of its siting or nature would not be compatible with mineral working or associated operations. Outside Mineral Consultation Areas, in considering applications for development other than for the winning and working of minerals, regard will be had to known mineral deposits in the area.'

#### 4.6.2

In the National Park the areas listed are Linhay Quarry at Ashburton; the Lee Moor china clay area; Meldon Quarry near Okehampton; Blackaller Quarry at Drewsteignton, and (just outside the National Park), Crockham Quarry at Trusham. The areas were defined in detail by Devon County Council in 1982.

#### 4.6.3

It is important to recognise that definition of such areas is not in itself a land use policy, and certainly has no implications of a presumption in favour of mineral working. It simply defines areas within which consultation should ensure that no incompatible development takes place. Existing Consultation Areas are shown on the proposals map. They are as defined in 1982 with the exception of an extended area around Linhay Hill Quarry, at Ashburton.

New Mineral Consultation Areas may be defined at any time. Within defined Consultation Areas the NPA will consult with the minerals industry to ensure that no development takes place which would be incompatible with mineral working or associated operations. At other mineral working sites the operator will be consulted on any development proposals which might conflict with the minerals operation.

### **Policy M6**

**Within Mineral Consultation Areas, planning permission will not be granted for development which, by virtue of its siting or nature, would be incompatible with mineral working or associated operations.**

### [Areas for Mineral Working](#)

#### 4.7.1

The County Structure Plan Policy (PRW3) on Areas for Mineral Working states a presumption in favour of the extraction of minerals in identified areas. In view of policy M1 above, it would be inappropriate to define such areas within the National Park, where the only areas where there is a presumption for mineral work are those which already have the benefit of planning permission.

### [Review of Mineral Working Sites](#)

#### 4.8.1

The NPA has undertaken a review of mineral working sites under the provisions of Section 3 of the 1981 *Town and Country Planning (Minerals) Act*. The review covered 'duty' sites where the winning and working of minerals is being, or has been, carried out at any time during the 5 years period preceding the date of the beginning of the review (which commenced on 30 June 1986), or which are authorised by planning permissions but have not yet begun. It also covered 'non-duty' sites where working ceased more than 5 years before commencement of the review, but where a planning permission remains valid.

#### 4.8.2

The general conclusions from the review were:

- (i) that the most worrying aspect of the situation is the existence of old planning permissions covering large areas where, although there is no known intention to resume workings and in most cases little environmental damage from past working, any future extraction would be extremely damaging to National Park interests;
- (ii) that in the china clay area there is little to be gained at present from seeking minor changes to existing or permitted situations through the formal review process, as the operators are receptive to suggestions for such improvements anyway. Current DoE sponsored research (now completed) into restoration techniques may lead to a reassessment of the position, but efforts should be made to postpone or modify the implementation of permissions in areas where operations have not yet commenced;
- (iii) that many abandoned workings have a value as industrial archaeology, and often as habitats and interesting incidents in the landscape, which should not be compromised by seeking restoration;
- (iv) that more can be achieved through the inclusion of appropriate conditions and Section 106 Agreement, in relation to any new planning permissions than can be achieved through the review process. The sites with recent permissions need no action other than monitoring of conditions imposed; and at sites where applications are expected it is not worth initiating procedures under the review process;
- (v) that there are some sites working under old and unsatisfactory planning permissions which do require action to update conditions

and reduce any present or potential adverse effect on the National Park.

#### 4.8.3

Priorities for action were agreed as follows:

- (i) the making of Prohibition Orders preventing resumption of working at: Great Rock Mine, Hennock Scatter Rock Quarry, Christow Blackingstone Quarry, Bridford Kelly Mine, Lustleigh Brisworthy Clay Works, Cadover Bridge Shaugh Bridge Clay Works, Shaugh Prior;
- (ii) discussions with the china clay companies of possibilities for long term protection of land subject to existing unimplemented planning permission, and of the implementation of research findings on the restoration of waste disposal areas;
- (iii) negotiations and, if necessary, Modification or Suspension Orders to secure environmental improvements and up-to-date conditions at: Blackaller Quarry, Drewsteignton; Higher Longford Quarry, near Tavistock.

#### 4.8.4

Prohibition Orders have since been confirmed at Great Rock Mine, Kelly Mine and Scatter Rock Quarry. An Order relating to Blackingstone Quarry has been confirmed by the Secretary of State following a public inquiry (but his decision is currently being contested in the High Court). Work on other priorities is proceeding or planned in the near future.

#### [Interim Development Order Permissions](#)

##### 4.9.1

One interim Development Order permission, at the disused Pitts Cleave Quarry near Tavistock, has been registered and accepted as valid over a reduced area. Working cannot recommence until a scheme of working has been submitted and approved.

## [Exploratory Drilling](#)

### 4.10.1

The County Structure Plan makes it clear that proposals for exploratory drilling in National Parks needs special consideration. Policy PRW9 also states that:

'Exploratory drilling will normally be permitted, except:

- (i) where drilling would prejudice the scientific importance of a National Nature Reserve or Site of Special Scientific Interest;
- (ii) where drilling would damage a Scheduled Ancient Monument; or
- (iii) where drilling would cause unreasonable disturbance to local residents, which cannot reasonably be alleviated by special measures.'

### 4.10.2

The NPA has no reason to resist mineral exploration in principle, provided that it does not in itself involve an unacceptable impact upon National Park values.

Any subsequent debate about whether working should be permitted will then be based on better quality information.

### **Policy M7**

**Exploratory drilling will be permitted unless the operation itself or associated operations necessary to undertake the drilling would have direct and unacceptable effects upon landscape, ecological, archaeological or other conservation interests, or upon local residents.**